

CHAPTER 112

S.B. No. 1026

AN ACT

1 relating to the nonsubstantive revision of certain local laws
2 concerning special districts, including conforming amendments.
3

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

5 ARTICLE 1. NONSUBSTANTIVE REVISION OF LOCAL LAWS

6 SECTION 1.01. Subtitle A, Title 3, Special District Local
7 Laws Code, is amended by adding Chapters 1075, 1076, 1087, 1096,
8 1107, 1109, 1110, 1112, 1113, 1114, 1115, 1116, and 1117 to read as
9 follows:

10 CHAPTER 1075. STAMFORD HOSPITAL DISTRICT

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 1075.001. DEFINITIONS

13 Sec. 1075.002. AUTHORITY FOR CREATION

14 Sec. 1075.003. ESSENTIAL PUBLIC FUNCTION

15 Sec. 1075.004. DISTRICT TERRITORY

16 Sec. 1075.005. DISTRICT SUPPORT AND MAINTENANCE NOT

17 STATE OBLIGATION

18 Sec. 1075.006. RESTRICTION ON STATE FINANCIAL

19 ASSISTANCE

20 [Sections 1075.007-1075.050 reserved for expansion]

21 SUBCHAPTER B. DISTRICT ADMINISTRATION

22 Sec. 1075.051. BOARD ELECTION; TERM

23 Sec. 1075.052. NOTICE OF ELECTION

24 Sec. 1075.053. BALLOT PETITION

- 1 Sec. 1075.054. QUALIFICATIONS FOR OFFICE
2 Sec. 1075.055. BOND; RECORD OF BOND AND OATH
3 Sec. 1075.056. BOARD VACANCY
4 Sec. 1075.057. OFFICERS
5 Sec. 1075.058. COMPENSATION; EXPENSES
6 Sec. 1075.059. DISTRICT ADMINISTRATOR; ASSISTANT
7 ADMINISTRATOR
8 Sec. 1075.060. GENERAL DUTIES OF DISTRICT
9 ADMINISTRATOR
10 Sec. 1075.061. EMPLOYEES
11 Sec. 1075.062. RETIREMENT PROGRAM
12 [Sections 1075.063-1075.100 reserved for expansion]
13 SUBCHAPTER C. POWERS AND DUTIES
14 Sec. 1075.101. DISTRICT RESPONSIBILITY
15 Sec. 1075.102. RESTRICTION ON POLITICAL SUBDIVISION
16 TAXATION AND DEBT
17 Sec. 1075.103. MANAGEMENT, CONTROL, AND ADMINISTRATION
18 Sec. 1075.104. HOSPITAL SYSTEM
19 Sec. 1075.105. RULES
20 Sec. 1075.106. PURCHASING AND ACCOUNTING
21 Sec. 1075.107. RATES AND CHARGES
22 Sec. 1075.108. EMINENT DOMAIN
23 Sec. 1075.109. GIFTS AND ENDOWMENTS
24 Sec. 1075.110. CONTRACTS WITH GOVERNMENTAL ENTITIES
25 FOR CARE AND TREATMENT
26 Sec. 1075.111. PAYMENT FOR TREATMENT; PROCEDURES
27 Sec. 1075.112. AUTHORITY TO SUE AND BE SUED

1 [Sections 1075.113-1075.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3 Sec. 1075.151. BUDGET

4 Sec. 1075.152. FISCAL YEAR

5 Sec. 1075.153. AUDIT

6 Sec. 1075.154. FINANCIAL REPORT

7 Sec. 1075.155. DEPOSITORY

8 Sec. 1075.156. AUTHORITY TO BORROW MONEY; SECURITY

9 [Sections 1075.157-1075.200 reserved for expansion]

10 SUBCHAPTER E. BONDS

11 Sec. 1075.201. GENERAL OBLIGATION BONDS

12 Sec. 1075.202. TAX TO PAY GENERAL OBLIGATION BONDS

13 Sec. 1075.203. GENERAL OBLIGATION BOND ELECTION

14 Sec. 1075.204. EXECUTION OF GENERAL OBLIGATION BONDS

15 Sec. 1075.205. REFUNDING BONDS

16 Sec. 1075.206. BONDS EXEMPT FROM TAXATION

17 [Sections 1075.207-1075.250 reserved for expansion]

18 SUBCHAPTER F. TAXES

19 Sec. 1075.251. IMPOSITION OF AD VALOREM TAX

20 Sec. 1075.252. TAX RATE

21 CHAPTER 1075. STAMFORD HOSPITAL DISTRICT

22 SUBCHAPTER A. GENERAL PROVISIONS

23 Sec. 1075.001. DEFINITIONS. In this chapter:

24 (1) "Board" means the board of directors of the
25 district.

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

27 (3) "District" means the Stamford Hospital District.

1 (New.)

2 Sec. 1075.002. AUTHORITY FOR CREATION. The Stamford
3 Hospital District is created under the authority of Section 9,
4 Article IX, Texas Constitution, and has the rights, powers, and
5 duties prescribed by this chapter. (Acts 59th Leg., R.S., Ch. 108,
6 Sec. 1 (part).)

7 Sec. 1075.003. ESSENTIAL PUBLIC FUNCTION. The district
8 performs an essential public function in carrying out the purposes
9 of this chapter. (Acts 59th Leg., R.S., Ch. 108, Sec. 8 (part).)

10 Sec. 1075.004. DISTRICT TERRITORY. The district is
11 composed of the territory described by Section 1a, Chapter 108,
12 Acts of the 59th Legislature, Regular Session, 1965, as amended by
13 Section 1, Chapter 563, Acts of the 63rd Legislature, Regular
14 Session, 1973. (New.)

15 Sec. 1075.005. DISTRICT SUPPORT AND MAINTENANCE NOT STATE
16 OBLIGATION. The support and maintenance of the district may not
17 become a charge against or obligation of this state. (Acts 59th
18 Leg., R.S., Ch. 108, Sec. 18 (part).)

19 Sec. 1075.006. RESTRICTION ON STATE FINANCIAL ASSISTANCE.
20 The legislature may not make a direct appropriation for the
21 construction, maintenance, or improvement of a district facility.
22 (Acts 59th Leg., R.S., Ch. 108, Sec. 18 (part).)

23 [Sections 1075.007-1075.050 reserved for expansion]

24 SUBCHAPTER B. DISTRICT ADMINISTRATION

25 Sec. 1075.051. BOARD ELECTION; TERM. (a) The board
26 consists of seven elected directors.

27 (b) Directors serve staggered two-year terms unless

1 four-year terms are established under Section 285.081, Health and
2 Safety Code.

3 (c) The election order must state the time, place, and
4 purpose of the election. (Acts 59th Leg., R.S., Ch. 108, Sec. 4
5 (part).)

6 Sec. 1075.052. NOTICE OF ELECTION. At least five days
7 before the date of a directors' election, notice of the election
8 must be published one time in a newspaper of general circulation in
9 the district. (Acts 59th Leg., R.S., Ch. 108, Sec. 4 (part).)

10 Sec. 1075.053. BALLOT PETITION. A person who wants to have
11 the person's name printed on the ballot as a candidate for director
12 must file with the board secretary a petition requesting that
13 action. The petition must be:

- 14 (1) signed by at least 10 registered voters; and
15 (2) filed by the deadline imposed by Section 144.005,
16 Election Code. (Acts 59th Leg., R.S., Ch. 108, Sec. 4 (part).)

17 Sec. 1075.054. QUALIFICATIONS FOR OFFICE. To be eligible
18 to hold office as a director, a person must be a resident
19 property-owning taxpaying voter of the district. (Acts 59th Leg.,
20 R.S., Ch. 108, Sec. 4 (part).)

21 Sec. 1075.055. BOND; RECORD OF BOND AND OATH. (a) Each
22 director shall execute a good and sufficient bond for \$1,000 that
23 is:

- 24 (1) payable to the district; and
25 (2) conditioned on the faithful performance of the
26 director's duties.

27 (b) Each director's bond and constitutional oath of office

1 shall be deposited with the district's depository bank for
2 safekeeping. (Acts 59th Leg., R.S., Ch. 108, Sec. 4 (part).)

3 Sec. 1075.056. BOARD VACANCY. If a vacancy occurs in the
4 office of director, the remaining directors by majority vote shall
5 appoint a director for the unexpired term. (Acts 59th Leg., R.S.,
6 Ch. 108, Sec. 4 (part).)

7 Sec. 1075.057. OFFICERS. (a) The board shall elect from
8 among its members a president, vice president, secretary, and other
9 officers as in the judgment of the board are necessary.

10 (b) The president is the chief executive officer of the
11 district and has the same right to vote as any other director.

12 (c) If the president is absent or fails and declines to act,
13 the vice president shall perform the president's duties and
14 exercise the president's powers under this chapter. (Acts 59th
15 Leg., R.S., Ch. 108, Sec. 4 (part).)

16 Sec. 1075.058. COMPENSATION; EXPENSES. A director is not
17 entitled to compensation but is entitled to receive actual expenses
18 incurred in attending to district business on approval of the
19 expenses by the remainder of the board. (Acts 59th Leg., R.S., Ch.
20 108, Sec. 4 (part).)

21 Sec. 1075.059. DISTRICT ADMINISTRATOR; ASSISTANT
22 ADMINISTRATOR. (a) The board shall appoint a qualified person as
23 district administrator.

24 (b) The board may appoint an assistant administrator.

25 (c) The district administrator and assistant administrator
26 serve at the will of the board and shall receive the compensation
27 determined by the board.

1 (d) On assuming the duties of district administrator, the
2 administrator shall execute a bond payable to the district in an
3 amount set by the board of not less than \$10,000 that:

4 (1) is conditioned on the administrator performing the
5 administrator's duties; and

6 (2) contains any other condition the board requires.
7 (Acts 59th Leg., R.S., Ch. 108, Sec. 5 (part).)

8 Sec. 1075.060. GENERAL DUTIES OF DISTRICT ADMINISTRATOR.
9 Subject to any limitations prescribed by the board, the district
10 administrator shall:

11 (1) supervise the work and activities of the district;
12 and

13 (2) direct the affairs of the district. (Acts 59th
14 Leg., R.S., Ch. 108, Sec. 5 (part).)

15 Sec. 1075.061. EMPLOYEES. The board may employ any
16 doctors, technicians, nurses, and other employees as considered
17 necessary for the efficient operation of the district or may
18 provide that the district administrator has the authority to employ
19 those persons. (Acts 59th Leg., R.S., Ch. 108, Sec. 5 (part).)

20 Sec. 1075.062. RETIREMENT PROGRAM. The board may enter
21 into any contract or agreement with this state or the federal
22 government as required to establish or continue a retirement
23 program for the benefit of the district's employees. (Acts 59th
24 Leg., R.S., Ch. 108, Sec. 5 (part).)

25 [Sections 1075.063-1075.100 reserved for expansion]

26 SUBCHAPTER C. POWERS AND DUTIES

27 Sec. 1075.101. DISTRICT RESPONSIBILITY. The district has

1 full responsibility for:

2 (1) operating all hospital facilities for providing
3 medical and hospital care of indigent persons in the district; and

4 (2) providing medical and hospital care for the
5 district's needy inhabitants. (Acts 59th Leg., R.S., Ch. 108,
6 Secs. 2 (part), 17 (part).)

7 Sec. 1075.102. RESTRICTION ON POLITICAL SUBDIVISION
8 TAXATION AND DEBT. A political subdivision located within the
9 district may not impose a tax or issue bonds or other obligations
10 for hospital purposes or for medical treatment of indigent persons
11 in the district. (Acts 59th Leg., R.S., Ch. 108, Sec. 17 (part).)

12 Sec. 1075.103. MANAGEMENT, CONTROL, AND ADMINISTRATION.
13 The board shall manage, control, and administer the district's
14 hospitals and hospital system. (Acts 59th Leg., R.S., Ch. 108, Sec.
15 5 (part).)

16 Sec. 1075.104. HOSPITAL SYSTEM. The district shall provide
17 for:

18 (1) the establishment of a hospital or hospital system
19 by:

20 (A) purchasing, constructing, acquiring,
21 repairing, or renovating buildings and improvements; and

22 (B) equipping the buildings and improvements;
23 and

24 (2) the administration of the hospital or hospital
25 system for hospital purposes. (Acts 59th Leg., R.S., Ch. 108, Sec. 2
26 (part).)

27 Sec. 1075.105. RULES. The board may adopt rules for the

1 operation of the district and as required to administer this
2 chapter. (Acts 59th Leg., R.S., Ch. 108, Secs. 5 (part), 9 (part).)

3 Sec. 1075.106. PURCHASING AND ACCOUNTING. The board may
4 prescribe:

5 (1) the method and manner of making purchases and
6 expenditures by and for the district; and

7 (2) all accounting and control procedures. (Acts 59th
8 Leg., R.S., Ch. 108, Sec. 9 (part).)

9 Sec. 1075.107. RATES AND CHARGES. The board shall
10 prescribe the rates and charges for:

11 (1) services;

12 (2) supplies; and

13 (3) the use of hospital facilities. (Acts 59th Leg.,
14 R.S., Ch. 108, Sec. 14 (part).)

15 Sec. 1075.108. EMINENT DOMAIN. (a) The district may
16 exercise the power of eminent domain to acquire a fee simple or
17 other interest in any type of property located in district
18 territory if the interest is necessary or convenient to a power,
19 right, or privilege conferred by this chapter.

20 (b) The district must exercise the power of eminent domain
21 in the manner provided by Chapter 21, Property Code. (Acts 59th
22 Leg., R.S., Ch. 108, Sec. 12.)

23 Sec. 1075.109. GIFTS AND ENDOWMENTS. The board may accept
24 for the district a gift or endowment to be held in trust and
25 administered by the board for the purposes and under the
26 directions, limitations, or other provisions prescribed in writing
27 by the donor that are not inconsistent with the proper management

1 and objectives of the district. (Acts 59th Leg., R.S., Ch. 108,
2 Sec. 15.)

3 Sec. 1075.110. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR
4 CARE AND TREATMENT. The board may contract with:

5 (1) any county or municipality located outside the
6 district for the care and treatment of a sick or injured person of
7 that county or municipality; and

8 (2) this state or a federal agency for the treatment of
9 a sick or injured person for whom this state or the federal
10 government is responsible. (Acts 59th Leg., R.S., Ch. 108, Sec. 5
11 (part).)

12 Sec. 1075.111. PAYMENT FOR TREATMENT; PROCEDURES. (a)
13 When a patient who resides in the district is admitted to a district
14 facility, the district administrator shall have an inquiry made
15 into the circumstances of:

16 (1) the patient; and

17 (2) the patient's relatives legally liable for the
18 patient's support.

19 (b) If the district administrator determines that the
20 patient or those relatives cannot pay for all or part of the
21 patient's care and treatment in the hospital, the amount that
22 cannot be paid becomes a charge against the district.

23 (c) If the district administrator determines that the
24 patient or those relatives can pay for all or part of the patient's
25 care and treatment, the patient or those relatives shall be ordered
26 to pay the district a specified amount each week for the patient's
27 support. The amount ordered must be proportionate to their

1 financial ability and may not exceed the actual per capita cost of
2 maintenance.

3 (d) The district administrator may collect the amount from
4 the patient's estate, or from those relatives legally liable for
5 the patient's support, in the manner provided by law for the
6 collection of expenses of the last illness of a deceased person.

7 (e) If there is a dispute as to the ability to pay, or doubt
8 in the mind of the district administrator, the board shall hold a
9 hearing and, after calling witnesses, shall:

10 (1) resolve the dispute or doubt; and

11 (2) issue any appropriate orders. (Acts 59th Leg.,
12 R.S., Ch. 108, Sec. 14 (part).)

13 Sec. 1075.112. AUTHORITY TO SUE AND BE SUED. The district,
14 through the board, may sue and be sued. (Acts 59th Leg., R.S., Ch.
15 108, Sec. 5 (part).)

16 [Sections 1075.113-1075.150 reserved for expansion]

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 1075.151. BUDGET. (a) The district administrator
19 shall prepare for approval by the board an annual budget that
20 corresponds to the district's fiscal year.

21 (b) Not later than August 31 of each year, the board shall
22 publish notice of a public hearing on the proposed budget. The
23 notice must be published in a newspaper of general circulation in
24 the district one time at least 10 days before the date of the
25 hearing. (Acts 59th Leg., R.S., Ch. 108, Secs. 6 (part), 16.)

26 Sec. 1075.152. FISCAL YEAR. The district shall operate on a
27 fiscal year that begins on October 1 and ends on September 30.

1 (Acts 59th Leg., R.S., Ch. 108, Sec. 6 (part).)

2 Sec. 1075.153. AUDIT. (a) The district shall have an audit
3 made of the district's financial condition.

4 (b) The audit shall be open to inspection at all times at the
5 district's principal office. (Acts 59th Leg., R.S., Ch. 108, Sec. 6
6 (part).)

7 Sec. 1075.154. FINANCIAL REPORT. As soon as practicable
8 after the close of each fiscal year, the district administrator
9 shall prepare for the board:

10 (1) a complete sworn statement of all district money;
11 and

12 (2) a complete account of the disbursements of that
13 money. (Acts 59th Leg., R.S., Ch. 108, Sec. 6 (part).)

14 Sec. 1075.155. DEPOSITORY. (a) The board shall select one
15 or more banks in the district to serve as a depository for district
16 money.

17 (b) All district money shall be immediately deposited on
18 receipt with a depository bank, except that sufficient money must
19 be remitted to an appropriate bank to pay the principal of and
20 interest on the district's outstanding bonds on or before the
21 maturity date of the principal and interest.

22 (c) To the extent that money in a depository bank is not
23 insured by the Federal Deposit Insurance Corporation, the money
24 must be secured in the manner provided by law for the security of
25 county funds.

26 (d) Membership on the district's board of an officer or
27 director of a bank does not disqualify the bank from being

1 designated as depository. (Acts 59th Leg., R.S., Ch. 108, Sec. 10.)

2 Sec. 1075.156. AUTHORITY TO BORROW MONEY; SECURITY. (a)
3 The board may borrow money from a federally insured lending
4 institution or make other financial arrangements for district
5 operating expenses or other authorized obligations.

6 (b) The board may borrow money in an amount and subject to a
7 rate of interest and other terms the board finds appropriate.

8 (c) To secure a loan, the board may pledge:

9 (1) district revenue that is not pledged to pay the
10 district's bonded indebtedness; or

11 (2) property acquired with borrowed money that is not
12 pledged to pay the district's bonded indebtedness.

13 (d) A loan for which district revenue is pledged must mature
14 not later than the fifth anniversary of the date the loan is made.

15 (e) The district must provide for the payment of all
16 district debts and obligations before dissolution. (Acts 59th
17 Leg., R.S., Ch. 108, Sec. 17a, as added Acts 74th Leg., R.S., Ch.
18 52, Sec. 1, and amended Acts 76th Leg., R.S., Ch. 1566, Sec. 1.)

19 [Sections 1075.157-1075.200 reserved for expansion]

20 SUBCHAPTER E. BONDS

21 Sec. 1075.201. GENERAL OBLIGATION BONDS. (a) The board may
22 issue and sell general obligation bonds in the name and on the faith
23 and credit of the district for any purpose related to the purchase,
24 construction, acquisition, repair, or renovation of buildings and
25 improvements, and equipping buildings and improvements for a
26 hospital and the hospital system, as determined by the board.

27 (b) The board shall issue the bonds in compliance with the

1 applicable provisions of Subtitles A and C, Title 9, Government
2 Code. (Acts 59th Leg., R.S., Ch. 108, Sec. 7 (part).)

3 Sec. 1075.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a) At
4 the time general obligation bonds are issued by the district, the
5 board shall impose an ad valorem tax at a rate sufficient to create
6 an interest and sinking fund and to pay the principal of and
7 interest on the bonds as the bonds mature.

8 (b) The tax required by this section together with any other
9 ad valorem tax the district imposes may not in any year exceed 75
10 cents on each \$100 valuation of taxable property in the district.
11 (Acts 59th Leg., R.S., Ch. 108, Sec. 7 (part).)

12 Sec. 1075.203. GENERAL OBLIGATION BOND ELECTION. (a) The
13 district may issue general obligation bonds only if the bonds are
14 authorized by a majority of the district voters voting at an
15 election held for that purpose.

16 (b) The board shall call the election. The election must be
17 held in accordance with Chapter 1251, Government Code.

18 (c) The bond election order must specify:
19 (1) the date of the election;
20 (2) the location of the polling places;
21 (3) the presiding election officers;
22 (4) the amount of the bonds to be authorized;
23 (5) the maximum maturity of the bonds; and
24 (6) the maximum interest rate of the bonds. (Acts 59th
25 Leg., R.S., Ch. 108, Sec. 7 (part).)

26 Sec. 1075.204. EXECUTION OF GENERAL OBLIGATION BONDS. The
27 board president shall execute the general obligation bonds in the

1 district's name, and the board secretary shall attest the bonds as
2 provided by Chapter 618, Government Code. (Acts 59th Leg., R.S.,
3 Ch. 108, Sec. 7 (part).)

4 Sec. 1075.205. REFUNDING BONDS. (a) District refunding
5 bonds may, without an election, be issued to refund any bonds or
6 other refundable indebtedness issued by the district.

7 (b) A refunding bond may be:

8 (1) sold, with the proceeds of the refunding bond
9 applied to the payment of the outstanding bonds or other refundable
10 indebtedness; or

11 (2) exchanged wholly or partly for not less than a
12 similar principal amount of the outstanding bonds or other
13 refundable indebtedness. (Acts 59th Leg., R.S., Ch. 108, Sec. 7
14 (part).)

15 Sec. 1075.206. BONDS EXEMPT FROM TAXATION. The following
16 are exempt from taxation by this state or a political subdivision of
17 this state:

18 (1) bonds issued by the district;

19 (2) the transfer and issuance of the bonds; and

20 (3) any profits made in the sale of the bonds. (Acts
21 59th Leg., R.S., Ch. 108, Sec. 8 (part).)

22 [Sections 1075.207-1075.250 reserved for expansion]

23 SUBCHAPTER F. TAXES

24 Sec. 1075.251. IMPOSITION OF AD VALOREM TAX. (a) The board
25 may impose a tax on all taxable property in the district subject to
26 district taxation.

27 (b) The tax may be used to meet the requirements of district

1 bonds and for the district's maintenance and operating expenses.
2 (Acts 59th Leg., R.S., Ch. 108, Sec. 3a (part).)

3 Sec. 1075.252. TAX RATE. The district may impose the tax at
4 a rate not to exceed 75 cents on each \$100 valuation of taxable
5 property in the district. (Acts 59th Leg., R.S., Ch. 108, Sec. 3a
6 (part).)

7 CHAPTER 1076. STARR COUNTY HOSPITAL DISTRICT
8 OF STARR COUNTY, TEXAS

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 1076.001. DEFINITIONS

11 Sec. 1076.002. AUTHORITY FOR CREATION

12 Sec. 1076.003. POLITICAL SUBDIVISION

13 Sec. 1076.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

14 Sec. 1076.005. DISTRICT TERRITORY

15 [Sections 1076.006-1076.050 reserved for expansion]

16 SUBCHAPTER B. DISTRICT ADMINISTRATION

17 Sec. 1076.051. BOARD ELECTION; TERM

18 Sec. 1076.052. NOTICE OF ELECTION

19 Sec. 1076.053. QUALIFICATIONS FOR OFFICE

20 Sec. 1076.054. BOND

21 Sec. 1076.055. BOARD VACANCY

22 Sec. 1076.056. OFFICERS; DUTIES; ABSENCE OF PRESIDENT

23 OR SECRETARY

24 Sec. 1076.057. COMPENSATION; EXPENSES

25 Sec. 1076.058. DISTRICT ADMINISTRATOR; ASSISTANT

26 ADMINISTRATOR

- 1 Sec. 1076.059. GENERAL DUTIES OF DISTRICT
2 ADMINISTRATOR
- 3 Sec. 1076.060. APPOINTMENT AND REMOVAL OF MEDICAL
4 STAFF AND EMPLOYEES
- 5 Sec. 1076.061. RECRUITMENT OF MEDICAL STAFF AND
6 EMPLOYEES
- 7 Sec. 1076.062. HEALTH CARE EDUCATIONAL PROGRAMS
- 8 Sec. 1076.063. RETIREMENT BENEFITS
- 9 [Sections 1076.064-1076.100 reserved for expansion]
- 10 SUBCHAPTER C. POWERS AND DUTIES
- 11 Sec. 1076.101. DISTRICT RESPONSIBILITY
- 12 Sec. 1076.102. MANAGEMENT, CONTROL, AND ADMINISTRATION
- 13 Sec. 1076.103. HOSPITAL SYSTEM
- 14 Sec. 1076.104. RULES
- 15 Sec. 1076.105. PURCHASING AND ACCOUNTING
- 16 Sec. 1076.106. DISTRICT PROPERTY, FACILITIES, AND
17 EQUIPMENT
- 18 Sec. 1076.107. EMINENT DOMAIN
- 19 Sec. 1076.108. GIFTS, GRANTS, AND ENDOWMENTS
- 20 Sec. 1076.109. CONTRACTS WITH GOVERNMENTAL ENTITIES
21 FOR CARE AND TREATMENT
- 22 Sec. 1076.110. CONTRACTS FOR SERVICES
- 23 Sec. 1076.111. PROVISION OF CERTAIN HEALTH SERVICES
- 24 Sec. 1076.112. PAYMENT FOR TREATMENT; PROCEDURES
- 25 Sec. 1076.113. NONPROFIT CORPORATION
- 26 [Sections 1076.114-1076.150 reserved for expansion]

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Sec. 1076.151. BUDGET

3 Sec. 1076.152. PROPOSED BUDGET: NOTICE AND HEARING

4 Sec. 1076.153. FISCAL YEAR

5 Sec. 1076.154. ANNUAL AUDIT

6 Sec. 1076.155. FINANCIAL REPORT

7 Sec. 1076.156. PROJECTS AND PURCHASES EXEMPT FROM

8 ASSESSMENT OR TAXATION

9 Sec. 1076.157. DEPOSITORY

10 Sec. 1076.158. AUTHORITY TO BORROW MONEY; SECURITY

11 Sec. 1076.159. INVESTMENT OF DISTRICT MONEY

12 [Sections 1076.160-1076.200 reserved for expansion]

13 SUBCHAPTER E. BONDS

14 Sec. 1076.201. GENERAL OBLIGATION BONDS

15 Sec. 1076.202. TAX TO PAY GENERAL OBLIGATION BONDS

16 Sec. 1076.203. GENERAL OBLIGATION BOND ELECTION

17 Sec. 1076.204. EXECUTION OF GENERAL OBLIGATION BONDS

18 Sec. 1076.205. REVENUE BONDS

19 Sec. 1076.206. REFUNDING BONDS

20 Sec. 1076.207. MATURITY OF BONDS

21 Sec. 1076.208. ADDITIONAL MEANS OF SECURING REPAYMENT

22 OF BONDS

23 Sec. 1076.209. USE OF BOND PROCEEDS

24 Sec. 1076.210. BONDS EXEMPT FROM TAXATION

25 [Sections 1076.211-1076.250 reserved for expansion]

26 SUBCHAPTER F. TAXES

27 Sec. 1076.251. IMPOSITION OF AD VALOREM TAX

1 Sec. 1076.252. TAX RATE

2 Sec. 1076.253. TAX ASSESSOR-COLLECTOR

3 [Sections 1076.254-1076.300 reserved for expansion]

4 SUBCHAPTER G. DISSOLUTION

5 Sec. 1076.301. DISSOLUTION; ELECTION

6 Sec. 1076.302. NOTICE OF ELECTION

7 Sec. 1076.303. BALLOT

8 Sec. 1076.304. ELECTION RESULTS

9 Sec. 1076.305. TRANSFER OR ADMINISTRATION OF ASSETS

10 Sec. 1076.306. IMPOSITION OF TAX AND RETURN OF SURPLUS

11 TAXES

12 Sec. 1076.307. REPORT; DISSOLUTION ORDER

13 CHAPTER 1076. STARR COUNTY HOSPITAL DISTRICT

14 OF STARR COUNTY, TEXAS

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Sec. 1076.001. DEFINITIONS. In this chapter:

17 (1) "Board" means the board of trustees of the
18 district.

19 (2) "District" means the Starr County Hospital
20 District of Starr County, Texas.

21 (3) "Trustee" means a member of the board. (Acts 63rd
22 Leg., R.S., Ch. 118, Sec. 1 (part); New.)

23 Sec. 1076.002. AUTHORITY FOR CREATION. The Starr County
24 Hospital District of Starr County, Texas, is created under the
25 authority of Section 9, Article IX, Texas Constitution. (Acts 63rd
26 Leg., R.S., Ch. 118, Sec. 1 (part).)

27 Sec. 1076.003. POLITICAL SUBDIVISION. The district is a

1 political subdivision of this state. (Acts 63rd Leg., R.S., Ch.
2 118, Sec. 12 (part).)

3 Sec. 1076.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
4 The accomplishment of the purposes stated in this chapter is for the
5 benefit of the people of this state and for the improvement of their
6 property and industries.

7 (b) The district is a governmental agency performing an
8 essential public function under the constitution in carrying out
9 the purposes of this chapter. (Acts 63rd Leg., R.S., Ch. 118, Secs.
10 12 (part), 13 (part).)

11 Sec. 1076.005. DISTRICT TERRITORY. The boundaries of the
12 district are coextensive with the boundaries of Starr County,
13 Texas, including all "cut over" or "banco" land on the north side of
14 the Rio Grande River. (Acts 63rd Leg., R.S., Ch. 118, Sec. 1
15 (part).)

16 [Sections 1076.006-1076.050 reserved for expansion]

17 SUBCHAPTER B. DISTRICT ADMINISTRATION

18 Sec. 1076.051. BOARD ELECTION; TERM. (a) A board of five
19 trustees shall exercise the powers of the district.

20 (b) One trustee is elected from each commissioners precinct
21 and one trustee is elected from the district at large by a majority
22 of district voters.

23 (c) Unless four-year terms are established under Section
24 285.081, Health and Safety Code:

25 (1) trustees serve two-year terms;

26 (2) trustees who represent odd-numbered precincts and
27 the trustee elected at large are elected in odd-numbered years;

1 (3) trustees who represent even-numbered precincts
2 are elected in even-numbered years; and

3 (4) a trustee's election shall be held each year on the
4 May uniform election date prescribed by Section 41.001, Election
5 Code, or another date authorized by law. (Acts 63rd Leg., R.S., Ch.
6 118, Secs. 4(a) (part), (c) (part).)

7 Sec. 1076.052. NOTICE OF ELECTION. Notice of a trustees'
8 election shall be published in a newspaper of general circulation
9 in the district in accordance with Section 4.003, Election Code.
10 (Acts 63rd Leg., R.S., Ch. 118, Sec. 4(c) (part).)

11 Sec. 1076.053. QUALIFICATIONS FOR OFFICE. To qualify for
12 election as a trustee, a person must:

13 (1) be at least 18 years of age;

14 (2) have been a resident of the district for at least
15 two years;

16 (3) have been a resident of the commissioners precinct
17 from which the person is to be elected for at least two years,
18 unless the person is running at large; and

19 (4) be a qualified voter. (Acts 63rd Leg., R.S., Ch.
20 118, Sec. 4(a) (part).)

21 Sec. 1076.054. BOND. (a) Each trustee shall execute a good
22 and sufficient commercial bond for \$1,000 that is:

23 (1) payable to the district; and

24 (2) conditioned on the faithful performance of the
25 trustee's duties.

26 (b) The district may pay for a trustee's bond with district
27 money. (Acts 63rd Leg., R.S., Ch. 118, Sec. 4(a) (part).)

1 Sec. 1076.055. BOARD VACANCY. If a vacancy occurs on the
2 board, the majority of remaining trustees shall appoint a trustee
3 for the unexpired term. (Acts 63rd Leg., R.S., Ch. 118, Sec. 4(c)
4 (part).)

5 Sec. 1076.056. OFFICERS; DUTIES; ABSENCE OF PRESIDENT OR
6 SECRETARY. (a) The board shall elect from among its members a
7 president, vice president, and secretary, and other officers as in
8 the judgment of the board are necessary.

9 (b) The president shall preside over district meetings and
10 has the same right to vote as any other trustee.

11 (c) If the president is absent or fails or declines to act,
12 the vice president shall perform the president's duties and
13 exercise the president's powers under this chapter.

14 (d) The secretary:

15 (1) shall keep and sign the minutes of the board
16 meetings; and

17 (2) is the custodian of the district's minutes and
18 records.

19 (e) If the secretary is absent from a board meeting, the
20 board shall name a secretary pro tem for the meeting who may:

21 (1) exercise all the duties and powers of the
22 secretary for the meeting; and

23 (2) sign the minutes of the meeting. (Acts 63rd Leg.,
24 R.S., Ch. 118, Sec. 4(d).)

25 Sec. 1076.057. COMPENSATION; EXPENSES. A trustee serves
26 without compensation but may be reimbursed for actual expenses
27 incurred in the performance of official duties on approval of the

1 expenses by the board. (Acts 63rd Leg., R.S., Ch. 118, Sec. 4(a)
2 (part).)

3 Sec. 1076.058. DISTRICT ADMINISTRATOR; ASSISTANT
4 ADMINISTRATOR. (a) The board may appoint a qualified person as
5 district administrator.

6 (b) The board may appoint an assistant administrator.

7 (c) The district administrator and any assistant
8 administrator serve at the will of the board and shall receive the
9 compensation determined by the board.

10 (d) On assuming the duties of district administrator, the
11 administrator shall execute a bond payable to the district in an
12 amount set by the board that:

13 (1) is conditioned on the administrator performing the
14 administrator's duties; and

15 (2) contains other conditions the board may require.

16 (e) On assuming the duties of assistant administrator, the
17 assistant administrator shall execute a bond payable to the
18 district in an amount set by the board that:

19 (1) is conditioned on the assistant administrator
20 performing the assistant administrator's duties; and

21 (2) contains other conditions the board may require.

22 (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(b) (part).)

23 Sec. 1076.059. GENERAL DUTIES OF DISTRICT ADMINISTRATOR.
24 Subject to the limitations prescribed by the board, the district
25 administrator shall:

26 (1) supervise the work and activities of the district;

27 and

1 (2) direct the affairs of the district. (Acts 63rd
2 Leg., R.S., Ch. 118, Sec. 5(b) (part).)

3 Sec. 1076.060. APPOINTMENT AND REMOVAL OF MEDICAL STAFF AND
4 EMPLOYEES. (a) The board may appoint any doctors to its medical
5 staff and employ any technicians, nurses, and other employees as
6 considered necessary for the efficient operation of the district or
7 may provide that the district administrator has the authority to
8 employ those persons.

9 (b) The board may make temporary appointments the board
10 considers necessary.

11 (c) The board may, after due process, remove from the
12 medical staff any doctor whose removal the board considers
13 necessary for the efficient operation of the district. (Acts 63rd
14 Leg., R.S., Ch. 118, Sec. 5(c).)

15 Sec. 1076.061. RECRUITMENT OF MEDICAL STAFF AND EMPLOYEES.
16 The board may use district money, enter into agreements, and take
17 other necessary action to recruit or otherwise obtain physicians
18 and other personnel for the district's medical staff or for
19 employment with the district, including:

- 20 (1) advertising and marketing;
- 21 (2) paying recruitment expenses;
- 22 (3) paying travel and relocation expenses;
- 23 (4) providing a guarantee, subsidy, loan, or
24 scholarship;
- 25 (5) sharing personnel; and
- 26 (6) authorizing a physician to use space in a district
27 facility or providing a rent subsidy to a physician. (Acts 63rd

1 Leg., R.S., Ch. 118, Sec. 4(e).)

2 Sec. 1076.062. HEALTH CARE EDUCATIONAL PROGRAMS. The board
3 may use district money, enter into agreements, and take other
4 necessary action to conduct, participate in, or assist health care
5 educational programs for the public and for current or potential
6 medical staff members or employees. (Acts 63rd Leg., R.S., Ch. 118,
7 Sec. 4(f).)

8 Sec. 1076.063. RETIREMENT BENEFITS. The board may provide
9 retirement benefits for district employees by:

10 (1) establishing or administering a retirement
11 program; or

12 (2) participating in:

13 (A) the Texas County and District Retirement
14 System; or

15 (B) another statewide retirement system in which
16 the district is eligible to participate. (Acts 63rd Leg., R.S., Ch.
17 118, Sec. 5(e).)

18 [Sections 1076.064-1076.100 reserved for expansion]

19 SUBCHAPTER C. POWERS AND DUTIES

20 Sec. 1076.101. DISTRICT RESPONSIBILITY. The district shall
21 provide medical and hospital care for the district's needy
22 inhabitants. (Acts 63rd Leg., R.S., Ch. 118, Sec. 2 (part).)

23 Sec. 1076.102. MANAGEMENT, CONTROL, AND ADMINISTRATION.

24 (a) The district has authority to operate hospital facilities.

25 (b) The board shall manage, control, and administer the
26 district's hospital and hospital system and carry out the functions
27 of the district. (Acts 63rd Leg., R.S., Ch. 118, Secs. 2 (part),

1 5(a) (part).)

2 Sec. 1076.103. HOSPITAL SYSTEM. The district shall provide
3 for:

4 (1) the establishment of a hospital or hospital system
5 in the district to provide medical and hospital care and treatment
6 and related services to district residents by:

7 (A) purchasing, constructing, acquiring,
8 repairing, or renovating buildings, facilities, and improvements;
9 and

10 (B) equipping the buildings, facilities, and
11 improvements for hospital purposes; and

12 (2) the operation, maintenance, and administration of
13 the hospital or hospital system for hospital purposes. (Acts 63rd
14 Leg., R.S., Ch. 118, Sec. 2 (part).)

15 Sec. 1076.104. RULES. The board may adopt rules for the
16 operation of the district. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(a)
17 (part).)

18 Sec. 1076.105. PURCHASING AND ACCOUNTING. The board may
19 prescribe:

20 (1) the method and manner of making purchases and
21 expenditures by and for the district; and

22 (2) all accounting and control procedures. (Acts 63rd
23 Leg., R.S., Ch. 118, Sec. 5(f).)

24 Sec. 1076.106. DISTRICT PROPERTY, FACILITIES, AND
25 EQUIPMENT. (a) The board shall determine:

26 (1) the type, number, and location of buildings
27 required to maintain an adequate hospital system; and

1 (2) the type of equipment necessary for hospital care.

2 (b) The board may:

3 (1) acquire property, including facilities and
4 equipment, for the district for use in the hospital system;

5 (2) mortgage or pledge the property as security for
6 the payment of the purchase price;

7 (3) lease hospital facilities for the district; and

8 (4) sell or otherwise dispose of property, including
9 facilities or equipment, for the district. (Acts 63rd Leg., R.S.,
10 Ch. 118, Sec. 5(j).)

11 Sec. 1076.107. EMINENT DOMAIN. (a) The district may
12 exercise the power of eminent domain to acquire a fee simple or
13 other interest in any type of property, real, personal, or mixed,
14 located in district territory, if the interest is necessary or
15 convenient for the district to exercise a right, power, privilege,
16 or function conferred on the district by this chapter.

17 (b) The district must exercise the power of eminent domain
18 in the manner provided by Chapter 21, Property Code, except the
19 district is not required to deposit in the trial court money or a
20 bond as provided by Section 21.021(a), Property Code.

21 (c) In a condemnation proceeding brought by the district,
22 the district is not required to:

23 (1) pay in advance or provide a bond for the issuance
24 of a temporary restraining order or a temporary injunction; or

25 (2) provide a bond for costs or a supersedeas bond on
26 an appeal or petition for review. (Acts 63rd Leg., R.S., Ch. 118,
27 Sec. 6.)

1 Sec. 1076.108. GIFTS, GRANTS, AND ENDOWMENTS. The board may
2 accept for the district a gift, grant, or endowment to be held in
3 trust and administered by the board for the purposes and under the
4 directions, limitations, or other provisions prescribed in writing
5 by the donor that are not inconsistent with the proper management
6 and objectives of the district. (Acts 63rd Leg., R.S., Ch. 118,
7 Sec. 11.)

8 Sec. 1076.109. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR
9 CARE AND TREATMENT. The board may contract with this state or a
10 federal agency for the treatment of a sick or injured person for
11 whom this state or the federal government is responsible. (Acts
12 63rd Leg., R.S., Ch. 118, Sec. 5(d).)

13 Sec. 1076.110. CONTRACTS FOR SERVICES. (a) The board may
14 contract with any person to obtain or supply the facilities and
15 services the board considers necessary for the efficient operation
16 of the district.

17 (b) The board may contract with a public or private
18 hospital, a political subdivision of this state, or a state or
19 federal agency for the district to provide a mobile emergency
20 medical service or to provide for the investigatory or welfare
21 needs of district inhabitants. (Acts 63rd Leg., R.S., Ch. 118,
22 Secs. 5(h), (i).)

23 Sec. 1076.111. PROVISION OF CERTAIN HEALTH SERVICES. The
24 district may operate or provide for:

25 (1) the operation of a mobile emergency medical or air
26 ambulance service;

27 (2) home health services, long-term care, skilled

1 nursing care, intermediate nursing care, or hospice care; and

2 (3) any other reasonable or appropriate medical care
3 or medical service. (Acts 63rd Leg., R.S., Ch. 118, Sec. 2 (part).)

4 Sec. 1076.112. PAYMENT FOR TREATMENT; PROCEDURES. (a) When
5 a patient who resides in the district is admitted to a district
6 facility, the board or district administrator shall have an inquiry
7 made into the circumstances of:

8 (1) the patient; and

9 (2) the patient's relatives legally liable for the
10 patient's support.

11 (b) If the board or district administrator determines that
12 the patient or those relatives cannot pay for all or part of the
13 patient's care and treatment in the hospital, the amount that
14 cannot be paid becomes a charge against the district.

15 (c) If the board or district administrator determines that
16 the patient or those relatives are liable to pay for all or part of
17 the patient's care and treatment, the patient or those relatives
18 shall be ordered to pay the district a specified amount each week
19 for the patient's care. The amount ordered must be proportionate to
20 their financial ability and may not exceed the usual and customary
21 charges for services.

22 (d) The board or district administrator may collect the
23 amount from the patient's estate, or from any relative legally
24 liable for the patient's support, in the manner provided by law for
25 the collection of expenses of the last illness of a deceased person.

26 (e) If there is a dispute as to the ability to pay between
27 any party and the board or district administrator, the county court

1 shall hold a hearing and, after calling witnesses, shall:

2 (1) resolve the dispute; and

3 (2) issue any appropriate orders.

4 (f) Either party to the dispute may appeal the order to the
5 district court. (Acts 63rd Leg., R.S., Ch. 118, Sec. 9.)

6 Sec. 1076.113. NONPROFIT CORPORATION. (a) The district
7 may create and sponsor a nonprofit corporation under the Business
8 Organizations Code and may contribute money to or solicit money for
9 the corporation.

10 (b) The corporation may use money contributed by the
11 district only to provide health care or other services the district
12 is authorized to provide under this chapter.

13 (c) The corporation may enter into a joint venture with any
14 public or private entity or individual to provide health care or
15 other services the district is authorized to provide under this
16 chapter.

17 (d) The corporation may invest the corporation's money in
18 any manner in which the district may invest the district's money,
19 including investing money as authorized by Chapter 2256, Government
20 Code.

21 (e) The board shall establish controls to ensure that the
22 corporation uses its money as required by this section. (Acts 63rd
23 Leg., R.S., Ch. 118, Sec. 5A.)

24 [Sections 1076.114-1076.150 reserved for expansion]

25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

26 Sec. 1076.151. BUDGET. The board shall prepare a budget
27 that includes:

- 1 (1) proposed expenditures and disbursements;
2 (2) estimated receipts and collections for the next
3 fiscal year; and
4 (3) the amount of taxes required to be imposed to meet
5 the proposed budget. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(g)
6 (part).)

7 Sec. 1076.152. PROPOSED BUDGET: NOTICE AND HEARING. (a) The
8 board shall hold a public hearing on the proposed budget.

9 (b) Notice of the hearing must be published at least once in
10 a newspaper of general circulation in the district not later than
11 the 10th day before the date of the hearing.

12 (c) Any district resident is entitled to:

- 13 (1) appear at the hearing; and
14 (2) be heard regarding any item in the proposed
15 budget. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(g) (part).)

16 Sec. 1076.153. FISCAL YEAR. (a) The board shall establish
17 the district fiscal year.

18 (b) The fiscal year may not be changed:

- 19 (1) during a period that revenue bonds of the district
20 are outstanding; or
21 (2) more than once in a 24-month period. (Acts 63rd
22 Leg., R.S., Ch. 118, Sec. 5(g) (part).)

23 Sec. 1076.154. ANNUAL AUDIT. As soon as practicable after
24 the close of each fiscal year, the board shall have an annual audit
25 made of the district's books and records by an independent public
26 accountant. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(g) (part).)

27 Sec. 1076.155. FINANCIAL REPORT. (a) As soon as

1 practicable after the close of each fiscal year, the district
2 administrator shall prepare a report that includes:

- 3 (1) a complete sworn statement of all district money;
- 4 (2) a complete account of the disbursements of that
5 money during the previous fiscal year; and
- 6 (3) the details of district operation during the
7 previous fiscal year.

8 (b) The district administrator shall make the report to the
9 board. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(g) (part).)

10 Sec. 1076.156. PROJECTS AND PURCHASES EXEMPT FROM
11 ASSESSMENT OR TAXATION. The district is not required to pay a tax
12 or assessment on:

- 13 (1) a district project or any part of the project; or
- 14 (2) a district purchase. (Acts 63rd Leg., R.S., Ch.
15 118, Sec. 13 (part).)

16 Sec. 1076.157. DEPOSITORY. (a) The board shall select one
17 or more banks in this state to act as a depository of bond proceeds
18 or of revenue derived from the operation of district facilities.

19 (b) The depository shall, as determined by the board:

- 20 (1) furnish indemnity bonds;
- 21 (2) pledge securities; or
- 22 (3) meet any other requirement.

23 (c) Membership on the district's board of an officer or
24 director of a bank does not disqualify the bank from being selected
25 as depository. (Acts 63rd Leg., R.S., Ch. 118, Sec. 8.)

26 Sec. 1076.158. AUTHORITY TO BORROW MONEY; SECURITY. (a)
27 The board may borrow money at a rate not to exceed the maximum

1 annual percentage rate allowed by law for district obligations at
2 the time the loan is made.

3 (b) To secure a loan, the board may pledge:

4 (1) district revenue that is not pledged to pay the
5 district's bonded indebtedness;

6 (2) a district tax to be imposed by the district during
7 the 12-month period following the date of the pledge that is not
8 pledged to pay the principal of or interest on district bonds; or

9 (3) a district bond that has been authorized but not
10 sold.

11 (c) A loan for which taxes or bonds are pledged must mature
12 not later than the first anniversary of the date the loan is made. A
13 loan for which district revenue is pledged must mature not later
14 than the fifth anniversary of the date the loan is made. (Acts 63rd
15 Leg., R.S., Ch. 118, Sec. 5B.)

16 Sec. 1076.159. INVESTMENT OF DISTRICT MONEY. (a) The law
17 applicable to municipalities with respect to security for and
18 investment of money governs, as applicable, the investment of
19 district money. The bond order, resolution, or trust indenture may
20 further restrict the investment.

21 (b) To the extent authorized in the bond order, resolution,
22 or trust indenture and until the money is needed, the district may
23 invest the proceeds of district bonds in direct obligations of or
24 obligations unconditionally guaranteed by the United States. (Acts
25 63rd Leg., R.S., Ch. 118, Sec. 15.)

26 [Sections 1076.160-1076.200 reserved for expansion]

SUBCHAPTER E. BONDS

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Sec. 1076.201. GENERAL OBLIGATION BONDS. The board may issue and sell general obligation bonds in the name and on the faith and credit of the district for the purchase, construction, acquisition, repair, or renovation of buildings and improvements and equipping the buildings and improvements for district purposes or any combination of those purposes. (Acts 63rd Leg., R.S., Ch. 118, Sec. 7(a) (part).)

Sec. 1076.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a) At the time general obligation bonds are issued by the district, the board shall impose an ad valorem tax at a rate sufficient to create an interest and sinking fund to pay the principal of and interest on the bonds as the bonds mature.

(b) The tax required by this section together with any other ad valorem tax the district imposes may not in any year exceed 75 cents on each \$100 valuation of all taxable property in the district. (Acts 63rd Leg., R.S., Ch. 118, Secs. 7(a) (part), 12 (part).)

Sec. 1076.203. GENERAL OBLIGATION BOND ELECTION. (a) The district may issue general obligation bonds or other bonds secured wholly or partly by an ad valorem tax, other than refunding bonds, only if the bonds are authorized by a majority of the voters voting at an election held for that purpose.

(b) The order and publication of notice for the bond election must be provided in accordance with Chapter 1251, Government Code. (Acts 63rd Leg., R.S., Ch. 118, Secs. 7(a) (part), 7B(b).)

1 Sec. 1076.204. EXECUTION OF GENERAL OBLIGATION BONDS. The
2 board president shall execute district general obligation bonds in
3 the district's name, and the board secretary shall countersign the
4 bonds in the manner provided by Chapter 618, Government Code. (Acts
5 63rd Leg., R.S., Ch. 118, Sec. 7(c) (part).)

6 Sec. 1076.205. REVENUE BONDS. (a) The board may issue
7 revenue bonds to:

8 (1) purchase, construct, acquire, repair, equip, or
9 renovate buildings and improvements for district purposes; or

10 (2) acquire sites for district purposes.

11 (b) The bonds must be payable from and secured by a pledge of
12 all or part of district revenue derived from the operation of the
13 district's hospital or health care facilities.

14 (c) The bonds may be additionally secured by a mortgage or
15 deed of trust lien on all or part of district property.

16 (d) The bonds must be issued in the manner and in accordance
17 with the procedures and requirements prescribed by Sections
18 264.042, 264.043, 264.046, 264.047, 264.048, and 264.049, Health
19 and Safety Code, for issuance of revenue bonds by a county hospital
20 authority. (Acts 63rd Leg., R.S., Ch. 118, Secs. 7A(a) (part), (b),
21 (c), (d).)

22 Sec. 1076.206. REFUNDING BONDS. (a) The board may issue
23 refunding bonds to refund any outstanding indebtedness issued or
24 assumed by the district.

25 (b) A refunding bond may be sold, with the proceeds of the
26 refunding bond applied to the payment of outstanding indebtedness.
27 (Acts 63rd Leg., R.S., Ch. 118, Secs. 7(b) (part), 7A(a) (part).)

1 Sec. 1076.207. MATURITY OF BONDS. District bonds must
2 mature not later than 40 years after the date of issuance. (Acts
3 63rd Leg., R.S., Ch. 118, Sec. 7(c) (part).)

4 Sec. 1076.208. ADDITIONAL MEANS OF SECURING REPAYMENT OF
5 BONDS. In addition to the authority to issue general obligation
6 bonds and revenue bonds under this subchapter, the board may
7 provide for the security and payment of district bonds from a pledge
8 of a combination of ad valorem taxes as authorized by Section
9 1076.202 and revenue and other sources as authorized by Section
10 1076.205. (Acts 63rd Leg., R.S., Ch. 118, Sec. 7B(a).)

11 Sec. 1076.209. USE OF BOND PROCEEDS. The district may use
12 the proceeds of bonds issued under this subchapter to pay:

13 (1) any expense the board determines is reasonable and
14 necessary to issue, sell, and deliver the bonds;

15 (2) interest payments on the bonds during a period of
16 acquisition or construction of a project or facility to be provided
17 through the bonds, not to exceed five years;

18 (3) costs related to the operation and maintenance of
19 a project or facility to be provided through the bonds:

20 (A) during an estimated period of acquisition or
21 construction, not to exceed five years; and

22 (B) for one year after the project or facility is
23 acquired or constructed;

24 (4) costs related to the financing of the bond funds,
25 including debt service reserve and contingency funds;

26 (5) costs related to the bond issuance;

27 (6) costs related to the acquisition of land or

1 interests in land for a project or facility to be provided through
2 the bonds; and

3 (7) construction costs of a project or facility to be
4 provided through the bonds, including the payment of related
5 professional services and expenses. (Acts 63rd Leg., R.S., Ch.
6 118, Sec. 7C.)

7 Sec. 1076.210. BONDS EXEMPT FROM TAXATION. The following
8 are exempt from taxation by this state:

9 (1) bonds issued by the district;

10 (2) the transfer of the bonds; and

11 (3) the income from the bonds, including profits made
12 on the sale of the bonds. (Acts 63rd Leg., R.S., Ch. 118, Sec. 13
13 (part).)

14 [Sections 1076.211-1076.250 reserved for expansion]

15 SUBCHAPTER F. TAXES

16 Sec. 1076.251. IMPOSITION OF AD VALOREM TAX. The board may
17 impose a tax on all property in the district subject to district
18 taxation. (Acts 63rd Leg., R.S., Ch. 118, Secs. 3(a) (part), 10(a)
19 (part).)

20 Sec. 1076.252. TAX RATE. The board may impose the tax at a
21 rate not to exceed the limit approved by the voters at the election
22 authorizing the imposition of taxes, which may not exceed 75 cents
23 on each \$100 valuation of all taxable property in the district.
24 (Acts 63rd Leg., R.S., Ch. 118, Secs. 3(a) (part), 10(a) (part).)

25 Sec. 1076.253. TAX ASSESSOR-COLLECTOR. The board may
26 provide for the appointment of a tax assessor-collector for the
27 district or may contract for the assessment and collection of taxes

1 as provided by the Tax Code. (Acts 63rd Leg., R.S., Ch. 118, Sec.
2 10(b).)

3 [Sections 1076.254-1076.300 reserved for expansion]

4 SUBCHAPTER G. DISSOLUTION

5 Sec. 1076.301. DISSOLUTION; ELECTION. (a) The district
6 may be dissolved only on approval of a majority of the district
7 voters voting in an election held for that purpose.

8 (b) The board may order an election on the question of
9 dissolving the district and disposing of the district's assets.

10 (c) The board shall order an election if the board receives
11 a petition requesting an election that is signed by at least 15
12 percent of the registered district voters.

13 (d) The order calling the election must state:

14 (1) the nature of the election, including the
15 proposition to appear on the ballot;

16 (2) the date of the election;

17 (3) the hours during which the polls will be open; and

18 (4) the location of the polling places.

19 (e) Section 41.001, Election Code, does not apply to an
20 election ordered under this section. (Acts 63rd Leg., R.S., Ch.
21 118, Secs. 11A(a), (b), (c), (d).)

22 Sec. 1076.302. NOTICE OF ELECTION. (a) The board shall
23 give notice of an election under this subchapter by publishing once
24 a week for two consecutive weeks a substantial copy of the election
25 order in a newspaper with general circulation in the district.

26 (b) The first publication of notice must appear not later
27 than the 35th day before the date set for the election. (Acts 63rd

1 Leg., R.S., Ch. 118, Sec. 11A(e).)

2 Sec. 1076.303. BALLOT. The ballot for an election under
3 this subchapter must be printed to permit voting for or against the
4 proposition: "The dissolution of the Starr County Hospital
5 District." (Acts 63rd Leg., R.S., Ch. 118, Sec. 11A(f).)

6 Sec. 1076.304. ELECTION RESULTS. (a) If a majority of the
7 votes in an election under this subchapter favor dissolution, the
8 board shall order that the district be dissolved.

9 (b) If a majority of the votes in the election do not favor
10 dissolution, the board shall continue to administer the district
11 and another election on the question of dissolution may not be held
12 before the first anniversary of the date of the most recent election
13 to dissolve the district. (Acts 63rd Leg., R.S., Ch. 118, Sec.
14 11A(g).)

15 Sec. 1076.305. TRANSFER OR ADMINISTRATION OF ASSETS. (a)
16 If a majority of the votes in an election under this subchapter
17 favor dissolution, the board shall:

18 (1) transfer the land, buildings, improvements,
19 equipment, and other assets that belong to the district to Starr
20 County or another governmental entity in Starr County; or

21 (2) administer the property, assets, and debts until
22 all money has been disposed of and all district debts have been paid
23 or settled.

24 (b) If the district makes the transfer under Subsection
25 (a)(1), the county or entity assumes all debts and obligations of
26 the district at the time of the transfer, and the district is
27 dissolved.

1 (c) If the district does not make the transfer under
2 Subsection (a)(1) and the board administers the property, assets,
3 and debts of the district under Subsection (a)(2), the district is
4 dissolved when all the money has been disposed of and all district
5 debts have been paid or settled. (Acts 63rd Leg., R.S., Ch. 118,
6 Secs. 11A(h), (i), (j).)

7 Sec. 1076.306. IMPOSITION OF TAX AND RETURN OF SURPLUS
8 TAXES. (a) After the board finds that the district is dissolved,
9 the board shall:

- 10 (1) determine any debt owed by the district; and
11 (2) impose on the property included on the district's
12 tax roll a tax that is in proportion of any debt to the property
13 value.

14 (b) On the payment of all outstanding debts and obligations
15 of the district, the board shall order the board secretary to return
16 to each district taxpayer the taxpayer's pro rata share of all
17 unused tax money.

18 (c) A taxpayer may request that the taxpayer's share of
19 surplus tax money be credited to the taxpayer's county taxes. If a
20 taxpayer requests the credit, the board shall direct the board
21 secretary to transmit the money to the county tax
22 assessor-collector. (Acts 63rd Leg., R.S., Ch. 118, Secs. 11A(k),
23 (1).)

24 Sec. 1076.307. REPORT; DISSOLUTION ORDER. (a) After the
25 district has paid all district debts and has disposed of all
26 district money and other assets as prescribed by this subchapter,
27 the board shall file a written report with the Commissioners Court

1 of Starr County summarizing the board's actions in dissolving the
2 district.

3 (b) Not later than the 10th day after the date the
4 commissioners court receives the report and determines that the
5 requirements of this subchapter have been fulfilled, the
6 commissioners court shall enter an order:

- 7 (1) dissolving the district; and
8 (2) releasing the board from any further duty or
9 obligation. (Acts 63rd Leg., R.S., Ch. 118, Sec. 11A(m).)

10 CHAPTER 1087. RANKIN COUNTY HOSPITAL DISTRICT

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1 CHAPTER 1087. RANKIN COUNTY HOSPITAL DISTRICT

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Sec. 1087.001. DEFINITIONS. In this chapter:

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

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

7 (3) "District" means the Rankin County Hospital
8 District. (New.)

9 Sec. 1087.002. AUTHORITY FOR CREATION. The Rankin County
10 Hospital District is created under the authority of Section 9,
11 Article IX, Texas Constitution, and has the rights, powers, and
12 duties prescribed by this chapter. (Acts 60th Leg., R.S., Ch. 182,
13 Sec. 1 (part).)

14 Sec. 1087.003. POLITICAL SUBDIVISION. The district is a
15 political subdivision of this state. (Acts 60th Leg., R.S., Ch.
16 182, Sec. 21 (part).)

17 Sec. 1087.004. DISTRICT TERRITORY. The boundaries of the
18 district are coextensive with the boundaries of the Rankin
19 Independent School District, as those boundaries existed on January
20 1, 1967. (Acts 60th Leg., R.S., Ch. 182, Sec. 1 (part).)

21 Sec. 1087.005. CONSOLIDATION OF DISTRICT AND MCCAMEY COUNTY
22 HOSPITAL DISTRICT. (a) The McCamey County Hospital District may be
23 consolidated into the Rankin County Hospital District as provided
24 by this section.

25 (b) On the request of 25 percent or more of the taxpaying
26 voters of each hospital district, the Upton County Commissioners
27 Court shall submit the consolidation proposal for vote.

1 (c) Consolidation of the district and the McCamey County
2 Hospital District must be separately approved by a two-thirds
3 majority of the voters voting in each hospital district at an
4 election ordered and held for that purpose.

5 (d) At the consolidation election, five directors shall be
6 elected to serve the consolidated district.

7 (e) Not more than one consolidation election may be held
8 after each general election.

9 (f) Refunding bonds may be issued by the consolidated
10 district to refund any outstanding bonds, including bonds issued by
11 the district on consolidation, original bonds, and refunding bonds.
12 Additional funding may be provided as authorized by this chapter.
13 (Acts 60th Leg., R.S., Ch. 182, Sec. 18.)

14 [Sections 1087.006-1087.050 reserved for expansion]

15 SUBCHAPTER B. DISTRICT ADMINISTRATION

16 Sec. 1087.051. BOARD ELECTION; TERM. (a) The board
17 consists of five directors elected from the district at large.

18 (b) Directors serve staggered two-year terms unless
19 four-year terms are established under Section 285.081, Health and
20 Safety Code.

21 (c) An election shall be held annually on the May uniform
22 election date or another date authorized by law. (Acts 60th Leg.,
23 R.S., Ch. 182, Secs. 3(a), (i) (part).)

24 Sec. 1087.052. NOTICE OF ELECTION. Notice of a directors'
25 election shall be published in a newspaper of general circulation
26 in Upton County in accordance with Section 4.003, Election Code.
27 (Acts 60th Leg., R.S., Ch. 182, Sec. 3(i) (part).)

1 Sec. 1087.053. QUALIFICATIONS FOR OFFICE. (a) A person may
2 not be elected or appointed a director unless the person is:

- 3 (1) a resident of the district; and
4 (2) at least 18 years of age.

5 (b) A district employee may not serve as director. (Acts
6 60th Leg., R.S., Ch. 182, Secs. 3(b), (c).)

7 Sec. 1087.054. BOND; RECORD OF BOND. (a) Before assuming
8 the duties of office, each director must execute a bond for \$1,000
9 that is:

- 10 (1) payable to the district; and
11 (2) conditioned on the faithful performance of the
12 director's duties.

13 (b) The district shall pay for a director's bond.

14 (c) Each director's bond shall be deposited with a
15 depository bank of the district for safekeeping. (Acts 60th Leg.,
16 R.S., Ch. 182, Sec. 3(d).)

17 Sec. 1087.055. BOARD VACANCY. (a) If a vacancy occurs in
18 the office of director, the remaining directors shall appoint a
19 director.

20 (b) A director appointed under this section serves until the
21 next election for directors. A director elected under this
22 subsection serves only for the remainder of the unexpired term.
23 (Acts 60th Leg., R.S., Ch. 182, Sec. 3(h).)

24 Sec. 1087.056. OFFICERS. (a) The board shall elect from
25 among its members a president and a vice president.

26 (b) The board shall appoint a secretary, who need not be a
27 director. (Acts 60th Leg., R.S., Ch. 182, Sec. 3(e).)

1 Sec. 1087.057. VOTING REQUIREMENT. A concurrence of three
2 directors is sufficient in any matter relating to district
3 business. (Acts 60th Leg., R.S., Ch. 182, Sec. 3(f).)

4 Sec. 1087.058. DISTRICT ADMINISTRATOR. (a) The board may
5 appoint a qualified person as district administrator.

6 (b) The district administrator serves at the will of the
7 board and receives the compensation determined by the board.

8 (c) The board may remove the district administrator at any
9 time.

10 (d) Before assuming the duties of district administrator,
11 the administrator must execute a bond payable to the district in an
12 amount of not less than \$10,000 that:

13 (1) is conditioned on the administrator performing
14 well and faithfully the administrator's required duties; and

15 (2) contains any other condition the board may
16 require.

17 (e) The board may pay for the bond with district money.
18 (Acts 60th Leg., R.S., Ch. 182, Secs. 4(a), (b), (c).)

19 Sec. 1087.059. GENERAL DUTIES OF DISTRICT ADMINISTRATOR.
20 Subject to any limitation prescribed by the board, the district
21 administrator shall:

22 (1) perform the duties required by the board;

23 (2) supervise the work and activities of the district;

24 and

25 (3) direct the affairs of the district. (Acts 60th
26 Leg., R.S., Ch. 182, Sec. 4(d).)

27 Sec. 1087.060. ASSISTANT TO DISTRICT ADMINISTRATOR. (a)

1 The board may designate an assistant to the district administrator
2 to discharge a duty or function of the administrator in the event of
3 the administrator's incapacity, absence, or inability to discharge
4 the duty or function.

5 (b) The assistant shall post the bond required by board
6 order.

7 (c) The assistant is subject to any limitation prescribed by
8 board order. (Acts 60th Leg., R.S., Ch. 182, Sec. 5.)

9 Sec. 1087.061. LEGAL COUNSEL. The board may employ legal
10 counsel to represent the district in all legal matters. (Acts 60th
11 Leg., R.S., Ch. 182, Sec. 20.)

12 Sec. 1087.062. RETIREMENT PROGRAM. (a) With the approval
13 of the Upton County Commissioners Court, the board may contract
14 with this state and the federal government as necessary to
15 establish or continue a retirement program for the benefit of
16 district employees.

17 (b) The board may establish other retirement programs for
18 the benefit of district employees as the board considers necessary
19 and advisable. (Acts 60th Leg., R.S., Ch. 182, Secs. 4(e) (part),
20 (f).)

21 Sec. 1087.063. MAINTENANCE OF RECORDS; PUBLIC INSPECTION.
22 Except as provided by Section 1087.054, all district records,
23 including books, accounts, notices, minutes, and all other matters
24 of the district and the operation of its facilities, shall be:

- 25 (1) maintained at the district office; and
26 (2) open to public inspection at the district office
27 at all reasonable hours. (Acts 60th Leg., R.S., Ch. 182, Secs.

1 3(g), 9 (part).)

2 [Sections 1087.064-1087.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 1087.101. DISTRICT RESPONSIBILITY. The district has
5 full responsibility for providing medical and hospital care for the
6 district's needy and indigent residents. (Acts 60th Leg., R.S.,
7 Ch. 182, Sec. 11 (part).)

8 Sec. 1087.102. RESTRICTION ON COUNTY OR MUNICIPALITY
9 TAXATION. A county or a municipality in the district may not impose
10 any tax for hospital purposes. (Acts 60th Leg., R.S., Ch. 182, Sec.
11 11 (part).)

12 Sec. 1087.103. PURCHASING AND ACCOUNTING. The board may
13 prescribe:

14 (1) the method of making purchases and expenditures by
15 and for the district; and

16 (2) accounting and control procedures for the
17 district. (Acts 60th Leg., R.S., Ch. 182, Secs. 13(a), (b).)

18 Sec. 1087.104. EMINENT DOMAIN. (a) The district may
19 exercise the power of eminent domain to acquire a fee simple or
20 other interest in any type of property, real, personal, or mixed,
21 located in district territory if the interest is necessary or
22 convenient for the district to exercise a right, power, privilege,
23 or function conferred on the district by this chapter.

24 (b) The district must exercise the power of eminent domain
25 in the manner provided by Chapter 21, Property Code, except the
26 district is not required to deposit in the trial court money or a
27 bond as provided by Section 21.021(a), Property Code.

1 (c) In a condemnation proceeding brought by the district,
2 the district is not required to:

3 (1) pay in advance or provide a bond for the issuance
4 of a temporary restraining order or a temporary injunction; or

5 (2) provide a bond for costs or a supersedeas bond on
6 an appeal or petition for review. (Acts 60th Leg., R.S., Ch. 182,
7 Sec. 17.)

8 Sec. 1087.105. GIFTS AND ENDOWMENTS. The board may accept
9 for the district a gift or endowment to be held in trust and
10 administered by the board for the purposes and under the
11 directions, limitations, and provisions prescribed in writing by
12 the donor that are not inconsistent with the proper management and
13 objectives of the district. (Acts 60th Leg., R.S., Ch. 182, Sec.
14 16.)

15 Sec. 1087.106. CONSTRUCTION CONTRACTS. (a) The board may
16 enter into purchase or construction contracts for the district.

17 (b) The board may enter into a construction contract that
18 involves the expenditure of more than the amount provided by
19 Section 271.024, Local Government Code, only after advertising as
20 provided by Subchapter B, Chapter 271, Local Government Code.
21 (Acts 60th Leg., R.S., Ch. 182, Sec. 13(c).)

22 Sec. 1087.107. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR
23 CARE AND TREATMENT. The board, with the approval of the Upton
24 County Commissioners Court, may contract with:

25 (1) a county, other than Upton County, for the care and
26 treatment of a person of that county; and

27 (2) this state or a federal agency for the care and

1 treatment of a sick or injured person for whom the state or agency
2 is responsible. (Acts 60th Leg., R.S., Ch. 182, Sec. 4(e) (part).)

3 Sec. 1087.108. PAYMENT FOR TREATMENT; PROCEDURES. (a)
4 When a patient from the district is admitted to a district facility,
5 the district administrator shall have an inquiry made into the
6 circumstances of:

7 (1) the patient; and

8 (2) the patient's relatives legally liable for the
9 patient's support.

10 (b) If the district administrator determines that the
11 patient or those relatives cannot pay all or part of the patient's
12 care and treatment in the hospital, the amount that cannot be paid
13 becomes a charge against the district.

14 (c) If the district administrator determines that the
15 patient or those relatives are liable to pay for all or part of the
16 patient's care and treatment, the patient or those relatives shall
17 be ordered to pay to the district's treasurer a specified amount
18 each week for the patient's support. The amount ordered must be
19 proportionate to the financial ability and may not exceed the
20 actual per capita cost of maintenance.

21 (d) The district administrator may collect the amount from
22 the patient's estate, or from those relatives legally liable for
23 the patient's support, in the manner provided by law for the
24 collection of expenses of the last illness of a deceased person.

25 (e) If there is a dispute, or doubt in the district
26 administrator's mind, as to the ability to pay, the board shall hold
27 a hearing and, after calling witnesses, shall:

1 (1) resolve the dispute or doubt; and

2 (2) issue any appropriate order.

3 (f) Either party to the dispute may appeal the order to the
4 district court. The appeal is de novo as that term is used in an
5 appeal from a justice court to a county court. (Acts 60th Leg.,
6 R.S., Ch. 182, Sec. 15.)

7 Sec. 1087.109. AUTHORITY TO SUE AND BE SUED. As a
8 governmental agency, the district may sue and be sued in its own
9 name in any court of this state. (Acts 60th Leg., R.S., Ch. 182,
10 Sec. 21 (part).)

11 [Sections 1087.110-1087.150 reserved for expansion]

12 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

13 Sec. 1087.151. BUDGET. The board annually shall have a
14 budget prepared for the next fiscal year that includes:

15 (1) proposed expenditures and disbursements;

16 (2) estimated receipts and collections; and

17 (3) the amount of taxes required to be imposed for the
18 year. (Acts 60th Leg., R.S., Ch. 182, Sec. 9 (part).)

19 Sec. 1087.152. PROPOSED BUDGET: NOTICE AND HEARING. (a)
20 The board shall hold a public hearing on the proposed budget.

21 (b) Notice of the hearing must be published at least once in
22 a newspaper of general circulation in Upton County not later than
23 the 10th day before the date of the hearing.

24 (c) Any district taxpayer is entitled to:

25 (1) appear at the time and place designated in the
26 notice; and

27 (2) be heard regarding any item included in the

1 proposed budget. (Acts 60th Leg., R.S., Ch. 182, Sec. 9 (part).)

2 Sec. 1087.153. FISCAL YEAR. The district's fiscal year
3 begins on October 1 and ends on September 30. (Acts 60th Leg.,
4 R.S., Ch. 182, Sec. 9 (part).)

5 Sec. 1087.154. ANNUAL AUDIT. (a) The board annually shall
6 have an independent audit made of the district's books and records
7 for the preceding fiscal year.

8 (b) Not later than December 31 of each year, the audit shall
9 be filed:

10 (1) with the county clerk of Upton County; and

11 (2) at the district's office. (Acts 60th Leg., R.S.,
12 Ch. 182, Sec. 9 (part).)

13 Sec. 1087.155. FINANCIAL REPORT. (a) The board and the
14 district administrator shall annually prepare a report under oath
15 that includes:

16 (1) a complete statement of:

17 (A) all money and choses in action; and

18 (B) how the money and choses in action were
19 disbursed or otherwise disposed;

20 (2) the details of district operation during the
21 preceding fiscal year; and

22 (3) a full and complete list of all delinquent
23 accounts owing and due the district, including names and addresses
24 of delinquent debtors.

25 (b) The report shall be filed in:

26 (1) the district office; and

27 (2) the office of the county clerk of Upton County.

1 (Acts 60th Leg., R.S., Ch. 182, Sec. 9 (part).)

2 Sec. 1087.156. DEPOSITORY. (a) The board shall select one
3 or more banks to serve as a depository for district money.

4 (b) To the extent that money in a depository bank is not
5 insured by the Federal Deposit Insurance Corporation, the money
6 must be secured in the manner provided by law for the security of
7 county funds.

8 (c) Membership on the district's board of an officer or
9 director of a bank does not disqualify the bank from being
10 designated as depository. (Acts 60th Leg., R.S., Ch. 182, Sec.
11 10(a).)

12 Sec. 1087.157. INVESTMENT RESTRICTIONS. The board may
13 invest operating, depreciation, or building reserves only in funds
14 or securities specified by Chapter 2256, Government Code. (Acts
15 60th Leg., R.S., Ch. 182, Sec. 10(b).)

16 Sec. 1087.158. AUTHORITY TO BORROW MONEY; SECURITY. (a) The
17 board may borrow money at a rate not to exceed the maximum annual
18 percentage rate allowed by law for district obligations at the time
19 the loan is made.

20 (b) To secure a loan, the board may pledge:

21 (1) district revenue that is not pledged to pay the
22 district's bonded indebtedness;

23 (2) tax revenue to be collected by the district during
24 the 12-month period following the date of the pledge that is not
25 pledged to pay the principal of or interest on district bonds; or

26 (3) district bonds that have been authorized but not
27 sold.

1 (c) A loan for which taxes or bonds are pledged must mature
2 not later than the first anniversary of the date the loan is made. A
3 loan for which district revenue is pledged must mature not later
4 than the fifth anniversary of the date the loan is made. (Acts 60th
5 Leg., R.S., Ch. 182, Sec. 7A.)

6 [Sections 1087.159-1087.200 reserved for expansion]

7 SUBCHAPTER E. BONDS

8 Sec. 1087.201. GENERAL OBLIGATION BONDS. The board may
9 issue and sell general obligation bonds in the name and on the faith
10 and credit of the district for any purpose relating to:

11 (1) the purchase, construction, acquisition, repair,
12 or renovation of buildings and improvements; and

13 (2) equipping buildings and improvements for hospital
14 purposes. (Acts 60th Leg., R.S., Ch. 182, Sec. 7(a).)

15 Sec. 1087.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a) At
16 the time general obligation bonds are issued by the district, the
17 board shall impose an ad valorem tax at a rate sufficient to create
18 an interest and sinking fund to pay the principal of and interest on
19 the bonds as the bonds mature.

20 (b) The tax required by this section together with any other
21 ad valorem tax imposed for the district may not in any year exceed
22 75 cents on each \$100 valuation of all taxable property in the
23 district. (Acts 60th Leg., R.S., Ch. 182, Sec. 7(b).)

24 Sec. 1087.203. GENERAL OBLIGATION BOND ELECTION. (a) The
25 district may issue general obligation bonds only if the bonds are
26 authorized by a majority of the district voters voting at an
27 election held for that purpose.

1 (b) The board may call the election on the board's own
2 motion.

3 (c) The order calling the election must specify:

- 4 (1) the location of the polling places;
5 (2) the presiding election officers;
6 (3) the purpose of the bond issuance;
7 (4) the amount of the bonds to be authorized;
8 (5) the maximum interest rate of the bonds; and
9 (6) the maximum maturity of the bonds.

10 (d) Notice of a bond election shall be given by publishing a
11 substantial copy of the order calling the election in a newspaper of
12 general circulation in the district once each week for two
13 consecutive weeks before the date of the election. The first
14 publication must occur at least 20 days before the date of the
15 election. (Acts 60th Leg., R.S., Ch. 182, Sec. 7(d) (part).)

16 Sec. 1087.204. MATURITY OF GENERAL OBLIGATION BONDS.
17 District general obligation bonds must mature not later than 40
18 years after the date of issuance. (Acts 60th Leg., R.S., Ch. 182,
19 Sec. 7(d) (part).)

20 Sec. 1087.205. EXECUTION OF GENERAL OBLIGATION BONDS. The
21 board's presiding officer shall execute the general obligation
22 bonds in the district's name, and the board secretary shall
23 countersign the bonds. (Acts 60th Leg., R.S., Ch. 182, Sec. 7(c).)

24 Sec. 1087.206. REVENUE BONDS. (a) The board may issue
25 revenue bonds to:

- 26 (1) purchase, construct, acquire, repair, or renovate
27 buildings or improvements;

1 (2) equip buildings or improvements for hospital
2 purposes; or

3 (3) acquire real property for hospital purposes.

4 (b) The bonds must be payable from and secured by a pledge of
5 all or part of the revenue derived from the operation of the
6 district's hospital system.

7 (c) The bonds may be additionally secured by a mortgage or
8 deed of trust lien on all or part of district property.

9 (d) The bonds must be issued in the manner provided by
10 Sections 264.042, 264.043, 264.046, 264.047, 264.048, and 264.049,
11 Health and Safety Code, for issuance of revenue bonds by a county
12 hospital authority. (Acts 60th Leg., R.S., Ch. 182, Secs. 7(f),
13 (g).)

14 Sec. 1087.207. REFUNDING BONDS. (a) The board may, without
15 an election, issue refunding bonds to refund outstanding bonds
16 issued or assumed by the district.

17 (b) A refunding bond may be:

18 (1) sold, with the proceeds of the refunding bond
19 applied to the payment of the bonds to be refunded; or

20 (2) exchanged wholly or partly for not less than a
21 similar amount of outstanding bonds and the unpaid matured interest
22 on the bonds. (Acts 60th Leg., R.S., Ch. 182, Sec. 7(e).)

23 Sec. 1087.208. ADDITIONAL MEANS OF SECURING REPAYMENT OF
24 BONDS. In addition to the authority to issue general obligation and
25 revenue bonds under this subchapter, the board may provide for the
26 security and payment of district bonds from a pledge of a
27 combination of ad valorem taxes as authorized by Section 1087.202

1 and revenue and other sources as authorized by Section 1087.206.
2 (Acts 60th Leg., R.S., Ch. 182, Sec. 7(h).)

3 Sec. 1087.209. USE OF BOND PROCEEDS. The district may use
4 the proceeds of bonds issued under this subchapter to pay:

5 (1) any expense the board determines is reasonable and
6 necessary to issue, sell, and deliver the bonds;

7 (2) interest payments on the bonds during a period of
8 acquisition or construction of a project or facility to be provided
9 through the bonds, not to exceed five years;

10 (3) costs related to the operation and maintenance of
11 a project or facility to be provided through the bonds:

12 (A) during an estimated period of acquisition or
13 construction, not to exceed five years; and

14 (B) for one year after the project or facility is
15 acquired or constructed;

16 (4) costs related to the financing of the bond funds,
17 including debt service reserve and contingency funds;

18 (5) costs related to the bond issuance;

19 (6) costs related to the acquisition of land or
20 interests in land for a project or facility to be provided through
21 the bonds; and

22 (7) construction costs of a project or facility to be
23 provided through the bonds, including the payment of related
24 professional services and expenses. (Acts 60th Leg., R.S., Ch.
25 182, Sec. 7(i).)

26 [Sections 1087.210-1087.250 reserved for expansion]

SUBCHAPTER F. TAXES

1
2 Sec. 1087.251. IMPOSITION OF AD VALOREM TAX. (a) On final
3 approval of the annual budget, the board shall impose a tax on all
4 property in the district subject to district taxation.

5 (b) The board shall impose the tax to:

6 (1) pay the interest on and create a sinking fund for
7 bonds issued or assumed by the district for hospital purposes as
8 provided by this chapter;

9 (2) provide for the operation and maintenance of the
10 hospital or hospital system;

11 (3) make improvements and additions to the district's
12 hospital system; and

13 (4) acquire necessary sites for improvements or
14 additions by purchase, lease, or condemnation. (Acts 60th Leg.,
15 R.S., Ch. 182, Secs. 6 (part), 9 (part).)

16 Sec. 1087.252. TAX RATE. The board may impose the tax at a
17 rate not to exceed 75 cents on each \$100 valuation of all taxable
18 property in the district. (Acts 60th Leg., R.S., Ch. 182, Sec. 6
19 (part).)

20 Sec. 1087.253. ASSESSMENT AND COLLECTION BY COUNTY TAX
21 ASSESSOR-COLLECTOR. (a) This section applies unless an election
22 is held under Section 1087.254.

23 (b) The tax assessor-collector of Upton County shall
24 collect the taxes imposed on all property subject to district
25 taxation. (Acts 60th Leg., R.S., Ch. 182, Secs. 6 (part), 9
26 (part).)

27 Sec. 1087.254. ELECTION FOR SEPARATE TAX ASSESSOR AND

1 SEPARATE TAX COLLECTOR. (a) On receipt of a petition signed by at
2 least five percent of the taxpaying voters in the district, the
3 court may order an election to determine whether the district shall
4 have a separate tax assessor and separate tax collector for the
5 assessment and collection of district taxes.

6 (b) Notice of the election shall be given as required by
7 Section 1087.052. (Acts 60th Leg., R.S., Ch. 182, Sec. 19 (part).)

8 Sec. 1087.255. APPOINTMENT OF SEPARATE TAX ASSESSOR AND
9 SEPARATE TAX COLLECTOR. If the appointment of a separate tax
10 assessor and separate tax collector is approved by a two-thirds
11 majority vote of the district voters voting at an election held
12 under Section 1087.254, the board shall appoint:

13 (1) a suitable person as tax assessor; and

14 (2) a suitable person as tax collector. (Acts 60th
15 Leg., R.S., Ch. 182, Sec. 19 (part).)

16 CHAPTER 1096. SOUTH LIMESTONE HOSPITAL DISTRICT

17 SUBCHAPTER A. GENERAL PROVISIONS

18 Sec. 1096.001. DEFINITIONS

19 Sec. 1096.002. AUTHORITY FOR CREATION

20 Sec. 1096.003. DISTRICT TERRITORY

21 Sec. 1096.004. CORRECTION OF INVALID PROCEDURES

22 Sec. 1096.005. DISTRICT SUPPORT AND MAINTENANCE NOT

23 STATE OBLIGATION

24 Sec. 1096.006. RESTRICTION ON STATE FINANCIAL

25 ASSISTANCE

26 [Sections 1096.007-1096.050 reserved for expansion]

- 1 SUBCHAPTER B. DISTRICT ADMINISTRATION
- 2 Sec. 1096.051. BOARD ELECTION; TERM
- 3 Sec. 1096.052. QUALIFICATIONS FOR OFFICE
- 4 Sec. 1096.053. BOND; RECORD OF BOND AND OATH
- 5 Sec. 1096.054. BOARD VACANCY
- 6 Sec. 1096.055. OFFICERS
- 7 Sec. 1096.056. COMPENSATION; EXPENSES
- 8 Sec. 1096.057. DISTRICT ADMINISTRATOR
- 9 Sec. 1096.058. EMPLOYEES
- 10 Sec. 1096.059. MAINTENANCE OF RECORDS; PUBLIC
- 11 INSPECTION
- 12 Sec. 1096.060. RECRUITMENT OF MEDICAL STAFF
- 13 Sec. 1096.061. CONTINUING EDUCATION; RETRAINING
- 14 [Sections 1096.062-1096.100 reserved for expansion]
- 15 SUBCHAPTER C. POWERS AND DUTIES
- 16 Sec. 1096.101. DISTRICT RESPONSIBILITY
- 17 Sec. 1096.102. RESTRICTION ON POLITICAL SUBDIVISION
- 18 TAXATION AND DEBT
- 19 Sec. 1096.103. MANAGEMENT AND CONTROL OF DISTRICT
- 20 Sec. 1096.104. HOSPITAL SYSTEM
- 21 Sec. 1096.105. RULES
- 22 Sec. 1096.106. PURCHASING AND ACCOUNTING PROCEDURES
- 23 Sec. 1096.107. EMINENT DOMAIN
- 24 Sec. 1096.108. GIFTS AND ENDOWMENTS
- 25 Sec. 1096.109. CONTRACTS WITH POLITICAL SUBDIVISION
- 26 FOR HOSPITAL CARE
- 27 Sec. 1096.110. PROVISION OF CERTAIN HEALTH SERVICES

- 1 Sec. 1096.111. OPERATION OF HOSPITAL; RATES CHARGED;
2 RESERVE FUNDS
- 3 Sec. 1096.112. PAYMENT FOR TREATMENT; PROCEDURES
4 [Sections 1096.113-1096.150 reserved for expansion]
- 5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
- 6 Sec. 1096.151. BUDGET
7 Sec. 1096.152. PROPOSED BUDGET: NOTICE AND HEARING
8 Sec. 1096.153. FISCAL YEAR
9 Sec. 1096.154. ANNUAL AUDIT
10 Sec. 1096.155. DEPOSITORY
11 Sec. 1096.156. AUTHORITY TO BORROW MONEY; SECURITY
12 Sec. 1096.157. INVESTMENT OF DISTRICT MONEY
13 Sec. 1096.158. TAX EXEMPTION
14 [Sections 1096.159-1096.200 reserved for expansion]
- 15 SUBCHAPTER E. BONDS
- 16 Sec. 1096.201. REVENUE BONDS
17 Sec. 1096.202. EXECUTION OF BONDS
18 Sec. 1096.203. MATURITY OF BONDS
19 Sec. 1096.204. REFUNDING BONDS
20 [Sections 1096.205-1096.250 reserved for expansion]
- 21 SUBCHAPTER F. TAXES
- 22 Sec. 1096.251. IMPOSITION OF AD VALOREM TAX
23 Sec. 1096.252. TAX RATE
24 Sec. 1096.253. TAX ASSESSOR-COLLECTOR
- 25 CHAPTER 1096. SOUTH LIMESTONE HOSPITAL DISTRICT
- 26 SUBCHAPTER A. GENERAL PROVISIONS
- 27 Sec. 1096.001. DEFINITIONS. In this chapter:

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

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

4 (3) "District" means the South Limestone Hospital
5 District. (New.)

6 Sec. 1096.002. AUTHORITY FOR CREATION. The South Limestone
7 Hospital District is created under the authority of Section 9,
8 Article IX, Texas Constitution, and has the rights, powers, and
9 duties provided by this chapter. (Acts 61st Leg., R.S., Ch. 638,
10 Secs. 1, 2 (part).)

11 Sec. 1096.003. DISTRICT TERRITORY. The boundaries of the
12 district are coextensive with the boundaries of the Groesbeck
13 Independent School District as those boundaries existed on January
14 1, 1969. (Acts 61st Leg., R.S., Ch. 638, Sec. 2 (part).)

15 Sec. 1096.004. CORRECTION OF INVALID PROCEDURES. If a
16 court holds that any procedure under this chapter violates the
17 constitution of this state or of the United States, the district by
18 resolution may provide an alternative procedure that conforms with
19 the constitution. (Acts 61st Leg., R.S., Ch. 638, Sec. 28 (part).)

20 Sec. 1096.005. DISTRICT SUPPORT AND MAINTENANCE NOT STATE
21 OBLIGATION. The support and maintenance of the district's hospital
22 system and any indebtedness incurred by the district under this
23 chapter may not become a charge against or obligation of this state.
24 (Acts 61st Leg., R.S., Ch. 638, Sec. 26 (part).)

25 Sec. 1096.006. RESTRICTION ON STATE FINANCIAL ASSISTANCE.
26 The legislature may not make a direct appropriation for the
27 construction, maintenance, or improvement of a district facility.

1 (Acts 61st Leg., R.S., Ch. 638, Sec. 26 (part).)

2 [Sections 1096.007-1096.050 reserved for expansion]

3 SUBCHAPTER B. DISTRICT ADMINISTRATION

4 Sec. 1096.051. BOARD ELECTION; TERM. (a) The district is
5 governed by a board of seven directors elected from the district at
6 large.

7 (b) Each even-numbered year, on the May uniform election
8 date or another date authorized by law, the appropriate number of
9 directors shall be elected.

10 (c) Directors serve staggered four-year terms. (Acts 61st
11 Leg., R.S., Ch. 638, Secs. 5(a), (e).)

12 Sec. 1096.052. QUALIFICATIONS FOR OFFICE. (a) To qualify
13 for election to the board, a person must:

14 (1) be at least 18 years of age;

15 (2) have been a resident of the district for at least
16 two years; and

17 (3) be a qualified property tax paying voter of the
18 district.

19 (b) A person may not serve as a director if the person:

20 (1) is a district employee;

21 (2) was a district employee at any time during the two
22 years preceding the date of the election; or

23 (3) receives compensation under a contract with the
24 district. (Acts 61st Leg., R.S., Ch. 638, Secs. 5(f), (j).)

25 Sec. 1096.053. BOND; RECORD OF BOND AND OATH. (a) Each
26 director shall qualify by executing a good and sufficient bond for
27 \$1,000 that is:

1 (1) payable to the district; and
2 (2) conditioned on the faithful performance of the
3 director's duties.

4 (b) The district shall pay for the directors' bonds.

5 (c) Each director's bond and constitutional oath of office
6 shall be deposited with the district's depository bank for
7 safekeeping. (Acts 61st Leg., R.S., Ch. 638, Sec. 5(b).)

8 Sec. 1096.054. BOARD VACANCY. If a vacancy occurs in the
9 office of director, the remaining directors shall appoint a
10 director for the unexpired term. (Acts 61st Leg., R.S., Ch. 638,
11 Sec. 5(d).)

12 Sec. 1096.055. OFFICERS. (a) The board shall elect from
13 among its members a president, vice president, secretary, and
14 treasurer.

15 (b) The board may combine the offices of secretary and
16 treasurer at the board's discretion. (Acts 61st Leg., R.S., Ch.
17 638, Sec. 5(c).)

18 Sec. 1096.056. COMPENSATION; EXPENSES. A director is not
19 entitled to compensation but is entitled to reimbursement for any
20 necessary expense incurred in the performance of official duties.
21 (Acts 61st Leg., R.S., Ch. 638, Sec. 5(i).)

22 Sec. 1096.057. DISTRICT ADMINISTRATOR. (a) The board may
23 employ a district administrator to manage the operations of the
24 hospital system.

25 (b) The district administrator may hire necessary personnel
26 to perform the services provided by the hospital system. (Acts 61st
27 Leg., R.S., Ch. 638, Sec. 20(e) (part).)

1 Sec. 1096.058. EMPLOYEES. The board may employ an
2 attorney, a general manager, a bookkeeper, an architect, nurses,
3 and other employees necessary for the efficient operation of the
4 district. (Acts 61st Leg., R.S., Ch. 638, Sec. 20(e) (part).)

5 Sec. 1096.059. MAINTENANCE OF RECORDS; PUBLIC INSPECTION.
6 Except as provided by Section 1096.053, the board shall:

7 (1) maintain all district records, including books,
8 accounts, notices, minutes, and other matters of the district and
9 its operation, at the district office; and

10 (2) make those records available for public inspection
11 at reasonable times. (Acts 61st Leg., R.S., Ch. 638, Sec. 20(b).)

12 Sec. 1096.060. RECRUITMENT OF MEDICAL STAFF. The board may
13 spend district money to recruit physicians, nurses, and other
14 trained medical personnel. The board may pay the tuition or other
15 education-related costs or expenses of a person who:

16 (1) graduates from a medical school, a nursing school,
17 or an institution of higher education; and

18 (2) contractually agrees to become a district
19 employee. (Acts 61st Leg., R.S., Ch. 638, Sec. 20(h) (part).)

20 Sec. 1096.061. CONTINUING EDUCATION; RETRAINING. The board
21 may spend district money for the continuing education and
22 retraining of district employees. (Acts 61st Leg., R.S., Ch. 638,
23 Sec. 20(h) (part).)

24 [Sections 1096.062-1096.100 reserved for expansion]

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 1096.101. DISTRICT RESPONSIBILITY. The district shall
27 provide all necessary hospital and medical care for the district's

1 needy inhabitants. (Acts 61st Leg., R.S., Ch. 638, Sec. 3 (part).)

2 Sec. 1096.102. RESTRICTION ON POLITICAL SUBDIVISION
3 TAXATION AND DEBT. A political subdivision of this state, other
4 than the district, may not impose a tax or issue bonds or other
5 obligations to provide hospital service or medical care in the
6 district. (Acts 61st Leg., R.S., Ch. 638, Sec. 3 (part).)

7 Sec. 1096.103. MANAGEMENT AND CONTROL OF DISTRICT. The
8 board has full power to manage and control the district. (Acts 61st
9 Leg., R.S., Ch. 638, Sec. 20(a) (part).)

10 Sec. 1096.104. HOSPITAL SYSTEM. The district has the
11 responsibility to establish a hospital or hospital system within
12 its boundaries to provide hospital and medical care to the
13 district's residents. (Acts 61st Leg., R.S., Ch. 638, Sec. 3
14 (part).)

15 Sec. 1096.105. RULES. (a) The board shall adopt rules for
16 the efficient operation of the district, including district
17 facilities.

18 (b) The board shall:

19 (1) publish the rules in book form; and

20 (2) provide copies to interested persons on request at
21 district expense. (Acts 61st Leg., R.S., Ch. 638, Sec. 20(c).)

22 Sec. 1096.106. PURCHASING AND ACCOUNTING PROCEDURES. The
23 board may prescribe the method of making purchases and expenditures
24 and the manner of accounting and control used by the district.
25 (Acts 61st Leg., R.S., Ch. 638, Sec. 20(e) (part).)

26 Sec. 1096.107. EMINENT DOMAIN. (a) To carry out a power
27 provided by this chapter, the district may exercise the power of

1 eminent domain to acquire the fee simple title to land and other
2 property and easements.

3 (b) The district must exercise the power of eminent domain
4 in the manner provided by Chapter 21, Property Code.

5 (c) In a condemnation proceeding, the district is not
6 required to:

7 (1) pay in advance or provide a bond or other security
8 for costs in the trial court;

9 (2) provide a bond for costs or a supersedeas bond on
10 an appeal or petition for review; or

11 (3) deposit in the trial court money or a bond as
12 provided by Section 21.021(a), Property Code.

13 (d) The district is a municipal corporation for the purposes
14 of Chapter 21, Property Code.

15 (e) The board shall determine the amount and the type of
16 interest in land, other property, or easements to be acquired.
17 (Acts 61st Leg., R.S., Ch. 638, Secs. 17, 23.)

18 Sec. 1096.108. GIFTS AND ENDOWMENTS. The board may accept a
19 gift or endowment to be held and administered as required by the
20 respective donor, to the extent that those requirements do not
21 contravene law. (Acts 61st Leg., R.S., Ch. 638, Sec. 19.)

22 Sec. 1096.109. CONTRACTS WITH POLITICAL SUBDIVISION FOR
23 HOSPITAL CARE. The board may contract with a political subdivision
24 to provide hospital and medical care for needy persons who reside
25 outside the district. (Acts 61st Leg., R.S., Ch. 638, Sec. 20(f).)

26 Sec. 1096.110. PROVISION OF CERTAIN HEALTH SERVICES. The
27 board may provide emergency services, home health care services,

1 long-term health care services, or any other health care services
2 the board determines are necessary to meet the needs of the
3 district. (Acts 61st Leg., R.S., Ch. 638, Sec. 20(g).)

4 Sec. 1096.111. OPERATION OF HOSPITAL; RATES CHARGED;
5 RESERVE FUNDS. (a) The district shall operate a hospital without
6 the intervention of private profit for the use and benefit of the
7 public.

8 (b) The board shall charge sufficient rates for services
9 provided by the hospital and use other sources of district revenue
10 that will produce an amount sufficient to:

11 (1) pay all expenses in connection with the ownership,
12 operation, and upkeep of the hospital;

13 (2) pay the interest on the bonds as it becomes due;

14 (3) create a sinking fund to pay the bonds as they
15 become due; and

16 (4) create and maintain a bond reserve fund and other
17 funds as provided in the bond resolution or trust indenture.

18 (c) The bond resolution or trust indenture may prescribe
19 systems, methods, routines, and procedures needed for the operation
20 of the hospital. (Acts 61st Leg., R.S., Ch. 638, Sec. 15.)

21 Sec. 1096.112. PAYMENT FOR TREATMENT; PROCEDURES. (a) A
22 person who resides in the district is entitled to receive necessary
23 medical and hospital care regardless of whether the person has the
24 ability to pay for the care and may apply to receive this care
25 without cost.

26 (b) The board or the district administrator shall employ a
27 person to investigate the ability of the patient and any relative

1 liable for the patient's support to pay for the medical and hospital
2 care received by the patient.

3 (c) If the investigator finds that neither the patient nor
4 those relatives can pay for all or part of the patient's care, the
5 expense of that care becomes a charge against the district.

6 (d) If the patient or those relatives can pay for all or part
7 of the costs of the patient's care, the board shall order the
8 patient or those relatives to pay to the district treasurer each
9 week an amount specified in the order. The amount must be
10 proportionate to the person's ability to pay.

11 (e) The district may collect the amount from the patient's
12 estate, or from any relative liable for the patient's support, in
13 the manner provided by law for the collection of expenses of the
14 last illness of a deceased person.

15 (f) If there is a dispute as to the ability to pay, or doubt
16 in the mind of the investigator, the board shall hold a hearing and,
17 after calling witnesses, shall:

- 18 (1) determine the question; and
19 (2) make the proper order based on the board's
20 findings.

21 (g) A party to the hearing who is not satisfied with the
22 result of the order may appeal to the district court. The appeal is
23 de novo. (Acts 61st Leg., R.S., Ch. 638, Sec. 22.)

24 [Sections 1096.113-1096.150 reserved for expansion]

25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

26 Sec. 1096.151. BUDGET. The board shall prepare a budget
27 that includes:

- 1 (1) proposed expenditures and disbursements;
2 (2) estimated receipts and collections for the next
3 fiscal year; and
4 (3) the amount of taxes required to be imposed during
5 the next fiscal year to meet the proposed budget. (Acts 61st Leg.,
6 R.S., Ch. 638, Sec. 21(b).)

7 Sec. 1096.152. PROPOSED BUDGET: NOTICE AND HEARING. (a)
8 The board shall hold a public hearing on the proposed budget.

9 (b) Notice of the hearing must be published in a newspaper
10 of general circulation in the district at least once before the 10th
11 day before the date of the hearing.

12 (c) Any person who owns taxable property in the district and
13 has duly rendered that property for taxation is entitled to:

- 14 (1) appear at the hearing; and
15 (2) be heard regarding any item in the proposed
16 budget. (Acts 61st Leg., R.S., Ch. 638, Secs. 21(c), (d).)

17 Sec. 1096.153. FISCAL YEAR. The district's fiscal year is
18 from October 1 to September 30. (Acts 61st Leg., R.S., Ch. 638,
19 Sec. 21(a).)

20 Sec. 1096.154. ANNUAL AUDIT. (a) The board annually shall
21 require an independent audit of the district's books and records.

22 (b) Not later than December 1 of each year, the board shall
23 file a copy of the audit with:

- 24 (1) the comptroller; and
25 (2) the district. (Acts 61st Leg., R.S., Ch. 638, Sec.
26 20(d).)

27 Sec. 1096.155. DEPOSITORY. (a) The board by resolution

1 shall designate a bank in the county in which the district is
2 located as the district's depository. A designated bank serves for
3 two years and until a successor is designated.

4 (b) All district money shall be deposited in the depository
5 and secured in the manner provided for securing county funds. (Acts
6 61st Leg., R.S., Ch. 638, Sec. 24.)

7 Sec. 1096.156. AUTHORITY TO BORROW MONEY; SECURITY. (a)
8 The board may borrow money at a rate not to exceed the maximum
9 annual percentage rate allowed by law for district obligations at
10 the time the loan is made if the board declares that:

11 (1) money is not available to meet authorized
12 obligations of the district; and

13 (2) an emergency exists.

14 (b) To secure a loan, the board may pledge:

15 (1) district revenue that is not pledged to pay the
16 district's bonded indebtedness;

17 (2) a district tax to be imposed by the district in the
18 next 12-month period that is not pledged to pay the principal of or
19 interest on district bonds; or

20 (3) district bonds that have been authorized but not
21 sold.

22 (c) A loan for which taxes or bonds are pledged must mature
23 not later than the first anniversary of the date the loan is made. A
24 loan for which district revenue is pledged must mature not later
25 than the fifth anniversary of the date the loan is made.

26 (d) The board may not spend money obtained from a loan under
27 this section for any purpose other than:

1 (1) the purpose for which the board declared an
2 emergency; and

3 (2) if district taxes or bonds are pledged to pay the
4 loan, the purpose for which the pledged taxes were imposed or the
5 pledged bonds were authorized. (Acts 61st Leg., R.S., Ch. 638, Sec.
6 20A.)

7 Sec. 1096.157. INVESTMENT OF DISTRICT MONEY. (a) The law
8 applicable to municipalities with respect to security for and
9 investment of money governs, as applicable, the investment of
10 district money. The bond resolution or indenture may further
11 restrict the investment.

12 (b) To the extent authorized in the bond resolution or
13 indenture and until the money is needed, the district may invest the
14 proceeds of district bonds in direct obligations of or obligations
15 unconditionally guaranteed by the United States. (Acts 61st Leg.,
16 R.S., Ch. 638, Sec. 18.)

17 Sec. 1096.158. TAX EXEMPTION. Because property owned by
18 the district is held for public purposes only and is devoted
19 exclusively to the use and benefit of the public, the property is
20 exempt from taxation of every character. (Acts 61st Leg., R.S., Ch.
21 638, Sec. 16.)

22 [Sections 1096.159-1096.200 reserved for expansion]

23 SUBCHAPTER E. BONDS

24 Sec. 1096.201. REVENUE BONDS. (a) The district may issue
25 revenue bonds to provide for any district purposes. The bonds must
26 be authorized by a board resolution adopted by a majority vote of a
27 quorum of the board.

1 (b) Revenue bonds must be payable from and secured by a
2 pledge of all or part of the revenue derived from:

- 3 (1) the operation of the district's hospitals; and
4 (2) any other revenue resulting from the ownership of
5 the hospital properties.

6 (c) Revenue bonds may be additionally secured by a mortgage
7 or deed of trust lien on real property of the district or by a
8 chattel mortgage on the district's personal property, or by both.

9 (d) The board may issue:

10 (1) bonds that are a junior lien on the district's net
11 revenue or property, unless prohibited by the bond resolution or
12 trust indenture; and

13 (2) parity bonds under conditions specified in the
14 bond resolution or trust indenture.

15 (e) A bond issued under this subchapter must contain the
16 provision: "The holder hereof shall never have the right to demand
17 payment thereof out of money raised or to be raised by taxation."
18 (Acts 61st Leg., R.S., Ch. 638, Secs. 8, 9 (part), 11, 14 (part).)

19 Sec. 1096.202. EXECUTION OF BONDS. District bonds must be
20 signed by the president or vice president and countersigned by the
21 secretary. (Acts 61st Leg., R.S., Ch. 638, Sec. 9 (part).)

22 Sec. 1096.203. MATURITY OF BONDS. District bonds must
23 mature not later than 40 years after their date of issuance. (Acts
24 61st Leg., R.S., Ch. 638, Sec. 9 (part).)

25 Sec. 1096.204. REFUNDING BONDS. The board may issue bonds
26 for the purpose of refunding outstanding bonds in the manner
27 provided by this subchapter for other bonds. (Acts 61st Leg., R.S.,

1 Ch. 638, Sec. 13 (part).)

2 [Sections 1096.205-1096.250 reserved for expansion]

3 SUBCHAPTER F. TAXES

4 Sec. 1096.251. IMPOSITION OF AD VALOREM TAX. (a) The board
5 shall impose a tax on all property in the district subject to
6 district taxation.

7 (b) The tax proceeds may be used only to:

8 (1) provide for the operation and maintenance of the
9 district and hospital system;

10 (2) make improvements and additions to the hospital
11 system; or

12 (3) acquire sites for additions to the hospital
13 system. (Acts 61st Leg., R.S., Ch. 638, Secs. 7(a) (part), (b).)

14 Sec. 1096.252. TAX RATE. The board shall impose the tax at
15 a rate not to exceed 38 cents on each \$100 valuation. (Acts 61st
16 Leg., R.S., Ch. 638, Sec. 7(a) (part).)

17 Sec. 1096.253. TAX ASSESSOR-COLLECTOR. The board may use
18 any of the following to assess and collect district taxes:

19 (1) the tax assessor-collector for Limestone County;

20 (2) the tax assessor-collector for the Groesbeck
21 Independent School District; or

22 (3) any tax assessor-collector established by the
23 board for the district. (Acts 61st Leg., R.S., Ch. 638, Sec. 7(d).)

24 CHAPTER 1107. TITUS COUNTY HOSPITAL DISTRICT

25 SUBCHAPTER A. GENERAL PROVISIONS

26 Sec. 1107.001. DEFINITIONS

27 Sec. 1107.002. AUTHORITY FOR OPERATION

- 1 Sec. 1107.003. DISTRICT TERRITORY
2 [Sections 1107.004-1107.050 reserved for expansion]
- 3 SUBCHAPTER B. DISTRICT ADMINISTRATION
- 4 Sec. 1107.051. BOARD ELECTION; TERM
5 Sec. 1107.052. NOTICE OF ELECTION
6 Sec. 1107.053. BALLOT PETITION
7 Sec. 1107.054. QUALIFICATIONS FOR CANDIDACY
8 Sec. 1107.055. BOARD VACANCY
9 Sec. 1107.056. NONATTENDANCE
10 Sec. 1107.057. OFFICERS
11 Sec. 1107.058. COMPENSATION
12 Sec. 1107.059. LIABILITY INSURANCE
13 Sec. 1107.060. QUORUM; VOTING REQUIREMENT
14 Sec. 1107.061. RECORDS OF PROCEEDINGS
15 Sec. 1107.062. PERSONNEL MATTERS; CLOSED MEETING
16 Sec. 1107.063. DISTRICT ADMINISTRATOR
17 Sec. 1107.064. GENERAL DUTIES OF DISTRICT
18 ADMINISTRATOR
19 Sec. 1107.065. ASSISTANT TO DISTRICT ADMINISTRATOR
20 Sec. 1107.066. APPOINTMENT AND RECRUITMENT OF STAFF
21 AND EMPLOYEES
22 Sec. 1107.067. HEALTH CARE EDUCATIONAL PROGRAMS
23 Sec. 1107.068. LEGAL COUNSEL
24 Sec. 1107.069. RETIREMENT PROGRAM
25 Sec. 1107.070. SEAL
26 [Sections 1107.071-1107.100 reserved for expansion]

- 1 SUBCHAPTER C. POWERS AND DUTIES
- 2 Sec. 1107.101. DISTRICT RESPONSIBILITY
- 3 Sec. 1107.102. RESTRICTION ON COUNTY OR MUNICIPALITY
- 4 TAXATION
- 5 Sec. 1107.103. MANAGEMENT, CONTROL, AND ADMINISTRATION
- 6 Sec. 1107.104. RULES
- 7 Sec. 1107.105. PURCHASING AND ACCOUNTING
- 8 Sec. 1107.106. DISTRICT FACILITIES
- 9 Sec. 1107.107. PROMOTION OF DISTRICT SERVICES
- 10 Sec. 1107.108. EMINENT DOMAIN
- 11 Sec. 1107.109. GIFTS AND ENDOWMENTS
- 12 Sec. 1107.110. CONTRACTS WITH GOVERNMENTAL ENTITIES
- 13 FOR CARE AND TREATMENT
- 14 Sec. 1107.111. PAYMENT FOR TREATMENT; PROCEDURES
- 15 Sec. 1107.112. AUTHORITY TO SUE AND BE SUED
- 16 [Sections 1107.113-1107.150 reserved for expansion]
- 17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
- 18 Sec. 1107.151. BUDGET
- 19 Sec. 1107.152. ANNUAL AUDIT
- 20 Sec. 1107.153. FINANCIAL REPORT
- 21 Sec. 1107.154. DEPOSITORY
- 22 Sec. 1107.155. WARRANTS
- 23 [Sections 1107.156-1107.200 reserved for expansion]
- 24 SUBCHAPTER E. BONDS
- 25 Sec. 1107.201. BONDS
- 26 Sec. 1107.202. TAX TO PAY BONDS
- 27 Sec. 1107.203. BOND ELECTION

1 Sec. 1107.204. REFUNDING BONDS

2 Sec. 1107.205. EXECUTION OF BONDS

3 [Sections 1107.206-1107.250 reserved for expansion]

4 SUBCHAPTER F. TAXES

5 Sec. 1107.251. IMPOSITION OF AD VALOREM TAX

6 Sec. 1107.252. TAX RATE

7 Sec. 1107.253. COLLECTION BY COUNTY TAX

8 ASSESSOR-COLLECTOR

9 Sec. 1107.254. ASSESSMENT AND COLLECTION BY DISTRICT

10 TAX ASSESSOR-COLLECTOR

11 CHAPTER 1107. TITUS COUNTY HOSPITAL DISTRICT

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Sec. 1107.001. DEFINITIONS. In this chapter:

14 (1) "Board" means the board of hospital managers of
15 the district.

16 (2) "District" means the Titus County Hospital
17 District.

18 (3) "Manager" means a member of the board. (New.)

19 Sec. 1107.002. AUTHORITY FOR OPERATION. The Titus County
20 Hospital District operates in accordance with Section 9, Article
21 IX, Texas Constitution, and has the powers and responsibilities
22 provided by that section. (Acts 58th Leg., R.S., Ch. 298, Sec. 1
23 (part).)

24 Sec. 1107.003. DISTRICT TERRITORY. The boundaries of the
25 district are coextensive with the boundaries of Titus County.
26 (Acts 58th Leg., R.S., Ch. 298, Sec. 1 (part).)

27 [Sections 1107.004-1107.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

1 Sec. 1107.051. BOARD ELECTION; TERM. (a) The board
2 consists of seven voting managers and one nonvoting manager as
3 follows:
4

5 (1) one voting manager elected from each
6 commissioners precinct of Titus County;

7 (2) three voting managers elected from the district at
8 large; and

9 (3) the chief of the medical staff of the district's
10 principal hospital serving as a nonvoting ex officio manager.

11 (b) The election order must provide for clerks as in county
12 elections and must specify:

13 (1) the date of the election;

14 (2) the location of the polling places;

15 (3) the presiding and alternate election judges for
16 each polling place; and

17 (4) the form of the ballot.

18 (c) The board shall declare the results of the election.

19 (d) Voting managers serve staggered four-year terms.

20 (e) An election shall be held on the uniform election date
21 in May, or another date authorized by law, of each even-numbered
22 year to elect the appropriate number of voting managers. (Acts 58th
23 Leg., R.S., Ch. 298, Secs. 6b(a) (part), (b), (c) (part), 6c(b);
24 Acts 71st Leg., R.S., Ch. 1116, Sec. 2.)

25 Sec. 1107.052. NOTICE OF ELECTION. (a) The board shall
26 give notice of an election of managers by publishing once a week for
27 two consecutive weeks a substantial copy of the election order in a

1 newspaper with general circulation in the district.

2 (b) The first publication of the notice must appear at least
3 30 days before the date set for the election. (Acts 58th Leg.,
4 R.S., Ch. 298, Secs. 6b(a) (part), (c) (part).)

5 Sec. 1107.053. BALLOT PETITION. A person seeking to have
6 the person's name printed on the ballot as a candidate for manager
7 must file with the board secretary a petition requesting that
8 action. The petition must:

9 (1) be signed by at least 10 registered voters who
10 reside in the district;

11 (2) be filed by the deadline imposed by Section
12 144.005, Election Code; and

13 (3) specify the commissioners precinct the candidate
14 seeks to represent or specify that the candidate seeks to represent
15 the district at large. (Acts 58th Leg., R.S., Ch. 298, Sec. 6b(c)
16 (part).)

17 Sec. 1107.054. QUALIFICATIONS FOR CANDIDACY. (a) A
18 candidate for manager must be a resident of the district.

19 (b) A candidate for a commissioners precinct must be a
20 resident of that commissioners precinct. (Acts 58th Leg., R.S.,
21 Ch. 298, Sec. 6b(c) (part).)

22 Sec. 1107.055. BOARD VACANCY. If a vacancy occurs in the
23 office of manager, other than the ex officio manager, the remaining
24 managers shall appoint a manager for the unexpired term. (Acts 58th
25 Leg., R.S., Ch. 298, Sec. 6c(f).)

26 Sec. 1107.056. NONATTENDANCE. The failure of a manager to
27 attend three consecutive regular board meetings causes a vacancy in

1 the manager's office unless the absence is excused by formal action
2 of the board. (Acts 58th Leg., R.S., Ch. 298, Sec. 6 (part).)

3 Sec. 1107.057. OFFICERS. (a) The board shall select from
4 among the managers a presiding officer, who shall preside over the
5 board.

6 (b) A presiding officer pro tem shall preside in the absence
7 of the presiding officer.

8 (c) The district administrator or any manager may be
9 appointed secretary. (Acts 58th Leg., R.S., Ch. 298, Sec. 6
10 (part).)

11 Sec. 1107.058. COMPENSATION. A manager serves without
12 compensation, but the board may establish a system and set the
13 amount of meeting fees for attending board or committee meetings.
14 (Acts 58th Leg., R.S., Ch. 298, Sec. 6 (part).)

15 Sec. 1107.059. LIABILITY INSURANCE. The board may purchase
16 and provide the managers with liability insurance the board
17 considers necessary or advisable to protect the managers from risks
18 that might result from serving on the board. (Acts 58th Leg., R.S.,
19 Ch. 298, Sec. 6 (part).)

20 Sec. 1107.060. QUORUM; VOTING REQUIREMENT. (a) Four
21 managers, not including the ex officio manager, constitute a
22 quorum.

23 (b) A concurrence of a majority of the voting managers
24 present is required in any matter relating to district business.
25 (Acts 58th Leg., R.S., Ch. 298, Sec. 6c(g).)

26 Sec. 1107.061. RECORDS OF PROCEEDINGS. (a) The board shall
27 require the secretary to keep suitable records of all proceedings

1 of each board meeting.

2 (b) After each meeting:

3 (1) the manager presiding at the meeting shall read
4 and sign the record; and

5 (2) the secretary shall attest the record. (Acts 58th
6 Leg., R.S., Ch. 298, Sec. 6 (part).)

7 Sec. 1107.062. PERSONNEL MATTERS; CLOSED MEETING. A member
8 or prospective member of the medical staff or a person who serves or
9 is being considered for a position as a medical director of services
10 or departments in the district is a public officer or employee for
11 purposes of Section 551.074, Government Code. (Acts 58th Leg.,
12 R.S., Ch. 298, Sec. 6f.)

13 Sec. 1107.063. DISTRICT ADMINISTRATOR. (a) The board
14 shall appoint under terms prescribed by the board a general manager
15 qualified by training and experience as the district administrator.

16 (b) The district administrator shall receive the
17 compensation determined by the board.

18 (c) The board may remove the district administrator at any
19 time.

20 (d) Before assuming the duties of district administrator,
21 the administrator must execute a bond payable to the district in an
22 amount of not less than \$10,000 that:

23 (1) is conditioned on the administrator performing
24 well and faithfully the administrator's required duties; and

25 (2) contains any other condition the board requires.
26 (Acts 58th Leg., R.S., Ch. 298, Sec. 6 (part).)

27 Sec. 1107.064. GENERAL DUTIES OF DISTRICT ADMINISTRATOR.

1 Subject to any limitations prescribed by the board, the district
2 administrator shall:

- 3 (1) perform the duties required by the board;
- 4 (2) supervise the work and activities of the district;
- 5 and
- 6 (3) direct the affairs of the district. (Acts 58th
7 Leg., R.S., Ch. 298, Sec. 6 (part).)

8 Sec. 1107.065. ASSISTANT TO DISTRICT ADMINISTRATOR. (a)

9 The board may designate an assistant to the district administrator
10 to discharge a duty or function of the administrator in the event of
11 the administrator's incapacity, absence, or inability to discharge
12 the duty or function.

13 (b) The assistant shall post bond and is subject to the
14 limitations prescribed by board order. (Acts 58th Leg., R.S., Ch.
15 298, Sec. 8.)

16 Sec. 1107.066. APPOINTMENT AND RECRUITMENT OF STAFF AND
17 EMPLOYEES. (a) The board may employ under terms prescribed by the
18 board any employees as considered advisable for the efficient
19 operation of the hospital or hospital system.

20 (b) The board may spend district money, enter into
21 agreements, and take other necessary action to recruit physicians
22 and other persons to serve as the district's medical staff or
23 employees, including:

- 24 (1) advertising and marketing;
- 25 (2) paying travel, recruitment, and relocation
26 expenses; and
- 27 (3) allowing a physician to use space in a district

1 facility or paying the physician a rent subsidy until not later than
2 the first anniversary of the date the physician is first admitted to
3 the district's medical staff.

4 (c) The district may provide a loan or scholarship to a
5 person who:

6 (1) is enrolled in health care education courses; and

7 (2) contractually agrees to practice in or become
8 employed by the district. (Acts 58th Leg., R.S., Ch. 298, Secs. 6
9 (part), 6d(a), (c).)

10 Sec. 1107.067. HEALTH CARE EDUCATIONAL PROGRAMS. The board
11 may spend district money, enter into agreements, and take other
12 necessary action to conduct, participate in, or assist health care
13 educational programs for staff members or employees or potential
14 staff members or employees. (Acts 58th Leg., R.S., Ch. 298, Sec.
15 6d(b).)

16 Sec. 1107.068. LEGAL COUNSEL. (a) The appropriate county,
17 district, or criminal district attorney charged with representing
18 Titus County in civil matters shall represent the district in all
19 legal matters.

20 (b) The district shall contribute sufficient money to the
21 Titus County general fund for the account designated for the
22 appropriate attorney described in Subsection (a) to pay all
23 additional salaries and expenses incurred by the attorney in
24 performing the duties required by the district.

25 (c) The board may employ additional legal counsel the board
26 considers advisable. (Acts 58th Leg., R.S., Ch. 298, Secs. 1
27 (part), 13.)

1 Sec. 1107.069. RETIREMENT PROGRAM. The board may:

2 (1) contract with this state or the federal government
3 as necessary to establish or continue a retirement program for the
4 benefit of district employees; or

5 (2) establish other retirement programs for the
6 benefit of district employees as the board considers necessary and
7 advisable. (Acts 58th Leg., R.S., Ch. 298, Secs. 6 (part), 6c(c).)

8 Sec. 1107.070. SEAL. The board shall have a seal engraved
9 with the district's name to authenticate the acts of the board. The
10 board secretary shall keep the seal. (Acts 58th Leg., R.S., Ch.
11 298, Sec. 6 (part).)

12 [Sections 1107.071-1107.100 reserved for expansion]

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 1107.101. DISTRICT RESPONSIBILITY. The district has
15 full responsibility for providing medical and hospital care for the
16 district's needy and indigent residents. (Acts 58th Leg., R.S.,
17 Ch. 298, Secs. 2 (part), 14 (part).)

18 Sec. 1107.102. RESTRICTION ON COUNTY OR MUNICIPALITY
19 TAXATION. Titus County or a municipality in the county may not
20 impose a tax for hospital purposes. (Acts 58th Leg., R.S., Ch. 298,
21 Sec. 14 (part).)

22 Sec. 1107.103. MANAGEMENT, CONTROL, AND ADMINISTRATION.
23 The board shall manage, control, and administer the district's
24 hospital or hospital system. (Acts 58th Leg., R.S., Ch. 298, Sec. 6
25 (part).)

26 Sec. 1107.104. RULES. The board may adopt rules for the
27 operation of the hospital or hospital system. (Acts 58th Leg.,

1 R.S., Ch. 298, Sec. 6 (part).)

2 Sec. 1107.105. PURCHASING AND ACCOUNTING. (a) The board
3 may prescribe:

4 (1) the method and manner of making purchases and
5 expenditures by and for the district; and

6 (2) all accounting and control procedures.

7 (b) The district shall pay the salaries and expenses
8 necessarily incurred by the board or by an officer or agent of the
9 board in performing a duty prescribed or required by this chapter.

10 (c) An officer, employee, or agent of the board shall
11 perform any function or service prescribed by the board under this
12 section or Section 1107.152. (Acts 58th Leg., R.S., Ch. 298, Sec. 7
13 (part).)

14 Sec. 1107.106. DISTRICT FACILITIES. The board may:

15 (1) purchase or build facilities for medical purposes;
16 and

17 (2) rent the facilities or space in the facilities at a
18 rate sufficient to cover the district's cost. (Acts 58th Leg.,
19 R.S., Ch. 298, Sec. 6e(a).)

20 Sec. 1107.107. PROMOTION OF DISTRICT SERVICES. The board
21 may market or advertise to promote district services, the orderly
22 operation of the district, and the appropriate delivery of health
23 care in the district. (Acts 58th Leg., R.S., Ch. 298, Sec. 6e(b).)

24 Sec. 1107.108. EMINENT DOMAIN. (a) The district may
25 exercise the power of eminent domain to acquire a fee simple or
26 other interest in any type of property, real, personal, or mixed,
27 located in district territory, if the interest is necessary or

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1 convenient to exercise a right, power, privilege, or function
2 conferred on the district by this chapter.

3 (b) The district must exercise the power of eminent domain
4 in the manner provided by Chapter 21, Property Code, except the
5 district is not required to deposit in the trial court money or a
6 bond as provided by Section 21.021(a), Property Code.

7 (c) In a condemnation proceeding brought by the district,
8 the district is not required to:

9 (1) pay in advance or provide a bond for the issuance
10 of a temporary restraining order or a temporary injunction; or

11 (2) provide a bond for costs or a supersedeas bond on
12 an appeal or petition for review. (Acts 58th Leg., R.S., Ch. 298,
13 Sec. 10.)

14 Sec. 1107.109. GIFTS AND ENDOWMENTS. The board may accept
15 for the district a gift or endowment to be held in trust and
16 administered by the board for the purposes and under the
17 directions, limitations, or provisions prescribed in writing by the
18 donor that are not inconsistent with the proper management and
19 objectives of the district. (Acts 58th Leg., R.S., Ch. 298, Sec.
20 16.)

21 Sec. 1107.110. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR
22 CARE AND TREATMENT. The board may contract with:

23 (1) any county for the care and treatment of a sick or
24 injured person of that county; and

25 (2) this state or a federal agency for the care and
26 treatment of a sick or injured person for whom the state or agency
27 is responsible. (Acts 58th Leg., R.S., Ch. 298, Secs. 6 (part),

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1 6c(c).)

2 Sec. 1107.111. PAYMENT FOR TREATMENT; PROCEDURES. (a)

3 When a patient from Titus County is admitted to a district facility,
4 the district administrator shall have an inquiry made into the
5 circumstances of:

- 6 (1) the patient; and
- 7 (2) the patient's relatives legally liable for the
8 patient's support.

9 (b) If the district administrator determines that the
10 patient or those relatives cannot pay for all or part of the
11 patient's care and treatment in the hospital, the amount that
12 cannot be paid becomes a charge against the district.

13 (c) If the district administrator determines that the
14 patient or those relatives can pay for all or part of the patient's
15 care and treatment, the patient or those relatives shall be ordered
16 to pay the district a specified amount each week for the patient's
17 support. The amount ordered must be proportionate to their
18 financial ability and may not exceed the actual per capita cost of
19 maintenance.

20 (d) The district administrator may collect the amount from
21 the patient's estate, or from those relatives legally liable for
22 the patient's support, in the manner provided by law for the
23 collection of expenses of the last illness of a deceased person.

24 (e) If there is a dispute as to the ability to pay, or doubt
25 in the mind of the district administrator, the county court shall
26 hold a hearing and, after calling witnesses, shall:

- 27 (1) resolve the dispute or doubt; and

1 (2) issue any appropriate orders.

2 (f) Either party to the dispute may appeal the order to the
3 district court. (Acts 58th Leg., R.S., Ch. 298, Sec. 15.)

4 Sec. 1107.112. AUTHORITY TO SUE AND BE SUED. The board may
5 sue and be sued. (Acts 58th Leg., R.S., Ch. 298, Sec. 6 (part).)

6 [Sections 1107.113-1107.150 reserved for expansion]

7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

8 Sec. 1107.151. BUDGET. (a) The district administrator,
9 under the direction of the board, shall prepare an annual budget.

10 (b) The budget must be approved by the board. (Acts 58th
11 Leg., R.S., Ch. 298, Sec. 9 (part).)

12 Sec. 1107.152. ANNUAL AUDIT. As soon as practicable after
13 the close of each fiscal year, the board shall have an audit made of
14 the district's books and records for the fiscal year by an
15 independent public accountant. (Acts 58th Leg., R.S., Ch. 298,
16 Sec. 7 (part).)

17 Sec. 1107.153. FINANCIAL REPORT. (a) As soon as
18 practicable after the close of each fiscal year, the district
19 administrator shall prepare a report that includes:

20 (1) a complete sworn statement of:

21 (A) all money and choses in action received by
22 the administrator; and

23 (B) how the money and choses in action were
24 disbursed or otherwise disposed; and

25 (2) the details of district operation during the
26 preceding fiscal year.

27 (b) The district administrator shall make the report to:

1 (1) the board; and

2 (2) the Titus County Commissioners Court. (Acts 58th
3 Leg., R.S., Ch. 298, Sec. 9 (part).)

4 Sec. 1107.154. DEPOSITORY. (a) After advertising in the
5 manner provided by Chapter 252 and Subchapter C, Chapter 262, Local
6 Government Code, the board shall choose by competitive bidding at
7 least one bank to serve as depository for district money.

8 (b) All income received by the district shall be deposited
9 in the district depository. (Acts 58th Leg., R.S., Ch. 298, Secs.
10 3(b) (part), 11 (part).)

11 Sec. 1107.155. WARRANTS. A warrant against district money
12 does not require the signature of the county clerk of Titus County.
13 (Acts 58th Leg., R.S., Ch. 298, Sec. 3(b) (part).)

14 [Sections 1107.156-1107.200 reserved for expansion]

15 SUBCHAPTER E. BONDS

16 Sec. 1107.201. BONDS. The board may issue and sell bonds as
17 district obligations for any purpose relating to:

18 (1) the purchase, construction, acquisition, repair,
19 or renovation of buildings and improvements; and

20 (2) equipping buildings and improvements for hospital
21 purposes. (Acts 58th Leg., R.S., Ch. 298, Secs. 4 (part), 6c(e)
22 (part).)

23 Sec. 1107.202. TAX TO PAY BONDS. (a) An ad valorem tax
24 shall be imposed at a rate sufficient to create an interest and
25 sinking fund to pay the principal of and interest on bonds issued
26 under Section 1107.201 as the bonds mature.

27 (b) The tax required by this section together with any other

1 ad valorem tax imposed for the district may not in any year exceed
2 75 cents on each \$100 valuation of taxable property in the district.
3 (Acts 58th Leg., R.S., Ch. 298, Sec. 4 (part).)

4 Sec. 1107.203. BOND ELECTION. The district may issue bonds
5 only if the bonds are authorized by a majority of the district
6 voters voting at an election called by the board and held in
7 accordance with the provisions of Chapter 1251, Government Code,
8 relating to county bonds. (Acts 58th Leg., R.S., Ch. 298, Secs. 4
9 (part), 6c(e) (part).)

10 Sec. 1107.204. REFUNDING BONDS. (a) District refunding
11 bonds may be issued without an election and in the manner provided
12 by this subchapter to refund outstanding indebtedness issued or
13 assumed by the district.

14 (b) A refunding bond may be:

15 (1) sold, with the proceeds of the refunding bond
16 applied to the payment of outstanding bonds; or

17 (2) exchanged wholly or partly for not less than a
18 similar amount of outstanding bonds and the unpaid matured interest
19 on the bonds. (Acts 58th Leg., R.S., Ch. 298, Sec. 4 (part).)

20 Sec. 1107.205. EXECUTION OF BONDS. The board's presiding
21 officer shall execute the district's bonds in the district's name
22 and the board secretary shall countersign the bonds in the manner
23 provided by Chapter 618, Government Code. (Acts 58th Leg., R.S.,
24 Ch. 298, Secs. 4 (part), 6c(e) (part).)

25 [Sections 1107.206-1107.250 reserved for expansion]

26 SUBCHAPTER F. TAXES

27 Sec. 1107.251. IMPOSITION OF AD VALOREM TAX. (a) The board

1 shall impose a tax on all property in the district subject to
2 district taxation.

3 (b) The board shall impose the tax to:

4 (1) pay the interest on and create a sinking fund for
5 bonds assumed or issued by the district for hospital purposes as
6 provided by this chapter;

7 (2) provide for the operation and maintenance of the
8 hospital or hospital system; and

9 (3) make improvements and additions to the hospital
10 system and acquire necessary sites for improvements and additions
11 by purchase, lease, or condemnation. (Acts 58th Leg., R.S., Ch.
12 298, Secs. 3(a) (part), 6c(d).)

13 Sec. 1107.252. TAX RATE. The board shall impose the tax at
14 a rate not to exceed 75 cents on each \$100 valuation of all property
15 in the district subject to district taxation. (Acts 58th Leg.,
16 R.S., Ch. 298, Sec. 3(a) (part).)

17 Sec. 1107.253. COLLECTION BY COUNTY TAX
18 ASSESSOR-COLLECTOR. Unless the board elects to have district taxes
19 assessed and collected by its own tax assessor-collector under
20 Section 1107.254, the tax assessor-collector of Titus County shall
21 assess and collect taxes imposed by the district. (Acts 58th Leg.,
22 R.S., Ch. 298, Sec. 3(b) (part).)

23 Sec. 1107.254. ASSESSMENT AND COLLECTION BY DISTRICT TAX
24 ASSESSOR-COLLECTOR. (a) The board may elect to employ a tax
25 assessor-collector to assess and collect district taxes by adopting
26 an appropriate resolution before December 1 of any year. The
27 election remains in effect until revoked by a resolution adopted by

1 the board.

2 (b) The district tax assessor-collector must reside in the
3 district.

4 (c) The board shall set the term of employment and
5 compensation for the district tax assessor-collector. (Acts 58th
6 Leg., R.S., Ch. 298, Sec. 3(c) (part).)

7 CHAPTER 1109. TYLER COUNTY HOSPITAL DISTRICT

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 1109.001. DEFINITIONS

10 Sec. 1109.002. AUTHORITY FOR OPERATION

11 Sec. 1109.003. ESSENTIAL PUBLIC FUNCTION

12 Sec. 1109.004. DISTRICT TERRITORY

13 [Sections 1109.005-1109.050 reserved for expansion]

14 SUBCHAPTER B. DISTRICT ADMINISTRATION

15 Sec. 1109.051. BOARD APPOINTMENT; TERM

16 Sec. 1109.052. QUALIFICATIONS FOR OFFICE

17 Sec. 1109.053. BOARD VACANCY

18 Sec. 1109.054. NONATTENDANCE

19 Sec. 1109.055. OFFICERS

20 Sec. 1109.056. COMPENSATION; EXPENSES

21 Sec. 1109.057. DISTRICT ADMINISTRATOR

22 Sec. 1109.058. GENERAL DUTIES OF DISTRICT

23 ADMINISTRATOR

24 Sec. 1109.059. ASSISTANT DISTRICT ADMINISTRATOR;

25 ATTORNEY

26 Sec. 1109.060. APPOINTMENT AND REMOVAL OF STAFF AND

27 EMPLOYEES

- 1 Sec. 1109.061. RETIREMENT BENEFITS
- 2 Sec. 1109.062. SEAL
- 3 [Sections 1109.063-1109.100 reserved for expansion]
- 4 SUBCHAPTER C. POWERS AND DUTIES
- 5 Sec. 1109.101. DISTRICT RESPONSIBILITY
- 6 Sec. 1109.102. RESTRICTION ON COUNTY OR MUNICIPALITY
- 7 TAXATION
- 8 Sec. 1109.103. MANAGEMENT, CONTROL, AND ADMINISTRATION
- 9 Sec. 1109.104. HOSPITAL OR HOSPITAL SYSTEM
- 10 Sec. 1109.105. RULES
- 11 Sec. 1109.106. PURCHASING AND ACCOUNTING
- 12 Sec. 1109.107. DISTRICT PROPERTY, FACILITIES, AND
- 13 EQUIPMENT
- 14 Sec. 1109.108. EMINENT DOMAIN
- 15 Sec. 1109.109. GIFTS AND ENDOWMENTS
- 16 Sec. 1109.110. CONSTRUCTION CONTRACTS
- 17 Sec. 1109.111. OPERATING AND MANAGEMENT CONTRACTS
- 18 Sec. 1109.112. CONTRACTS WITH GOVERNMENTAL ENTITIES
- 19 FOR CARE AND TREATMENT
- 20 Sec. 1109.113. PAYMENT FOR TREATMENT; PROCEDURES
- 21 Sec. 1109.114. REIMBURSEMENT FOR SERVICES
- 22 Sec. 1109.115. AUTHORITY TO SUE AND BE SUED
- 23 [Sections 1109.116-1109.150 reserved for expansion]
- 24 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
- 25 Sec. 1109.151. BUDGET
- 26 Sec. 1109.152. NOTICE; HEARING; ADOPTION OF BUDGET
- 27 Sec. 1109.153. AMENDMENTS TO BUDGET

- 1 Sec. 1109.154. FISCAL YEAR
2 Sec. 1109.155. ANNUAL AUDIT
3 Sec. 1109.156. FINANCIAL REPORT
4 Sec. 1109.157. DEPOSITORY
5 Sec. 1109.158. INVESTMENTS
6 Sec. 1109.159. AUTHORITY TO BORROW MONEY; SECURITY
7 [Sections 1109.160-1109.200 reserved for expansion]
8 SUBCHAPTER E. BONDS
9 Sec. 1109.201. GENERAL OBLIGATION BONDS
10 Sec. 1109.202. TAX TO PAY GENERAL OBLIGATION BONDS
11 Sec. 1109.203. GENERAL OBLIGATION BOND ELECTION
12 Sec. 1109.204. EXECUTION OF GENERAL OBLIGATION BONDS
13 Sec. 1109.205. REVENUE BONDS
14 Sec. 1109.206. REFUNDING BONDS
15 Sec. 1109.207. MATURITY OF BONDS
16 Sec. 1109.208. EXECUTION OF BONDS
17 Sec. 1109.209. BONDS EXEMPT FROM TAXATION
18 [Sections 1109.210-1109.250 reserved for expansion]
19 SUBCHAPTER F. TAXES
20 Sec. 1109.251. IMPOSITION OF AD VALOREM TAX
21 Sec. 1109.252. TAX RATE
22 Sec. 1109.253. TAX ASSESSOR-COLLECTOR
23 [Sections 1109.254-1109.300 reserved for expansion]
24 SUBCHAPTER G. DISSOLUTION
25 Sec. 1109.301. DISSOLUTION; ELECTION
26 Sec. 1109.302. NOTICE OF ELECTION
27 Sec. 1109.303. BALLOT

- 1 Sec. 1109.304. ELECTION RESULTS
- 2 Sec. 1109.305. TRANSFER OR ADMINISTRATION OF ASSETS
- 3 Sec. 1109.306. SALE OR TRANSFER OF ASSETS AND
- 4 LIABILITIES
- 5 Sec. 1109.307. IMPOSITION OF TAX AND RETURN OF SURPLUS
- 6 TAXES
- 7 Sec. 1109.308. REPORT; DISSOLUTION ORDER

8 CHAPTER 1109. TYLER COUNTY HOSPITAL DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 1109.001. DEFINITIONS. In this chapter:

11 (1) "Board" means the board of hospital managers of
12 the district.

13 (2) "Commissioners court" means the Commissioners
14 Court of Tyler County.

15 (3) "District" means the Tyler County Hospital
16 District.

17 (4) "Manager" means a member of the board. (New.)

18 Sec. 1109.002. AUTHORITY FOR OPERATION. The Tyler County
19 Hospital District operates in accordance with Section 9, Article
20 IX, Texas Constitution, and has the powers and responsibilities
21 provided by that section. (Acts 58th Leg., R.S., Ch. 110, Sec. 1
22 (part).)

23 Sec. 1109.003. ESSENTIAL PUBLIC FUNCTION. The district is
24 a public entity performing an essential public function. (Acts
25 58th Leg., R.S., Ch. 110, Sec. 4(e) (part).)

26 Sec. 1109.004. DISTRICT TERRITORY. The boundaries of the
27 district are coextensive with the boundaries of Tyler County.

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1 (Acts 58th Leg., R.S., Ch. 110, Sec. 1 (part).)

2 [Sections 1109.005-1109.050 reserved for expansion]

3 SUBCHAPTER B. DISTRICT ADMINISTRATION

4 Sec. 1109.051. BOARD APPOINTMENT; TERM. (a) The board
5 consists of:

6 (1) six managers appointed by the commissioners court;

7 and

8 (2) the county judge of Tyler County as an ex officio
9 manager.

10 (b) Appointed managers serve two-year terms. The terms may
11 overlap. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(a) (part).)

12 Sec. 1109.052. QUALIFICATIONS FOR OFFICE. (a) To serve as
13 a manager, a person must be a resident and qualified voter of the
14 district.

15 (b) A district employee may not serve as a manager. (Acts
16 58th Leg., R.S., Ch. 110, Sec. 6(a) (part).)

17 Sec. 1109.053. BOARD VACANCY. The commissioners court
18 shall fill a vacancy on the board by appointment. (Acts 58th Leg.,
19 R.S., Ch. 110, Sec. 6(a) (part).)

20 Sec. 1109.054. NONATTENDANCE. The failure of a manager to
21 attend three consecutive regular board meetings causes a vacancy in
22 the manager's office unless the absence is excused by formal action
23 of the board. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(a) (part).)

24 Sec. 1109.055. OFFICERS. (a) The board shall elect from
25 among its members a president, who shall preside, and a vice
26 president, who shall preside in the president's absence.

27 (b) The board shall appoint a secretary, who need not be a

1 manager.

2 (c) Each officer serves a one-year term.

3 (d) The board shall fill a vacancy in a board office for the
4 unexpired term. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(h) (part).)

5 Sec. 1109.056. COMPENSATION; EXPENSES. A manager serves
6 without compensation but may be reimbursed for actual and necessary
7 travel and other expenses incurred in the performance of the
8 manager's duties as determined by the board. The reimbursed
9 expenses must be reported in the district's records. (Acts 58th
10 Leg., R.S., Ch. 110, Sec. 6(a) (part).)

11 Sec. 1109.057. DISTRICT ADMINISTRATOR. (a) The board may
12 appoint a person qualified by training and experience as district
13 administrator.

14 (b) The district administrator serves at the will of the
15 board and receives compensation as may be determined by the board.

16 (c) The board may require the district administrator,
17 before assuming the administrator's duties, to execute a bond
18 payable to the district in an amount set by the board of not less
19 than \$5,000 that:

20 (1) is conditioned on the faithful performance of the
21 administrator's duties; and

22 (2) contains other conditions the board may require.
23 (Acts 58th Leg., R.S., Ch. 110, Sec. 6(b) (part).)

24 Sec. 1109.058. GENERAL DUTIES OF DISTRICT ADMINISTRATOR.
25 Subject to any limitations prescribed by the board, the district
26 administrator shall:

27 (1) perform the duties required by the board;

1 (2) supervise the work and activities of the district;
2 and

3 (3) direct the affairs of the district. (Acts 58th
4 Leg., R.S., Ch. 110, Sec. 6(b) (part).)

5 Sec. 1109.059. ASSISTANT DISTRICT ADMINISTRATOR; ATTORNEY.

6 (a) The board may appoint an assistant district administrator and
7 an attorney.

8 (b) The assistant district administrator and the attorney
9 serve at the will of the board and receive compensation as may be
10 determined by the board. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(b)
11 (part).)

12 Sec. 1109.060. APPOINTMENT AND REMOVAL OF STAFF AND
13 EMPLOYEES. (a) The board may appoint to and remove from the staff
14 any doctors and employ any other employees considered advisable for
15 the efficient operation of the district's hospital or hospital
16 system.

17 (b) The board may delegate to the district administrator the
18 authority to hire employees.

19 (c) The board may spend district money to recruit
20 physicians, nurses, and other trained medical personnel. The board
21 may pay the tuition or other expenses of a full-time medical student
22 or other student in a health occupation who:

23 (1) is enrolled in and is in good standing at an
24 accredited medical school, college, or university; and

25 (2) contractually agrees to become a district employee
26 or independent contractor in return for that assistance. (Acts
27 58th Leg., R.S., Ch. 110, Secs. 6(c), (d) (part).)

1 Sec. 1109.061. RETIREMENT BENEFITS. The board may provide
2 retirement benefits for district employees by:

3 (1) establishing or administering a retirement
4 program; or

5 (2) participating in:

6 (A) the Texas County and District Retirement
7 System; or

8 (B) another statewide retirement system in which
9 the district is eligible to participate. (Acts 58th Leg., R.S., Ch.
10 110, Sec. 6(d) (part).)

11 Sec. 1109.062. SEAL. The board shall have a seal engraved
12 with the district's name to authenticate the acts of the board. The
13 board secretary shall keep the seal. (Acts 58th Leg., R.S., Ch.
14 110, Sec. 6(h) (part).)

15 [Sections 1109.063-1109.100 reserved for expansion]

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 1109.101. DISTRICT RESPONSIBILITY. The district has
18 full responsibility for providing medical and hospital care for the
19 district's needy and indigent residents. (Acts 58th Leg., R.S.,
20 Ch. 110, Secs. 2 (part), 14 (part).)

21 Sec. 1109.102. RESTRICTION ON COUNTY OR MUNICIPALITY
22 TAXATION. Tyler County or a municipality in the county may not
23 impose a tax for hospital purposes. (Acts 58th Leg., R.S., Ch. 110,
24 Secs. 1 (part), 14 (part).)

25 Sec. 1109.103. MANAGEMENT, CONTROL, AND ADMINISTRATION.
26 The board shall manage, control, and administer:

27 (1) the district's hospital or hospital system; and

1 (2) the district's business, funds, and resources.
2 (Acts 58th Leg., R.S., Ch. 110, Sec. 6(a) (part).)

3 Sec. 1109.104. HOSPITAL OR HOSPITAL SYSTEM. (a) The
4 district shall provide for the establishment, administration,
5 maintenance, operation, and financing of a hospital or hospital
6 system in the district.

7 (b) The district may provide any services or facilities
8 necessary for hospital or medical care, including:

- 9 (1) rural health clinics;
10 (2) outpatient clinics;
11 (3) nursing homes;
12 (4) home health care agencies;
13 (5) extended care facilities;
14 (6) assisted living or personal care facilities; and
15 (7) retirement, housing, and medical office
16 buildings. (Acts 58th Leg., R.S., Ch. 110, Sec. 2 (part).)

17 Sec. 1109.105. RULES. The board may adopt rules for the
18 operation of the hospital or hospital system. (Acts 58th Leg.,
19 R.S., Ch. 110, Sec. 6(a) (part).)

20 Sec. 1109.106. PURCHASING AND ACCOUNTING. (a) The board
21 may prescribe:

- 22 (1) the method and manner of making purchases and
23 expenditures by and for the district; and
24 (2) all accounting and control procedures.

25 (b) The district shall pay the salaries and expenses
26 necessarily incurred by the board or by an officer or agent of the
27 board in performing a duty prescribed or required by this section or

1 Section 1109.155.

2 (c) An officer, employee, or agent of the board shall
3 perform any function or service prescribed by the board under this
4 section or Section 1109.155. (Acts 58th Leg., R.S., Ch. 110, Sec. 7
5 (part).)

6 Sec. 1109.107. DISTRICT PROPERTY, FACILITIES, AND
7 EQUIPMENT. (a) The board shall determine:

8 (1) the type, number, and location of buildings
9 required to maintain an adequate hospital system; and

10 (2) the type of equipment necessary for hospital care.

11 (b) The board may:

12 (1) acquire by purchase or lease property, including
13 facilities and equipment, for the district to use in the hospital
14 system; and

15 (2) mortgage or pledge the property as security for
16 the payment of the purchase price.

17 (c) The board may lease district hospital facilities to or
18 from individuals, companies, corporations, or other legal
19 entities.

20 (d) The board may sell or otherwise dispose of property,
21 including facilities and equipment. (Acts 58th Leg., R.S., Ch.
22 110, Sec. 6(e) (part).)

23 Sec. 1109.108. EMINENT DOMAIN. (a) The district may
24 exercise the power of eminent domain to acquire a fee simple or
25 other interest in any type of property, real, personal, or mixed,
26 located in district territory, if the interest is necessary or
27 convenient to exercise a right, power, privilege, or function

1 conferred on the district by this chapter.

2 (b) The district must exercise the power of eminent domain
3 in the manner provided by Chapter 21, Property Code, except the
4 district is not required to deposit in the trial court money or a
5 bond as required by Section 21.021(a), Property Code.

6 (c) In a condemnation proceeding brought by the district,
7 the district is not required to:

8 (1) pay in advance or provide a bond for the issuance
9 of a temporary restraining order or a temporary injunction; or

10 (2) provide a bond for costs or a supersedeas bond on
11 an appeal or petition for review. (Acts 58th Leg., R.S., Ch. 110,
12 Sec. 10.)

13 Sec. 1109.109. GIFTS AND ENDOWMENTS. The board may accept
14 for the district a gift or endowment to be held in trust and
15 administered by the board for the purposes and under the
16 directions, limitations, or provisions prescribed in writing by the
17 donor that are not inconsistent with the proper management and
18 objectives of the district. (Acts 58th Leg., R.S., Ch. 110, Sec.
19 16.)

20 Sec. 1109.110. CONSTRUCTION CONTRACTS. The board may enter
21 into construction contracts for the district. (Acts 58th Leg.,
22 R.S., Ch. 110, Sec. 6(e) (part).)

23 Sec. 1109.111. OPERATING AND MANAGEMENT CONTRACTS. The
24 board may enter into an operating or management contract relating
25 to a hospital facility. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(e)
26 (part).)

27 Sec. 1109.112. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR

1 CARE AND TREATMENT. The board, with the approval of the
2 commissioners court, may contract with:

3 (1) any county for the care and treatment of a sick or
4 injured person of that county; and

5 (2) this state or a federal agency for the care and
6 treatment of a sick or injured person for whom the state or agency
7 is responsible. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(g) (part).)

8 Sec. 1109.113. PAYMENT FOR TREATMENT; PROCEDURES. (a)
9 When a patient who resides in the district is admitted to a district
10 facility, the district administrator shall have an inquiry made
11 into the financial circumstances of:

12 (1) the patient; and

13 (2) the patient's relatives legally responsible for
14 the patient's support.

15 (b) The district without charge shall provide to a patient
16 who resides in the district the care and treatment for which the
17 patient or those relatives cannot pay.

18 (c) If the district administrator determines that the
19 patient or those relatives cannot pay for all or part of the
20 patient's care and treatment in the hospital, the amount of the
21 costs that cannot be paid becomes a charge against the district.

22 (d) If the district administrator determines that the
23 patient or those relatives can pay for all or part of the care and
24 treatment provided by the district, the district administrator
25 shall report that determination to the board, and the board shall
26 issue an order directing the patient or those relatives to pay the
27 district a specified amount each week for the patient's support.

1 The amount ordered must be proportionate to the person's financial
2 ability and may not exceed the actual per capita cost of
3 maintenance.

4 (e) The district administrator may collect the amount from
5 the patient's estate, or from any relative legally responsible for
6 the patient's support, in the manner provided by law for the
7 collection of expenses of the last illness of a deceased person.

8 (f) If there is a dispute as to the ability to pay, or doubt
9 in the mind of the district administrator concerning the ability to
10 pay, the county court shall hold a hearing and, after calling
11 witnesses, shall:

12 (1) resolve the dispute or doubt; and

13 (2) issue any appropriate order.

14 (g) Either party to the dispute may appeal the order to the
15 district court. (Acts 58th Leg., R.S., Ch. 110, Secs. 15(a) (part),
16 (b).)

17 Sec. 1109.114. REIMBURSEMENT FOR SERVICES. (a) The board
18 shall require a county, municipality, or public hospital located
19 outside the district to reimburse the district for the district's
20 care or treatment of a sick or injured person for whom that county,
21 municipality, or public hospital has an obligation to provide care,
22 as provided by Chapter 61, Health and Safety Code.

23 (b) The board shall seek reimbursement under Article
24 104.002, Code of Criminal Procedure, for the district's care or
25 treatment of a person who is confined in a Tyler County jail
26 facility and is not a district resident. (Acts 58th Leg., R.S., Ch.
27 110, Sec. 6(g) (part).)

1 Sec. 1109.115. AUTHORITY TO SUE AND BE SUED. The board may
2 sue and be sued. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(a) (part).)

3 [Sections 1109.116-1109.150 reserved for expansion]

4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

5 Sec. 1109.151. BUDGET. (a) The district administrator,
6 under the direction of the board, shall prepare a proposed annual
7 budget.

8 (b) The budget must be approved by the board. (Acts 58th
9 Leg., R.S., Ch. 110, Sec. 9(b) (part).)

10 Sec. 1109.152. NOTICE; HEARING; ADOPTION OF BUDGET. (a)
11 The board shall publish notice of a public hearing on the proposed
12 annual budget. The notice must be published in a newspaper of
13 general circulation in the district one time before the 10th day
14 before the date of the hearing.

15 (b) The board shall adopt a budget by acting on the budget
16 proposed by the district administrator.

17 (c) The budget is effective only after adoption by the
18 board. (Acts 58th Leg., R.S., Ch. 110, Sec. 9(b) (part).)

19 Sec. 1109.153. AMENDMENTS TO BUDGET. The budget may be
20 amended on the board's approval. (Acts 58th Leg., R.S., Ch. 110,
21 Sec. 9(b) (part).)

22 Sec. 1109.154. FISCAL YEAR. (a) The district operates
23 according to a fiscal year established by the board.

24 (b) The fiscal year may not be changed:

25 (1) when revenue bonds are outstanding; or

26 (2) more than once in a 24-month period. (Acts 58th
27 Leg., R.S., Ch. 110, Sec. 8.)

1 Sec. 1109.155. ANNUAL AUDIT. As soon as practicable after
2 the close of each fiscal year, the board shall have an audit made of
3 the district's financial condition for the fiscal year by an
4 independent public accountant. (Acts 58th Leg., R.S., Ch. 110,
5 Sec. 7 (part).)

6 Sec. 1109.156. FINANCIAL REPORT. (a) As soon as
7 practicable after the close of each fiscal year, the district
8 administrator shall prepare a report that includes:

9 (1) a complete sworn statement of:

10 (A) all money and choses in action received by
11 the administrator; and

12 (B) how the money and choses in action were
13 disbursed or otherwise disposed; and

14 (2) the details of district operation during the
15 preceding fiscal year.

16 (b) The district administrator shall make the report to:

17 (1) the board; and

18 (2) the commissioners court. (Acts 58th Leg., R.S.,
19 Ch. 110, Sec. 9(a).)

20 Sec. 1109.157. DEPOSITORY. Every two years, the board
21 shall select a depository for the district to secure all district
22 money in the manner provided for securing county funds. (Acts 58th
23 Leg., R.S., Ch. 110, Sec. 11 (part).)

24 Sec. 1109.158. INVESTMENTS. The board may purchase, sell,
25 and invest district funds in investments authorized by Chapter
26 2256, Government Code. (Acts 58th Leg., R.S., Ch. 110, Sec. 11
27 (part).)

1 Sec. 1109.159. AUTHORITY TO BORROW MONEY; SECURITY. (a)
2 The board may borrow money at a rate not to exceed the maximum
3 annual percentage rate allowed by law for district obligations at
4 the time the loan is made if the board declares that:

5 (1) money is not available to meet authorized
6 obligations of the district; and

7 (2) an emergency exists.

8 (b) To secure a loan, the board may pledge:

9 (1) district revenue that is not pledged to pay the
10 district's bonded indebtedness;

11 (2) a district tax to be imposed by the district in the
12 next 12-month period that is not pledged to pay the principal of or
13 interest on district bonds; or

14 (3) a district bond that has been authorized but not
15 sold.

16 (c) A loan for which taxes or bonds are pledged must mature
17 not later than the first anniversary of the date the loan is made. A
18 loan for which district revenue is pledged must mature not later
19 than the fifth anniversary of the date the loan is made.

20 (d) The board may not spend money obtained from a loan under
21 this section for any purpose other than:

22 (1) the purpose for which the board declared an
23 emergency; and

24 (2) if district taxes or bonds are pledged to pay the
25 loan, the purposes for which the taxes were imposed or the bonds
26 were authorized. (Acts 58th Leg., R.S., Ch. 110, Sec. 21.)

27 [Sections 1109.160-1109.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1109.201. GENERAL OBLIGATION BONDS. The commissioners court may issue and sell general obligation bonds of the district for any purpose relating to:

(1) purchasing, constructing, acquiring, repairing, or renovating buildings and improvements;

(2) equipping buildings and improvements;

(3) acquiring or operating a mobile emergency medical service; and

(4) hospital purposes. (Acts 58th Leg., R.S., Ch. 110, Sec. 4(a) (part).)

Sec. 1109.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a) An ad valorem tax shall be imposed at a rate sufficient to create an interest and sinking fund to pay the principal of and interest on bonds issued under Section 1109.201 as the bonds mature.

(b) The tax required by this section together with any other ad valorem tax imposed for the district may not in any year exceed 75 cents on each \$100 valuation of all taxable property in the district. (Acts 58th Leg., R.S., Ch. 110, Sec. 4(a) (part).)

Sec. 1109.203. GENERAL OBLIGATION BOND ELECTION. (a) The district may issue general obligation bonds only if the bonds are authorized by a majority of the district voters voting at an election held in accordance with the provisions of Chapter 1251, Government Code, relating to county bonds.

(b) The commissioners court:

(1) may call the election on its own motion; or

(2) shall call the election at the request of the

1 board.

2 (c) The cost of the bond election is a charge on the
3 district, and the district must provide for the payment of the bond
4 election costs before the commissioners court is required to order
5 an election. (Acts 58th Leg., R.S., Ch. 110, Sec. 4(a) (part).)

6 Sec. 1109.204. EXECUTION OF GENERAL OBLIGATION BONDS. (a)
7 The county judge of Tyler County shall execute the general
8 obligation bonds in the district's name.

9 (b) The county clerk of Tyler County shall countersign the
10 bonds. (Acts 58th Leg., R.S., Ch. 110, Sec. 4(a) (part).)

11 Sec. 1109.205. REVENUE BONDS. (a) The district may issue
12 revenue bonds to:

13 (1) purchase, construct, acquire, repair, or renovate
14 buildings and improvements;

15 (2) equip buildings and improvements for the hospital
16 or hospital system;

17 (3) acquire sites to be used for hospital purposes; or

18 (4) acquire and operate a mobile emergency medical
19 service to assist the district in carrying out its purposes.

20 (b) The bonds must be payable from and secured by a pledge of
21 all or part of the revenue derived from the operation of the
22 district's hospital system.

23 (c) The bonds may be additionally secured by a mortgage or
24 deed of trust lien on all or part of the district property.

25 (d) The district shall issue revenue bonds in the manner
26 provided by Sections 264.042, 264.043, 264.046, 264.047, 264.048,
27 and 264.049, Health and Safety Code. (Acts 58th Leg., R.S., Ch.

1 110, Sec. 4(c).)

2 Sec. 1109.206. REFUNDING BONDS. (a) The district may,
3 without an election, issue refunding bonds to refund any bonds
4 issued or assumed by the district.

5 (b) A refunding bond may be:

6 (1) sold, with the proceeds of the refunding bond
7 applied to the payment of the outstanding bonds; or

8 (2) exchanged wholly or partly for not less than a
9 similar principal amount of the outstanding bonds. (Acts 58th
10 Leg., R.S., Ch. 110, Secs. 4(a) (part), (b) (part).)

11 Sec. 1109.207. MATURITY OF BONDS. District bonds must
12 mature not later than 40 years after the date of issuance. (Acts
13 58th Leg., R.S., Ch. 110, Sec. 4(g) (part).)

14 Sec. 1109.208. EXECUTION OF BONDS. The board president
15 shall execute district bonds in the district's name, and the board
16 secretary shall countersign the bonds in the manner provided by
17 Chapter 618, Government Code. (Acts 58th Leg., R.S., Ch. 110, Sec.
18 4(d).)

19 Sec. 1109.209. BONDS EXEMPT FROM TAXATION. The following
20 are exempt from taxation by this state or a political subdivision of
21 this state:

22 (1) bonds issued by the district;

23 (2) any transaction relating to the bonds; and

24 (3) profits made in the sale of the bonds. (Acts 58th
25 Leg., R.S., Ch. 110, Sec. 4(e) (part).)

26 [Sections 1109.210-1109.250 reserved for expansion]

SUBCHAPTER F. TAXES

1
2 Sec. 1109.251. IMPOSITION OF AD VALOREM TAX. (a) The
3 commissioners court shall impose a tax for the benefit of the
4 district on all property in the district subject to district
5 taxation.

6 (b) The commissioners court shall impose the tax to:

7 (1) pay the interest on and create a sinking fund for
8 general obligation bonds assumed or issued by the district for
9 hospital purposes as provided by this chapter;

10 (2) provide for the operation and maintenance of the
11 hospital or hospital system; and

12 (3) when requested by the board and approved by the
13 commissioners court, make improvements and additions to the
14 hospital system, and acquire necessary sites for the hospital
15 system by purchase, lease, or condemnation.

16 (c) The district may not impose a tax to pay the principal of
17 or interest on revenue bonds. (Acts 58th Leg., R.S., Ch. 110, Secs.
18 3 (part), 4(f) (part).)

19 Sec. 1109.252. TAX RATE. The commissioners court shall
20 impose the tax at a rate not to exceed 75 cents on each \$100
21 valuation of all taxable property in the district. (Acts 58th Leg.,
22 R.S., Ch. 110, Sec. 3 (part).)

23 Sec. 1109.253. TAX ASSESSOR-COLLECTOR. The board may
24 provide for the appointment of a tax assessor-collector for the
25 district or may contract for the assessment and collection of taxes
26 as provided by the Tax Code. (Acts 58th Leg., R.S., Ch. 110, Sec.
27 4(f) (part).)

1 [Sections 1109.254-1109.300 reserved for expansion]

2 SUBCHAPTER G. DISSOLUTION

3 Sec. 1109.301. DISSOLUTION; ELECTION. (a) The district
4 may be dissolved only on approval of a majority of the district
5 voters voting in an election held for that purpose.

6 (b) The board may order an election on the question of
7 dissolving the district and disposing of the district's assets and
8 obligations.

9 (c) The board shall order an election if the board receives
10 a petition requesting an election that is signed by at least 15
11 percent of the registered district voters.

12 (d) The order calling the election must state:

13 (1) the nature of the election, including the
14 proposition to appear on the ballot;

15 (2) the date of the election;

16 (3) the hours during which the polls will be open; and

17 (4) the location of the polling places.

18 (e) Section 41.001(a), Election Code, does not apply to an
19 election ordered under this section. (Acts 58th Leg., R.S., Ch.
20 110, Secs. 22(a), (b) (part).)

21 Sec. 1109.302. NOTICE OF ELECTION. (a) The board shall
22 give notice of an election under this subchapter by publishing once
23 a week for two consecutive weeks a copy of the election order in a
24 newspaper with general circulation in the district.

25 (b) The first publication of notice must appear before the
26 35th day before the date set for the election. (Acts 58th Leg.,
27 R.S., Ch. 110, Sec. 22(c) (part).)

S.B. No. 1026

1 Sec. 1109.303. BALLOT. The ballot for an election under
2 this subchapter must be printed to permit voting for or against the
3 proposition: "The dissolution of the Tyler County Hospital
4 District." (Acts 58th Leg., R.S., Ch. 110, Sec. 22(c) (part).)

5 Sec. 1109.304. ELECTION RESULTS. (a) If a majority of the
6 district voters favor dissolution, the board shall find that the
7 district is dissolved.

8 (b) If the board finds that the election results do not
9 favor the proposition to dissolve the district, another dissolution
10 election may not be held before the first anniversary of the date of
11 the most recent election to dissolve the district. (Acts 58th Leg.,
12 R.S., Ch. 110, Secs. 22(d) (part), (g).)

13 Sec. 1109.305. TRANSFER OR ADMINISTRATION OF ASSETS. (a)
14 If a majority of the district voters favor dissolution, the board
15 shall:

16 (1) transfer the land, buildings, improvements,
17 equipment, and other assets that belong to the district to Tyler
18 County or another governmental entity in Tyler County; or

19 (2) administer the property, assets, and debts until
20 all money has been disposed of and all district debts have been paid
21 or settled.

22 (b) If the board makes the transfer under Subsection (a)(1),
23 the county or entity assumes all debts and obligations of the
24 district at the time of the transfer, and the district is dissolved.
25 (Acts 58th Leg., R.S., Ch. 110, Secs. 22(d) (part), (f).)

26 Sec. 1109.306. SALE OR TRANSFER OF ASSETS AND LIABILITIES.
27 (a) Notwithstanding any other provision of this subchapter, the

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1 district may not be dissolved unless the board provides for the sale
2 or transfer of the district's assets and liabilities to another
3 person.

4 (b) The dissolution of the district and the sale or transfer
5 of the district's assets or liabilities may not:

6 (1) contravene a trust indenture or bond resolution
7 relating to the district's outstanding bonds; or

8 (2) diminish or impair the rights of a holder of an
9 outstanding bond, warrant, or other obligation of the district.

10 (c) The sale or transfer of the district's assets and
11 liabilities must satisfy the debt and bond obligations of the
12 district in a manner that protects the interests of district
13 residents, including the residents' collective property rights in
14 the district's assets.

15 (d) The district may transfer or dispose of the district's
16 assets only for due compensation, unless the transfer is made to
17 another governmental agency embracing the district and using the
18 transferred assets for the benefit of residents formerly in the
19 district.

20 (e) A grant from federal funds is an obligation to be repaid
21 in satisfaction. (Acts 58th Leg., R.S., Ch. 110, Secs. 22(k), (l).)

22 Sec. 1109.307. IMPOSITION OF TAX AND RETURN OF SURPLUS
23 TAXES. (a) After the board finds that the district is dissolved,
24 the board shall:

25 (1) determine the debt owed by the district; and

26 (2) impose on the property included in the district's
27 tax roll a tax that is in proportion of the debt to the property

1 value.

2 (b) On the payment of all outstanding debts and obligations
3 of the district, the board shall order the board secretary to return
4 to each district taxpayer the taxpayer's pro rata share of all
5 unused tax money.

6 (c) A taxpayer may request that the taxpayer's share of
7 surplus tax money be credited to the taxpayer's county taxes. If a
8 taxpayer requests the credit, the board shall direct the board
9 secretary to transmit the money to the Tyler County tax
10 assessor-collector. (Acts 58th Leg., R.S., Ch. 110, Secs. 22(e),
11 (h).)

12 Sec. 1109.308. REPORT; DISSOLUTION ORDER. (a) After the
13 district has paid all district debts and has disposed of all
14 district money and other assets as prescribed by this subchapter,
15 the board shall file a written report with the commissioners court
16 summarizing the board's actions in dissolving the district.

17 (b) Not later than the 10th day after the date the
18 commissioners court receives the report and determines that the
19 requirements of this subchapter have been fulfilled, the
20 commissioners court shall enter an order:

21 (1) dissolving the district; and

22 (2) disbanding and releasing the board from any
23 further duty or obligation. (Acts 58th Leg., R.S., Ch. 110, Secs.
24 22(i), (j).)

25 CHAPTER 1110. VAL VERDE COUNTY HOSPITAL DISTRICT

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Sec. 1110.001. DEFINITIONS

- 1 Sec. 1110.002. AUTHORITY FOR OPERATION
2 Sec. 1110.003. ESSENTIAL PUBLIC FUNCTION
3 Sec. 1110.004. DISTRICT TERRITORY
4 Sec. 1110.005. CORRECTION OF INVALID PROCEDURES
5 Sec. 1110.006. DISTRICT SUPPORT AND MAINTENANCE NOT
6 STATE OBLIGATION
7 Sec. 1110.007. RESTRICTION ON STATE FINANCIAL
8 ASSISTANCE
9 [Sections 1110.008-1110.050 reserved for expansion]
10 SUBCHAPTER B. DISTRICT ADMINISTRATION
11 Sec. 1110.051. BOARD ELECTION; TERM
12 Sec. 1110.052. QUALIFICATIONS FOR OFFICE
13 Sec. 1110.053. EX OFFICIO DIRECTOR
14 Sec. 1110.054. BALLOT PETITION
15 Sec. 1110.055. NOTICE OF ELECTION
16 Sec. 1110.056. BOARD VACANCY
17 Sec. 1110.057. OFFICERS
18 Sec. 1110.058. COMPENSATION
19 Sec. 1110.059. BOND; RECORD OF BOND AND OATH
20 Sec. 1110.060. VOTING REQUIREMENT
21 Sec. 1110.061. BOARD MEETINGS
22 Sec. 1110.062. DISTRICT ADMINISTRATOR; ASSISTANT
23 ADMINISTRATOR
24 Sec. 1110.063. GENERAL DUTIES OF DISTRICT
25 ADMINISTRATOR
26 Sec. 1110.064. APPOINTMENT OF STAFF AND EMPLOYEES
27 Sec. 1110.065. SENIORITY; RETIREMENT BENEFITS

[Sections 1110.066-1110.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1110.101. DISTRICT RESPONSIBILITY

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Sec. 1110.111. CONTRACTS WITH GOVERNMENTAL ENTITIES

FOR CARE AND TREATMENT

Sec. 1110.112. CONTRACTS WITH GOVERNMENTAL ENTITIES

FOR INVESTIGATORY OR OTHER SERVICES

Sec. 1110.113. PAYMENT FOR TREATMENT; PROCEDURES

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SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1110.151. BUDGET

- 1 Sec. 1110.152. PROPOSED BUDGET: NOTICE AND HEARING;
- 2 APPROVAL OF BUDGET
- 3 Sec. 1110.153. AMENDMENTS TO BUDGET
- 4 Sec. 1110.154. RESTRICTION ON EXPENDITURES
- 5 Sec. 1110.155. FISCAL YEAR
- 6 Sec. 1110.156. ANNUAL AUDIT
- 7 Sec. 1110.157. INSPECTION OF AUDIT AND DISTRICT
- 8 RECORDS
- 9 Sec. 1110.158. FINANCIAL REPORT
- 10 Sec. 1110.159. DEPOSITORY
- 11 Sec. 1110.160. SPENDING AND INVESTMENT RESTRICTIONS
- 12 [Sections 1110.161-1110.200 reserved for expansion]
- 13 SUBCHAPTER E. BONDS
- 14 Sec. 1110.201. GENERAL OBLIGATION BONDS
- 15 Sec. 1110.202. TAX TO PAY GENERAL OBLIGATION BONDS
- 16 Sec. 1110.203. GENERAL OBLIGATION BOND ELECTION
- 17 Sec. 1110.204. REVENUE BONDS
- 18 Sec. 1110.205. REFUNDING BONDS
- 19 Sec. 1110.206. MATURITY OF BONDS
- 20 Sec. 1110.207. EXECUTION OF BONDS
- 21 Sec. 1110.208. BONDS EXEMPT FROM TAXATION
- 22 [Sections 1110.209-1110.250 reserved for expansion]
- 23 SUBCHAPTER F. TAXES
- 24 Sec. 1110.251. IMPOSITION OF AD VALOREM TAX
- 25 Sec. 1110.252. TAX RATE

1 CHAPTER 1110. VAL VERDE COUNTY HOSPITAL DISTRICT

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Sec. 1110.001. DEFINITIONS. In this chapter:

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

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

7 (3) "District" means the Val Verde County Hospital
8 District. (New.)

9 Sec. 1110.002. AUTHORITY FOR OPERATION. The Val Verde
10 County Hospital District operates in accordance with Section 9,
11 Article IX, Texas Constitution, and has the rights, powers, and
12 duties provided by that section and this chapter. (Acts 64th Leg.,
13 R.S., Ch. 658, Sec. 1 (part).)

14 Sec. 1110.003. ESSENTIAL PUBLIC FUNCTION. The district
15 performs an essential public function in carrying out the purposes
16 of this chapter. (Acts 64th Leg., R.S., Ch. 658, Sec. 21 (part).)

17 Sec. 1110.004. DISTRICT TERRITORY. The boundaries of the
18 district are coextensive with the boundaries of Val Verde County,
19 Texas. (Acts 64th Leg., R.S., Ch. 658, Sec. 1 (part).)

20 Sec. 1110.005. CORRECTION OF INVALID PROCEDURES. If a
21 court holds that any procedure under this chapter violates the
22 constitution of this state or of the United States, the district by
23 resolution may provide an alternative procedure that conforms with
24 the constitution. (Acts 64th Leg., R.S., Ch. 658, Sec. 23 (part).)

25 Sec. 1110.006. DISTRICT SUPPORT AND MAINTENANCE NOT STATE
26 OBLIGATION. The support and maintenance of the district may not
27 become a charge against or obligation of this state. (Acts 64th

1 Leg., R.S., Ch. 658, Sec. 20 (part).)

2 Sec. 1110.007. RESTRICTION ON STATE FINANCIAL ASSISTANCE.

3 The legislature may not make a direct appropriation for the
4 construction, maintenance, or improvement of a district facility.

5 (Acts 64th Leg., R.S., Ch. 658, Sec. 20 (part).)

6 [Sections 1110.008-1110.050 reserved for expansion]

7 SUBCHAPTER B. DISTRICT ADMINISTRATION

8 Sec. 1110.051. BOARD ELECTION; TERM. (a) The board
9 consists of seven directors elected as follows:

10 (1) one director elected from each county
11 commissioners precinct; and

12 (2) three directors elected from the district at
13 large.

14 (b) A district voter may vote on the directors to be elected
15 at large and on the director to be elected from the precinct in
16 which the voter resides.

17 (c) On the May uniform election date of each even-numbered
18 year or another date authorized by law, the appropriate number of
19 directors shall be elected.

20 (d) Directors serve staggered four-year terms. (Acts 64th
21 Leg., R.S., Ch. 658, Secs. 4(a) (part), (c) (part).)

22 Sec. 1110.052. QUALIFICATIONS FOR OFFICE. (a) A person may
23 not be elected or appointed as a director unless the person is:

24 (1) at least 18 years of age at the time of the
25 appointment or election;

26 (2) a resident of the district; and

27 (3) a qualified voter.

1 (b) A director who represents a county commissioners
2 precinct must be a resident of that precinct. (Acts 64th Leg.,
3 R.S., Ch. 658, Sec. 4(a) (part).)

4 Sec. 1110.053. EX OFFICIO DIRECTOR. The chief of staff may
5 serve as an ex officio director without the right to vote as a
6 director. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(a) (part).)

7 Sec. 1110.054. BALLOT PETITION. A person who wants to have
8 the person's name printed on the ballot as a candidate for director
9 must file with the board secretary a petition requesting that
10 action. The petition must be:

- 11 (1) signed by at least 10 registered voters; and
12 (2) filed by the deadline imposed by Section 144.005,
13 Election Code. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(c) (part).)

14 Sec. 1110.055. NOTICE OF ELECTION. At least 10 days before
15 the date of a directors' election, notice of the election shall be
16 published one time in a newspaper of general circulation in Val
17 Verde County. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(c) (part).)

18 Sec. 1110.056. BOARD VACANCY. (a) If a vacancy occurs in
19 the office of director, the remaining directors shall appoint a
20 director for the unexpired term.

21 (b) If the number of directors is reduced to fewer than four
22 for any reason, the remaining directors shall immediately call a
23 special election to fill the vacancies. If the remaining directors
24 do not call the election, a district court, on application of a
25 district voter or taxpayer, may order the directors to hold the
26 election. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(b) (part).)

27 Sec. 1110.057. OFFICERS. The board shall elect from among

1 its members a president and secretary. (Acts 64th Leg., R.S., Ch.
2 658, Sec. 4(b) (part).)

3 Sec. 1110.058. COMPENSATION. A director serves without
4 compensation. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(a) (part).)

5 Sec. 1110.059. BOND; RECORD OF BOND AND OATH. (a) Each
6 director shall execute a good and sufficient bond for \$1,000 that
7 is:

8 (1) payable to the district; and

9 (2) conditioned on the faithful performance of the
10 director's duties.

11 (b) Each director's bond and constitutional oath of office
12 must be deposited with the district's depository bank for
13 safekeeping. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(a) (part).)

14 Sec. 1110.060. VOTING REQUIREMENT. A concurrence of four
15 directors is sufficient in any matter relating to district
16 business. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(b) (part).)

17 Sec. 1110.061. BOARD MEETINGS. (a) A board meeting may be
18 called by the president or any four directors.

19 (b) Notice of the time and place of a board meeting must be
20 given to each director at least 72 hours before the time of the
21 meeting. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(b) (part).)

22 Sec. 1110.062. DISTRICT ADMINISTRATOR; ASSISTANT
23 ADMINISTRATOR. (a) The board may appoint a qualified person as
24 district administrator.

25 (b) The board may appoint an assistant administrator.

26 (c) The administrator and assistant administrator, if any,
27 serve at the will of the board and shall receive the compensation

1 determined by the board.

2 (d) On assuming the duties of district administrator, the
3 administrator shall execute a bond payable to the district in an
4 amount set by the board of not less than \$5,000 that:

5 (1) is conditioned on the administrator performing the
6 administrator's duties; and

7 (2) contains any other condition the board requires.
8 (Acts 64th Leg., R.S., Ch. 658, Sec. 6 (part).)

9 Sec. 1110.063. GENERAL DUTIES OF DISTRICT ADMINISTRATOR.
10 Subject to any limitations prescribed by the board, the district
11 administrator shall:

12 (1) supervise the work and activities of the district;
13 and

14 (2) direct the affairs of the district. (Acts 64th
15 Leg., R.S., Ch. 658, Sec. 6 (part).)

16 Sec. 1110.064. APPOINTMENT OF STAFF AND EMPLOYEES. (a) The
17 board may appoint to the staff any doctors the board considers
18 necessary for the efficient operation of the district and may make
19 temporary appointments as warranted.

20 (b) The district may employ fiscal agents, accountants,
21 architects, and attorneys as the board considers proper.

22 (c) The board may delegate to the district administrator the
23 authority to employ technicians, nurses, and district employees.
24 (Acts 64th Leg., R.S., Ch. 658, Secs. 6 (part), 15.)

25 Sec. 1110.065. SENIORITY; RETIREMENT BENEFITS. The board
26 may:

27 (1) adopt rules relating to the seniority of district

1 employees, including rules for a retirement plan based on
2 seniority; and

3 (2) give effect to previous years of service for those
4 employees continuously employed in the operation or management of
5 hospital facilities:

6 (A) constructed by the district; or

7 (B) acquired by the district, including
8 facilities acquired when the district was created because of former
9 Section 2, Chapter 658, Acts of the 64th Legislature, Regular
10 Session, 1975. (Acts 64th Leg., R.S., Ch. 658, Sec. 6 (part).)

11 [Sections 1110.066-1110.100 reserved for expansion]

12 SUBCHAPTER C. POWERS AND DUTIES

13 Sec. 1110.101. DISTRICT RESPONSIBILITY. The district has
14 full responsibility for providing hospital care for the district's
15 indigent residents. (Acts 64th Leg., R.S., Ch. 658, Sec. 19
16 (part).)

17 Sec. 1110.102. RESTRICTION ON POLITICAL SUBDIVISION
18 TAXATION AND DEBT. A political subdivision located within the
19 district may not impose a tax or issue bonds or other obligations
20 for hospital purposes or to provide medical care. (Acts 64th Leg.,
21 R.S., Ch. 658, Sec. 19 (part).)

22 Sec. 1110.103. MANAGEMENT, CONTROL, AND ADMINISTRATION.
23 The board shall manage, control, and administer the hospital system
24 and all the district's money and resources. (Acts 64th Leg., R.S.,
25 Ch. 658, Sec. 6 (part).)

26 Sec. 1110.104. HOSPITAL SYSTEM. The district shall provide
27 for:

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- 1 (1) the establishment of a hospital system by:
- 2 (A) purchasing, constructing, acquiring,
- 3 repairing, or renovating buildings and equipment; and
- 4 (B) equipping the buildings; and
- 5 (2) the administration of the hospital system for
- 6 hospital purposes. (Acts 64th Leg., R.S., Ch. 658, Sec. 2 (part).)

7 Sec. 1110.105. RULES. The board may adopt rules governing

8 the operation of the hospital, the hospital system, and the

9 district's staff and employees. (Acts 64th Leg., R.S., Ch. 658,

10 Sec. 6 (part).)

11 Sec. 1110.106. PURCHASING AND ACCOUNTING. The board may

12 prescribe:

- 13 (1) the method and manner of making purchases and
- 14 expenditures by and for the district; and
- 15 (2) all accounting and control procedures. (Acts 64th
- 16 Leg., R.S., Ch. 658, Sec. 11(a).)

17 Sec. 1110.107. OPERATING, MANAGEMENT, OR CONSULTING

18 CONTRACTS. (a) The board may enter into an operating, management,

19 or consulting contract with respect to all or part of the district's

20 facilities. The contract must provide that the board retains

21 responsibility for and control of the district's operation.

22 (b) A company providing services to the district under the

23 contract, and the officers, directors, and employees of the

24 company, while performing services under the contract for benefit

25 of the district:

- 26 (1) are employees of the district solely for purposes
- 27 of the immunity or liability of the company and the company's

1 officers, directors, and employees; and

2 (2) have immunity or limited liability under laws
3 applicable to district employees, whether statutory or common law,
4 to the extent a district employee would be entitled to immunity or
5 limited liability under the same circumstances. (Acts 64th Leg.,
6 R.S., Ch. 658, Sec. 10(a).)

7 Sec. 1110.108. DISTRICT PROPERTY, FACILITIES, AND
8 EQUIPMENT. (a) The board may lease all or part of the district's
9 property, including facilities or equipment, on terms the board
10 considers to be in the best interest of the district's residents.
11 The term of the lease may not exceed 25 years from the date entered.

12 (b) The board may:

13 (1) lease or acquire property, including facilities or
14 equipment, for the use of the district; and

15 (2) mortgage or pledge the property as security for
16 the payment of the purchase price.

17 (c) The board may sell or otherwise dispose of property,
18 including facilities or equipment, for the district. Sale or other
19 disposal under this subsection must be at a public sale and at a
20 price and on terms the board determines are most advantageous to the
21 district.

22 (d) The board may donate to another governmental entity or
23 to a charitable organization any surplus personal property or
24 equipment if the donation serves a public purpose and is
25 accompanied by adequate consideration. (Acts 64th Leg., R.S., Ch.
26 658, Secs. 10(b), (c), (d), 11(c) (part).)

27 Sec. 1110.109. GIFTS AND ENDOWMENTS. The board may accept

1 for the district a gift or endowment to be held in trust and
2 administered by the board for the purposes and under the
3 directions, limitations, and other provisions prescribed in
4 writing by the donor that are not inconsistent with the proper
5 management and objectives of the district. (Acts 64th Leg., R.S.,
6 Ch. 658, Sec. 18 (part).)

7 Sec. 1110.110. CONSTRUCTION AND PURCHASE CONTRACTS. (a) A
8 construction contract that involves the expenditure of more than
9 \$50,000 shall be procured in the manner provided by Subchapter B,
10 Chapter 271, Local Government Code.

11 (b) A contract for a purchase that involves the expenditure
12 of more than \$50,000, other than a contract subject to Subchapter B,
13 Chapter 271, Local Government Code, or Chapter 2253, Government
14 Code, shall be procured in the manner provided by Subchapter C,
15 Chapter 262, Local Government Code.

16 (c) The provisions of Chapter 2253, Government Code,
17 relating to performance and payment bonds, apply to construction
18 contracts let by the district. (Acts 64th Leg., R.S., Ch. 658, Sec.
19 11(b).)

20 Sec. 1110.111. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR
21 CARE AND TREATMENT. The board may contract with:

22 (1) any county or municipality located outside the
23 district's boundaries for the care and treatment of a sick or
24 injured person of that county or municipality; and

25 (2) this state or a federal agency for the treatment of
26 a sick or injured person. (Acts 64th Leg., R.S., Ch. 658, Sec. 6
27 (part).)

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1 Sec. 1110.112. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR
2 INVESTIGATORY OR OTHER SERVICES. The board may contract with a
3 political subdivision or governmental agency for the district to
4 provide investigatory or other services as to the hospital or
5 welfare needs of district inhabitants. (Acts 64th Leg., R.S., Ch.
6 658, Sec. 6 (part).)

7 Sec. 1110.113. PAYMENT FOR TREATMENT; PROCEDURES. (a)
8 When a patient who resides in the district is admitted to a district
9 facility, the district administrator may have an inquiry made into
10 the circumstances of:

11 (1) the patient; and

12 (2) the patient's relatives legally liable for the
13 patient's support.

14 (b) If the district administrator determines that the
15 patient or those relatives cannot pay for all or part of the
16 patient's care and treatment in the hospital, the amount that
17 cannot be paid becomes a charge against the district.

18 (c) If the district administrator determines that the
19 patient or those relatives can pay for all or part of the patient's
20 care and treatment, the patient or those relatives shall be ordered
21 to pay the district a specified amount each week for the patient's
22 care and support. The amount ordered must be proportionate to their
23 financial ability.

24 (d) The district administrator may collect the amount from
25 the patient's estate, or from those relatives legally liable for
26 the patient's support, in the manner provided by law for the
27 collection of expenses of the last illness of a deceased person.

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1 (e) If there is a dispute as to the ability to pay, or doubt
2 in the mind of the district administrator, the board shall hold a
3 hearing and, after calling witnesses, shall:

- 4 (1) resolve the dispute or doubt; and
- 5 (2) issue any appropriate orders.

6 (f) A final order of the board may be appealed to the
7 district court. The substantial evidence rule applies to the
8 appeal. (Acts 64th Leg., R.S., Ch. 658, Sec. 16.)

9 Sec. 1110.114. FEE SCHEDULE FOR OUT-OF-DISTRICT RESIDENTS.
10 The board may adopt a fee schedule for services rendered to
11 out-of-district residents which may be different from the fee
12 schedule for services rendered to district residents. (Acts 64th
13 Leg., R.S., Ch. 658, Sec. 17.)

14 Sec. 1110.115. AUTHORITY TO SUE AND BE SUED. (a) The
15 district, through the board, may sue and be sued.

16 (b) The district is entitled to all causes of action and
17 defenses to which similar authorities performing only governmental
18 functions are entitled. (Acts 64th Leg., R.S., Ch. 658, Sec. 6
19 (part).)

20 [Sections 1110.116-1110.150 reserved for expansion]

21 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

22 Sec. 1110.151. BUDGET. (a) The district administrator
23 shall prepare an annual budget for approval by the board.

24 (b) The proposed budget must contain a complete financial
25 statement of:

- 26 (1) the outstanding obligations of the district;
- 27 (2) the cash on hand to the credit of each district

1 fund;

2 (3) the money received by the district from all
3 sources during the previous year;

4 (4) the money available to the district from all
5 sources during the ensuing year;

6 (5) the balances expected at the end of the year in
7 which the budget is being prepared;

8 (6) the estimated revenue and balances available to
9 cover the proposed budget;

10 (7) the estimated tax rate required; and

11 (8) the proposed expenditures and disbursements and
12 the estimated receipts and collections for the following fiscal
13 year. (Acts 64th Leg., R.S., Ch. 658, Sec. 7 (part).)

14 Sec. 1110.152. PROPOSED BUDGET: NOTICE AND HEARING;
15 APPROVAL OF BUDGET. (a) The board shall hold a public hearing on
16 the proposed annual budget.

17 (b) At least 10 days before the date of the hearing, notice
18 of the hearing shall be published one time in a newspaper or
19 newspapers that individually or collectively provide general
20 circulation in the district.

21 (c) Any property tax payer of the district is entitled to be
22 present and participate at the hearing in accordance with the rules
23 of decorum and procedures prescribed by the board.

24 (d) At the conclusion of the hearing, the board shall act on
25 the budget proposed by the district administrator. The board may
26 make any changes in the proposed budget that the board judges the
27 law warrants and the interests of the taxpayers demand. The board

1 must approve the annual budget. (Acts 64th Leg., R.S., Ch. 658, Sec.
2 7 (part).)

3 Sec. 1110.153. AMENDMENTS TO BUDGET. The annual budget may
4 be amended as required by circumstances. The board must approve all
5 amendments. (Acts 64th Leg., R.S., Ch. 658, Sec. 7 (part).)

6 Sec. 1110.154. RESTRICTION ON EXPENDITURES. Money may be
7 spent only for an expense included in the budget or an amendment to
8 the budget. (Acts 64th Leg., R.S., Ch. 658, Sec. 7 (part).)

9 Sec. 1110.155. FISCAL YEAR. (a) The district operates
10 according to a fiscal year established by the board.

11 (b) The fiscal year may not be changed more than once in any
12 24-month period. (Acts 64th Leg., R.S., Ch. 658, Sec. 7 (part).)

13 Sec. 1110.156. ANNUAL AUDIT. (a) The board annually shall
14 have an independent audit made of the district's financial
15 condition for the fiscal year.

16 (b) As soon as the audit is completed, the audit shall be
17 filed at the district's office. (Acts 64th Leg., R.S., Ch. 658,
18 Sec. 7 (part).)

19 Sec. 1110.157. INSPECTION OF AUDIT AND DISTRICT RECORDS.
20 The audit and other district records shall be open to inspection at
21 the district's principal office. (Acts 64th Leg., R.S., Ch. 658,
22 Sec. 7 (part).)

23 Sec. 1110.158. FINANCIAL REPORT. As soon as practicable
24 after the close of each fiscal year, the district administrator
25 shall prepare for the board:

- 26 (1) a complete sworn statement of all district money;
27 and

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1 issue and sell general obligation bonds in the name and on the faith
2 and credit of the district for any purpose relating to:

3 (1) constructing, acquiring, repairing, or renovating
4 buildings and improvements; and

5 (2) equipping buildings and improvements for hospital
6 purposes. (Acts 64th Leg., R.S., Ch. 658, Sec. 8 (part).)

7 Sec. 1110.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a) At
8 the time general obligation bonds are issued by the district under
9 Section 1110.201, the board shall impose an ad valorem tax at a rate
10 sufficient to create an interest and sinking fund to pay the
11 principal of and interest on the bonds as the bonds mature.

12 (b) The tax required by this section together with any other
13 ad valorem tax the district imposes may not in any year exceed the
14 tax rate approved by the voters at the election authorizing the
15 imposition of the tax. (Acts 64th Leg., R.S., Ch. 658, Sec. 8
16 (part).)

17 Sec. 1110.203. GENERAL OBLIGATION BOND ELECTION. (a) The
18 district may issue general obligation bonds only if the bonds are
19 authorized by a majority of the district voters voting at an
20 election held for that purpose.

21 (b) The order calling the bond election must provide for
22 clerks as in county elections and must specify:

- 23 (1) the date of the election;
- 24 (2) the location of the polling places;
- 25 (3) the presiding and alternate election judges for
26 each polling place;
- 27 (4) the amount of the bonds to be authorized;

- 1 (5) the maximum interest rate of the bonds; and
- 2 (6) the maximum maturity of the bonds.

3 (c) Notice of a bond election shall be given as provided by
 4 Section 1251.003, Government Code. (Acts 64th Leg., R.S., Ch. 658,
 5 Sec. 8 (part).)

6 Sec. 1110.204. REVENUE BONDS. (a) The board may issue
 7 revenue bonds to purchase, construct, acquire, repair, renovate,
 8 or equip buildings and improvements for hospital purposes.

9 (b) The bonds must be payable from and secured by a pledge of
 10 all or part of the district revenue derived from the operation of
 11 the district's hospitals.

12 (c) The bonds may be additionally secured by a mortgage or
 13 deed of trust lien on all or part of district property.

14 (d) The bonds must be issued in the manner and in accordance
 15 with the procedures and requirements prescribed by Sections
 16 264.042, 264.043, 264.046, 264.047, 264.048, and 264.049, Health
 17 and Safety Code, for issuance of revenue bonds by a county hospital
 18 authority. (Acts 64th Leg., R.S., Ch. 658, Sec. 9(b) (part).)

19 Sec. 1110.205. REFUNDING BONDS. (a) The board may issue
 20 refunding bonds to refund outstanding indebtedness issued or
 21 assumed by the district.

22 (b) A refunding bond may be:

23 (1) sold, with the proceeds of the refunding bond
 24 applied to the payment of outstanding indebtedness; or

25 (2) exchanged wholly or partly for not less than a
 26 similar principal amount of outstanding indebtedness. (Acts 64th
 27 Leg., R.S., Ch. 658, Secs. 9(a) (part), (b) (part).)

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1 Sec. 1110.206. MATURITY OF BONDS. District bonds must
2 mature not later than 40 years after their date of issuance. (Acts
3 64th Leg., R.S., Ch. 658, Sec. 9(c) (part).)

4 Sec. 1110.207. EXECUTION OF BONDS. The board president
5 shall execute the district's bonds in the district's name and the
6 board secretary shall countersign the bonds in the manner provided
7 by Chapter 618, Government Code. (Acts 64th Leg., R.S., Ch. 658,
8 Sec. 9(c) (part).)

9 Sec. 1110.208. BONDS EXEMPT FROM TAXATION. The following
10 are exempt from taxation by this state or a political subdivision of
11 this state:

- 12 (1) any bonds issued by the district;
- 13 (2) the transfer and issuance of the bonds; and
- 14 (3) any profits made in the sale of the bonds. (Acts
15 64th Leg., R.S., Ch. 658, Sec. 21 (part).)

16 [Sections 1110.209-1110.250 reserved for expansion]

17 SUBCHAPTER F. TAXES

18 Sec. 1110.251. IMPOSITION OF AD VALOREM TAX. (a) The board
19 shall impose a tax on all property in the district subject to
20 district taxation.

21 (b) The board shall impose the tax for the benefit of the
22 district to:

- 23 (1) pay the interest on and create a sinking fund for
24 bonds and other obligations issued or assumed by the district for
25 hospital purposes as provided by this chapter;
- 26 (2) pay indebtedness incurred or assumed by the
27 district;

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1 (3) provide for the operation and maintenance of the
2 district and hospital system; and

3 (4) make improvements and additions to the hospital
4 system. (Acts 64th Leg., R.S., Ch. 658, Secs. 5 (part), 13 (part).)

5 Sec. 1110.252. TAX RATE. (a) The board may impose the tax
6 at a rate not to exceed 30 cents on each \$100 valuation of all
7 taxable property in the district.

8 (b) In setting the tax rate, the board shall consider the
9 income of the district from sources other than taxation. (Acts 64th
10 Leg., R.S., Ch. 658, Secs. 5 (part), 13 (part).)

11 CHAPTER 1112. WEST COKE COUNTY HOSPITAL DISTRICT

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Sec. 1112.001. DEFINITIONS

14 Sec. 1112.002. AUTHORITY FOR CREATION

15 Sec. 1112.003. ESSENTIAL PUBLIC FUNCTION

16 Sec. 1112.004. DISTRICT TERRITORY

17 Sec. 1112.005. DISTRICT SUPPORT AND MAINTENANCE NOT

18 STATE OBLIGATION

19 Sec. 1112.006. RESTRICTION ON STATE FINANCIAL

20 ASSISTANCE

21 [Sections 1112.007-1112.050 reserved for expansion]

22 SUBCHAPTER B. DISTRICT ADMINISTRATION

23 Sec. 1112.051. BOARD ELECTION; TERM

24 Sec. 1112.052. NOTICE OF ELECTION

25 Sec. 1112.053. BALLOT PETITION

26 Sec. 1112.054. QUALIFICATIONS FOR OFFICE

27 Sec. 1112.055. FILING OF OATH

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- 1 Sec. 1112.056. BOARD VACANCY
- 2 Sec. 1112.057. OFFICERS
- 3 Sec. 1112.058. COMPENSATION
- 4 Sec. 1112.059. VOTING REQUIREMENT
- 5 Sec. 1112.060. DISTRICT ADMINISTRATOR; ASSISTANT
- 6 ADMINISTRATOR
- 7 Sec. 1112.061. GENERAL DUTIES OF DISTRICT
- 8 ADMINISTRATOR
- 9 Sec. 1112.062. EMPLOYEES
- 10 Sec. 1112.063. RETIREMENT PROGRAM
- 11 Sec. 1112.064. MAINTENANCE OF RECORDS; PUBLIC
- 12 INSPECTION
- 13 [Sections 1112.065-1112.100 reserved for expansion]
- 14 SUBCHAPTER C. POWERS AND DUTIES
- 15 Sec. 1112.101. DISTRICT RESPONSIBILITY
- 16 Sec. 1112.102. RESTRICTION ON POLITICAL SUBDIVISION
- 17 TAXATION AND DEBT
- 18 Sec. 1112.103. MANAGEMENT, CONTROL, AND ADMINISTRATION
- 19 Sec. 1112.104. HOSPITAL SYSTEM
- 20 Sec. 1112.105. RULES
- 21 Sec. 1112.106. PURCHASING AND ACCOUNTING
- 22 Sec. 1112.107. EMINENT DOMAIN
- 23 Sec. 1112.108. GIFTS AND ENDOWMENTS
- 24 Sec. 1112.109. CONTRACTS WITH GOVERNMENTAL ENTITIES
- 25 FOR CARE AND TREATMENT
- 26 Sec. 1112.110. PAYMENT FOR TREATMENT; PROCEDURES
- 27 Sec. 1112.111. AUTHORITY TO SUE AND BE SUED

1 [Sections 1112.112-1112.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3 Sec. 1112.151. BUDGET

4 Sec. 1112.152. FISCAL YEAR

5 Sec. 1112.153. AUDIT

6 Sec. 1112.154. FINANCIAL REPORT

7 Sec. 1112.155. DEPOSITORY

8 [Sections 1112.156-1112.200 reserved for expansion]

9 SUBCHAPTER E. BONDS

10 Sec. 1112.201. GENERAL OBLIGATION BONDS

11 Sec. 1112.202. TAX TO PAY GENERAL OBLIGATION BONDS

12 Sec. 1112.203. GENERAL OBLIGATION BOND ELECTION

13 Sec. 1112.204. EXECUTION OF GENERAL OBLIGATION BONDS

14 Sec. 1112.205. REFUNDING BONDS

15 Sec. 1112.206. BONDS EXEMPT FROM TAXATION

16 [Sections 1112.207-1112.250 reserved for expansion]

17 SUBCHAPTER F. TAXES

18 Sec. 1112.251. IMPOSITION OF AD VALOREM TAX

19 Sec. 1112.252. TAX RATE

20 Sec. 1112.253. ELECTION TO INCREASE MAXIMUM TAX RATE

21 Sec. 1112.254. TAX ASSESSOR-COLLECTOR

22 CHAPTER 1112. WEST COKE COUNTY HOSPITAL DISTRICT

23 SUBCHAPTER A. GENERAL PROVISIONS

24 Sec. 1112.001. DEFINITIONS. In this chapter:

25 (1) "Board" means the board of directors of the
26 district.

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

1 (3) "District" means the West Coke County Hospital
2 District. (New.)

3 Sec. 1112.002. AUTHORITY FOR CREATION. The West Coke
4 County Hospital District is created under the authority of Section
5 9, Article IX, Texas Constitution, and has the rights, powers, and
6 duties prescribed by this chapter. (Acts 58th Leg., R.S., Ch. 315,
7 Sec. 1 (part).)

8 Sec. 1112.003. ESSENTIAL PUBLIC FUNCTION. The district
9 performs an essential public function in carrying out the purposes
10 of this chapter. (Acts 58th Leg., R.S., Ch. 315, Sec. 10 (part).)

11 Sec. 1112.004. DISTRICT TERRITORY. The boundaries of the
12 district are coextensive with the boundaries of County
13 Commissioners Precincts 1 and 3 of Coke County, Texas, as those
14 boundaries existed on January 1, 1963. (Acts 58th Leg., R.S., Ch.
15 315, Sec. 1 (part).)

16 Sec. 1112.005. DISTRICT SUPPORT AND MAINTENANCE NOT STATE
17 OBLIGATION. The support and maintenance of the district may not
18 become a charge against or obligation of this state. (Acts 58th
19 Leg., R.S., Ch. 315, Sec. 20 (part).)

20 Sec. 1112.006. RESTRICTION ON STATE FINANCIAL ASSISTANCE.
21 The legislature may not make a direct appropriation for the
22 construction, maintenance, or improvement of a district facility.
23 (Acts 58th Leg., R.S., Ch. 315, Sec. 20 (part).)

24 [Sections 1112.007-1112.050 reserved for expansion]

25 SUBCHAPTER B. DISTRICT ADMINISTRATION

26 Sec. 1112.051. BOARD ELECTION; TERM. (a) The district is
27 governed by a board of five directors elected from the district at

1 large.

2 (b) Unless four-year terms are established under Section
3 285.081, Health and Safety Code, directors serve staggered two-year
4 terms, with the terms of two or three directors expiring each year,
5 as appropriate. (Acts 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

6 Sec. 1112.052. NOTICE OF ELECTION. At least 10 days before
7 the date of a directors' election, notice of the election must be
8 published one time in a newspaper of general circulation in Coke
9 County. (Acts 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

10 Sec. 1112.053. BALLOT PETITION. A person who wants to have
11 the person's name printed on the ballot as a candidate for director
12 must file a petition requesting that action. The petition must be:

- 13 (1) signed by at least 25 registered voters; and
- 14 (2) filed by the deadline imposed by Section 144.005,
- 15 Election Code. (Acts 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

16 Sec. 1112.054. QUALIFICATIONS FOR OFFICE. A person must at
17 the time of election or appointment as director:

- 18 (1) be a resident of the district;
- 19 (2) own land subject to taxation in the district; and
- 20 (3) be at least 18 years of age. (Acts 58th Leg.,
- 21 R.S., Ch. 315, Sec. 4 (part).)

22 Sec. 1112.055. FILING OF OATH. The constitutional oath of
23 office executed by a director must be filed in the district's
24 office. (Acts 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

25 Sec. 1112.056. BOARD VACANCY. (a) If a vacancy occurs in
26 the office of director, the remaining directors shall appoint a
27 director for the unexpired term.

1 (b) If the number of directors is reduced to fewer than
2 three for any reason, the remaining directors shall immediately
3 call a special election to fill the vacancies. If the remaining
4 directors do not call the election, the county judge of Coke County
5 may fill the vacancies by appointment. (Acts 58th Leg., R.S., Ch.
6 315, Sec. 4 (part).)

7 Sec. 1112.057. OFFICERS. The board shall elect from among
8 its members a president, a vice president, and a secretary. (Acts
9 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

10 Sec. 1112.058. COMPENSATION. A director serves without
11 compensation. (Acts 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

12 Sec. 1112.059. VOTING REQUIREMENT. A concurrence of three
13 directors is sufficient in any matter relating to district
14 business. (Acts 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

15 Sec. 1112.060. DISTRICT ADMINISTRATOR; ASSISTANT
16 ADMINISTRATOR. (a) The board shall appoint a qualified person as
17 district administrator.

18 (b) The board may appoint an assistant administrator.

19 (c) The district administrator and any assistant
20 administrator serve at the will of the board and shall receive the
21 compensation determined by the board.

22 (d) On assuming the duties of district administrator, the
23 administrator shall execute a bond payable to the district in an
24 amount set by the board of not less than \$10,000 that:

25 (1) is conditioned on the administrator performing the
26 administrator's duties; and

27 (2) contains other conditions the board may require.

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1 (Acts 58th Leg., R.S., Ch. 315, Sec. 5 (part).)

2 Sec. 1112.061. GENERAL DUTIES OF DISTRICT ADMINISTRATOR.
3 Subject to any limitations prescribed by the board, the district
4 administrator shall:

5 (1) supervise the work and activities of the district;
6 and

7 (2) direct the affairs of the district. (Acts 58th
8 Leg., R.S., Ch. 315, Sec. 5 (part).)

9 Sec. 1112.062. EMPLOYEES. The board may employ any
10 doctors, technicians, nurses, and other employees as considered
11 necessary for the efficient operation of the district or may
12 provide that the district administrator has the authority to employ
13 those persons. (Acts 58th Leg., R.S., Ch. 315, Sec. 5 (part).)

14 Sec. 1112.063. RETIREMENT PROGRAM. The board may enter
15 into any contract or agreement with this state or the federal
16 government as required to establish or continue a retirement
17 program for the benefit of the district's employees. (Acts 58th
18 Leg., R.S., Ch. 315, Sec. 5 (part).)

19 Sec. 1112.064. MAINTENANCE OF RECORDS; PUBLIC INSPECTION.
20 (a) The board shall:

21 (1) keep an accurate account of board meetings and
22 proceedings; and

23 (2) maintain at the district's principal office all
24 district records and accounts, including contracts, notices,
25 duplicate vouchers, and duplicate receipts.

26 (b) The information described by Subsection (a) shall be
27 open to public inspection at the district's principal office at all

1 reasonable times. (Acts 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

2 [Sections 1112.065-1112.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 1112.101. DISTRICT RESPONSIBILITY. The district has
5 full responsibility for:

6 (1) operating all hospital facilities for providing
7 medical and hospital care of indigent persons; and

8 (2) providing medical and hospital care for the
9 district's needy inhabitants. (Acts 58th Leg., R.S., Ch. 315,
10 Secs. 2 (part), 19 (part).)

11 Sec. 1112.102. RESTRICTION ON POLITICAL SUBDIVISION
12 TAXATION AND DEBT. Coke County or another political subdivision,
13 other than the district, may not impose a tax or issue bonds or
14 other obligations for hospital purposes for medical treatment of
15 indigent persons in the district. (Acts 58th Leg., R.S., Ch. 315,
16 Sec. 19 (part).)

17 Sec. 1112.103. MANAGEMENT, CONTROL, AND ADMINISTRATION.
18 The board shall manage, control, and administer the district's
19 hospitals and hospital system. (Acts 58th Leg., R.S., Ch. 315, Sec.
20 5 (part).)

21 Sec. 1112.104. HOSPITAL SYSTEM. (a) The district shall
22 provide for:

23 (1) the establishment of a hospital system by:

24 (A) purchasing, constructing, acquiring,
25 repairing, or renovating buildings and equipment; and

26 (B) equipping the buildings; and

27 (2) the administration of the hospital system for

1 hospital purposes.

2 (b) The board shall determine the type, number, and location
3 of buildings required to maintain an adequate hospital system.

4 (c) The hospital system may include:

- 5 (1) outpatient clinics; and
 - 6 (2) any other facilities the board considers necessary
- 7 for hospital care. (Acts 58th Leg., R.S., Ch. 315, Secs. 2 (part),
8 7A.)

9 Sec. 1112.105. RULES. The board may adopt rules for the
10 operation of the district and as required to administer this
11 chapter. (Acts 58th Leg., R.S., Ch. 315, Secs. 5 (part), 11
12 (part).)

13 Sec. 1112.106. PURCHASING AND ACCOUNTING. The board may
14 prescribe:

- 15 (1) the method and manner of making purchases and
 - 16 expenditures by and for the district; and
 - 17 (2) all accounting and control procedures. (Acts 58th
- 18 Leg., R.S., Ch. 315, Sec. 11 (part).)

19 Sec. 1112.107. EMINENT DOMAIN. (a) The district may
20 exercise the power of eminent domain to acquire a fee simple or
21 other interest in any type of property located in district
22 territory if the interest is necessary or convenient to a power,
23 right, or privilege conferred by this chapter.

24 (b) The district must exercise the power of eminent domain
25 in the manner provided by Chapter 21, Property Code. (Acts 58th
26 Leg., R.S., Ch. 315, Sec. 14.)

27 Sec. 1112.108. GIFTS AND ENDOWMENTS. The board may accept

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1 for the district a gift or endowment to be held in trust and
2 administered by the board for the purposes and under the
3 directions, limitations, or other provisions prescribed in writing
4 by the donor that are not inconsistent with the proper management
5 and objectives of the district. (Acts 58th Leg., R.S., Ch. 315,
6 Sec. 17.)

7 Sec. 1112.109. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR
8 CARE AND TREATMENT. The board may contract with:

9 (1) any county or municipality located outside the
10 district for the care and treatment of a sick or injured person of
11 that county or municipality; and

12 (2) this state or a federal agency for the treatment of
13 a sick or injured person for whom this state or the federal
14 government is responsible. (Acts 58th Leg., R.S., Ch. 315, Sec. 5
15 (part).)

16 Sec. 1112.110. PAYMENT FOR TREATMENT; PROCEDURES. (a)
17 When a patient who resides in the district is admitted to a district
18 facility, the district administrator shall have an inquiry made
19 into the circumstances of:

20 (1) the patient; and

21 (2) the patient's relatives legally liable for the
22 patient's support.

23 (b) If the district administrator determines that the
24 patient or those relatives cannot pay all or part of the patient's
25 care and treatment in the hospital, the amount that cannot be paid
26 becomes a charge against the district.

27 (c) If the district administrator determines that the

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1 patient or those relatives can pay for all or part of the patient's
2 care and treatment, the patient or those relatives shall be ordered
3 to pay the district a specified amount each week for the patient's
4 support. The amount ordered must be proportionate to the person's
5 financial ability and may not exceed the actual per capita cost of
6 maintenance.

7 (d) The district administrator may collect the amount from
8 the patient's estate, or from those relatives legally liable for
9 the patient's support, in the manner provided by law for the
10 collection of expenses of the last illness of a deceased person.

11 (e) If there is a dispute as to the ability to pay, or doubt
12 in the mind of the district administrator, the board shall hold a
13 hearing and, after calling witnesses, shall:

- 14 (1) resolve the dispute or doubt; and
- 15 (2) issue any appropriate orders. (Acts 58th Leg.,
- 16 R.S., Ch. 315, Sec. 16.)

17 Sec. 1112.111. AUTHORITY TO SUE AND BE SUED. The district,
18 through the board, may sue and be sued. (Acts 58th Leg., R.S., Ch.
19 315, Sec. 5 (part).)

20 [Sections 1112.112-1112.150 reserved for expansion]

21 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

22 Sec. 1112.151. BUDGET. (a) The district administrator
23 shall prepare for approval by the board an annual budget that
24 corresponds to the district's fiscal year.

25 (b) Not later than August 31 of each year, the board shall
26 publish notice of a public hearing on the proposed budget. The
27 notice must be published in a newspaper of general circulation in

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1 Coke County at least 10 days before the date of the hearing. (Acts
2 58th Leg., R.S., Ch. 315, Secs. 6 (part), 18.)

3 Sec. 1112.152. FISCAL YEAR. The district operates on a
4 fiscal year that begins on October 1 and ends on September 30.
5 (Acts 58th Leg., R.S., Ch. 315, Sec. 6 (part).)

6 Sec. 1112.153. AUDIT. (a) The district shall have an audit
7 made of the district's financial condition.

8 (b) The audit shall be open to inspection at all times at the
9 district's principal office. (Acts 58th Leg., R.S., Ch. 315, Sec. 6
10 (part).)

11 Sec. 1112.154. FINANCIAL REPORT. As soon as practicable
12 after the close of each fiscal year, the district administrator
13 shall prepare for the board:

14 (1) a complete sworn statement of all district money;
15 and

16 (2) a complete account of the disbursements of that
17 money. (Acts 58th Leg., R.S., Ch. 315, Sec. 6 (part).)

18 Sec. 1112.155. DEPOSITORY. (a) The board shall select one
19 or more banks in the district to serve as a depository for district
20 money.

21 (b) All district money shall be immediately deposited on
22 receipt with a depository bank, except that sufficient money must
23 be remitted to an appropriate bank to pay the principal of and
24 interest on the district's outstanding bonds or other obligations
25 assumed by the district on or before the maturity date of the
26 principal and interest.

27 (c) To the extent that money in a depository bank is not

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

4 (d) Membership on the district's board of an officer or
5 director of a bank does not disqualify the bank from being selected
6 as a depository. (Acts 58th Leg., R.S., Ch. 315, Sec. 12.)

7 [Sections 1112.156-1112.200 reserved for expansion]

8 SUBCHAPTER E. BONDS

9 Sec. 1112.201. GENERAL OBLIGATION BONDS. (a) The board may
10 issue and sell general obligation bonds in the name and on the faith
11 and credit of the district for any purpose related to the purchase,
12 construction, acquisition, repair, or renovation of buildings and
13 improvements, and equipping buildings and improvements for a
14 hospital and the hospital system, as determined by the board.

15 (b) The board shall issue the bonds in compliance with the
16 applicable provisions of Subtitles A and C, Title 9, Government
17 Code. (Acts 58th Leg., R.S., Ch. 315, Sec. 9 (part).)

18 Sec. 1112.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a) At
19 the time general obligation bonds are issued by the district, the
20 board shall impose an ad valorem tax at a rate sufficient to create
21 an interest and sinking fund and to pay the principal of and
22 interest on the bonds as the bonds mature.

23 (b) The tax required by this section, together with any
24 other ad valorem tax the district imposes, may not in any year
25 exceed 25 cents on each \$100 valuation of taxable property in the
26 district. (Acts 58th Leg., R.S., Ch. 315, Sec. 9 (part).)

27 Sec. 1112.203. GENERAL OBLIGATION BOND ELECTION. (a) The

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1 district may issue general obligation bonds only if the bonds are
2 authorized by a majority of the district voters voting at an
3 election held for that purpose.

4 (b) The board shall call the election. The election must be
5 held in accordance with Chapter 1251, Government Code.

6 (c) The bond election order must specify:
7 (1) the date of the election;
8 (2) the location of the polling places;
9 (3) the presiding election officers;
10 (4) the amount of the bonds to be authorized;
11 (5) the maximum maturity of the bonds; and
12 (6) the maximum interest rate of the bonds. (Acts 58th
13 Leg., R.S., Ch. 315, Sec. 9 (part).)

14 Sec. 1112.204. EXECUTION OF GENERAL OBLIGATION BONDS. The
15 board president shall execute the general obligation bonds in the
16 district's name and the board secretary shall attest the bonds.
17 (Acts 58th Leg., R.S., Ch. 315, Sec. 9 (part).)

18 Sec. 1112.205. REFUNDING BONDS. (a) District refunding
19 bonds may, without an election, be issued to refund any bonds or
20 other refundable indebtedness issued or assumed by the district.

21 (b) A refunding bond may be:
22 (1) sold, with the proceeds of the refunding bond
23 applied to the payment of the outstanding bonds or other refundable
24 indebtedness; or
25 (2) exchanged wholly or partly for not less than a
26 similar principal amount of the outstanding bonds or other
27 refundable indebtedness. (Acts 58th Leg., R.S., Ch. 315, Sec. 9

1 (part).)

2 Sec. 1112.206. BONDS EXEMPT FROM TAXATION. The following
3 are exempt from taxation by this state or a political subdivision of
4 this state:

- 5 (1) bonds issued by the district;
- 6 (2) the transfer and issuance of the bonds; and
- 7 (3) any profits made in the sale of the bonds. (Acts
8 58th Leg., R.S., Ch. 315, Sec. 10 (part).)

9 [Sections 1112.207-1112.250 reserved for expansion]

10 SUBCHAPTER F. TAXES

11 Sec. 1112.251. IMPOSITION OF AD VALOREM TAX. (a) The
12 district may impose a tax on all property in the district subject to
13 district taxation.

14 (b) The tax may be used to meet the requirements of:

- 15 (1) district bonds;
- 16 (2) indebtedness assumed by the district; and
- 17 (3) district maintenance and operating expenses.
18 (Acts 58th Leg., R.S., Ch. 315, Sec. 3 (part).)

19 Sec. 1112.252. TAX RATE. Unless the rate is increased as
20 provided by Section 1112.253, the district may impose the tax at a
21 rate not to exceed 25 cents on each \$100 valuation of all taxable
22 property in the district. (Acts 58th Leg., R.S., Ch. 315, Secs. 3
23 (part), 9A (part).)

24 Sec. 1112.253. ELECTION TO INCREASE MAXIMUM TAX RATE. (a)
25 The board may order an election to increase the district's maximum
26 tax rate to a rate not to exceed 75 cents on each \$100 valuation of
27 all taxable property in the district.

1 (b) Notice of election shall be given by publishing a
2 substantial copy of the election order in a newspaper of general
3 circulation in the district once a week for two consecutive weeks
4 before the date of the election. The first notice must be published
5 at least 14 days before the date of the election.

6 (c) The ballot for the election shall be printed to permit
7 voting for or against the proposition: "The imposition of annual
8 taxes by the district for hospital purposes at a rate not to exceed
9 75 cents on the \$100 valuation of all taxable property in the
10 district."

11 (d) If a majority of district voters approve the
12 proposition, the board may impose taxes as authorized by the
13 proposition.

14 (e) A copy of the election results are a public record.
15 (Acts 58th Leg., R.S., Ch. 315, Secs. 3 (part), 9A (part).)

16 Sec. 1112.254. TAX ASSESSOR-COLLECTOR. The tax
17 assessor-collector of Coke County shall assess and collect taxes
18 imposed by the district. (Acts 58th Leg., R.S., Ch. 315, Sec. 15
19 (part).)

20 CHAPTER 1113. WILBARGER COUNTY HOSPITAL DISTRICT

21 SUBCHAPTER A. GENERAL PROVISIONS

22 Sec. 1113.001. DEFINITIONS

23 Sec. 1113.002. AUTHORITY FOR OPERATION

24 Sec. 1113.003. POLITICAL SUBDIVISION

25 Sec. 1113.004. DISTRICT TERRITORY

26 Sec. 1113.005. CORRECTION OF INVALID PROCEDURES

27 [Sections 1113.006-1113.050 reserved for expansion]

- 1 SUBCHAPTER B. DISTRICT ADMINISTRATION
- 2 Sec. 1113.051. BOARD ELECTION; TERM
- 3 Sec. 1113.052. NOTICE OF ELECTION AND RUNOFF ELECTION
- 4 Sec. 1113.053. BALLOT PETITION
- 5 Sec. 1113.054. QUALIFICATIONS FOR OFFICE
- 6 Sec. 1113.055. BOND; RECORD OF BOND AND OATH
- 7 Sec. 1113.056. BOARD VACANCY
- 8 Sec. 1113.057. OFFICERS
- 9 Sec. 1113.058. COMPENSATION; EXPENSES
- 10 Sec. 1113.059. VOTING REQUIREMENT
- 11 Sec. 1113.060. MEETINGS
- 12 Sec. 1113.061. EMPLOYEES
- 13 Sec. 1113.062. MAINTENANCE OF RECORDS; PUBLIC
- 14 INSPECTION
- 15 Sec. 1113.063. SEAL
- 16 [Sections 1113.064-1113.100 reserved for expansion]
- 17 SUBCHAPTER C. POWERS AND DUTIES
- 18 Sec. 1113.101. DISTRICT RESPONSIBILITY
- 19 Sec. 1113.102. RESTRICTION ON COUNTY OR MUNICIPAL
- 20 TAXATION
- 21 Sec. 1113.103. MANAGEMENT AND CONTROL OF DISTRICT
- 22 Sec. 1113.104. RULES
- 23 Sec. 1113.105. PURCHASING AND ACCOUNTING
- 24 Sec. 1113.106. DISTRICT PROPERTY
- 25 Sec. 1113.107. EMINENT DOMAIN
- 26 Sec. 1113.108. GIFTS AND ENDOWMENTS
- 27 Sec. 1113.109. PAYMENT FOR TREATMENT; PROCEDURES

1 Sec. 1113.110. AUTHORITY TO SUE AND BE SUED

2 [Sections 1113.111-1113.150 reserved for expansion]

3 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

4 Sec. 1113.151. BUDGET

5 Sec. 1113.152. PROPOSED BUDGET: NOTICE AND HEARING

6 Sec. 1113.153. FISCAL YEAR

7 Sec. 1113.154. ANNUAL AUDIT

8 Sec. 1113.155. DEPOSITORY OR TREASURER

9 [Sections 1113.156-1113.200 reserved for expansion]

10 SUBCHAPTER E. BONDS

11 Sec. 1113.201. GENERAL OBLIGATION BONDS

12 Sec. 1113.202. TAX TO PAY GENERAL OBLIGATION BONDS

13 Sec. 1113.203. GENERAL OBLIGATION BOND ELECTION

14 Sec. 1113.204. MATURITY OF GENERAL OBLIGATION BONDS

15 Sec. 1113.205. EXECUTION OF GENERAL OBLIGATION BONDS

16 Sec. 1113.206. REFUNDING BONDS

17 [Sections 1113.207-1113.250 reserved for expansion]

18 SUBCHAPTER F. TAXES

19 Sec. 1113.251. IMPOSITION OF AD VALOREM TAX

20 Sec. 1113.252. TAX RATE

21 Sec. 1113.253. ELECTION TO INCREASE MAXIMUM TAX RATE

22 Sec. 1113.254. TAX ASSESSOR-COLLECTOR

23 CHAPTER 1113. WILBARGER COUNTY HOSPITAL DISTRICT

24 SUBCHAPTER A. GENERAL PROVISIONS

25 Sec. 1113.001. DEFINITIONS. In this chapter:

26 (1) "Board" means the board of directors of the
27 district.

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

2 (3) "District" means the Wilbarger County Hospital
3 District. (New.)

4 Sec. 1113.002. AUTHORITY FOR OPERATION. The Wilbarger
5 County Hospital District operates in accordance with Section 9,
6 Article IX, Texas Constitution, and has the powers and
7 responsibilities provided by that section. (Acts 59th Leg., R.S.,
8 Ch. 6, Sec. 1 (part).)

9 Sec. 1113.003. POLITICAL SUBDIVISION. The district is a
10 political subdivision of this state. (Acts 59th Leg., R.S., Ch. 6,
11 Sec. 17 (part).)

12 Sec. 1113.004. DISTRICT TERRITORY. The boundaries of the
13 district are coextensive with the boundaries of Wilbarger County.
14 (Acts 59th Leg., R.S., Ch. 6, Sec. 1 (part).)

15 Sec. 1113.005. CORRECTION OF INVALID PROCEDURES. If a
16 court holds that any procedure under this chapter violates the
17 constitution of this state or of the United States, the district by
18 resolution may provide an alternative procedure that conforms with
19 the constitution. (Acts 59th Leg., R.S., Ch. 6, Sec. 18 (part).)

20 [Sections 1113.006-1113.050 reserved for expansion]

21 SUBCHAPTER B. DISTRICT ADMINISTRATION

22 Sec. 1113.051. BOARD ELECTION; TERM. (a) The board
23 consists of seven directors elected from the district at large by
24 position. To be elected, a candidate must receive a majority of the
25 votes cast in the election for that position.

26 (b) Directors serve staggered three-year terms. (Acts 59th
27 Leg., R.S., Ch. 6, Sec. 3 (part).)

1 Sec. 1113.052. NOTICE OF ELECTION AND RUNOFF ELECTION. (a)
2 At least 10 days before the date of a directors' election, notice of
3 the election must be published one time in a newspaper of general
4 circulation in Wilbarger County.

5 (b) At least seven days before the date of a runoff election
6 of directors, notice of the runoff election must be published one
7 time in a newspaper of general circulation in Wilbarger County.
8 (Acts 59th Leg., R.S., Ch. 6, Sec. 3 (part).)

9 Sec. 1113.053. BALLOT PETITION. A person who wants to have
10 the person's name printed on the ballot as a candidate for director
11 must file with the board secretary a petition requesting that
12 action. The petition must be:

- 13 (1) signed by at least 100 registered voters; and
- 14 (2) filed by the deadline imposed by Section 144.005,
15 Election Code. (Acts 59th Leg., R.S., Ch. 6, Sec. 3 (part).)

16 Sec. 1113.054. QUALIFICATIONS FOR OFFICE. A person may not
17 be appointed or elected as a director unless the person is:

- 18 (1) a resident of the district; and
- 19 (2) at least 18 years of age at the time of the
20 appointment or election. (Acts 59th Leg., R.S., Ch. 6, Sec. 3
21 (part).)

22 Sec. 1113.055. BOND; RECORD OF BOND AND OATH. (a) Each
23 director shall execute a good and sufficient bond for \$1,000 that
24 is:

- 25 (1) payable to the district; and
- 26 (2) conditioned on the faithful performance of the
27 director's duties.

1 (b) Each director's bond and constitutional oath of office
2 shall be deposited with the district's depository bank for
3 safekeeping. (Acts 59th Leg., R.S., Ch. 6, Sec. 3 (part).)

4 Sec. 1113.056. BOARD VACANCY. (a) If a vacancy occurs in
5 the office of director, the remaining directors shall appoint a
6 director for the unexpired term.

7 (b) If the number of directors is reduced to fewer than four
8 for any reason, the remaining directors shall immediately call a
9 special election to fill the vacancies. If the remaining directors
10 do not call the election, a district court, on application of a
11 district voter or taxpayer, may order the directors to hold the
12 election. (Acts 59th Leg., R.S., Ch. 6, Sec. 3 (part).)

13 Sec. 1113.057. OFFICERS. The board shall elect from among
14 its members a presiding officer, assistant presiding officer, and a
15 secretary. (Acts 59th Leg., R.S., Ch. 6, Sec. 3 (part).)

16 Sec. 1113.058. COMPENSATION; EXPENSES. A director serves
17 without compensation but may be reimbursed for actual expenses
18 incurred in the performance of official duties on approval of the
19 expenses by the board. (Acts 59th Leg., R.S., Ch. 6, Sec. 4
20 (part).)

21 Sec. 1113.059. VOTING REQUIREMENT. A concurrence of four
22 directors is sufficient in any matter relating to district
23 business. (Acts 59th Leg., R.S., Ch. 6, Sec. 3 (part).)

24 Sec. 1113.060. MEETINGS. (a) A board meeting may be called
25 by the presiding officer or any four directors.

26 (b) Notice of the time and place of a board meeting must be
27 given to each director not later than the seventh day before the

1 time of the meeting.

2 (c) This section does not prevent the board from
3 establishing by resolution a regular time and place for meetings
4 for which special notice is not required. (Acts 59th Leg., R.S.,
5 Ch. 6, Sec. 3 (part).)

6 Sec. 1113.061. EMPLOYEES. (a) The board may employ a
7 general manager and other necessary professional and clerical
8 personnel.

9 (b) The title of the general manager hired by the board may
10 be president. (Acts 59th Leg., R.S., Ch. 6, Secs. 3 (part), 8
11 (part).)

12 Sec. 1113.062. MAINTENANCE OF RECORDS; PUBLIC INSPECTION.
13 Except as provided by Section 1113.055, all district records,
14 including books, accounts, notices, and minutes, and all other
15 matters of the district and the operation of its facilities, shall
16 be:

- 17 (1) maintained at the district office; and
 - 18 (2) open to public inspection at the district office
- 19 at all reasonable hours. (Acts 59th Leg., R.S., Ch. 6, Sec. 8
20 (part).)

21 Sec. 1113.063. SEAL. The board may adopt a seal for the
22 district. (Acts 59th Leg., R.S., Ch. 6, Sec. 8 (part).)

23 [Sections 1113.064-1113.100 reserved for expansion]

24 SUBCHAPTER C. POWERS AND DUTIES

25 Sec. 1113.101. DISTRICT RESPONSIBILITY. The district has
26 full responsibility for providing medical and hospital care for the
27 district's needy and indigent residents. (Acts 59th Leg., R.S.,

1 Ch. 6, Secs. 2 (part), 13 (part).)

2 Sec. 1113.102. RESTRICTION ON COUNTY OR MUNICIPAL TAXATION.
3 Wilbarger County or a municipality in Wilbarger County may not
4 impose a tax for hospital purposes. (Acts 59th Leg., R.S., Ch. 6,
5 Sec. 13 (part).)

6 Sec. 1113.103. MANAGEMENT AND CONTROL OF DISTRICT. The
7 management and control of the district is vested in the board. (Acts
8 59th Leg., R.S., Ch. 6, Sec. 4 (part).)

9 Sec. 1113.104. RULES. (a) The board may adopt rules
10 governing the operation of the district and district facilities.

11 (b) The rules, on approval by the board, may be published in
12 booklet form at district expense and may be made available to any
13 taxpayer on request. (Acts 59th Leg., R.S., Ch. 6, Sec. 8 (part).)

14 Sec. 1113.105. PURCHASING AND ACCOUNTING. (a) The board
15 may prescribe the method and manner of making purchases and
16 expenditures by and for the district.

17 (b) The board shall prescribe:

18 (1) all accounting and control procedures; and

19 (2) the method of purchasing necessary supplies,
20 materials, and equipment. (Acts 59th Leg., R.S., Ch. 6, Sec. 8
21 (part).)

22 Sec. 1113.106. DISTRICT PROPERTY. (a) The board may sell or
23 lease property owned by the district at public auction or at private
24 sale, on terms the board may determine.

25 (b) The sale or lease of property and the terms of the sale
26 or lease must be approved by a vote of at least three-fourths of the
27 total number of directors. The vote must be recorded by resolution

1 in the district's minutes.

2 (c) After the adoption of a resolution authorizing a sale or
3 lease, the board shall hold a public hearing on the proposed sale or
4 lease. Notice of the public hearing and the subject of the hearing
5 must be published in the English language in a newspaper of general
6 circulation in the district once a week for three consecutive weeks
7 preceding the hearing. The last of the notices must be published
8 not less than five days before the date set for the hearing.

9 (d) Not more than 10 days after the date of the public
10 hearing, the board shall again vote on the proposed sale or lease as
11 stated in the initial resolution. The sale or lease must be
12 approved by a vote of at least three-fourths of the total number of
13 directors. The vote must be recorded in the district's minutes.

14 (e) Any transfer, lease, or sale of district property must
15 be by an instrument signed by the board presiding officer and
16 attested by the board secretary. (Acts 59th Leg., R.S., Ch. 6, Sec.
17 4a.)

18 Sec. 1113.107. EMINENT DOMAIN. (a) The district may
19 exercise the power of eminent domain to acquire a fee simple or
20 other interest in any type of property located in district
21 territory, if the interest is necessary or convenient to exercise a
22 right, power, privilege, or function conferred on the district by
23 this chapter.

24 (b) The district must exercise the power of eminent domain
25 in the manner provided by Chapter 21, Property Code, except the
26 district is not required to deposit in the trial court money or a
27 bond as otherwise required by Section 21.021(a), Property Code.

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1 (c) In a condemnation proceeding brought by the district,
2 the district is not required to:

3 (1) pay in advance or provide a bond or other security
4 for costs in the trial court;

5 (2) provide a bond for the issuance of a temporary
6 restraining order or a temporary injunction; or

7 (3) provide a bond for costs or a supersedeas bond on
8 an appeal or petition for review. (Acts 59th Leg., R.S., Ch. 6,
9 Sec. 10.)

10 Sec. 1113.108. GIFTS AND ENDOWMENTS. The board may accept
11 for the district a gift or endowment to be held in trust and
12 administered by the board for the purposes and under the
13 directions, limitations, or other provisions prescribed in writing
14 by the donor that are not inconsistent with the proper management
15 and objectives of the district. (Acts 59th Leg., R.S., Ch. 6, Sec.
16 15.)

17 Sec. 1113.109. PAYMENT FOR TREATMENT; PROCEDURES. (a)
18 When a patient who claims to be indigent is admitted to a district
19 facility, the board shall have an inquiry made into the
20 circumstances of:

- 21 (1) the patient; and
22 (2) the patient's relatives legally liable for the
23 patient's support.

24 (b) If an agent designated by the district to handle the
25 inquiry determines that the patient or those relatives cannot pay
26 for all or part of the patient's care and treatment in the hospital,
27 the amount that cannot be paid becomes a charge against the

1 district.

2 (c) If it is determined that the patient or those relatives
3 are liable to pay for all or part of the patient's care and
4 treatment, the patient or those relatives shall be ordered to pay to
5 the district's treasurer a specified amount each week for the
6 patient's support. The amount ordered must be proportionate to
7 their financial ability and may not exceed the actual per capita
8 cost of maintenance.

9 (d) The district may collect the amount from the patient's
10 estate, or from those relatives legally liable for the patient's
11 support, in the manner provided by law for the collection of
12 expenses of the last illness of a deceased person.

13 (e) If there is a dispute as to the ability to pay or doubt
14 in the mind of the district's designated agent, the board shall hold
15 a hearing and, after calling witnesses, shall:

- 16 (1) resolve the dispute or doubt; and
- 17 (2) issue any appropriate order.

18 (f) The order may be appealed to the district court. (Acts
19 59th Leg., R.S., Ch. 6, Sec. 14.)

20 Sec. 1113.110. AUTHORITY TO SUE AND BE SUED. As a
21 governmental agency, the district may sue and be sued in its own
22 name in any court in this state. (Acts 59th Leg., R.S., Ch. 6, Sec.
23 17 (part).)

24 [Sections 1113.111-1113.150 reserved for expansion]

25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

26 Sec. 1113.151. BUDGET. The board annually shall have a
27 budget prepared for the next fiscal year that includes:

- 1 (1) proposed expenditures and disbursements;
- 2 (2) estimated receipts and collections; and
- 3 (3) the amount of taxes required to be imposed for the
- 4 year. (Acts 59th Leg., R.S., Ch. 6, Sec. 9 (part).)

5 Sec. 1113.152. PROPOSED BUDGET: NOTICE AND HEARING. (a)

6 The board shall hold a public hearing on the proposed budget.

7 (b) Notice of the hearing must be published at least once in

8 a newspaper of general circulation in Wilbarger County not later

9 than the 10th day before the date of the hearing.

10 (c) Any district taxpayer is entitled to:

11 (1) appear at the time and place designated in the

12 notice; and

13 (2) be heard regarding any item included in the

14 proposed budget. (Acts 59th Leg., R.S., Ch. 6, Sec. 9 (part).)

15 Sec. 1113.153. FISCAL YEAR. The district's fiscal year

16 begins on October 1 and ends on September 30. (Acts 59th Leg.,

17 R.S., Ch. 6, Sec. 9 (part).)

18 Sec. 1113.154. ANNUAL AUDIT. (a) The board annually shall

19 have an independent audit made of the district's books and records

20 for the preceding fiscal year.

21 (b) Not later than December 31 each year, the audit shall be

22 filed:

23 (1) with the comptroller; and

24 (2) at the district's office. (Acts 59th Leg., R.S.,

25 Ch. 6, Sec. 9 (part).)

26 Sec. 1113.155. DEPOSITORY OR TREASURER. (a) The board by

27 resolution shall designate a bank or banks in Wilbarger County as

1 the district's depository or treasurer. A designated bank serves
2 for two years and until a successor is designated.

3 (b) All income received by the district shall be deposited
4 with the district depository.

5 (c) All district money shall be secured in the manner
6 provided for securing county funds. (Acts 59th Leg., R.S., Ch. 6,
7 Secs. 5 (part), 11.)

8 [Sections 1113.156-1113.200 reserved for expansion]

9 SUBCHAPTER E. BONDS

10 Sec. 1113.201. GENERAL OBLIGATION BONDS. The board may
11 issue and sell general obligation bonds in the name and on the faith
12 and credit of the district for any purpose relating to the purchase,
13 construction, acquisition, repair, or renovation of buildings and
14 improvements and equipping buildings and improvements for hospital
15 purposes. (Acts 59th Leg., R.S., Ch. 6, Sec. 6 (part).)

16 Sec. 1113.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a)
17 The board shall impose an ad valorem tax at a rate sufficient to
18 create an interest and sinking fund to pay the principal of and
19 interest on general obligation bonds issued by the district under
20 Section 1113.201 as the bonds mature.

21 (b) The tax required by this section together with any
22 maintenance and operation tax the district imposes may not in any
23 year exceed:

24 (1) 50 cents on each \$100 valuation of all taxable
25 property in the district; or

26 (2) the maximum amount approved by the voters under
27 Section 1113.253. (Acts 59th Leg., R.S., Ch. 6, Sec. 6 (part).)

1 Sec. 1113.203. GENERAL OBLIGATION BOND ELECTION. (a) The
2 district may issue general obligation bonds only if the bonds are
3 authorized by a majority of the district voters voting at an
4 election held for that purpose.

5 (b) The board may order a bond election on its own motion.

6 (c) The order must specify:

7 (1) the location of the polling places;

8 (2) the presiding election officers;

9 (3) the purpose for which the bonds are to be issued;

10 (4) the amount of the bonds to be authorized;

11 (5) the maximum interest rate of the bonds; and

12 (6) the maximum maturity date of the bonds.

13 (d) Notice of a bond election shall be given by publishing a
14 substantial copy of the order in a newspaper of general circulation
15 in Wilbarger County once each week for two consecutive weeks before
16 the date of the election. The first publication must occur at least
17 14 days before the date of the election. (Acts 59th Leg., R.S., Ch.
18 6, Sec. 6 (part).)

19 Sec. 1113.204. MATURITY OF GENERAL OBLIGATION BONDS.
20 District general obligation bonds must mature not later than 40
21 years after the date of issuance. (Acts 59th Leg., R.S., Ch. 6,
22 Sec. 6 (part).)

23 Sec. 1113.205. EXECUTION OF GENERAL OBLIGATION BONDS. The
24 board presiding officer shall execute the general obligation bonds
25 in the district's name, and the board secretary shall countersign
26 the bonds. (Acts 59th Leg., R.S., Ch. 6, Sec. 6 (part).)

27 Sec. 1113.206. REFUNDING BONDS. (a) District refunding

1 bonds may be issued without an election and in the manner provided
2 by this subchapter to refund outstanding bonds issued by the
3 district.

4 (b) A refunding bond may be:

5 (1) sold, with the proceeds of the refunding bond
6 applied to the payment of the outstanding bonds; or

7 (2) exchanged wholly or partly for not less than a
8 similar amount of the outstanding bonds and the unpaid matured
9 interest on those bonds. (Acts 59th Leg., R.S., Ch. 6, Sec. 6
10 (part).)

11 [Sections 1113.207-1113.250 reserved for expansion]

12 SUBCHAPTER F. TAXES

13 Sec. 1113.251. IMPOSITION OF AD VALOREM TAX. (a) On final
14 approval of the budget, the board shall impose a tax on all taxable
15 property in the district subject to district taxation.

16 (b) The board shall impose the tax to:

17 (1) pay the interest on and create a sinking fund for
18 bonds issued by the district for hospital purposes as provided by
19 this chapter;

20 (2) provide for the maintenance and operations of the
21 hospital or hospital system;

22 (3) make improvements and additions to the hospital
23 system; and

24 (4) acquire necessary sites for the hospital system by
25 purchase, lease, or condemnation. (Acts 59th Leg., R.S., Ch. 6,
26 Secs. 5 (part), 9 (part).)

27 Sec. 1113.252. TAX RATE. Unless the rate is increased as

1 provided by Section 1113.253, the board may impose the tax at a rate
2 not to exceed 50 cents on each \$100 valuation of all taxable
3 property in the district. (Acts 59th Leg., R.S., Ch. 6, Sec. 5
4 (part).)

5 Sec. 1113.253. ELECTION TO INCREASE MAXIMUM TAX RATE. The
6 board may call an election to increase the district's maximum tax
7 rate to a rate not to exceed 75 cents on each \$100 valuation of all
8 taxable property in the district if the board determines that an
9 increase is necessary to carry out the purposes for which the
10 initial tax rate was authorized. (Acts 59th Leg., R.S., Ch. 6, Sec.
11 7 (part).)

12 Sec. 1113.254. TAX ASSESSOR-COLLECTOR. The tax
13 assessor-collector of Wilbarger County shall assess and collect
14 taxes imposed by the district. (Acts 59th Leg., R.S., Ch. 6, Secs.
15 5 (part), 9 (part).)

16 CHAPTER 1114. WILLACY COUNTY HOSPITAL DISTRICT

17 SUBCHAPTER A. GENERAL PROVISIONS

18 Sec. 1114.001. DEFINITIONS

19 Sec. 1114.002. AUTHORITY FOR OPERATION

20 Sec. 1114.003. ESSENTIAL PUBLIC FUNCTION

21 Sec. 1114.004. DISTRICT TERRITORY

22 Sec. 1114.005. LOCATION OF HOSPITAL FACILITIES

23 Sec. 1114.006. DISTRICT SUPPORT AND MAINTENANCE NOT

24 STATE OBLIGATION

25 Sec. 1114.007. RESTRICTION ON STATE FINANCIAL

26 ASSISTANCE

27 [Sections 1114.008-1114.050 reserved for expansion]

- 1 SUBCHAPTER B. DISTRICT ADMINISTRATION
- 2 Sec. 1114.051. BOARD ELECTION; TERM
- 3 Sec. 1114.052. NOTICE OF ELECTION
- 4 Sec. 1114.053. BALLOT PETITION
- 5 Sec. 1114.054. QUALIFICATIONS FOR OFFICE
- 6 Sec. 1114.055. OATH; BOND; RECORD OF BOND
- 7 Sec. 1114.056. BOARD VACANCY
- 8 Sec. 1114.057. OFFICERS
- 9 Sec. 1114.058. COMPENSATION; EXPENSES
- 10 Sec. 1114.059. MEETINGS
- 11 Sec. 1114.060. VOTING REQUIREMENT
- 12 Sec. 1114.061. ADMINISTRATOR; ASSISTANT ADMINISTRATOR
- 13 Sec. 1114.062. GENERAL DUTIES OF DISTRICT
- 14 ADMINISTRATOR
- 15 Sec. 1114.063. APPOINTMENT OF STAFF; EMPLOYEES
- 16 Sec. 1114.064. RETIREMENT BENEFITS
- 17 [Sections 1114.065-1114.100 reserved for expansion]
- 18 SUBCHAPTER C. POWERS AND DUTIES
- 19 Sec. 1114.101. DISTRICT RESPONSIBILITY
- 20 Sec. 1114.102. RESTRICTION ON POLITICAL SUBDIVISION
- 21 TAXATION AND DEBT
- 22 Sec. 1114.103. MANAGEMENT, CONTROL, AND ADMINISTRATION
- 23 Sec. 1114.104. RULES
- 24 Sec. 1114.105. PURCHASING AND ACCOUNTING
- 25 Sec. 1114.106. DISTRICT PROPERTY, FACILITIES, AND
- 26 EQUIPMENT
- 27 Sec. 1114.107. GIFTS AND ENDOWMENTS

- 1 Sec. 1114.108. CONSTRUCTION CONTRACTS
- 2 Sec. 1114.109. OPERATING AND MANAGEMENT CONTRACTS
- 3 Sec. 1114.110. CONTRACTS WITH GOVERNMENTAL ENTITIES
- 4 FOR CARE AND TREATMENT
- 5 Sec. 1114.111. CONTRACTS WITH GOVERNMENTAL ENTITIES
- 6 FOR INVESTIGATORY OR OTHER SERVICES
- 7 Sec. 1114.112. HEALTH CARE SERVICES
- 8 Sec. 1114.113. HEALTH CARE SERVICES ELIGIBILITY
- 9 Sec. 1114.114. MANDATED PROVIDER
- 10 Sec. 1114.115. NOTIFICATION OF PROVISION OF
- 11 NONEMERGENCY SERVICES
- 12 Sec. 1114.116. NOTIFICATION OF PROVISION OF EMERGENCY
- 13 SERVICES
- 14 Sec. 1114.117. PAYMENT FOR SERVICES
- 15 Sec. 1114.118. AUTHORITY TO SUE AND BE SUED
- 16 [Sections 1114.119-1114.150 reserved for expansion]
- 17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
- 18 Sec. 1114.151. BUDGET
- 19 Sec. 1114.152. NOTICE; HEARING; ACTION ON BUDGET
- 20 Sec. 1114.153. FISCAL YEAR
- 21 Sec. 1114.154. ANNUAL AUDIT
- 22 Sec. 1114.155. INSPECTION OF ANNUAL AUDIT AND DISTRICT
- 23 RECORDS
- 24 Sec. 1114.156. DEPOSITORY
- 25 Sec. 1114.157. SPENDING AND INVESTMENT RESTRICTIONS
- 26 [Sections 1114.158-1114.200 reserved for expansion]

SUBCHAPTER E. BONDS

- 1
- 2 Sec. 1114.201. GENERAL OBLIGATION BONDS
- 3 Sec. 1114.202. TAX TO PAY GENERAL OBLIGATION BONDS
- 4 Sec. 1114.203. GENERAL OBLIGATION BOND ELECTION
- 5 Sec. 1114.204. REVENUE BONDS
- 6 Sec. 1114.205. PROMISSORY NOTES
- 7 Sec. 1114.206. REFUNDING BONDS
- 8 Sec. 1114.207. MATURITY OF BONDS
- 9 Sec. 1114.208. EXECUTION OF BONDS
- 10 Sec. 1114.209. BONDS EXEMPT FROM TAXATION

[Sections 1114.210-1114.250 reserved for expansion]

SUBCHAPTER F. TAXES

- 13 Sec. 1114.251. IMPOSITION OF AD VALOREM TAX
- 14 Sec. 1114.252. TAX RATE
- 15 Sec. 1114.253. TAX ASSESSOR-COLLECTOR

[Sections 1114.254-1114.300 reserved for expansion]

SUBCHAPTER G. DISSOLUTION

- 18 Sec. 1114.301. DISSOLUTION; ELECTION
- 19 Sec. 1114.302. NOTICE OF ELECTION
- 20 Sec. 1114.303. BALLOT
- 21 Sec. 1114.304. ELECTION RESULTS
- 22 Sec. 1114.305. DETERMINATION OF DEBT

CHAPTER 1114. WILLACY COUNTY HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1114.001. DEFINITIONS. In this chapter:

- 26 (1) "Board" means the board of directors of the
- 27 district.

1 (2) "Commissioners court" means the Commissioners
2 Court of Willacy County.

3 (3) "Director" means a member of the board.

4 (4) "District" means the Willacy County Hospital
5 District. (Acts 62nd Leg., R.S., Ch. 323, Sec. 1 (part); New.)

6 Sec. 1114.002. AUTHORITY FOR OPERATION. The Willacy County
7 Hospital District operates in accordance with Section 9, Article
8 IX, Texas Constitution, and has the rights, powers, and duties
9 provided by this chapter. (Acts 62nd Leg., R.S., Ch. 323, Sec. 1
10 (part).)

11 Sec. 1114.003. ESSENTIAL PUBLIC FUNCTION. The district
12 performs an essential public function in carrying out the purposes
13 of this chapter. (Acts 62nd Leg., R.S., Ch. 323, Sec. 20 (part).)

14 Sec. 1114.004. DISTRICT TERRITORY. The boundaries of the
15 district are coextensive with the boundaries of Willacy County,
16 Texas. (Acts 62nd Leg., R.S., Ch. 323, Sec. 1 (part).)

17 Sec. 1114.005. LOCATION OF HOSPITAL FACILITIES. The
18 district hospital facilities shall be constructed and located on
19 the property described by Section 10(a), Chapter 323, Acts of the
20 62nd Legislature, Regular Session, 1971. (Acts 62nd Leg., R.S.,
21 Ch. 323, Sec. 10(a) (part); New.)

22 Sec. 1114.006. DISTRICT SUPPORT AND MAINTENANCE NOT STATE
23 OBLIGATION. The support and maintenance of the district and any
24 indebtedness incurred by the district under this chapter may not
25 become a charge against or obligation of this state. (Acts 62nd
26 Leg., R.S., Ch. 323, Sec. 19 (part).)

27 Sec. 1114.007. RESTRICTION ON STATE FINANCIAL ASSISTANCE.

1 The legislature may not make a direct appropriation for the
2 construction, maintenance, or improvement of a district facility.
3 (Acts 62nd Leg., R.S., Ch. 323, Sec. 19 (part).)

4 [Sections 1114.008-1114.050 reserved for expansion]

5 SUBCHAPTER B. DISTRICT ADMINISTRATION

6 Sec. 1114.051. BOARD ELECTION; TERM. (a) The district is
7 governed by a board of nine directors elected as follows:

8 (1) two directors elected from each commissioners
9 precinct; and

10 (2) one director elected from the district at large.

11 (b) The two candidates receiving the most votes from a
12 commissioners precinct are the directors for that precinct. The
13 candidate receiving the most votes from the district at large is the
14 director for the district at large.

15 (c) Unless four-year terms are established under Section
16 285.081, Health and Safety Code:

17 (1) directors serve staggered two-year terms with:

18 (A) the terms of the directors elected from
19 odd-numbered precincts and the term of the director from the
20 district at large expiring each even-numbered year; and

21 (B) the terms of the directors elected from
22 even-numbered precincts expiring each odd-numbered year; and

23 (2) an election shall be held on an authorized uniform
24 election date each year to elect the appropriate number of
25 directors. (Acts 62nd Leg., R.S., Ch. 323, Secs. 4(a), (c).)

26 Sec. 1114.052. NOTICE OF ELECTION. At least 90 days before
27 the date of a directors' election, notice of the election must be

1 published one time in a newspaper or newspapers that individually
2 or collectively provide general circulation in the district. (Acts
3 62nd Leg., R.S., Ch. 323, Sec. 4(e) (part).)

4 Sec. 1114.053. BALLOT PETITION. A person who wants to have
5 the person's name printed on the ballot as a candidate for director
6 must file with the board secretary a petition requesting that
7 action. The petition must:

- 8 (1) be signed by at least 10 registered voters;
9 (2) be filed by the deadline imposed by Section
10 144.005, Election Code; and
11 (3) specify the commissioner precinct the person seeks
12 to represent or specify that the person seeks to represent the
13 district at large. (Acts 62nd Leg., R.S., Ch. 323, Sec. 4(e)
14 (part).)

15 Sec. 1114.054. QUALIFICATIONS FOR OFFICE. (a) To qualify
16 for election to the board, a person must be:

- 17 (1) a resident of the district; and
18 (2) a qualified voter.
19 (b) In addition to the qualifications required by
20 Subsection (a), a person who is elected from a commissioners
21 precinct or who is appointed to fill a vacancy for a commissioners
22 precinct must be a resident of that commissioners precinct.

23 (c) A person is not eligible to serve as a director if the
24 person is:

- 25 (1) the district administrator;
26 (2) a district employee;
27 (3) a member of the hospital staff; or

1 (4) an employee of a member of the hospital staff.
2 (Acts 62nd Leg., R.S., Ch. 323, Secs. 4(b), (f).)

3 Sec. 1114.055. OATH; BOND; RECORD OF BOND. (a) A person
4 elected to the board shall qualify for office by executing:

5 (1) a written oath; and

6 (2) a good and sufficient surety bond for \$5,000 that
7 is:

8 (A) in the form prescribed by the board;

9 (B) payable to the district; and

10 (C) conditioned on the faithful performance of
11 the director's duties.

12 (b) Each director's bond shall be kept in the district's
13 permanent records.

14 (c) The board may pay for directors' bonds with district
15 funds. (Acts 62nd Leg., R.S., Ch. 323, Sec. 5(a) (part).)

16 Sec. 1114.056. BOARD VACANCY. If a vacancy occurs in the
17 office of director, the remaining directors by a majority vote
18 shall appoint a director for the unexpired term. (Acts 62nd Leg.,
19 R.S., Ch. 323, Sec. 4(d).)

20 Sec. 1114.057. OFFICERS. (a) The board shall elect from
21 among its members a president, a vice president, a secretary, and a
22 treasurer.

23 (b) The offices of secretary and treasurer may be held by
24 one person.

25 (c) Each officer of the board serves a one-year term.

26 (d) The board shall fill a vacancy in a board office for the
27 unexpired term. (Acts 62nd Leg., R.S., Ch. 323, Secs. 5(b), (c).)

1 Sec. 1114.058. COMPENSATION; EXPENSES. A director serves
2 without compensation but may be reimbursed for actual expenses
3 incurred in the performance of official duties. The expenses must
4 be:

- 5 (1) reported in the district's records; and
- 6 (2) approved by the board. (Acts 62nd Leg., R.S., Ch.
- 7 323, Sec. 5(e).)

8 Sec. 1114.059. MEETINGS. The board shall meet at least
9 once a month on a regular meeting date prescribed by the board.
10 (Acts 62nd Leg., R.S., Ch. 323, Sec. 5(f).)

11 Sec. 1114.060. VOTING REQUIREMENT. A concurrence of five
12 directors is required in any matter relating to district business.
13 (Acts 62nd Leg., R.S., Ch. 323, Sec. 5(d) (part).)

14 Sec. 1114.061. ADMINISTRATOR; ASSISTANT ADMINISTRATOR.

15 (a) The board shall appoint a qualified person as district
16 administrator.

17 (b) The board may appoint an assistant administrator.

18 (c) The administrator and any assistant administrator serve
19 at the will of the board and shall receive the compensation
20 determined by the board.

21 (d) On assuming the duties of district administrator, the
22 administrator shall execute a surety bond payable to the district
23 in an amount and form set by the board of not less than \$5,000 that:

- 24 (1) is conditioned on the administrator faithfully
- 25 performing the administrator's duties; and
- 26 (2) contains any other conditions the board requires.

27 (Acts 62nd Leg., R.S., Ch. 323, Sec. 6(a) (part).)

1 Sec. 1114.062. GENERAL DUTIES OF DISTRICT ADMINISTRATOR.
2 Subject to any limitations prescribed by the board, the district
3 administrator shall:

4 (1) supervise the work and activities of the district;
5 and

6 (2) direct the affairs of the district. (Acts 62nd
7 Leg., R.S., Ch. 323, Sec. 6(a) (part).)

8 Sec. 1114.063. APPOINTMENT OF STAFF; EMPLOYEES. (a) The
9 board may appoint to or dismiss from the staff any doctor the board
10 considers necessary for the efficient operation of the district and
11 may make temporary appointments to the staff if warranted.

12 (b) The district may employ fiscal agents, accountants,
13 architects, and attorneys as the board considers proper.

14 (c) The board may delegate to the district administrator the
15 authority to employ district employees, including technicians and
16 nurses. (Acts 62nd Leg., R.S., Ch. 323, Secs. 6(a) (part), 15.)

17 Sec. 1114.064. RETIREMENT BENEFITS. The board may provide
18 retirement benefits for district employees by:

19 (1) establishing or administering a retirement
20 program; or

21 (2) participating in:

22 (A) the Texas County and District Retirement
23 System; or

24 (B) another statewide retirement system in which
25 the district is eligible to participate. (Acts 62nd Leg., R.S., Ch.
26 323, Sec. 6(a) (part).)

27 [Sections 1114.065-1114.100 reserved for expansion]

1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 1114.101. DISTRICT RESPONSIBILITY. (a) The district
3 shall provide for the medical and hospital care of the district's
4 needy inhabitants, as required by Section 9, Article IX, Texas
5 Constitution, and this chapter.

6 (b) The district has full responsibility for providing
7 health care services for the district's indigent residents, subject
8 to the provisions of this chapter. (Acts 62nd Leg., R.S., Ch. 323,
9 Secs. 2, 18 (part).)

10 Sec. 1114.102. RESTRICTION ON POLITICAL SUBDIVISION
11 TAXATION AND DEBT. A political subdivision located within the
12 district may not impose a tax or issue bonds or other obligations
13 for hospital purposes or to provide medical care. (Acts 62nd Leg.,
14 R.S., Ch. 323, Sec. 18 (part).)

15 Sec. 1114.103. MANAGEMENT, CONTROL, AND ADMINISTRATION.
16 The board shall manage, control, and administer the district's
17 services, money, and resources. (Acts 62nd Leg., R.S., Ch. 323,
18 Sec. 6(a) (part).)

19 Sec. 1114.104. RULES. The board may adopt rules governing
20 the operation of the hospital, the hospital system, and the
21 district's staff and employees. (Acts 62nd Leg., R.S., Ch. 323,
22 Sec. 6(a) (part).)

23 Sec. 1114.105. PURCHASING AND ACCOUNTING. The board may
24 prescribe:

25 (1) the method and manner of making purchases and
26 expenditures by and for the district; and

27 (2) all accounting and control procedures. (Acts 62nd

1 Leg., R.S., Ch. 323, Sec. 11 (part).)

2 Sec. 1114.106. DISTRICT PROPERTY, FACILITIES, AND
3 EQUIPMENT. (a) The board may lease all or part of the district's
4 buildings and facilities on terms considered to be in the best
5 interest of the district's inhabitants. The term of the lease may
6 not exceed 25 years.

7 (b) The district may acquire equipment for use in the
8 district's hospital system and mortgage or pledge the property as
9 security for the payment of the purchase price, subject to the
10 provisions of this chapter. A contract entered into under this
11 subsection must provide that the entire obligation be retired not
12 later than the fifth anniversary of the date of the contract. (Acts
13 62nd Leg., R.S., Ch. 323, Secs. 10(c) (part), 11 (part).)

14 Sec. 1114.107. GIFTS AND ENDOWMENTS. The board may accept
15 for the district a gift or endowment to be held in trust and
16 administered by the board for the purposes and under the
17 directions, limitations, or provisions prescribed in writing by the
18 donor that are not inconsistent with the proper management and
19 object of the district. (Acts 62nd Leg., R.S., Ch. 323, Sec. 17
20 (part).)

21 Sec. 1114.108. CONSTRUCTION CONTRACTS. A construction
22 contract that involves the expenditure of more than the amount
23 provided by Section 271.024, Local Government Code, may be made
24 only after competitive bidding as provided by Subchapter B, Chapter
25 271, Local Government Code. (Acts 62nd Leg., R.S., Ch. 323, Sec. 11
26 (part).)

27 Sec. 1114.109. OPERATING AND MANAGEMENT CONTRACTS. The

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1 board may enter into an operating or management contract relating
2 to a district facility. (Acts 62nd Leg., R.S., Ch. 323, Sec. 10(c)
3 (part).)

4 Sec. 1114.110. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR
5 CARE AND TREATMENT. The board may contract with:

6 (1) any county or municipality located outside the
7 district for the care and treatment of a sick or injured person of
8 that county or municipality; and

9 (2) this state or a federal agency for the treatment of
10 a sick or injured person. (Acts 62nd Leg., R.S., Ch. 323, Sec. 6(a)
11 (part).)

12 Sec. 1114.111. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR
13 INVESTIGATORY OR OTHER SERVICES. The board may contract with
14 another political subdivision or a governmental agency for the
15 district to provide investigatory or other services for the
16 medical, hospital, or welfare needs of district inhabitants. (Acts
17 62nd Leg., R.S., Ch. 323, Sec. 6(a) (part).)

18 Sec. 1114.112. HEALTH CARE SERVICES. (a) The district
19 shall provide the inpatient and outpatient hospital services and
20 physician services a county is required to provide under Section
21 61.028(a), Health and Safety Code.

22 (b) The district shall provide maternal labor and delivery
23 services in the district. (Acts 62nd Leg., R.S., Ch. 323, Sec.
24 16A(a).)

25 Sec. 1114.113. HEALTH CARE SERVICES ELIGIBILITY. (a) The
26 district shall provide health care assistance as required by this
27 chapter to each eligible resident of the district.

1 (b) A person is eligible for health care assistance from the
2 district if the person:

3 (1) resides within the district; and

4 (2) meets the basic income and resources eligibility
5 requirements established by the district. (Acts 62nd Leg., R.S.,
6 Ch. 323, Secs. 16(a), (b).)

7 Sec. 1114.114. MANDATED PROVIDER. The district may select
8 one or more providers of health care services and may require an
9 eligible resident to obtain care from a provider except:

10 (1) in an emergency;

11 (2) when medically inappropriate; or

12 (3) when care is not available. (Acts 62nd Leg., R.S.,
13 Ch. 323, Sec. 16A(b) (part).)

14 Sec. 1114.115. NOTIFICATION OF PROVISION OF NONEMERGENCY
15 SERVICES. (a) The district may require a mandated provider
16 selected by the district under Section 1114.114 to obtain approval
17 from the district before providing nonemergency health care
18 services to an eligible resident of the district.

19 (b) If the district has not selected a mandated provider, a
20 provider of nonemergency health care assistance must inform the
21 district of any nonemergency health care services provided to a
22 patient as required by this section.

23 (c) A provider that delivers or will deliver nonemergency
24 health care services to a patient who the provider suspects might be
25 eligible for assistance under this chapter shall notify the
26 district that nonemergency health care services have been or will
27 be provided to the patient. The provider must notify the district:

1 (1) by telephone, as soon as possible after the
2 provider determines that the patient resides in the district; and

3 (2) by mail postmarked not later than the third
4 working day after the date on which the provider determines that the
5 patient resides in the district.

6 (d) If the provider knows that the district has selected a
7 mandated provider or if, after contacting the district, the
8 district requests that the patient be transferred to a mandated
9 provider, the provider shall transfer the patient to the mandated
10 provider unless it is medically inappropriate to transfer the
11 patient.

12 (e) The provider, the patient, and the patient's family
13 shall cooperate with the district in determining if the patient is
14 an eligible resident of the district.

15 (f) Not later than the 14th day after the date on which the
16 district receives sufficient information to determine eligibility,
17 the district shall determine if the patient is eligible for
18 assistance. If the district does not determine the patient's
19 eligibility within that period, the patient is considered to be
20 eligible. The district shall notify the provider of the district's
21 decision.

22 (g) A provider that delivers nonemergency services to a
23 patient who is eligible for assistance under this chapter and fails
24 to comply with this section is not eligible for payment for the
25 services from the district. (Acts 62nd Leg., R.S., Ch. 323, Secs.
26 16A(c), (e), (f), (g) (part).)

27 Sec. 1114.116. NOTIFICATION OF PROVISION OF EMERGENCY

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1 SERVICES. (a) If a patient who is eligible for assistance under
2 this chapter requires emergency services from a nonmandated
3 provider, the provider must notify the district as provided by this
4 section.

5 (b) A provider delivering emergency services to a patient
6 who the provider suspects might be eligible for assistance under
7 this chapter shall notify the district that emergency services have
8 been or will be provided to the patient. The provider must notify
9 the district:

10 (1) by telephone, as soon as possible after the
11 provider determines that the patient resides in the district; and

12 (2) by mail postmarked not later than the third
13 working day after the date on which the provider determines that the
14 patient resides in the district.

15 (c) A provider shall attempt to determine if a patient
16 resides in the district at the time the patient first receives
17 services.

18 (d) The provider, the patient, and the patient's family
19 shall cooperate with the district in determining if the patient is
20 an eligible resident of the district.

21 (e) Not later than the 14th day after the date on which the
22 district receives sufficient information to determine eligibility,
23 the district shall determine if the patient is eligible for
24 assistance. If the district does not determine the patient's
25 eligibility within that period, the patient is considered to be
26 eligible. The district shall notify the provider of the district's
27 decision.

1 (f) A provider that delivers emergency services to a patient
2 who is eligible for assistance under this chapter and fails to
3 comply with this section is not eligible for payment for the
4 services from the district. (Acts 62nd Leg., R.S., Ch. 323, Secs.
5 16A(d), (e), (f), (g) (part).)

6 Sec. 1114.117. PAYMENT FOR SERVICES. (a) To the extent
7 prescribed by this chapter, the district is liable for health care
8 services provided under this chapter by any provider, including
9 another hospital district or public hospital, to an eligible
10 resident of the district.

11 (b) The payment rates and limits prescribed by Sections
12 61.034 and 61.035, Health and Safety Code, that relate to county
13 services apply to inpatient and outpatient hospital services and
14 physician services that the district is required to provide if:

15 (1) the district is not able to provide the required
16 services or emergency services; and

17 (2) the services are provided elsewhere. (Acts 62nd
18 Leg., R.S., Ch. 323, Sec. 16B.)

19 Sec. 1114.118. AUTHORITY TO SUE AND BE SUED. (a) The
20 district, through the board, may sue and be sued.

21 (b) The district is entitled to all causes of action and
22 defenses to which similar authorities are entitled. (Acts 62nd
23 Leg., R.S., Ch. 323, Sec. 6 (part).)

24 [Sections 1114.119-1114.150 reserved for expansion]

25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

26 Sec. 1114.151. BUDGET. (a) The district administrator
27 shall prepare an annual budget for approval by the board.

1 (b) The proposed budget must contain a complete financial
2 statement of:

3 (1) the outstanding obligations of the district;

4 (2) the money received by the district from all
5 sources during the previous year;

6 (3) the money available to the district from all
7 sources during the ensuing year;

8 (4) the balances expected at the end of the year in
9 which the budget is being prepared;

10 (5) the estimated revenue and balances available to
11 cover the proposed budget;

12 (6) the estimated tax rate required; and

13 (7) the proposed expenditures and disbursements and
14 the estimated receipts and collections for the following fiscal
15 year. (Acts 62nd Leg., R.S., Ch. 323, Sec. 7(a) (part).)

16 Sec. 1114.152. NOTICE; HEARING; ACTION ON BUDGET. (a) The
17 board shall hold a public hearing each year on the proposed annual
18 budget.

19 (b) At least 10 days before the date of the hearing, notice
20 of the hearing shall be published one time in a newspaper or
21 newspapers that individually or collectively provide general
22 circulation in the district.

23 (c) Any district resident is entitled to be present and
24 participate at the hearing.

25 (d) At the conclusion of the hearing, the board shall act on
26 the budget proposed by the district administrator. The board may
27 make any changes in the proposed budget that the board judges to be

1 in the interests of the district's residents and that the law
2 warrants. (Acts 62nd Leg., R.S., Ch. 323, Sec. 7(a) (part).)

3 Sec. 1114.153. FISCAL YEAR. The district operates
4 according to a fiscal year that begins on July 1 and ends on June 30.
5 (Acts 62nd Leg., R.S., Ch. 323, Sec. 7(a) (part).)

6 Sec. 1114.154. ANNUAL AUDIT. (a) The district shall have
7 an independent annual audit made of the district's financial
8 condition for each fiscal year.

9 (b) After approval by the board, the audit shall be filed at
10 the district's office. (Acts 62nd Leg., R.S., Ch. 323, Sec. 7(a)
11 (part).)

12 Sec. 1114.155. INSPECTION OF ANNUAL AUDIT AND DISTRICT
13 RECORDS. The annual audit and other district records shall be open
14 to inspection at the district's principal office. (Acts 62nd Leg.,
15 R.S., Ch. 323, Sec. 7(a) (part).)

16 Sec. 1114.156. DEPOSITORY. (a) Every two years, the board
17 shall select one or more banks in the district to serve as a
18 depository for district money.

19 (b) All district money, other than money invested as
20 provided by Section 1114.157(b), and money transmitted to a bank
21 for payment of bonds or obligations issued or assumed by the
22 district, shall be deposited as received with the depository and
23 shall remain on deposit.

24 (c) This chapter, including Subsection (b), does not limit
25 the power of the board to:

- 26 (1) place a part of district money on time deposit; or
27 (2) purchase certificates of deposit, obligations of

1 the United States, or obligations guaranteed by the United States.
2 (Acts 62nd Leg., R.S., Ch. 323, Sec. 12(a).)

3 Sec. 1114.157. SPENDING AND INVESTMENT RESTRICTIONS. (a)
4 Except as otherwise provided by Section 1114.106(b) and by
5 Subchapter E, the district may not incur an obligation payable from
6 district revenue other than the revenue on hand or to be on hand in
7 the current and following district fiscal years.

8 (b) The board may invest operating, depreciation, or
9 building reserves only in funds or securities specified by Chapter
10 2256, Government Code. (Acts 62nd Leg., R.S., Ch. 323, Secs. 6(a)
11 (part), 11 (part).)

12 [Sections 1114.158-1114.200 reserved for expansion]

13 SUBCHAPTER E. BONDS

14 Sec. 1114.201. GENERAL OBLIGATION BONDS. The board may
15 issue and sell general obligation bonds in the name and on the faith
16 and credit of the district for:

17 (1) purchasing, constructing, acquiring, repairing,
18 or renovating buildings and improvements;

19 (2) equipping buildings and improvements for hospital
20 purposes;

21 (3) acquiring and operating a mobile emergency medical
22 service; and

23 (4) providing medical services. (Acts 62nd Leg.,
24 R.S., Ch. 323, Sec. 8 (part).)

25 Sec. 1114.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a) At
26 the time general obligation bonds are issued by the district, the
27 board shall impose an ad valorem tax at a rate sufficient to create

1 an interest and sinking fund to pay the principal of and interest on
2 the bonds as the bonds mature.

3 (b) The tax required by this section, together with any
4 other ad valorem tax the district imposes, may not in any year
5 exceed the tax rate approved by the voters. (Acts 62nd Leg., R.S.,
6 Ch. 323, Sec. 8 (part).)

7 Sec. 1114.203. GENERAL OBLIGATION BOND ELECTION. (a) The
8 district may issue general obligation bonds only if the bonds are
9 authorized by a majority of the district voters voting at an
10 election held for that purpose.

11 (b) The order calling the election must specify:
12 (1) the date of the election;
13 (2) the location of the polling places;
14 (3) the amount of the bonds to be authorized;
15 (4) the maximum interest rate of the bonds; and
16 (5) the maximum maturity of the bonds.

17 (c) Notice of a bond election shall be given as provided by
18 Section 1251.003, Government Code. (Acts 62nd Leg., R.S., Ch. 323,
19 Sec. 8 (part).)

20 Sec. 1114.204. REVENUE BONDS. (a) The board may issue
21 revenue bonds to:

22 (1) purchase, construct, acquire, repair, equip, or
23 renovate buildings or improvements for hospital purposes;
24 (2) acquire sites to be used for hospital purposes; or
25 (3) acquire and operate a mobile emergency medical
26 service.

27 (b) The bonds must be payable from and secured by a pledge of

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1 all or part of the revenue derived from the operation of the
2 district's hospital system.

3 (c) The bonds may be additionally secured by a mortgage or
4 deed of trust lien on all or part of district property.

5 (d) The bonds must be issued in the manner prescribed by
6 Sections 264.042, 264.043, 264.046, 264.047, 264.048, and 264.049,
7 Health and Safety Code, for issuance of revenue bonds by a county
8 hospital authority. (Acts 62nd Leg., R.S., Ch. 323, Sec. 8A.)

9 Sec. 1114.205. PROMISSORY NOTES. (a) The board may execute
10 and deliver promissory notes to purchase, construct, acquire,
11 repair, equip, or renovate buildings and improvements for hospital
12 purposes.

13 (b) The notes may be secured by:

14 (1) a mortgage or deed of trust lien on all or part of
15 the district property; or

16 (2) a pledge of revenues derived from the operation of
17 the district's hospital.

18 (c) The notes may be paid from:

19 (1) taxes imposed by the district, not to exceed the
20 tax rate approved by the voters; and

21 (2) the revenues derived from the operation of the
22 district's hospital.

23 (d) The total amount of revenues pledged under Subsection
24 (b)(2) may not exceed 50 percent of the estimated revenues for the
25 period the pledge is effective. (Acts 62nd Leg., R.S., Ch. 323,
26 Sec. 9.)

27 Sec. 1114.206. REFUNDING BONDS. (a) District refunding

1 bonds may be issued to refund outstanding bonded indebtedness of
2 the district.

3 (b) A refunding bond may be:

4 (1) sold, with the proceeds of the refunding bond
5 applied to the payment of outstanding bonded indebtedness; or

6 (2) exchanged wholly or partly for not less than a
7 similar principal amount of outstanding indebtedness. (Acts 62nd
8 Leg., R.S., Ch. 323, Sec. 8B (part).)

9 Sec. 1114.207. MATURITY OF BONDS. District bonds must
10 mature not later than 50 years after the date of issuance. (Acts
11 62nd Leg., R.S., Ch. 323, Sec. 8C (part).)

12 Sec. 1114.208. EXECUTION OF BONDS. The board president
13 shall execute the district's bonds in the district's name, and the
14 board secretary shall countersign the bonds in the manner provided
15 by Chapter 618, Government Code. (Acts 62nd Leg., R.S., Ch. 323,
16 Sec. 8C (part).)

17 Sec. 1114.209. BONDS EXEMPT FROM TAXATION. The following
18 are exempt from taxation by this state or a political subdivision of
19 this state:

20 (1) bonds issued or assumed by the district;

21 (2) the transfer and issuance of the bonds; and

22 (3) profits made in the sale of the bonds. (Acts 62nd
23 Leg., R.S., Ch. 323, Sec. 20 (part).)

24 [Sections 1114.210-1114.250 reserved for expansion]

25 SUBCHAPTER F. TAXES

26 Sec. 1114.251. IMPOSITION OF AD VALOREM TAX. (a) The board
27 may impose a tax on all property in the district subject to district

1 taxation.

2 (b) The board may impose the tax to:

3 (1) pay the indebtedness issued or assumed by the
4 district; and

5 (2) maintain and operate the district. (Acts 62nd
6 Leg., R.S., Ch. 323, Secs. 13(a) (part), (c) (part).)

7 Sec. 1114.252. TAX RATE. (a) The board may impose the tax
8 at a rate not to exceed 15 cents on each \$100 valuation of all
9 taxable property in the district.

10 (b) In setting the tax rate, the board shall consider the
11 income of the district from sources other than taxation. (Acts 62nd
12 Leg., R.S., Ch. 323, Secs. 3(b) (part), 13(a) (part), (b) (part).)

13 Sec. 1114.253. TAX ASSESSOR-COLLECTOR. The board may
14 provide for the appointment of a tax assessor-collector for the
15 district or may contract for the assessment and collection of taxes
16 as provided by the Tax Code. (Acts 62nd Leg., R.S., Ch. 323, Sec. 14
17 (part).)

18 [Sections 1114.254-1114.300 reserved for expansion]

19 SUBCHAPTER G. DISSOLUTION

20 Sec. 1114.301. DISSOLUTION; ELECTION. (a) The
21 commissioners court shall order an election on the question of
22 dissolution of the district if the board receives a petition of 20
23 percent of the voters in the district.

24 (b) The commissioners court on its own motion may order an
25 election on the question of dissolution of the district.

26 (c) An order calling an election under this section must
27 contain:

- 1 (1) the time of the election;
- 2 (2) the location of the polling places;
- 3 (3) the issue to be printed on the ballot; and
- 4 (4) the presiding judge for each polling place. (Acts
- 5 62nd Leg., R.S., Ch. 323, Secs. 23(a), (b).)

6 Sec. 1114.302. NOTICE OF ELECTION. The commissioners court
7 shall publish a substantial copy of the election order in a
8 newspaper with general circulation in the district once a week for
9 two consecutive weeks before the date of the election. (Acts 62nd
10 Leg., R.S., Ch. 323, Sec. 23(c).)

11 Sec. 1114.303. BALLOT. The ballot for an election under
12 this subchapter must provide for voting for or against the
13 following proposition: "Dissolution of the Willacy County Hospital
14 District." (Acts 62nd Leg., R.S., Ch. 323, Sec. 23(f).)

15 Sec. 1114.304. ELECTION RESULTS. (a) If a majority of the
16 voters in an election favor dissolution, the commissioners court
17 shall declare the results and order the district dissolved. A copy
18 of the order must be placed in the minutes of the commissioners
19 court.

20 (b) If the election results do not favor dissolution, the
21 commissioners court may not order another election under this
22 subchapter before the first anniversary of the date the election
23 results were officially announced.

24 (c) A copy of the election results must be filed with the
25 county clerk and become a public record. (Acts 62nd Leg., R.S., Ch.
26 323, Secs. 23(d) (part), (e).)

27 Sec. 1114.305. DETERMINATION OF DEBT. After issuing the

1 dissolution order, the commissioners court shall:

- 2 (1) determine the full debt owed by the district; and
- 3 (2) correct the last approved assessment rolls of the
- 4 district by adding any property accidentally omitted before the
- 5 dissolution order was issued. (Acts 62nd Leg., R.S., Ch. 323, Sec.
- 6 23(g).)

7 CHAPTER 1115. WILSON COUNTY MEMORIAL HOSPITAL DISTRICT

8 SUBCHAPTER A. GENERAL PROVISIONS

- 9 Sec. 1115.001. DEFINITIONS
- 10 Sec. 1115.002. AUTHORITY FOR OPERATION
- 11 Sec. 1115.003. ESSENTIAL PUBLIC FUNCTION
- 12 Sec. 1115.004. DISTRICT TERRITORY
- 13 Sec. 1115.005. DISTRICT SUPPORT AND MAINTENANCE NOT
- 14 STATE OBLIGATION
- 15 Sec. 1115.006. RESTRICTION ON STATE FINANCIAL
- 16 ASSISTANCE

17 [Sections 1115.007-1115.050 reserved for expansion]

18 SUBCHAPTER B. DISTRICT ADMINISTRATION

- 19 Sec. 1115.051. BOARD ELECTION; TERM
- 20 Sec. 1115.052. NOTICE OF ELECTION
- 21 Sec. 1115.053. BALLOT PETITION
- 22 Sec. 1115.054. QUALIFICATIONS FOR OFFICE
- 23 Sec. 1115.055. BOARD VACANCY
- 24 Sec. 1115.056. OFFICERS
- 25 Sec. 1115.057. COMPENSATION; EXPENSES
- 26 Sec. 1115.058. VOTING REQUIREMENT

- 1 Sec. 1115.059. DISTRICT ADMINISTRATOR; ASSISTANT
- 2 DISTRICT ADMINISTRATOR
- 3 Sec. 1115.060. GENERAL DUTIES OF DISTRICT
- 4 ADMINISTRATOR
- 5 Sec. 1115.061. ATTORNEY
- 6 Sec. 1115.062. APPOINTMENT OF STAFF AND EMPLOYEES
- 7 [Sections 1115.063-1115.100 reserved for expansion]
- 8 SUBCHAPTER C. POWERS AND DUTIES
- 9 Sec. 1115.101. DISTRICT RESPONSIBILITY
- 10 Sec. 1115.102. RESTRICTION ON POLITICAL SUBDIVISION
- 11 TAXATION AND DEBT
- 12 Sec. 1115.103. MANAGEMENT, CONTROL, AND ADMINISTRATION
- 13 Sec. 1115.104. HOSPITAL SYSTEM
- 14 Sec. 1115.105. RULES
- 15 Sec. 1115.106. PURCHASING AND ACCOUNTING PROCEDURES
- 16 Sec. 1115.107. DISTRICT PROPERTY, FACILITIES, AND
- 17 EQUIPMENT
- 18 Sec. 1115.108. EMINENT DOMAIN
- 19 Sec. 1115.109. GIFTS AND ENDOWMENTS
- 20 Sec. 1115.110. CONSTRUCTION CONTRACTS
- 21 Sec. 1115.111. OPERATING AND MANAGEMENT CONTRACTS
- 22 Sec. 1115.112. CONTRACTS WITH GOVERNMENTAL ENTITIES
- 23 FOR CARE AND TREATMENT
- 24 Sec. 1115.113. CONTRACTS WITH GOVERNMENTAL ENTITIES
- 25 FOR INVESTIGATORY OR OTHER SERVICES
- 26 Sec. 1115.114. PAYMENT FOR TREATMENT; PROCEDURES
- 27 Sec. 1115.115. AUTHORITY TO SUE AND BE SUED

1 Sec. 1115.116. ELECTION DATE

2 [Sections 1115.117-1115.150 reserved for expansion]

3 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

4 Sec. 1115.151. BUDGET

5 Sec. 1115.152. PROPOSED BUDGET: NOTICE AND HEARING;

6 APPROVAL OF BUDGET

7 Sec. 1115.153. AMENDMENTS TO BUDGET

8 Sec. 1115.154. RESTRICTION ON EXPENDITURES

9 Sec. 1115.155. FISCAL YEAR

10 Sec. 1115.156. ANNUAL AUDIT

11 Sec. 1115.157. INSPECTION OF ANNUAL AUDIT AND DISTRICT

12 RECORDS

13 Sec. 1115.158. FINANCIAL REPORT

14 Sec. 1115.159. DEPOSITORY

15 Sec. 1115.160. SPENDING AND INVESTMENT RESTRICTIONS

16 [Sections 1115.161-1115.200 reserved for expansion]

17 SUBCHAPTER E. BONDS

18 Sec. 1115.201. GENERAL OBLIGATION BONDS

19 Sec. 1115.202. TAX TO PAY GENERAL OBLIGATION BONDS

20 Sec. 1115.203. GENERAL OBLIGATION BOND ELECTION

21 Sec. 1115.204. MATURITY OF GENERAL OBLIGATION BONDS

22 Sec. 1115.205. EXECUTION OF GENERAL OBLIGATION BONDS

23 Sec. 1115.206. REVENUE BONDS

24 Sec. 1115.207. REFUNDING BONDS

25 Sec. 1115.208. BONDS EXEMPT FROM TAXATION

26 [Sections 1115.209-1115.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1115.251. IMPOSITION OF AD VALOREM TAX

Sec. 1115.252. TAX RATE

Sec. 1115.253. ASSESSMENT AND COLLECTION BY COUNTY TAX

ASSESSOR-COLLECTOR

Sec. 1115.254. ASSESSMENT AND COLLECTION BY DISTRICT

TAX ASSESSOR-COLLECTOR

CHAPTER 1115. WILSON COUNTY MEMORIAL HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1115.001. DEFINITIONS. In this chapter:

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

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

(3) "District" means the Wilson County Memorial Hospital District. (New.)

Sec. 1115.002. AUTHORITY FOR OPERATION. The Wilson County Memorial Hospital District operates and is administered and financed in accordance with Section 9, Article IX, Texas Constitution, and has the rights, powers, and duties provided by this chapter. (Acts 65th Leg., R.S., Ch. 511, Sec. 1 (part).)

Sec. 1115.003. ESSENTIAL PUBLIC FUNCTION. The district performs an essential public function in carrying out the purposes of this chapter. (Acts 65th Leg., R.S., Ch. 511, Sec. 21 (part).)

Sec. 1115.004. DISTRICT TERRITORY. The boundaries of the district are coextensive with the boundaries of Wilson County, Texas. (Acts 65th Leg., R.S., Ch. 511, Sec. 1 (part).)

Sec. 1115.005. DISTRICT SUPPORT AND MAINTENANCE NOT STATE

1 OBLIGATION. The support and maintenance of the district may not
2 become a charge against or obligation of this state. (Acts 65th
3 Leg., R.S., Ch. 511, Sec. 20 (part).)

4 Sec. 1115.006. RESTRICTION ON STATE FINANCIAL ASSISTANCE.
5 The legislature may not make a direct appropriation for the
6 construction, maintenance, or improvement of a district facility.
7 (Acts 65th Leg., R.S., Ch. 511, Sec. 20 (part).)

8 [Sections 1115.007-1115.050 reserved for expansion]

9 SUBCHAPTER B. DISTRICT ADMINISTRATION

10 Sec. 1115.051. BOARD ELECTION; TERM. (a) The board
11 consists of nine directors elected as follows:

12 (1) two directors elected from each county
13 commissioners precinct of Wilson County; and

14 (2) one director elected from the district at large.

15 (b) The candidate from each commissioners precinct
16 receiving the highest number of votes from that precinct is elected
17 as director from that precinct. The candidate from the district at
18 large receiving the highest number of votes from the district at
19 large is elected as the director from the district at large.

20 (c) Unless four-year terms are established under Section
21 285.081, Health and Safety Code:

22 (1) directors serve staggered two-year terms;

23 (2) each year one director is elected from each
24 precinct; and

25 (3) in odd-numbered years, a director is elected from
26 the district at large.

27 (d) A directors' election shall be held on the uniform

1 election date in May of each year or another date authorized by law.
2 (Acts 65th Leg., R.S., Ch. 511, Sec. 4(c) (part).)

3 Sec. 1115.052. NOTICE OF ELECTION. At least 30 days before
4 the date of a directors' election, notice of the election must be
5 published one time in a newspaper or newspapers that individually
6 or collectively have general circulation in the district. (Acts
7 65th Leg., R.S., Ch. 511, Sec. 4(c) (part).)

8 Sec. 1115.053. BALLOT PETITION. A person who wants to have
9 the person's name printed on the ballot as a candidate for director
10 must file with the board secretary a petition requesting that
11 action. The petition must:

12 (1) be signed by at least 15 registered voters in the
13 district; and

14 (2) be filed by the deadline imposed by Section
15 144.005, Election Code. (Acts 65th Leg., R.S., Ch. 511, Sec. 4(c)
16 (part).)

17 Sec. 1115.054. QUALIFICATIONS FOR OFFICE. (a) A person may
18 not be elected or appointed as a director unless the person is:

19 (1) a resident of the district; and

20 (2) a qualified voter.

21 (b) A person is not eligible for election as a director from
22 a commissioners precinct unless the person is a resident of that
23 precinct.

24 (c) A person is not eligible to serve as a director if the
25 person is:

26 (1) the district administrator;

27 (2) the district attorney; or

1 (3) a district employee. (Acts 65th Leg., R.S., Ch.
2 511, Sec. 4(d).)

3 Sec. 1115.055. BOARD VACANCY. (a) If a vacancy occurs in
4 the office of director, the remaining directors shall fill the
5 vacancy for the unexpired term.

6 (b) A person appointed under Subsection (a) to fill a
7 vacancy from a precinct must be a resident of the precinct the
8 person is to represent. (Acts 65th Leg., R.S., Ch. 511, Sec. 4(c)
9 (part).)

10 Sec. 1115.056. OFFICERS. (a) The board shall elect:

11 (1) a president and a vice president from among its
12 members; and

13 (2) a secretary, who need not be a director.

14 (b) Each officer of the board serves a one-year term.

15 (c) The board shall fill a vacancy in a board office for the
16 unexpired term. (Acts 65th Leg., R.S., Ch. 511, Sec. 4(e) (part).)

17 Sec. 1115.057. COMPENSATION; EXPENSES. A director or
18 officer serves without compensation but may be reimbursed for
19 actual expenses incurred in the performance of official duties on
20 approval by the board. The expenses must be reported in the
21 district's records. (Acts 65th Leg., R.S., Ch. 511, Sec. 4(e)
22 (part).)

23 Sec. 1115.058. VOTING REQUIREMENT. A concurrence of five
24 directors is sufficient in any matter relating to district
25 business. (Acts 65th Leg., R.S., Ch. 511, Sec. 4(e) (part).)

26 Sec. 1115.059. DISTRICT ADMINISTRATOR; ASSISTANT DISTRICT
27 ADMINISTRATOR. (a) The board shall appoint a qualified person as

1 district administrator.

2 (b) The district administrator serves at the will of the
3 board and shall receive the compensation determined by the board.

4 (c) On assuming the duties of district administrator, the
5 administrator shall execute a bond payable to the district in the
6 amount set by the board of not less than \$5,000 that:

7 (1) is conditioned on the administrator performing the
8 administrator's required duties; and

9 (2) contains any other condition the board requires.

10 (d) The board may appoint an assistant district
11 administrator. The assistant district administrator serves at the
12 will of the board and receives the compensation determined by the
13 board. (Acts 65th Leg., R.S., Ch. 511, Sec. 5 (part).)

14 Sec. 1115.060. GENERAL DUTIES OF DISTRICT ADMINISTRATOR.
15 Subject to the limitations prescribed by the board, the district
16 administrator shall:

17 (1) supervise the work and activities of the district;
18 and

19 (2) direct the affairs of the district. (Acts 65th
20 Leg., R.S., Ch. 511, Sec. 5 (part).)

21 Sec. 1115.061. ATTORNEY. (a) The board shall appoint a
22 qualified person as the attorney for the district.

23 (b) The attorney serves at the will of the board and
24 receives the compensation determined by the board. (Acts 65th
25 Leg., R.S., Ch. 511, Sec. 5 (part).)

26 Sec. 1115.062. APPOINTMENT OF STAFF AND EMPLOYEES. (a) The
27 board may appoint to the staff any doctors the board considers

1 necessary for the efficient operation of the district and may make
2 temporary appointments as warranted.

3 (b) The district may employ fiscal agents, accountants,
4 architects, and additional attorneys as the board considers proper.

5 (c) The board may delegate to the district administrator the
6 authority to employ technicians, nurses, and district employees.
7 (Acts 65th Leg., R.S., Ch. 511, Secs. 5 (part), 16.)

8 [Sections 1115.063-1115.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 1115.101. DISTRICT RESPONSIBILITY. The district has
11 full responsibility for operating all hospital facilities for
12 providing medical and hospital care for the district's needy
13 inhabitants. (Acts 65th Leg., R.S., Ch. 511, Sec. 19 (part).)

14 Sec. 1115.102. RESTRICTION ON POLITICAL SUBDIVISION
15 TAXATION AND DEBT. A political subdivision located wholly or
16 partly within the district may not impose a tax or issue bonds or
17 other obligations for hospital purposes or to provide medical care
18 for district residents. (Acts 65th Leg., R.S., Ch. 511, Sec. 19
19 (part).)

20 Sec. 1115.103. MANAGEMENT, CONTROL, AND ADMINISTRATION.
21 The board shall manage, control, and administer the hospital system
22 and the district's money and resources. (Acts 65th Leg., R.S., Ch.
23 511, Sec. 5 (part).)

24 Sec. 1115.104. HOSPITAL SYSTEM. (a) The district shall
25 provide for:

- 26 (1) the establishment of a hospital system by:
 - 27 (A) purchasing, constructing, acquiring,

1 repairing, and renovating buildings and equipment; and

2 (B) equipping the buildings; and

3 (2) the administration of the hospital system for
4 hospital purposes.

5 (b) The hospital system may include any facilities the board
6 considers necessary for hospital care. (Acts 65th Leg., R.S., Ch.
7 511, Secs. 2 (part), 10(a) (part).)

8 Sec. 1115.105. RULES. The board may adopt rules governing
9 the operation of the hospital, the hospital system, and the
10 district's staff and employees. (Acts 65th Leg., R.S., Ch. 511,
11 Sec. 5 (part).)

12 Sec. 1115.106. PURCHASING AND ACCOUNTING PROCEDURES. The
13 board may prescribe:

14 (1) the method and manner of making purchases and
15 expenditures by and for the district; and

16 (2) all accounting and control procedures. (Acts 65th
17 Leg., R.S., Ch. 511, Sec. 10(b) (part).)

18 Sec. 1115.107. DISTRICT PROPERTY, FACILITIES, AND
19 EQUIPMENT. (a) The board shall determine the type, number, and
20 location of buildings required to maintain an adequate hospital
21 system.

22 (b) The board may lease all or part of the district's
23 buildings and facilities on terms considered to be in the best
24 interest of the district's inhabitants.

25 (c) The district may acquire equipment for use in the
26 district's hospital system and mortgage or pledge the property as
27 security for the payment of the purchase price.

1 (d) The district may sell or otherwise dispose of any
2 property, including equipment, on terms the board finds are in the
3 best interest of the district's inhabitants. (Acts 65th Leg.,
4 R.S., Ch. 511, Secs. 10(a) (part), (b) (part).)

5 Sec. 1115.108. EMINENT DOMAIN. (a) The district may
6 exercise the power of eminent domain to acquire a fee simple or
7 other interest in any type of property located in district
8 territory if the interest is necessary or convenient to a power,
9 right, or privilege conferred by this chapter.

10 (b) The district must exercise the power of eminent domain
11 in the manner provided by Chapter 21, Property Code, except the
12 district is not required to deposit in the trial court money or a
13 bond as provided by Section 21.021(a), Property Code.

14 (c) In a condemnation proceeding brought by the district,
15 the district is not required to:

16 (1) pay in advance or provide a bond or other security
17 for costs in the trial court;

18 (2) provide a bond for the issuance of a temporary
19 restraining order or a temporary injunction; or

20 (3) provide a bond for costs or a supersedeas bond on
21 an appeal or petition for review. (Acts 65th Leg., R.S., Ch. 511,
22 Sec. 14.)

23 Sec. 1115.109. GIFTS AND ENDOWMENTS. The board may accept
24 for the district a gift or endowment to be held in trust and
25 administered by the board for the purposes and under the
26 directions, limitations, or other provisions prescribed in writing
27 by the donor that are not inconsistent with the proper management

1 and objectives of the district. (Acts 65th Leg., R.S., Ch. 511,
2 Sec. 18.)

3 Sec. 1115.110. CONSTRUCTION CONTRACTS. A construction
4 contract that involves the expenditure of more than \$10,000 may be
5 made only after advertising in the manner provided by Chapter 252
6 and Subchapter C, Chapter 262, Local Government Code. (Acts 65th
7 Leg., R.S., Ch. 511, Sec. 10(b) (part).)

8 Sec. 1115.111. OPERATING AND MANAGEMENT CONTRACTS. The
9 board may enter into an operating or management contract relating
10 to a district facility. (Acts 65th Leg., R.S., Ch. 511, Sec. 10(a)
11 (part).)

12 Sec. 1115.112. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR
13 CARE AND TREATMENT. The board may contract with:

14 (1) any county or municipality located outside the
15 district for the care and treatment of a sick or injured person of
16 that county or municipality; and

17 (2) this state or a federal agency for the treatment of
18 a sick or injured person. (Acts 65th Leg., R.S., Ch. 511, Sec. 5
19 (part).)

20 Sec. 1115.113. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR
21 INVESTIGATORY OR OTHER SERVICES. The board may contract with
22 another political subdivision or a governmental agency for the
23 district to provide investigatory or other services for the
24 medical, hospital, or welfare needs of district inhabitants. (Acts
25 65th Leg., R.S., Ch. 511, Sec. 5 (part).)

26 Sec. 1115.114. PAYMENT FOR TREATMENT; PROCEDURES. (a)
27 When a patient who resides in the district is admitted to a district

1 facility, the district administrator may have an inquiry made into
2 the circumstances of:

3 (1) the patient; and

4 (2) the patient's relatives legally liable for the
5 patient's support.

6 (b) If the district administrator determines that the
7 patient or those relatives cannot pay for all or part of the
8 patient's care and treatment in the hospital, the amount that
9 cannot be paid becomes a charge against the district.

10 (c) If the district administrator determines that the
11 patient or those relatives can pay for all or part of the costs of
12 the patient's care and treatment, the patient or those relatives
13 shall be ordered to pay the district a specified amount each week
14 for the patient's care and support. The amount ordered must be
15 proportionate to their financial ability.

16 (d) The district administrator may collect the amount from
17 the patient's estate, or from those relatives legally liable for
18 the patient's support, in the manner provided by law for the
19 collection of expenses of the last illness of a deceased person.

20 (e) If there is a dispute as to the ability to pay, or doubt
21 in the mind of the district administrator, the board shall hold a
22 hearing and, after calling witnesses, shall:

23 (1) resolve the dispute or doubt; and

24 (2) issue any appropriate orders.

25 (f) A final order of the board may be appealed to the
26 district court. The substantial evidence rule applies to the
27 appeal. (Acts 65th Leg., R.S., Ch. 511, Sec. 17.)

1 Sec. 1115.115. AUTHORITY TO SUE AND BE SUED. The district,
2 through the board, may sue and be sued. (Acts 65th Leg., R.S., Ch.
3 511, Sec. 5 (part).)

4 Sec. 1115.116. ELECTION DATE. Notwithstanding Section
5 41.001(a), Election Code, the board may choose the date for an
6 election held under this chapter other than a directors' election
7 under Section 1115.051. (Acts 65th Leg., R.S., Ch. 511, Sec. 3(e).)

8 [Sections 1115.117-1115.150 reserved for expansion]

9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

10 Sec. 1115.151. BUDGET. (a) The district administrator
11 shall prepare an annual budget for approval by the board.

12 (b) The proposed budget must contain a complete financial
13 statement of:

14 (1) the outstanding obligations of the district;

15 (2) the cash on hand to the credit of each district
16 fund;

17 (3) the money received by the district from all
18 sources during the previous year;

19 (4) the money available to the district from all
20 sources during the ensuing year;

21 (5) the balances expected at the end of the year in
22 which the budget is being prepared;

23 (6) the estimated revenue and balances available to
24 cover the budget; and

25 (7) the estimated tax rate required. (Acts 65th Leg.,
26 R.S., Ch. 511, Sec. 6 (part).)

27 Sec. 1115.152. PROPOSED BUDGET: NOTICE AND HEARING;

1 APPROVAL OF BUDGET. (a) The board shall hold a public hearing on
2 the proposed annual budget.

3 (b) At least 10 days before the date of the hearing, notice
4 of the hearing must be published one time.

5 (c) Any district resident is entitled to be present and
6 participate at the hearing.

7 (d) At the conclusion of the hearing, the board shall act on
8 the budget as proposed by the district administrator. The board may
9 make any changes in the proposed budget that the board judges the
10 law warrants and the interests of the taxpayers demand. The budget
11 must be approved by the board. (Acts 65th Leg., R.S., Ch. 511, Sec.
12 6 (part).)

13 Sec. 1115.153. AMENDMENTS TO BUDGET. The annual budget may
14 be amended as required by circumstances. The board must approve all
15 amendments. (Acts 65th Leg., R.S., Ch. 511, Sec. 6 (part).)

16 Sec. 1115.154. RESTRICTION ON EXPENDITURES. Money may be
17 spent only for an expense included in the budget or an amendment to
18 the budget. (Acts 65th Leg., R.S., Ch. 511, Sec. 6 (part).)

19 Sec. 1115.155. FISCAL YEAR. (a) The district operates
20 according to a fiscal year established by the board.

21 (b) The fiscal year may not be changed:

22 (1) during a period that district revenue bonds are
23 outstanding; or

24 (2) more than once in any 24-month period. (Acts 65th
25 Leg., R.S., Ch. 511, Sec. 6 (part).)

26 Sec. 1115.156. ANNUAL AUDIT. The board annually shall have
27 an audit made of the district's financial condition. (Acts 65th

1 Leg., R.S., Ch. 511, Sec. 6 (part).)

2 Sec. 1115.157. INSPECTION OF ANNUAL AUDIT AND DISTRICT
3 RECORDS. The annual audit and other district records shall be open
4 to inspection at the district's principal office. (Acts 65th Leg.,
5 R.S., Ch. 511, Sec. 6 (part).)

6 Sec. 1115.158. FINANCIAL REPORT. As soon as practicable
7 after the close of each fiscal year, the district administrator
8 shall prepare for the board:

9 (1) a complete sworn statement of all district money;
10 and

11 (2) a complete account of the disbursements of that
12 money. (Acts 65th Leg., R.S., Ch. 511, Sec. 6 (part).)

13 Sec. 1115.159. DEPOSITORY. (a) The board shall select one
14 or more banks inside or outside the district to serve as a
15 depository for district money.

16 (b) All district money, other than money invested as
17 provided by Section 1115.160(b) and money transmitted to a bank for
18 payment of bonds or obligations issued or assumed by the district,
19 shall be deposited as received with the depository bank and shall
20 remain on deposit.

21 (c) This chapter, including Subsection (b), does not limit
22 the power of the board to:

23 (1) place a part of district money on time deposit; or
24 (2) purchase certificates of deposit. (Acts 65th
25 Leg., R.S., Ch. 511, Sec. 11(a).)

26 Sec. 1115.160. SPENDING AND INVESTMENT RESTRICTIONS. (a)
27 Except as provided by Section 1115.107(c) and by Subchapter E, the

1 district may not incur an obligation payable from district revenue
2 other than the revenue on hand or to be on hand in the current and
3 following district fiscal years.

4 (b) The board may invest operating, depreciation, or
5 building reserves only in funds or securities specified by Chapter
6 2256, Government Code. (Acts 65th Leg., R.S., Ch. 511, Secs. 5
7 (part), 10(b) (part).)

8 [Sections 1115.161-1115.200 reserved for expansion]

9 SUBCHAPTER E. BONDS

10 Sec. 1115.201. GENERAL OBLIGATION BONDS. The board may
11 issue and sell general obligation bonds in the name and on the faith
12 and credit of the district for any purpose relating to:

13 (1) the purchase, construction, acquisition, repair,
14 or renovation of buildings and improvements; and

15 (2) equipping buildings and improvements for hospital
16 purposes. (Acts 65th Leg., R.S., Ch. 511, Sec. 7(a) (part).)

17 Sec. 1115.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a) At
18 the time general obligation bonds are issued by the district, the
19 board shall impose an ad valorem tax at a rate sufficient to create
20 an interest and sinking fund to pay the principal of and interest on
21 the bonds as the bonds mature.

22 (b) The tax required by this section together with any other
23 ad valorem tax the district imposes may not in any year exceed 75
24 cents on each \$100 valuation of all taxable property in the district
25 subject to hospital district taxation. (Acts 65th Leg., R.S., Ch.
26 511, Sec. 7(a) (part).)

27 Sec. 1115.203. GENERAL OBLIGATION BOND ELECTION. (a) The

1 district may issue general obligation bonds only if the bonds are
2 authorized by a majority of the district voters.

3 (b) The order calling the bond election must provide for
4 clerks as in county elections and must specify:

5 (1) the date of the election;

6 (2) the location of the polling places;

7 (3) the presiding and alternate election judges for
8 each polling place;

9 (4) the amount of the bonds to be authorized; and

10 (5) the maximum maturity of the bonds.

11 (c) Notice of a bond election shall be given as provided by
12 Section 1251.003, Government Code. (Acts 65th Leg., R.S., Ch. 511,
13 Sec. 7(a) (part).)

14 Sec. 1115.204. MATURITY OF GENERAL OBLIGATION BONDS.
15 District general obligation bonds must mature not later than 40
16 years after their date of issuance. (Acts 65th Leg., R.S., Ch. 511,
17 Sec. 7(c) (part).)

18 Sec. 1115.205. EXECUTION OF GENERAL OBLIGATION BONDS. The
19 board president shall execute the general obligation bonds in the
20 district's name and the board secretary shall countersign the bonds
21 in the manner provided by Chapter 618, Government Code. (Acts 65th
22 Leg., R.S., Ch. 511, Sec. 7(c) (part).)

23 Sec. 1115.206. REVENUE BONDS. (a) The board may issue
24 revenue bonds to:

25 (1) purchase, construct, acquire, repair, renovate,
26 or equip buildings and improvements for hospital purposes; or

27 (2) acquire sites to be used for hospital purposes.

1 (b) The bonds must be payable from and secured by a pledge of
2 all or part of district revenue derived from the operation of the
3 district's hospitals.

4 (c) The bonds may be additionally secured by a mortgage or
5 deed of trust lien on all or part of district property.

6 (d) The bonds must be issued in the manner and in accordance
7 with the procedures and requirements prescribed by Sections
8 264.042, 264.043, 264.046, 264.047, 264.048, and 264.049, Health
9 and Safety Code, for issuance of revenue bonds by a county hospital
10 authority. (Acts 65th Leg., R.S., Ch. 511, Sec. 9 (part).)

11 Sec. 1115.207. REFUNDING BONDS. (a) The board may, without
12 an election, issue refunding bonds to refund outstanding
13 indebtedness issued or assumed by the district.

14 (b) A refunding bond may be:

15 (1) sold, with the proceeds of the refunding bond
16 applied to the payment of the outstanding indebtedness; or

17 (2) exchanged wholly or partly for not less than a
18 similar principal amount of outstanding indebtedness. (Acts 65th
19 Leg., R.S., Ch. 511, Secs. 7(a) (part), (b) (part), 9 (part).)

20 Sec. 1115.208. BONDS EXEMPT FROM TAXATION. The following
21 are exempt from taxation by this state or a political subdivision of
22 this state:

23 (1) any bonds issued by the district;

24 (2) the transfer and issuance of the bonds; and

25 (3) any profits made in the sale of the bonds. (Acts
26 65th Leg., R.S., Ch. 511, Sec. 21 (part).)

27 [Sections 1115.209-1115.250 reserved for expansion]

SUBCHAPTER F. TAXES

1
2 Sec. 1115.251. IMPOSITION OF AD VALOREM TAX. (a) The board
3 shall impose a tax on all property in the district subject to
4 district taxation.

5 (b) The board shall impose the tax to pay:

6 (1) indebtedness assumed or issued by the district;
7 and

8 (2) district maintenance and operating expenses.

9 (c) The board may not impose a tax to pay the principal of or
10 interest on revenue bonds issued under Section 1115.206. (Acts
11 65th Leg., R.S., Ch. 511, Secs. 12(a) (part), 15(a) (part).)

12 Sec. 1115.252. TAX RATE. (a) The board may impose the tax
13 at a rate not to exceed 75 cents on each \$100 valuation of taxable
14 property in the district subject to district taxation.

15 (b) In setting the tax rate, the board shall consider the
16 income of the district from sources other than taxation. (Acts 65th
17 Leg., R.S., Ch. 511, Secs. 3(b) (part), 12(a) (part), (b) (part).)

18 Sec. 1115.253. ASSESSMENT AND COLLECTION BY COUNTY TAX
19 ASSESSOR-COLLECTOR. Unless the board elects to have taxes assessed
20 and collected by its own tax assessor-collector under Section
21 1115.254, the tax assessor-collector of Wilson County shall assess
22 and collect taxes imposed by and for the district. (Acts 65th Leg.,
23 R.S., Ch. 511, Secs. 15(a) (part), (b) (part).)

24 Sec. 1115.254. ASSESSMENT AND COLLECTION BY DISTRICT TAX
25 ASSESSOR-COLLECTOR. (a) The board by majority vote may elect to
26 have district taxes assessed and collected by a tax
27 assessor-collector appointed by the board. An election under this

1 subsection must be made before December 1 and governs the manner in
2 which taxes are assessed and collected, until changed by a similar
3 resolution.

4 (b) The district tax assessor-collector must reside in the
5 district.

6 (c) The board shall set the term of employment and
7 compensation for the district tax assessor-collector. (Acts 65th
8 Leg., R.S., Ch. 511, Secs. 15(a) (part), (c) (part).)

9 CHAPTER 1116. WOOD COUNTY CENTRAL HOSPITAL DISTRICT

10 OF WOOD COUNTY, TEXAS

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 1116.001. DEFINITIONS

13 Sec. 1116.002. AUTHORITY FOR CREATION

14 Sec. 1116.003. DISTRICT TERRITORY

15 Sec. 1116.004. DISTRICT SUPPORT AND MAINTENANCE NOT

16 STATE OBLIGATION

17 Sec. 1116.005. RESTRICTION ON STATE FINANCIAL

18 ASSISTANCE

19 [Sections 1116.006-1116.050 reserved for expansion]

20 SUBCHAPTER B. DISTRICT ADMINISTRATION

21 Sec. 1116.051. BOARD ELECTION; TERM

22 Sec. 1116.052. QUALIFICATIONS FOR OFFICE

23 Sec. 1116.053. BOND; RECORD OF BOND AND OATH OF OFFICE

24 Sec. 1116.054. BOARD VACANCY

25 Sec. 1116.055. OFFICERS

26 Sec. 1116.056. COMPENSATION; EXPENSES

27 Sec. 1116.057. DISTRICT ADMINISTRATOR

1 Sec. 1116.058. EMPLOYEES

2 Sec. 1116.059. MAINTENANCE OF RECORDS; PUBLIC

3 INSPECTION

4 [Sections 1116.060-1116.100 reserved for expansion]

5 SUBCHAPTER C. POWERS AND DUTIES

6 Sec. 1116.101. DISTRICT RESPONSIBILITY

7 Sec. 1116.102. RESTRICTION ON POLITICAL SUBDIVISION

8 TAXATION AND DEBT

9 Sec. 1116.103. MANAGEMENT AND CONTROL OF DISTRICT

10 Sec. 1116.104. HOSPITAL SYSTEM

11 Sec. 1116.105. RULES

12 Sec. 1116.106. PURCHASING AND ACCOUNTING

13 Sec. 1116.107. EMINENT DOMAIN

14 Sec. 1116.108. GIFTS AND ENDOWMENTS

15 Sec. 1116.109. CONTRACTS WITH POLITICAL SUBDIVISIONS

16 FOR HOSPITAL CARE

17 Sec. 1116.110. PAYMENT FOR TREATMENT; PROCEDURES

18 [Sections 1116.111-1116.150 reserved for expansion]

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20 Sec. 1116.151. BUDGET

21 Sec. 1116.152. PROPOSED BUDGET: NOTICE AND HEARING

22 Sec. 1116.153. FISCAL YEAR

23 Sec. 1116.154. ANNUAL AUDIT

24 Sec. 1116.155. DEPOSITORY

25 [Sections 1116.156-1116.200 reserved for expansion]

26 SUBCHAPTER E. BONDS

27 Sec. 1116.201. BONDS

1 Sec. 1116.202. TAX TO PAY BONDS

2 Sec. 1116.203. BOND ELECTION

3 Sec. 1116.204. MATURITY OF BONDS

4 Sec. 1116.205. EXECUTION OF BONDS

5 [Sections 1116.206-1116.250 reserved for expansion]

6 SUBCHAPTER F. TAXES

7 Sec. 1116.251. IMPOSITION OF AD VALOREM TAX

8 Sec. 1116.252. TAX RATE

9 Sec. 1116.253. ELECTION TO INCREASE MAXIMUM TAX RATE;

10 ORDER; NOTICE; BALLOT

11 Sec. 1116.254. TAX ASSESSOR AND COLLECTOR

12 [Sections 1116.255-1116.300 reserved for expansion]

13 SUBCHAPTER G. EXPANSION OF DISTRICT TERRITORY TO INCLUDE MINEOLA

14 INDEPENDENT SCHOOL DISTRICT

15 Sec. 1116.301. PETITION TO EXPAND DISTRICT TERRITORY

16 Sec. 1116.302. NOTICE OF HEARING

17 Sec. 1116.303. ORDER OF ANNEXATION

18 Sec. 1116.304. RATIFICATION ELECTION

19 Sec. 1116.305. ASSUMPTION OF DEBT AND TAXES

20 Sec. 1116.306. BALLOT

21 Sec. 1116.307. COMPOSITION AND ELECTION OF BOARD

22 FOLLOWING ANNEXATION; TERMS

23 [Sections 1116.308-1116.350 reserved for expansion]

24 SUBCHAPTER H. EXPANSION OF DISTRICT TERRITORY TO INCLUDE

25 ALBA-GOLDEN, YANTIS, AND HAWKINS INDEPENDENT SCHOOL DISTRICTS

26 Sec. 1116.351. ELECTION ON EXPANSION OF DISTRICT;

27 ORDER; NOTICE

1 Sec. 1116.352. BALLOT

2 Sec. 1116.353. COMPOSITION OF BOARD AFTER ANNEXATION
3 OF ONE SCHOOL DISTRICT; TERMS; VOTING
4 REQUIREMENT

5 Sec. 1116.354. COMPOSITION OF BOARD AFTER ANNEXATION
6 OF MORE THAN ONE SCHOOL DISTRICT;
7 TERMS; VOTING REQUIREMENT

8 CHAPTER 1116. WOOD COUNTY CENTRAL HOSPITAL DISTRICT
9 OF WOOD COUNTY, TEXAS

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 1116.001. DEFINITIONS. In this chapter:

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

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

15 (3) "District" means the Wood County Central Hospital
16 District of Wood County, Texas. (New.)

17 Sec. 1116.002. AUTHORITY FOR CREATION. The Wood County
18 Central Hospital District of Wood County, Texas, is created under
19 the authority of Section 9, Article IX, Texas Constitution. (Acts
20 60th Leg., R.S., Ch. 293, Sec. 1.)

21 Sec. 1116.003. DISTRICT TERRITORY. Unless the district's
22 boundaries are expanded under Subchapter G or H or other law, the
23 district is composed of the territory in the boundaries of the
24 Quitman Independent School District located in Wood County as those
25 boundaries existed on May 25, 1967. (Acts 60th Leg., R.S., Ch. 293,
26 Sec. 2.)

27 Sec. 1116.004. DISTRICT SUPPORT AND MAINTENANCE NOT STATE

1 OBLIGATION. The support and maintenance of the district's hospital
2 system and any indebtedness incurred by the district under this
3 chapter may not become a charge against or obligation of this state.
4 (Acts 60th Leg., R.S., Ch. 293, Sec. 18 (part).)

5 Sec. 1116.005. RESTRICTION ON STATE FINANCIAL ASSISTANCE.
6 The legislature may not make a direct appropriation for the
7 construction, maintenance, or improvement of a district facility.
8 (Acts 60th Leg., R.S., Ch. 293, Sec. 18 (part).)

9 [Sections 1116.006-1116.050 reserved for expansion]

10 SUBCHAPTER B. DISTRICT ADMINISTRATION

11 Sec. 1116.051. BOARD ELECTION; TERM. (a) The board
12 consists of six directors elected from the district at large unless
13 the boundaries of the district are expanded under Subchapter G or H.

14 (b) Directors serve staggered two-year terms unless:

15 (1) the alternate terms provided by Section 1116.307,
16 1116.353, or 1116.354 apply; or

17 (2) four-year terms are established under Section
18 285.081, Health and Safety Code. (Acts 60th Leg., R.S., Ch. 293,
19 Secs. 5(a) (part), (d), (e), (g).)

20 Sec. 1116.052. QUALIFICATIONS FOR OFFICE. To qualify for
21 election to the board, a person must:

22 (1) be at least 18 years of age;

23 (2) have been a resident of the district for at least
24 two years; and

25 (3) be a qualified voter of the district. (Acts 60th
26 Leg., R.S., Ch. 293, Sec. 5(b).)

27 Sec. 1116.053. BOND; RECORD OF BOND AND OATH OF OFFICE. (a)

1 Each director shall qualify for office by executing a good and
2 sufficient commercial bond for \$1,000 that is:

- 3 (1) payable to the district; and
4 (2) conditioned on the faithful performance of the
5 director's duties.

6 (b) The district shall pay for a director's bond.

7 (c) Each director's bond and constitutional oath of office
8 shall be deposited with the district's depository for safekeeping.
9 (Acts 60th Leg., R.S., Ch. 293, Sec. 6(a) (part).)

10 Sec. 1116.054. BOARD VACANCY. If a vacancy occurs on the
11 board, the board shall appoint a director for the unexpired term.
12 (Acts 60th Leg., R.S., Ch. 293, Sec. 5(h).)

13 Sec. 1116.055. OFFICERS. The board shall elect from among
14 its members a president, a secretary, and a treasurer at the first
15 meeting after each directors' election. (Acts 60th Leg., R.S., Ch.
16 293, Sec. 6(b).)

17 Sec. 1116.056. COMPENSATION; EXPENSES. A director is not
18 entitled to compensation but is entitled to reimbursement for any
19 necessary expense incurred in the performance of official duties.
20 (Acts 60th Leg., R.S., Ch. 293, Sec. 6(c).)

21 Sec. 1116.057. DISTRICT ADMINISTRATOR. (a) The board may
22 employ a district administrator to manage the operations of the
23 hospital system.

24 (b) The district administrator may employ necessary
25 personnel to perform the services provided by the hospital system.
26 (Acts 60th Leg., R.S., Ch. 293, Sec. 11(e) (part).)

27 Sec. 1116.058. EMPLOYEES. The board may employ an

1 attorney, a general manager, a bookkeeper, an architect, and other
2 employees necessary for the efficient operation of the district.
3 (Acts 60th Leg., R.S., Ch. 293, Sec. 11(e) (part).)

4 Sec. 1116.059. MAINTENANCE OF RECORDS; PUBLIC INSPECTION.
5 Except as provided by Section 1116.053, the board shall:

6 (1) maintain all district records, including books,
7 accounts, notices, minutes, and other matters of the district and
8 the district's operation, at the district office; and

9 (2) make those records available for public inspection
10 at reasonable times. (Acts 60th Leg., R.S., Ch. 293, Sec. 11(b).)

11 [Sections 1116.060-1116.100 reserved for expansion]

12 SUBCHAPTER C. POWERS AND DUTIES

13 Sec. 1116.101. DISTRICT RESPONSIBILITY. The district shall
14 provide all necessary medical and hospital care for the district's
15 needy inhabitants. (Acts 60th Leg., R.S., Ch. 293, Sec. 3 (part).)

16 Sec. 1116.102. RESTRICTION ON POLITICAL SUBDIVISION
17 TAXATION AND DEBT. A political subdivision of this state, other
18 than the district, may not impose a tax or issue bonds or other
19 obligations to provide hospital service or medical care in the
20 district. (Acts 60th Leg., R.S., Ch. 293, Sec. 3 (part).)

21 Sec. 1116.103. MANAGEMENT AND CONTROL OF DISTRICT. The
22 board has full power to manage and control the district. (Acts 60th
23 Leg., R.S., Ch. 293, Secs. 5(a) (part), 11(a) (part).)

24 Sec. 1116.104. HOSPITAL SYSTEM. The district has the
25 responsibility to establish a hospital or hospital system within
26 its boundaries to provide hospital and medical care to the
27 district's residents. (Acts 60th Leg., R.S., Ch. 293, Sec. 3

1 (part).)

2 Sec. 1116.105. RULES. (a) The board shall adopt rules for
3 the efficient operation of the district and district facilities.

4 (b) The board shall:

5 (1) publish the rules in book form; and

6 (2) provide copies to interested persons on request at
7 district expense. (Acts 60th Leg., R.S., Ch. 293, Sec. 11(c).)

8 Sec. 1116.106. PURCHASING AND ACCOUNTING. The board may
9 prescribe the method of making purchases and expenditures and the
10 manner of accounting and control used by the district. (Acts 60th
11 Leg., R.S., Ch. 293, Sec. 11(e) (part).)

12 Sec. 1116.107. EMINENT DOMAIN. (a) The district may
13 exercise the power of eminent domain to acquire a fee simple or
14 other interest in real, personal, or mixed property located in
15 district territory if the interest is necessary or convenient to
16 exercise a power or duty conferred on the district by this chapter.

17 (b) The district must exercise the power of eminent domain
18 in the manner provided by Chapter 21, Property Code, except that the
19 district is not required to deposit in the trial court money or a
20 bond as otherwise required by Section 21.021(a), Property Code.

21 (c) In a condemnation proceeding, the district is not
22 required to:

23 (1) pay in advance or provide a bond or other security
24 for costs in the trial court; or

25 (2) provide a bond for costs or a supersedeas bond on
26 an appeal or petition for review. (Acts 60th Leg., R.S., Ch. 293,
27 Sec. 14.)

1 Sec. 1116.108. GIFTS AND ENDOWMENTS. The board may accept
2 for the district a gift or endowment to be held in trust and
3 administered by the board under the directions, limitations, or
4 other provisions prescribed in writing by the donor that are not
5 inconsistent with the proper management of the district. (Acts
6 60th Leg., R.S., Ch. 293, Sec. 11(f).)

7 Sec. 1116.109. CONTRACTS WITH POLITICAL SUBDIVISIONS FOR
8 HOSPITAL CARE. The board may contract with a political subdivision
9 to provide hospital and medical care for needy persons who reside
10 outside the district. (Acts 60th Leg., R.S., Ch. 293, Sec. 11(g).)

11 Sec. 1116.110. PAYMENT FOR TREATMENT; PROCEDURES. (a) A
12 person who resides in the district is entitled to receive necessary
13 medical and hospital care regardless of whether the person has the
14 ability to pay for the care. The person may apply to receive this
15 care without cost.

16 (b) The board or the district administrator shall employ a
17 person to investigate the ability of the patient and any relative
18 liable for the patient's support to pay for the medical and hospital
19 care received by the patient.

20 (c) If the investigator finds that neither the patient nor
21 those relatives can pay all or part of the patient's care, the
22 expense of this care becomes a charge against the district.

23 (d) If the patient or those relatives can pay for all or part
24 of the costs of the patient's care, the board shall order the
25 patient or relative to pay to the district treasurer each week an
26 amount specified in the order. The amount must be proportionate to
27 the person's ability to pay.

1 (e) The district may collect the amount from the patient's
2 estate, or from any relative liable for the patient's support, in
3 the manner provided by law for the collection of expenses of the
4 last illness of a deceased person.

5 (f) If there is a dispute as to the ability to pay, or doubt
6 in the mind of the investigator, the board shall hold a hearing and,
7 after calling witnesses, shall:

8 (1) determine the question; and

9 (2) make the proper order based on the board's
10 findings.

11 (g) A party to the hearing who is not satisfied with the
12 result of the order may appeal to the district court. The appeal is
13 de novo, as that term is used in an appeal from a justice court to a
14 county court. (Acts 60th Leg., R.S., Ch. 293, Sec. 13.)

15 [Sections 1116.111-1116.150 reserved for expansion]

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 1116.151. BUDGET. The board shall prepare a budget
18 that includes:

19 (1) proposed expenditures and disbursements;

20 (2) estimated receipts and collections for the next
21 fiscal year; and

22 (3) the amount of taxes required to be imposed during
23 the next fiscal year to meet the proposed budget. (Acts 60th Leg.,
24 R.S., Ch. 293, Sec. 12(b).)

25 Sec. 1116.152. PROPOSED BUDGET: NOTICE AND HEARING. (a)
26 The board shall hold a public hearing on the proposed budget.

27 (b) Notice of the hearing must be published at least once in

1 a newspaper of general circulation in the district not later than
2 the 10th day before the date of the hearing.

3 (c) Any qualified property tax paying voter is entitled to:

4 (1) appear at the hearing; and

5 (2) be heard regarding any item in the proposed
6 budget. (Acts 60th Leg., R.S., Ch. 293, Secs. 12(c), (d).)

7 Sec. 1116.153. FISCAL YEAR. The district's fiscal year is
8 from October 1 to September 30. (Acts 60th Leg., R.S., Ch. 293,
9 Sec. 12(a).)

10 Sec. 1116.154. ANNUAL AUDIT. (a) The board annually shall
11 require an independent audit of the district's books and records.

12 (b) Not later than December 1 of each year, the board shall
13 file a copy of the audit with:

14 (1) the comptroller; and

15 (2) the district. (Acts 60th Leg., R.S., Ch. 293, Sec.
16 11(d).)

17 Sec. 1116.155. DEPOSITORY. (a) The board by resolution
18 shall designate a bank in Wood County as the district's depository.
19 A designated bank serves for two years and until a successor is
20 designated.

21 (b) All district money shall be deposited in the depository
22 and secured in the manner provided for securing county funds. (Acts
23 60th Leg., R.S., Ch. 293, Sec. 15.)

24 [Sections 1116.156-1116.200 reserved for expansion]

25 SUBCHAPTER E. BONDS

26 Sec. 1116.201. BONDS. (a) The district may issue bonds
27 to:

1 (1) purchase, construct, acquire, repair, or renovate
2 buildings and improvements; and

3 (2) equip buildings for hospital purposes.

4 (b) The total face value of the bonds may not exceed the
5 amount specified in the election order. (Acts 60th Leg., R.S., Ch.
6 293, Secs. 9(a) (part), 10(a).)

7 Sec. 1116.202. TAX TO PAY BONDS. The board may issue bonds
8 under Section 1116.201 only if the board imposes an ad valorem tax
9 at a rate sufficient to create an interest and sinking fund to pay
10 the principal of and interest on the bonds as the bonds mature.
11 (Acts 60th Leg., R.S., Ch. 293, Sec. 10(c).)

12 Sec. 1116.203. BOND ELECTION. (a) The board may issue
13 bonds under Section 1116.201 only if the bonds are authorized by a
14 majority of the district voters voting in an election held for that
15 purpose.

16 (b) The board may order a bond election at any time.

17 (c) The order calling an election must include:

- 18 (1) the time of the election;
19 (2) the location of the polling places;
20 (3) the form of the ballots;
21 (4) the presiding judge for each polling place;
22 (5) the purpose of the bond issuance;
23 (6) the amount of the bonds to be issued;
24 (7) the maximum interest rate of the bonds; and
25 (8) the maximum maturity date of the bonds.

26 (d) A substantial copy of the election order shall be
27 published in a newspaper of general circulation in the district

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1 once a week for two consecutive weeks before the date of the
2 election. The first notice must be published at least 14 days
3 before the date of the election.

4 (e) A copy of the election results must be filed with the
5 county clerk and become a public record. (Acts 60th Leg., R.S., Ch.
6 293, Secs. 4(b), (c), (d) (part), 9(a) (part), (b), (d).)

7 Sec. 1116.204. MATURITY OF BONDS. District bonds must
8 mature not later than 40 years after the date of issuance. (Acts
9 60th Leg., R.S., Ch. 293, Sec. 9(c) (part).)

10 Sec. 1116.205. EXECUTION OF BONDS. The board president
11 shall execute the district's bonds in the district's name, and the
12 board secretary shall countersign the bonds. (Acts 60th Leg.,
13 R.S., Ch. 293, Sec. 10(b) (part).)

14 [Sections 1116.206-1116.250 reserved for expansion]

15 SUBCHAPTER F. TAXES

16 Sec. 1116.251. IMPOSITION OF AD VALOREM TAX. (a) The board
17 shall impose a tax on all property in the district subject to
18 district taxation.

19 (b) The tax may be used only to:

20 (1) pay the interest on and create a sinking fund for
21 bonds issued under this chapter;

22 (2) provide for the operation and maintenance of the
23 district and the hospital system;

24 (3) make improvements and additions to the hospital
25 system; and

26 (4) acquire sites for additions to the hospital
27 system. (Acts 60th Leg., R.S., Ch. 293, Secs. 8(a) (part), (c).)

1 Sec. 1116.252. TAX RATE. Unless the tax rate is increased
2 as provided by Section 1116.253, the board may impose the tax at a
3 rate not to exceed 35 cents on each \$100 valuation of all property
4 in the district subject to taxation. (Acts 60th Leg., R.S., Ch.
5 293, Sec. 8(a) (part).)

6 Sec. 1116.253. ELECTION TO INCREASE MAXIMUM TAX RATE;
7 ORDER; NOTICE; BALLOT. (a) The board may order an election to
8 increase the district's maximum tax rate to a rate not to exceed 75
9 cents on each \$100 valuation of all property in the district subject
10 to district taxation.

11 (b) The maximum tax rate may not be increased unless the
12 increase is approved by a majority of the district voters voting in
13 an election held for that purpose.

14 (c) The board shall give notice of the election in the
15 manner provided for a bond election under Section 1116.203.

16 (d) The election order must provide for clerks as in county
17 elections and must state:

- 18 (1) the date of the election;
19 (2) the location of the polling places;
20 (3) the form of the ballot; and
21 (4) the presiding judge and alternate judge for each
22 polling place.

23 (e) The ballot for an election shall be printed to permit
24 voting for or against the proposition: "The imposition of a tax not
25 to exceed 75 cents on the \$100 valuation on all property in the
26 district subject to hospital district taxation."

27 (f) The board shall declare the results of the election.

1 (g) An election to increase the maximum tax rate may not be
2 held under this section before the first anniversary of the date of
3 any preceding election on the same proposition.

4 (h) Section 41.001(a), Election Code, does not apply to an
5 election ordered under this section. (Acts 60th Leg., R.S., Ch.
6 293, Sec. 7A (part).)

7 Sec. 1116.254. TAX ASSESSOR AND COLLECTOR. The Wood County
8 tax assessor-collector shall collect taxes for the district. (Acts
9 60th Leg., R.S., Ch. 293, Sec. 8(d) (part).)

10 [Sections 1116.255-1116.300 reserved for expansion]

11 SUBCHAPTER G. EXPANSION OF DISTRICT TERRITORY TO INCLUDE MINEOLA
12 INDEPENDENT SCHOOL DISTRICT

13 Sec. 1116.301. PETITION TO EXPAND DISTRICT TERRITORY. (a)
14 Registered voters of a defined territory composed of all territory
15 within the boundaries of the Mineola Independent School District
16 may file a petition with the board secretary requesting inclusion
17 of the territory in the district.

18 (b) The petition must be signed by the lesser of 50
19 registered voters of the territory or a majority of those voters.
20 (Acts 60th Leg., R.S., Ch. 293, Sec. 7C(a).)

21 Sec. 1116.302. NOTICE OF HEARING. (a) The board shall set
22 a time and place to hold a hearing on the petition.

23 (b) The hearing shall be held not earlier than the 31st day
24 after the date the board issues the order. (Acts 60th Leg., R.S.,
25 Ch. 293, Sec. 7C(b).)

26 Sec. 1116.303. ORDER OF ANNEXATION. If, after the hearing,
27 the board determines that annexation of the territory into the

1 district would be feasible and would benefit the district, the
2 board may approve the annexation by a resolution entered in its
3 minutes. (Acts 60th Leg., R.S., Ch. 293, Sec. 7C(c).)

4 Sec. 1116.304. RATIFICATION ELECTION. (a) Annexation of
5 territory is final when approved by a majority of the voters at:

- 6 (1) an election held in the district; and
- 7 (2) a separate election held on the same date in the
8 territory to be annexed.

9 (b) Section 41.001(a), Election Code, does not apply to an
10 election held under this section. (Acts 60th Leg., R.S., Ch. 293,
11 Secs. 7C(d) (part), (f) (part).)

12 Sec. 1116.305. ASSUMPTION OF DEBT AND TAXES. If the
13 district has outstanding debts or taxes, the voters in the
14 elections to approve annexation must determine whether the annexed
15 territory will assume its portion of the debts or taxes on
16 annexation. (Acts 60th Leg., R.S., Ch. 293, Sec. 7C(d) (part).)

17 Sec. 1116.306. BALLOT. The ballot for the elections shall
18 be printed to permit voting for or against the following, as
19 applicable:

20 (1) "Adding the territory within the boundaries of the
21 Mineola Independent School District to the Wood County Central
22 Hospital District of Wood County."

23 (2) "The territory within the boundaries of the
24 Mineola Independent School District assuming its proportionate
25 share of the outstanding debts and taxes of the Wood County Central
26 Hospital District of Wood County, if it is added to the district."
27 (Acts 60th Leg., R.S., Ch. 293, Sec. 7C(e).)

1 Sec. 1116.307. COMPOSITION AND ELECTION OF BOARD FOLLOWING
2 ANNEXATION; TERMS. (a) If annexation is approved, the board shall
3 appoint a resident of the Mineola Independent School District to
4 serve as a temporary director until the date of the next regular
5 election of directors.

6 (b) Notwithstanding any other provision of this chapter,
7 beginning on the date the temporary director is appointed as
8 required by Subsection (a) and ending on the date a majority of the
9 directors elected in the next regular election have qualified for
10 office:

11 (1) the board is composed of seven directors; and

12 (2) a concurrence of four directors is sufficient in
13 any matter relating to district business.

14 (c) Notwithstanding any other provision of this chapter, on
15 the date of the next regular election following the approval of
16 annexation:

17 (1) five directors shall be elected from the area of
18 the district that is composed of the jurisdiction of the Quitman
19 Independent School District as those boundaries existed on May 25,
20 1967;

21 (2) five directors shall be elected from the area of
22 the district that is composed of the jurisdiction of the Mineola
23 Independent School District as those boundaries existed on the date
24 annexation was approved; and

25 (3) three directors shall be elected from the district
26 at large.

27 (d) Notwithstanding any other provision of this chapter, on

1 the date a majority of the directors elected to the board under
2 Subsection (c) have qualified for office:

3 (1) the term of office of any director elected or
4 appointed to the board before that election expires; and

5 (2) the directors elected to the board under
6 Subsection (c) shall draw lots to determine:

7 (A) which director elected from the area of the
8 district that is composed of the jurisdiction of the Quitman
9 Independent School District, as those boundaries existed on May 25,
10 1967, serves a one-year term, which two directors elected from that
11 area serve two-year terms, and which two directors elected from
12 that area serve three-year terms;

13 (B) which director elected from the area of the
14 district that is composed of the jurisdiction of the Mineola
15 Independent School District, as those boundaries existed on the
16 date annexation was approved, serves a one-year term, which two
17 directors elected from that area serve two-year terms, and which
18 two directors elected from that area serve three-year terms; and

19 (C) which director elected from the district at
20 large serves a one-year term, which director elected from the
21 district at large serves a two-year term, and which director
22 elected from the district at large serves a three-year term.

23 (e) Notwithstanding any other provision of this chapter,
24 beginning on the date a majority of the directors elected under
25 Subsection (c) qualify for office:

26 (1) the board is composed of 13 directors; and

27 (2) a concurrence of seven directors is sufficient in

1 any matter relating to district business.

2 (f) Successor directors shall be elected as provided by
3 Subsections (c) and (d) so that:

4 (1) five directors are elected from the area of the
5 district that is composed of the jurisdiction of the Quitman
6 Independent School District as those boundaries existed on May 25,
7 1967;

8 (2) five directors are elected from the area of the
9 district that is composed of the jurisdiction of the Mineola
10 Independent School District as those boundaries existed on the date
11 annexation was approved; and

12 (3) three directors are elected from the district at
13 large.

14 (g) Following each decennial federal census, the board
15 shall evaluate the electoral areas described by Subsection (f) to
16 ensure that the areas comply with the requirements of federal
17 election laws and shall adjust the jurisdiction of the areas in
18 accordance with federal requirements. (Acts 60th Leg., R.S., Ch.
19 293, Secs. 7C(g), (h) (part), (i), (j), (k) (part), (l), (m).)

20 [Sections 1116.308-1116.350 reserved for expansion]

21 SUBCHAPTER H. EXPANSION OF DISTRICT TERRITORY TO INCLUDE

22 ALBA-GOLDEN, YANTIS, AND HAWKINS INDEPENDENT SCHOOL DISTRICTS

23 Sec. 1116.351. ELECTION ON EXPANSION OF DISTRICT; ORDER;
24 NOTICE. (a) The board may order one or more elections in the area
25 of one or more of the following independent school districts, as
26 they were constituted on May 15, 1979, on the question of whether
27 that area shall be included in the district:

- 1 (1) Alba-Golden;
- 2 (2) Yantis; and
- 3 (3) Hawkins.

4 (b) The area of a school district in which an election is
5 held is included in the district if a majority of registered voters
6 in that school district voting at the election approve annexation.

7 (c) The board shall give notice of the election in the
8 district and in the area of each school district sought to be
9 included in the district in the manner provided for a bond election
10 under Section 1116.203.

11 (d) The election order must provide for clerks as in county
12 elections and must state:

- 13 (1) the date of the election;
- 14 (2) the location of the polling places;
- 15 (3) the form of the ballot; and
- 16 (4) the presiding judge and alternate judge for each

17 polling place.

18 (e) The board shall declare the results of the election.

19 (f) An election to expand district territory to include the
20 area of a school district may not be held under this section before
21 the first anniversary of the date of an election on the same
22 proposition.

23 (g) Section 41.001(a), Election Code, does not apply to an
24 election ordered under this section. (Acts 60th Leg., R.S., Ch.
25 293, Secs. 7B(a), (b) (part), (c) (part).)

26 Sec. 1116.352. BALLOT. The ballot for an election shall be
27 printed to permit voting for or against the proposition: "The

1 inclusion of the area of the (name of district) Independent School
2 District in the Wood County Central Hospital District; providing
3 for the imposition of annual taxes for hospital purposes and to pay
4 that area's share of the hospital district's debt at a rate not to
5 exceed (maximum tax rate in the district) cents on the \$100
6 valuation of all taxable property within the district." (Acts 60th
7 Leg., R.S., Ch. 293, Sec. 7B(b) (part).)

8 Sec. 1116.353. COMPOSITION OF BOARD AFTER ANNEXATION OF ONE
9 SCHOOL DISTRICT; TERMS; VOTING REQUIREMENT. (a) If a majority of
10 the voters in the area of only one of the school districts approve
11 annexation, the board shall appoint a resident of that area to serve
12 as a director until the next regular election of directors.

13 (b) Successors to a director appointed under Subsection (a)
14 are elected from the district at large and serve two-year terms.

15 (c) During any time the board is composed of seven
16 directors, a concurrence of four is sufficient in any matter
17 relating to district business. (Acts 60th Leg., R.S., Ch. 293, Sec.
18 7B(d) (part).)

19 Sec. 1116.354. COMPOSITION OF BOARD AFTER ANNEXATION OF
20 MORE THAN ONE SCHOOL DISTRICT; TERMS; VOTING REQUIREMENT. (a) If a
21 majority of the voters in the area of more than one school district
22 approve annexation, the board may appoint two directors who are
23 residents of the annexed area to serve in addition to the six
24 sitting directors, for a total of eight directors.

25 (b) If the board appoints two directors under Subsection
26 (a), the board shall appoint:

27 (1) one director to serve until the next regular

1 election of directors following appointment; and

2 (2) one director to serve until the election of
3 directors following the next regular election of directors.

4 (c) During any time the board is composed of eight
5 directors, a concurrence of five is sufficient in any matter
6 relating to district business. (Acts 60th Leg., R.S., Ch. 293, Sec.
7 7B(e) (part).)

8 CHAPTER 1117. YOAKUM HOSPITAL DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 1117.001. DEFINITIONS

11 Sec. 1117.002. AUTHORITY FOR OPERATION

12 Sec. 1117.003. ESSENTIAL PUBLIC FUNCTION

13 Sec. 1117.004. DISTRICT TERRITORY

14 Sec. 1117.005. CORRECTION OF INVALID PROCEDURES

15 Sec. 1117.006. DISTRICT SUPPORT AND MAINTENANCE NOT

16 STATE OBLIGATION

17 Sec. 1117.007. RESTRICTION ON STATE FINANCIAL

18 ASSISTANCE

19 [Sections 1117.008-1117.050 reserved for expansion]

20 SUBCHAPTER B. DISTRICT ADMINISTRATION

21 Sec. 1117.051. BOARD ELECTION; TERM

22 Sec. 1117.052. NOTICE OF ELECTION

23 Sec. 1117.053. QUALIFICATIONS FOR OFFICE

24 Sec. 1117.054. BOND; RECORD OF BOND AND OATH

25 Sec. 1117.055. BOARD VACANCY

26 Sec. 1117.056. OFFICERS

27 Sec. 1117.057. COMPENSATION; EXPENSES

- 1 Sec. 1117.058. VOTING REQUIREMENT
2 Sec. 1117.059. DISTRICT ADMINISTRATOR
3 Sec. 1117.060. GENERAL DUTIES OF DISTRICT
4 ADMINISTRATOR
5 Sec. 1117.061. EMPLOYEES
6 Sec. 1117.062. MEDICAL DIRECTOR
7 Sec. 1117.063. RETIREMENT PROGRAM; INSURANCE OR
8 MEDICAL PROTECTION PROGRAM
9 [Sections 1117.064-1117.100 reserved for expansion]
10 SUBCHAPTER C. POWERS AND DUTIES
11 Sec. 1117.101. DISTRICT RESPONSIBILITY
12 Sec. 1117.102. RESTRICTION ON COUNTY OR MUNICIPAL
13 TAXATION
14 Sec. 1117.103. MANAGEMENT AND CONTROL
15 Sec. 1117.104. HOSPITAL SYSTEM
16 Sec. 1117.105. RULES
17 Sec. 1117.106. PURCHASING AND ACCOUNTING
18 Sec. 1117.107. EMINENT DOMAIN
19 Sec. 1117.108. GIFTS AND ENDOWMENTS
20 Sec. 1117.109. CONTRACTS WITH GOVERNMENTAL ENTITIES
21 FOR CARE AND TREATMENT
22 Sec. 1117.110. PAYMENT FOR TREATMENT; PROCEDURES
23 Sec. 1117.111. AUTHORITY TO SUE AND BE SUED
24 [Sections 1117.112-1117.150 reserved for expansion]
25 SUBCHAPTER D. CHANGE IN BOUNDARIES
26 Sec. 1117.151. ANNEXATION; TERRITORY SUBJECT TO
27 ANNEXATION

- 1 Sec. 1117.152. ELECTION
2 Sec. 1117.153. ELECTION RESULT; EFFECT
3 [Sections 1117.154-1117.200 reserved for expansion]
4 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS
5 Sec. 1117.201. BUDGET
6 Sec. 1117.202. NOTICE; HEARING
7 Sec. 1117.203. FISCAL YEAR
8 Sec. 1117.204. ANNUAL AUDIT
9 Sec. 1117.205. FINANCIAL REPORT
10 Sec. 1117.206. INSPECTION OF DISTRICT RECORDS AND
11 REPORTS
12 Sec. 1117.207. DEPOSITORY OR TREASURER
13 [Sections 1117.208-1117.250 reserved for expansion]
14 SUBCHAPTER F. BONDS
15 Sec. 1117.251. GENERAL OBLIGATION BONDS
16 Sec. 1117.252. TAX TO PAY GENERAL OBLIGATION BONDS
17 Sec. 1117.253. GENERAL OBLIGATION BOND ELECTION
18 Sec. 1117.254. EXECUTION OF GENERAL OBLIGATION BONDS
19 Sec. 1117.255. REFUNDING BONDS
20 Sec. 1117.256. BONDS EXEMPT FROM TAXATION
21 [Sections 1117.257-1117.300 reserved for expansion]
22 SUBCHAPTER G. TAXES
23 Sec. 1117.301. IMPOSITION OF AD VALOREM TAX
24 Sec. 1117.302. TAX RATE
25 Sec. 1117.303. TAX ASSESSOR-COLLECTOR

1 CHAPTER 1117. YOAKUM HOSPITAL DISTRICT

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Sec. 1117.001. DEFINITIONS. In this chapter:

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

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

7 (3) "District" means the Yoakum Hospital District.
8 (New.)

9 Sec. 1117.002. AUTHORITY FOR OPERATION. The Yoakum
10 Hospital District operates in accordance with Section 9, Article
11 IX, Texas Constitution, and has the powers and responsibilities
12 provided by that section and this chapter. (Acts 59th Leg., R.S.,
13 Ch. 317, Sec. 1 (part).)

14 Sec. 1117.003. ESSENTIAL PUBLIC FUNCTION. The district
15 performs an essential public function in carrying out the purposes
16 of this chapter. (Acts 59th Leg., R.S., Ch. 317, Sec. 8 (part).)

17 Sec. 1117.004. DISTRICT TERRITORY. Unless modified under
18 Subchapter D, the district is composed of the territory described
19 by Section 1, Chapter 317, Acts of the 59th Legislature, Regular
20 Session, 1965. (New.)

21 Sec. 1117.005. CORRECTION OF INVALID PROCEDURES. If a
22 court holds that any procedure under this chapter violates the
23 constitution of this state or of the United States, the district by
24 resolution may provide an alternative procedure that conforms with
25 the constitution. (Acts 59th Leg., R.S., Ch. 317, Sec. 20 (part).)

26 Sec. 1117.006. DISTRICT SUPPORT AND MAINTENANCE NOT STATE
27 OBLIGATION. The support and maintenance of the district may not

1 become a charge against or obligation of this state. (Acts 59th
2 Leg., R.S., Ch. 317, Sec. 16 (part).)

3 Sec. 1117.007. RESTRICTION ON STATE FINANCIAL ASSISTANCE.
4 The legislature may not make a direct appropriation for the
5 construction, maintenance, or improvement of a district facility.
6 (Acts 59th Leg., R.S., Ch. 317, Sec. 16 (part).)

7 [Sections 1117.008-1117.050 reserved for expansion]

8 SUBCHAPTER B. DISTRICT ADMINISTRATION

9 Sec. 1117.051. BOARD ELECTION; TERM. (a) The district is
10 governed by a board of seven elected directors.

11 (b) Directors serve staggered three-year terms, with the
12 terms of two or three directors expiring each year, as appropriate.
13 (Acts 59th Leg., R.S., Ch. 317, Sec. 4 (part).)

14 Sec. 1117.052. NOTICE OF ELECTION. (a) At least 10 days
15 before the date of a directors' election, notice of the election
16 must be published one time in a newspaper of general circulation in
17 the district.

18 (b) The notice and order must specify the last day for
19 filing. (Acts 59th Leg., R.S., Ch. 317, Sec. 4 (part).)

20 Sec. 1117.053. QUALIFICATIONS FOR OFFICE. A person may not
21 be elected or appointed as a director unless the person:

- 22 (1) is a resident of the district;
23 (2) owns property in the district subject to taxation;
24 and

25 (3) is at least 18 years of age at the time of election
26 or appointment. (Acts 59th Leg., R.S., Ch. 317, Sec. 4 (part).)

27 Sec. 1117.054. BOND; RECORD OF BOND AND OATH. (a) Each

1 director shall execute a good and sufficient bond for \$1,000 that
2 is:

3 (1) payable to the district; and

4 (2) conditioned on the faithful performance of the
5 director's duties.

6 (b) Each director's bond and constitutional oath of office
7 shall be deposited with the district's depository bank for
8 safekeeping. (Acts 59th Leg., R.S., Ch. 317, Sec. 4 (part).)

9 Sec. 1117.055. BOARD VACANCY. If a vacancy occurs in the
10 office of director, the remaining directors shall appoint a
11 director for the unexpired term. (Acts 59th Leg., R.S., Ch. 317,
12 Sec. 4 (part).)

13 Sec. 1117.056. OFFICERS. The board shall annually elect
14 from among its members a president, a vice president, and a
15 secretary. (Acts 59th Leg., R.S., Ch. 317, Sec. 4 (part).)

16 Sec. 1117.057. COMPENSATION; EXPENSES. A director serves
17 without compensation but may be reimbursed for actual expenses
18 incurred in the performance of official duties on approval of the
19 expenses by the entire board. (Acts 59th Leg., R.S., Ch. 317, Sec.
20 5 (part).)

21 Sec. 1117.058. VOTING REQUIREMENT. A concurrence of four
22 directors is sufficient in any matter relating to district
23 business. (Acts 59th Leg., R.S., Ch. 317, Sec. 4 (part).)

24 Sec. 1117.059. DISTRICT ADMINISTRATOR. (a) The board may
25 appoint a qualified person as district administrator.

26 (b) The district administrator serves at the will of the
27 board and receives the compensation determined by the board.

1 (c) The tenure of the district administrator's contract may
2 not exceed two years.

3 (d) On assuming the duties of district administrator, the
4 administrator shall execute a bond payable to the district in an
5 amount set by the board of not less than \$10,000 that:

6 (1) is conditioned on the administrator performing the
7 administrator's duties; and

8 (2) contains other conditions the board may require.
9 (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

10 Sec. 1117.060. GENERAL DUTIES OF DISTRICT ADMINISTRATOR.

11 (a) Subject to the direct control and responsibility of the board
12 and any limitations prescribed by the board, the district
13 administrator shall:

14 (1) supervise the work and activities of the district;
15 and

16 (2) direct the affairs of the district.

17 (b) The board must confirm the appointment of a person
18 employed by the district administrator. (Acts 59th Leg., R.S., Ch.
19 317, Sec. 5 (part).)

20 Sec. 1117.061. EMPLOYEES. (a) The board may employ
21 employees, including doctors, technicians, nurses, bookkeepers,
22 financial advisors, architects, lawyers, and clerks, as considered
23 necessary or convenient for the efficient operation of the district
24 or a district hospital or hospital system, or to discharge the
25 district's duties, obligations, and responsibility in the
26 provision of medical and hospital care.

27 (b) An employee serves at the will of the board and receives

1 the compensation determined by the board. (Acts 59th Leg., R.S.,
2 Ch. 317, Sec. 5 (part).)

3 Sec. 1117.062. MEDICAL DIRECTOR. (a) The board shall
4 appoint a medical director.

5 (b) To be qualified for appointment as the medical director,
6 a person must:

7 (1) be a doctor of medicine; and

8 (2) actively practice medicine in the district.

9 (c) The medical director is in charge of all matters of a
10 medical nature in the district, subject to any rules adopted by the
11 board.

12 (d) The medical director is entitled to:

13 (1) attend all meetings of the board; and

14 (2) take part in all board discussions.

15 (e) The medical director may not vote at a meeting of the
16 board. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

17 Sec. 1117.063. RETIREMENT PROGRAM; INSURANCE OR MEDICAL
18 PROTECTION PROGRAM. The board may enter into any contract as
19 required to establish or continue a retirement program or insurance
20 or medical protection program for the benefit of the district's
21 employees. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

22 [Sections 1117.064-1117.100 reserved for expansion]

23 SUBCHAPTER C. POWERS AND DUTIES

24 Sec. 1117.101. DISTRICT RESPONSIBILITY. The district has
25 full responsibility for:

26 (1) providing medical and hospital care for the
27 district's needy inhabitants; and

1 (2) operating all hospital facilities for providing
2 medical and hospital care for needy or indigent persons in the
3 district. (Acts 59th Leg., R.S., Ch. 317, Secs. 2 (part), 15
4 (part).)

5 Sec. 1117.102. RESTRICTION ON COUNTY OR MUNICIPAL TAXATION.
6 A county, any part of which is in the district, or a municipality in
7 the district may not issue bonds or other obligations or impose a
8 tax on property in the district for hospital purposes for medical
9 treatment of needy or indigent persons of the district. (Acts 59th
10 Leg., R.S., Ch. 317, Sec. 15 (part).)

11 Sec. 1117.103. MANAGEMENT AND CONTROL. (a) The management
12 and control of the district is vested in the board.

13 (b) The district, through the board, has every power, right,
14 and privilege incident to the ownership of land, buildings, and
15 personal property and the complete operation, management, and
16 maintenance of a hospital or hospital system, including the power
17 to:

18 (1) negotiate and contract with any person to purchase
19 or lease land or a hospital;

20 (2) construct and equip a hospital or hospital system;

21 (3) acquire and own land and a hospital and lease the
22 land and hospital, with all hospital equipment and facilities, to
23 any person to conduct the complete operation, management, and
24 maintenance of a hospital or hospital system in consideration of a
25 fair and reasonable annual payment to defray all or part of the
26 district's annual capital outlay or debt service requirements; and

27 (4) negotiate and contract with other political

1 subdivisions of this state or private individuals, associations, or
2 corporations for a purpose described by this subsection.

3 (c) A contract or lease described by Subsection (b) must
4 assure the provision of medical and hospital care for the
5 district's needy inhabitants. (Acts 59th Leg., R.S., Ch. 317, Sec.
6 5 (part).)

7 Sec. 1117.104. HOSPITAL SYSTEM. The district shall provide
8 for:

9 (1) the establishment of a hospital system by:

10 (A) purchasing, constructing, acquiring,
11 repairing, or renovating buildings and equipment; and

12 (B) equipping the buildings; and

13 (2) the administration of the hospital system for
14 hospital purposes. (Acts 59th Leg., R.S., Ch. 317, Sec. 2 (part).)

15 Sec. 1117.105. RULES. The district, through the board, may
16 adopt rules for the operation of the district. (Acts 59th Leg.,
17 R.S., Ch. 317, Sec. 5 (part).)

18 Sec. 1117.106. PURCHASING AND ACCOUNTING. The board may
19 prescribe:

20 (1) the method and manner of making purchases and
21 expenditures by and for the district; and

22 (2) all accounting and control procedures. (Acts 59th
23 Leg., R.S., Ch. 317, Sec. 5 (part).)

24 Sec. 1117.107. EMINENT DOMAIN. (a) The district may
25 exercise the power of eminent domain to acquire a fee simple or
26 other interest in any type of property located in district
27 territory if the interest is necessary to a power, right, or

1 privilege conferred by this chapter.

2 (b) The district must exercise the power of eminent domain
3 in the manner provided by Chapter 21, Property Code, except that the
4 district is not required to deposit in the trial court money or a
5 bond as provided by Section 21.021(a), Property Code.

6 (c) In a condemnation proceeding brought by the district,
7 the district is not required to:

8 (1) pay in advance or provide a bond or other security
9 for costs in the trial court;

10 (2) provide a bond for the issuance of a temporary
11 restraining order or a temporary injunction; or

12 (3) provide a bond for costs or a supersedeas bond on
13 an appeal or petition for review. (Acts 59th Leg., R.S., Ch. 317,
14 Sec. 12.)

15 Sec. 1117.108. GIFTS AND ENDOWMENTS. The board may accept
16 for the district a gift or endowment to be held in trust and
17 administered by the board for the purposes and under any
18 directions, limitations, or other provisions prescribed in writing
19 by the donor that are not inconsistent with the proper management
20 and objectives of the district. (Acts 59th Leg., R.S., Ch. 317,
21 Sec. 18.)

22 Sec. 1117.109. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR
23 CARE AND TREATMENT. The board may contract with:

24 (1) any county or municipality located outside the
25 district for the care and treatment of a sick or injured person of
26 that county or municipality; and

27 (2) this state or a federal agency for the treatment of

1 a sick, disabled, or injured person for whom the state or the
2 federal government is responsible. (Acts 59th Leg., R.S., Ch. 317,
3 Sec. 5 (part).)

4 Sec. 1117.110. PAYMENT FOR TREATMENT; PROCEDURES. (a)
5 When a patient who resides in the district has been admitted to a
6 district facility, the board shall have an inquiry made into the
7 circumstances of:

8 (1) the patient; and

9 (2) the patient's relatives legally liable for the
10 patient's support.

11 (b) If an agent designated by the district to handle the
12 inquiry determines that the patient or those relatives cannot pay
13 for all or part of the patient's care and treatment in the hospital,
14 the amount that cannot be paid becomes a charge against the
15 district.

16 (c) If the board determines that the patient or those
17 relatives are liable to pay for all or part of the patient's care
18 and treatment, the patient or those relatives shall be ordered to
19 pay to the district's treasurer a specified amount each week for the
20 patient's support. The amount ordered must be proportionate to
21 their financial ability and may not exceed the actual per capita
22 cost of maintenance.

23 (d) The district may collect the amount from the patient's
24 estate, or from those relatives legally liable for the patient's
25 support, in the manner provided by law for the collection of
26 expenses of the last illness of a deceased person.

27 (e) If there is a dispute as to the ability to pay, or doubt

1 in the mind of the district's designated agent, the board shall hold
2 a hearing and, after calling witnesses, shall:

- 3 (1) resolve the dispute or doubt; and
- 4 (2) issue any appropriate order.

5 (f) Either party to the dispute may appeal the order to the
6 district court. (Acts 59th Leg., R.S., Ch. 317, Sec. 17.)

7 Sec. 1117.111. AUTHORITY TO SUE AND BE SUED. The district,
8 through the board, may sue and be sued. (Acts 59th Leg., R.S., Ch.
9 317, Sec. 5 (part).)

10 [Sections 1117.112-1117:150 reserved for expansion]

11 SUBCHAPTER D. CHANGE IN BOUNDARIES

12 Sec. 1117.151. ANNEXATION; TERRITORY SUBJECT TO
13 ANNEXATION. The board may adopt an order to annex territory that is
14 adjacent to the district if an election is called by the board in
15 accordance with this subchapter. (Acts 59th Leg., R.S., Ch. 317,
16 Sec. 14 (part).)

17 Sec. 1117.152. ELECTION. An election described by Section
18 1117.151 must be confined to the territory proposed to be annexed to
19 the district. (Acts 59th Leg., R.S., Ch. 317, Sec. 14 (part).)

20 Sec. 1117.153. ELECTION RESULT; EFFECT. On approval of the
21 annexation by a majority of the voters in the territory proposed to
22 be annexed, the territory:

- 23 (1) becomes a part of the district;
- 24 (2) is liable for the territory's pro rata share of the
25 district's indebtedness; and
- 26 (3) shall impose taxes on property in the district for
27 the payment of the district's debt and obligations. (Acts 59th

1 Leg., R.S., Ch. 317, Sec. 14 (part).)

2 [Sections 1117.154-1117.200 reserved for expansion]

3 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

4 Sec. 1117.201. BUDGET. The board shall prepare an annual
5 budget, with the assistance of the district administrator, that
6 corresponds to the district's fiscal year. (Acts 59th Leg., R.S.,
7 Ch. 317, Secs. 5 (part), 19 (part).)

8 Sec. 1117.202. NOTICE; HEARING. (a) Before an annual
9 budget described by Section 1117.201 is adopted, the board shall
10 call a public hearing on the budget.

11 (b) Notice of the hearing must be published in a newspaper
12 of general circulation in the district not later than the 10th day
13 before the date of the hearing.

14 (c) After the budget is adopted, the following must be
15 published one time in a newspaper of general circulation in the
16 district:

17 (1) a brief form of the adopted budget by general
18 heading;

19 (2) the annual budget for the preceding fiscal year in
20 a form similar to the form described by Subdivision (1); and

21 (3) the actual expenditures for the preceding fiscal
22 year, including fiscal year account balances. (Acts 59th Leg.,
23 R.S., Ch. 317, Sec. 19 (part).)

24 Sec. 1117.203. FISCAL YEAR. The board may establish a
25 fiscal year for the district. (Acts 59th Leg., R.S., Ch. 317, Sec.
26 5 (part).)

27 Sec. 1117.204. ANNUAL AUDIT. Promptly after the close of

1 each fiscal year, the board shall have an annual audit made of the
2 district's books and records by an independent public accountant.
3 (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

4 Sec. 1117.205. FINANCIAL REPORT. After the close of each
5 fiscal year, the district administrator shall prepare for the
6 board:

7 (1) a complete sworn statement of all district money;
8 and

9 (2) a complete account of all disbursements of that
10 money. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

11 Sec. 1117.206. INSPECTION OF DISTRICT RECORDS AND REPORTS.
12 The district's financial books and records, annual audit reports,
13 district administrator's statement, and annual budget shall be open
14 to reasonable inspection at the district's principal office. (Acts
15 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

16 Sec. 1117.207. DEPOSITORY OR TREASURER. (a) The board
17 shall designate one or more banks in the district to serve as
18 depository or treasurer for district money.

19 (b) District money shall be immediately deposited on
20 receipt with a depository bank, except that sufficient money must
21 be remitted to an appropriate bank to pay the principal of and
22 interest on the district's outstanding bonds on or before the
23 maturity date of the principal and interest.

24 (c) To the extent that money in a depository bank is not
25 insured by the Federal Deposit Insurance Corporation, the money
26 must be secured in the manner provided by law for the security of
27 county funds.

1 (d) Membership on the district's board of an officer or
2 director of a bank does not disqualify that bank from being
3 designated as depository. (Acts 59th Leg., R.S., Ch. 317, Sec. 11.)

4 [Sections 1117.208-1117.250 reserved for expansion]

5 SUBCHAPTER F. BONDS

6 Sec. 1117.251. GENERAL OBLIGATION BONDS. (a) The board may
7 issue and sell general obligation bonds in the name and on the faith
8 and credit of the district for any purpose related to the purchase,
9 construction, acquisition, repair, or renovation of buildings and
10 improvements, and equipping buildings and improvements for
11 hospitals and the hospital system, as determined by the board.

12 (b) The board shall issue the bonds in compliance with the
13 applicable provisions of Subtitles A and C, Title 9, Government
14 Code. (Acts 59th Leg., R.S., Ch. 317, Sec. 7 (part).)

15 Sec. 1117.252. TAX TO PAY GENERAL OBLIGATION BONDS. (a) At
16 the time general obligation bonds are issued under Section
17 1117.251, the board shall impose an ad valorem tax at a rate
18 sufficient to create an interest and sinking fund and to pay the
19 principal of and interest on the bonds as the bonds mature.

20 (b) The tax required by this section together with any other
21 tax imposed for the district may not in any year exceed 75 cents on
22 each \$100 valuation of taxable property in the district. (Acts 59th
23 Leg., R.S., Ch. 317, Sec. 7 (part).)

24 Sec. 1117.253. GENERAL OBLIGATION BOND ELECTION. (a) The
25 district may issue general obligation bonds only if the bonds are
26 authorized by a majority of the district voters voting at an
27 election held for that purpose.

1 (b) The board shall call the election. The election must be
2 held in accordance with Chapter 1251, Government Code.

3 (c) The election order must specify:

- 4 (1) the date of the election;
- 5 (2) the amount of the bonds to be authorized;
- 6 (3) the maximum maturity of the bonds;
- 7 (4) the maximum interest rate of the bonds;
- 8 (5) the location of the polling places; and
- 9 (6) the presiding election officers.

10 (d) Notice of a bond election shall be given by publishing a
11 substantial copy of the election order in a newspaper of general
12 circulation in the district once each week for two consecutive
13 weeks before the date of the election. The first publication must
14 occur at least 20 days before the date of the election. (Acts 59th
15 Leg., R.S., Ch. 317, Sec. 7 (part).)

16 Sec. 1117.254. EXECUTION OF GENERAL OBLIGATION BONDS. The
17 board president shall execute the general obligation bonds in the
18 district's name, and the board secretary shall attest the bonds as
19 provided by Chapter 618, Government Code. (Acts 59th Leg., R.S.,
20 Ch. 317, Sec. 7 (part).)

21 Sec. 1117.255. REFUNDING BONDS. (a) The district may,
22 without an election, issue refunding bonds to refund any bond or
23 other refundable indebtedness issued or assumed by the district.

24 (b) A refunding bond may be:

- 25 (1) sold, with the proceeds of the refunding bond
- 26 applied to the payment of the outstanding bonds or other refundable
- 27 indebtedness; or

1 (2) exchanged wholly or partly for not less than a
2 similar principal amount of the outstanding bonds or other
3 refundable indebtedness. (Acts 59th Leg., R.S., Ch. 317, Sec. 7
4 (part).)

5 Sec. 1117.256. BONDS EXEMPT FROM TAXATION. The following
6 are exempt from taxation by this state or a political subdivision of
7 this state:

8 (1) bonds issued by the district;

9 (2) the transfer and issuance of the bonds; and

10 (3) any profits made in the sale of the bonds. (Acts
11 59th Leg., R.S., Ch. 317, Sec. 8 (part).)

12 [Sections 1117.257-1117.300 reserved for expansion]

13 SUBCHAPTER G. TAXES

14 Sec. 1117.301. IMPOSITION OF AD VALOREM TAX. (a) The board
15 shall impose a tax on all taxable property in the district subject
16 to district taxation.

17 (b) The board shall impose the tax to:

18 (1) pay the interest on and create a sinking fund for
19 bonds issued or assumed by the district for hospital purposes as
20 provided by this chapter;

21 (2) provide for the operation and maintenance of the
22 district and hospital system; and

23 (3) make improvements and additions to the hospitals
24 or hospital system and acquire necessary land and sites for the
25 hospitals or hospital system by purchase, lease, or condemnation.
26 (Acts 59th Leg., R.S., Ch. 317, Sec. 10 (part).)

27 Sec. 1117.302. TAX RATE. The board may impose the tax at a

1 rate not to exceed 75 cents on each \$100 valuation of all taxable
2 property in the district. (Acts 59th Leg., R.S., Ch. 317, Sec. 10
3 (part).)

4 Sec. 1117.303. TAX ASSESSOR-COLLECTOR. The tax
5 assessor-collector of:

6 (1) DeWitt County shall assess and collect taxes
7 imposed by the district on all taxable property in DeWitt County;

8 (2) Lavaca County shall assess and collect taxes
9 imposed by the district on all taxable property in Lavaca County;

10 and

11 (3) Gonzales County shall assess and collect taxes
12 imposed by the district on all taxable property in Gonzales County.

13 (Acts 59th Leg., R.S., Ch. 317, Sec. 10 (part).)

14 SECTION 1.02. Subtitle E, Title 6, Special District Local
15 Laws Code, is amended by adding Chapters 7803 and 7805 to read as
16 follows:

17 CHAPTER 7803. IRVING FLOOD CONTROL DISTRICT SECTION I

18 SUBCHAPTER A. GENERAL PROVISIONS

19 Sec. 7803.001. DEFINITIONS

20 Sec. 7803.002. NATURE OF DISTRICT

21 Sec. 7803.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

22 Sec. 7803.004. DISTRICT TERRITORY

23 Sec. 7803.005. DISSOLUTION AND ABOLITION OF DISTRICT

24 [Sections 7803.006-7803.050 reserved for expansion]

25 SUBCHAPTER B. BOARD OF DIRECTORS

26 Sec. 7803.051. COMPOSITION OF BOARD; TERMS

27 Sec. 7803.052. ELIGIBILITY FOR OFFICE

- 1 Sec. 7803.053. DIRECTOR'S BOND
- 2 Sec. 7803.054. BOARD VACANCY
- 3 Sec. 7803.055. BOARD PRESIDENT; ABSENCE OF BOARD
- 4 PRESIDENT
- 5 Sec. 7803.056. SECRETARY'S DUTIES
- 6 Sec. 7803.057. TREASURER
- 7 Sec. 7803.058. COMPENSATION
- 8 Sec. 7803.059. DESIGNATION OF DIRECTOR TO ACT ON
- 9 DISTRICT'S BEHALF
- 10 Sec. 7803.060. DISTRICT OFFICE
- 11 Sec. 7803.061. RECORDS
- 12 [Sections 7803.062-7803.100 reserved for expansion]
- 13 SUBCHAPTER C. POWERS AND DUTIES
- 14 Sec. 7803.101. LEVEE IMPROVEMENT DISTRICT POWERS
- 15 Sec. 7803.102. ANNEXATION OF LAND
- 16 Sec. 7803.103. EMINENT DOMAIN
- 17 Sec. 7803.104. COST OF RELOCATING OR ALTERING PROPERTY
- 18 Sec. 7803.105. CONTRACTS FOR FACILITIES AND
- 19 IMPROVEMENTS; ELECTION NOT REQUIRED
- 20 Sec. 7803.106. CONTRACTS OVER \$25,000
- 21 Sec. 7803.107. CONSTRUCTION CONTRACTS: EXECUTION AND
- 22 AVAILABILITY
- 23 Sec. 7803.108. CONSTRUCTION CONTRACTS: PAYMENT
- 24 Sec. 7803.109. FLOOD HAZARD AREAS
- 25 Sec. 7803.110. SETBACK LINES: RESOLUTION, NOTICE, AND
- 26 HEARING
- 27 Sec. 7803.111. SETBACK LINES: EFFECT ON LANDOWNERS

1 Sec. 7803.112. LEGISLATIVE INTENT

2 Sec. 7803.113. NOTICE OF DISTRICT ELECTIONS

3 [Sections 7803.114-7803.150 reserved for expansion]

4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

5 Sec. 7803.151. TAX METHOD

6 Sec. 7803.152. ASSESSMENT AND COLLECTION OF TAXES

7 Sec. 7803.153. CERTIFICATION OF TAX RATE

8 Sec. 7803.154. PAYMENT OF TAX OR ASSESSMENT NOT

9 REQUIRED

10 Sec. 7803.155. DEPOSITORY

11 [Sections 7803.156-7803.200 reserved for expansion]

12 SUBCHAPTER E. BONDS

13 Sec. 7803.201. AUTHORITY TO ISSUE BONDS

14 Sec. 7803.202. FORM OF BONDS

15 Sec. 7803.203. MATURITY

16 Sec. 7803.204. ELECTION REQUIRED

17 Sec. 7803.205. USE OF BOND PROCEEDS DURING

18 CONSTRUCTION

19 Sec. 7803.206. TAXES FOR BONDS

20 Sec. 7803.207. PRELIMINARY BONDS

21 Sec. 7803.208. EXCHANGING BONDS FOR PROPERTY OR WORK

22 [Sections 7803.209-7803.250 reserved for expansion]

23 SUBCHAPTER F. DEFINED AREAS

24 Sec. 7803.251. AUTHORITY TO ANNEX DEFINED AREA

25 Sec. 7803.252. NOTICE OF AND HEARING ON PETITION TO

26 ANNEX DEFINED AREA

27 Sec. 7803.253. ORDER ANNEXING DEFINED AREA

- 1 Sec. 7803.254. ELECTION REQUIRED
- 2 Sec. 7803.255. NUMBERING OF DEFINED AREAS
- 3 Sec. 7803.256. ADMINISTRATION OF DEFINED AREA
- 4 Sec. 7803.257. POWERS AND DUTIES OF DEFINED AREA
- 5 Sec. 7803.258. TAXATION; GENERAL PROVISIONS
- 6 Sec. 7803.259. BONDS; GENERAL PROVISIONS
- 7 Sec. 7803.260. PRELIMINARY BONDS

8 CHAPTER 7803. IRVING FLOOD CONTROL DISTRICT SECTION I

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 7803.001. DEFINITIONS. In this chapter:

- 11 (1) "Board" means the district's board of directors.
- 12 (2) "Director" means a member of the board.
- 13 (3) "District" means the Irving Flood Control District

14 Section I. (Acts 62nd Leg., R.S., Ch. 135, Sec. 1 (part); New.)

15 Sec. 7803.002. NATURE OF DISTRICT. The district is a
16 conservation and reclamation district and a flood control district
17 created under and essential to accomplish the purposes of Section
18 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch.
19 135, Sec. 1 (part).)

20 Sec. 7803.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
21 The district is created to serve a public use and benefit.

22 (b) All land and other property included in the district
23 will benefit from the works and projects accomplished by the
24 district under the powers conferred by Section 59, Article XVI,
25 Texas Constitution.

26 (c) The accomplishment of the purposes stated in this
27 chapter is for the benefit of the people of this state and for the

1 improvement of their property and industries. The district in
2 carrying out the purposes of this chapter will be performing an
3 essential public function under the Texas Constitution. (Acts 62nd
4 Leg., R.S., Ch. 135, Secs. 4, 24 (part).)

5 Sec. 7803.004. DISTRICT TERRITORY. (a) The district is
6 composed of all territory in the boundaries described by Section 2,
7 Chapter 135, Acts of the 62nd Legislature, Regular Session, 1971,
8 as that territory may have been modified under:

9 (1) Section 7803.102 of this chapter or its
10 predecessor statute, former Section 18, Chapter 135, Acts of the
11 62nd Legislature, Regular Session, 1971;

12 (2) Subchapter F of this chapter or its predecessor
13 statute, former Section 26, Chapter 135, Acts of the 62nd
14 Legislature, Regular Session, 1971, as amended by Section 1,
15 Chapter 117, Acts of the 65th Legislature, Regular Session, 1977;

16 (3) former Section 7, Chapter 135, Acts of the 62nd
17 Legislature, Regular Session, 1971;

18 (4) Subchapter J, Chapter 49, Water Code; or

19 (5) other law.

20 (b) The boundaries and field notes of the district contained
21 in Section 2, Chapter 135, Acts of the 62nd Legislature, Regular
22 Session, 1971, form a closure. A mistake in the field notes or in
23 copying the field notes in the legislative process does not affect:

24 (1) the district's organization, existence, or
25 validity;

26 (2) the district's right to issue any type of bond for
27 a purpose for which the district is created or to pay the principal

1 of and interest on the bond;

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

3 (4) the legality or operation of the district or its
4 governing body. (Acts 62nd Leg., R.S., Ch. 135, Secs. 1 (part), 3;
5 New.)

6 Sec. 7803.005. DISSOLUTION AND ABOLITION OF DISTRICT. The
7 City of Irving may dissolve and abolish the district at the
8 municipality's discretion on written notice of the dissolution and
9 abolition to the board, in the same manner and on the same terms and
10 obligations as prescribed by Sections 43.074, 43.075, and 43.081,
11 Local Government Code. (Acts 62nd Leg., R.S., Ch. 135, Sec. 22.)

12 [Sections 7803.006-7803.050 reserved for expansion]

13 SUBCHAPTER B. BOARD OF DIRECTORS

14 Sec. 7803.051. COMPOSITION OF BOARD; TERMS. The board
15 consists of seven elected directors who serve staggered terms.
16 (Acts 62nd Leg., R.S., Ch. 135, Sec. 9 (part); New.)

17 Sec. 7803.052. ELIGIBILITY FOR OFFICE. A director must own
18 land in the district subject to taxation at the time the director
19 qualifies for office. (Acts 62nd Leg., R.S., Ch. 135, Sec. 9
20 (part).)

21 Sec. 7803.053. DIRECTOR'S BOND. (a) Each director shall
22 qualify by giving bond in the amount of \$5,000 for the faithful
23 performance of the director's duties.

24 (b) The bond must be recorded in the official bond records
25 in the office of the county clerk of Dallas County. (Acts 62nd
26 Leg., R.S., Ch. 135, Sec. 9 (part).)

27 Sec. 7803.054. BOARD VACANCY. (a) Except as provided by

1 Subsection (b), a vacancy on the board shall be filled by
2 appointment to the unexpired term by the remaining directors.

3 (b) The City Council of the City of Irving shall appoint
4 directors to fill all vacancies on the board if the number of
5 qualified directors is less than four.

6 (c) If any director ceases to possess the qualifications
7 prescribed by Section 7803.052, the remaining directors shall
8 declare the person's office vacant and appoint a successor. (Acts
9 62nd Leg., R.S., Ch. 135, Sec. 9 (part).)

10 Sec. 7803.055. BOARD PRESIDENT; ABSENCE OF BOARD PRESIDENT.

11 (a) The board may authorize the president to sign all orders or take
12 other action.

13 (b) Any order adopted or other action taken at a board
14 meeting at which the president is absent may be signed by the vice
15 president, or the board may authorize the president to sign the
16 order or other action. (Acts 62nd Leg., R.S., Ch. 135, Sec. 9
17 (part).)

18 Sec. 7803.056. SECRETARY'S DUTIES. The board secretary
19 shall keep accurate minutes and may certify to any action the board
20 takes. (Acts 62nd Leg., R.S., Ch. 135, Sec. 9 (part).)

21 Sec. 7803.057. TREASURER. (a) The board may appoint a
22 district treasurer.

23 (b) The district treasurer shall give bond in an amount
24 required by the board, conditioned on the treasurer's faithful
25 accounting of all money that comes into the treasurer's custody as
26 district treasurer. (Acts 62nd Leg., R.S., Ch. 135, Sec. 13
27 (part).)

1 Sec. 7803.058. COMPENSATION. Unless the board by
2 resolution increases the fee to an amount authorized by Section
3 49.060, Water Code, each director shall receive a per diem payment
4 of \$25 for each day spent performing district work. (Acts 62nd Leg.,
5 R.S., Ch. 135, Sec. 9 (part); New.)

6 Sec. 7803.059. DESIGNATION OF DIRECTOR TO ACT ON DISTRICT'S
7 BEHALF. The board may designate one or more directors who, on
8 behalf of the district, may execute all contracts, including a
9 construction contract, sign checks, or handle any other matter
10 entered into by the board as shown in the district's official
11 minutes. (Acts 62nd Leg., R.S., Ch. 135, Sec. 9 (part).)

12 Sec. 7803.060. DISTRICT OFFICE. (a) The board shall
13 designate, establish, and maintain a district office inside the
14 district.

15 (b) The board may establish a second district office outside
16 the district. If the board establishes a second district office,
17 the board shall give notice of the location of that office by
18 publishing notice of the location of the office in a newspaper of
19 general circulation in Dallas County.

20 (c) A district office that is a private residence or office
21 is a public place for matters relating to the district's business.

22 (d) The board shall provide notice of any change in the
23 location of the district office outside the district in the manner
24 required by Subsection (b). (Acts 62nd Leg., R.S., Ch. 135, Sec.
25 14.)

26 Sec. 7803.061. RECORDS. The board shall keep and maintain
27 complete and accurate accounts and records, which shall be kept at

1 the district's principal office and be open to public inspection at
2 reasonable times. (Acts 62nd Leg., R.S., Ch. 135, Sec. 9 (part).)

3 [Sections 7803.062-7803.100 reserved for expansion]

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 7803.101. LEVEE IMPROVEMENT DISTRICT POWERS. (a) The
6 district has the rights, powers, privileges, and functions
7 applicable to a levee improvement district created under the
8 authority of Section 59, Article XVI, Texas Constitution, including
9 those conferred by Chapters 49 and 57, Water Code.

10 (b) The district has the power to construct and maintain
11 levees and other improvements on, along, and contiguous to rivers,
12 creeks, streams, and drainage courses for the purposes of:

- 13 (1) reclaiming land from overflow from the water;
14 (2) controlling and distributing the water of rivers
15 and streams by straightening and otherwise improving the rivers and
16 streams;
17 (3) draining the land properly and otherwise improving
18 the land; and
19 (4) preventing the pollution of the water.

20 (c) In the accomplishment of the district's purposes, the
21 district may issue bonds, enter into contracts, or incur debt in the
22 manner prescribed by this chapter. (Acts 62nd Leg., R.S., Ch. 135,
23 Sec. 5 (part); New.)

24 Sec. 7803.102. ANNEXATION OF LAND. (a) The district may
25 annex land in the manner provided by Subchapter J, Chapter 49, or
26 Subchapter O, Chapter 51, Water Code, to the extent applicable.

27 (b) If land is annexed by the district under Section 49.301

1 or 51.714, Water Code, the board may require the petitioners to:

2 (1) allow the land to be added to assume its pro rata
3 share of taxes necessary to support the voted but unissued bonds of
4 the district; and

5 (2) authorize the board to impose a tax on the
6 petitioners' property to pay for the bonds after the bonds have been
7 issued.

8 (c) If land is annexed by the district under Section 49.302,
9 Water Code, the board may submit to the voters of the area to be
10 annexed a proposition on the question of the assumption by the area
11 to be annexed of its pro rata share of the voted but not yet issued
12 or sold bonds of the district and the imposition of an ad valorem
13 tax on taxable property in the area to be annexed along with a tax in
14 the rest of the district for the payment of the bonds.

15 (d) If the petitioners consent or if the election results
16 favorably, the district may issue its voted but unissued bonds
17 regardless of changes to district boundaries since the original
18 voting or authorization of the bonds. (Acts 62nd Leg., R.S., Ch.
19 135, Sec. 18.)

20 Sec. 7803.103. EMINENT DOMAIN. (a) The district may
21 exercise the power of eminent domain in Dallas County to acquire the
22 fee simple title to or an easement or right-of-way to, over, or
23 through any private or public land, water, or land under water that
24 is in the district, borders the district, is adjacent or opposite to
25 the district, or is outside of the district if the property has a
26 direct effect on the accomplishment of the purposes for which the
27 district is created and is necessary for making, constructing, and

1 maintaining all levees and other improvements for the improvement
2 of rivers, creeks, streams, or drainage courses in the district or
3 bordering the district to prevent the overflow of water.

4 (b) The district may not exercise the power of eminent
5 domain under Subsection (a) to acquire land or other property that
6 is used for cemetery purposes.

7 (c) The district shall pay adequate compensation to the
8 owner of property that is taken, damaged, or destroyed for the
9 purposes described by Subsection (a).

10 (d) A condemnation proceeding must be brought in the name of
11 the district. (Acts 62nd Leg., R.S., Ch. 135, Sec. 6 (part).)

12 Sec. 7803.104. COST OF RELOCATING OR ALTERING PROPERTY.

13 (a) In this section, "sole expense" means the actual cost of:

14 (1) relocating, raising, rerouting, changing the
15 grade of, or altering the construction of a facility described by
16 Subsection (b); and

17 (2) providing comparable replacement without
18 enhancement of the facility, after deducting from that cost the net
19 salvage value of the old facility.

20 (b) If the district's exercise of its power of eminent
21 domain, power of relocation, or any other power makes necessary the
22 relocation, raising, rerouting, changing the grade, or alteration
23 of the construction of a highway, a railroad, an electric
24 transmission line, a telephone or telegraph property or facility,
25 or a pipeline, the necessary action shall be accomplished at the
26 sole expense of the district unless the owner of the relocated or
27 altered facility has a legal obligation to pay those expenses, in

1 which event the necessary action shall be accomplished at the
2 expense of the owner. (Acts 62nd Leg., R.S., Ch. 135, Sec. 6
3 (part).)

4 Sec. 7803.105. CONTRACTS FOR FACILITIES AND IMPROVEMENTS;
5 ELECTION NOT REQUIRED. (a) The district may enter into a contract
6 with the United States, the City of Irving, another public body, or
7 an individual, corporation, or other entity for the maintenance or
8 construction of any facility or improvement authorized by this
9 chapter.

10 (b) The district may enter into a contract under Subsection
11 (a) without:

- 12 (1) voting for the issuance of bonds; or
13 (2) holding an election to approve the contract.
14 (Acts 62nd Leg., R.S., Ch. 135, Sec. 12.)

15 Sec. 7803.106. CONTRACTS OVER \$25,000. (a) A contract
16 involving an expenditure of more than \$25,000 for the construction
17 of a district facility or improvement or for the purchase of
18 machinery, materials, or supplies for the district must be entered
19 into by the board in accordance with this section.

20 (b) Not later than the 14th day before the date sealed bids
21 are opened, the letting of a contract described by Subsection (a)
22 must be advertised by publishing notice one time in one or more
23 newspapers having general circulation in this state. The notice
24 must include the general conditions of the contract and the date,
25 time, and place of the opening of the sealed bids.

26 (c) A person who desires to bid on the construction of any
27 works advertised in the notice under Subsection (b) and submits a

1 written application to the board or the district's engineer shall
2 be provided with a copy of the plans and specifications showing the
3 work to be done. A fee may be charged to cover the cost of making
4 the copy.

5 (d) A bid must be in writing, sealed, and delivered to the
6 board and be accompanied by a certified or cashier's check or
7 bidder's bond for at least five percent of the total amount of the
8 bid.

9 (e) A successful bidder who fails or refuses to enter into a
10 proper contract or to furnish proper performance and payment bonds
11 for the contract forfeits to the district the amount of the check
12 delivered under Subsection (d).

13 (f) All bids must be opened at the same time.

14 (g) The board may reject any or all bids. (Acts 62nd Leg.,
15 R.S., Ch. 135, Sec. 15 (part).)

16 Sec. 7803.107. CONSTRUCTION CONTRACTS: EXECUTION AND
17 AVAILABILITY. (a) A construction contract must be in writing and
18 signed by the contractor and:

19 (1) the president and secretary of the board; or

20 (2) a majority of the directors.

21 (b) A copy of each construction contract shall be kept in
22 the district's records and be subject to public inspection.

23 (c) A construction contract must contain or have attached to
24 it the specifications for all work included in the contract. (Acts
25 62nd Leg., R.S., Ch. 135, Sec. 15 (part).)

26 Sec. 7803.108. CONSTRUCTION CONTRACTS: PAYMENT. (a) A
27 construction contract may be paid for in partial payments as the

1 work progresses, based on estimates approved by the district's
2 engineer.

3 (b) The payments may not exceed 90 percent of the amount due
4 at the time of the payments as shown by the approved estimates,
5 except that the final approved estimate, including all prior
6 retainage, must be paid in full. (Acts 62nd Leg., R.S., Ch. 135,
7 Sec. 15 (part).)

8 Sec. 7803.109. FLOOD HAZARD AREAS. (a) The board by
9 resolution shall designate flood hazard areas in the district if
10 the board finds that the public health, safety, and general
11 welfare, and the purposes of Section 59, Article XVI, Texas
12 Constitution, will be promoted by the designation.

13 (b) The resolution must contain field notes, a map, or both
14 field notes and a map that describe the area to be included in a
15 flood hazard area.

16 (c) Before passing a resolution designating a flood hazard
17 area, the board shall hold at least one public hearing related to
18 the designation. The board must publish notice of the time and place
19 of the hearing in English in a newspaper having general circulation
20 in Dallas County at least 15 days before the date of the hearing. A
21 hearing may be continued from time to time until the board
22 determines that all interested persons have had an opportunity to
23 be heard.

24 (d) The board by resolution may, following notice and a
25 hearing as required by Subsection (c), amend the designated flood
26 hazard areas as the board determines necessary. (Acts 62nd Leg.,
27 R.S., Ch. 135, Secs. 20, 21.)

1 Sec. 7803.110. SETBACK LINES: RESOLUTION, NOTICE, AND
2 HEARING. (a) The board may establish and maintain building setback
3 lines along any waterway in the district for the purpose of
4 promoting the public health, safety, and general welfare and
5 accomplishing the purposes of Section 59, Article XVI, Texas
6 Constitution.

7 (b) Building setback lines may be established only after
8 notice and hearing. The notice must be published in a newspaper of
9 general circulation in Dallas County not earlier than the 60th day
10 or later than the 15th day before the date of the hearing. Each
11 affected landowner must be given actual notice by certified mail of
12 the hearing.

13 (c) The board by resolution shall adopt building setback
14 lines if, after the hearing is completed, the board finds that the
15 establishment of building setback lines is for the public health,
16 safety, and general welfare of the people in the district and for
17 the accomplishment of the purposes of Section 59, Article XVI,
18 Texas Constitution. The resolution must contain a description of
19 the area included in the building setback lines by field notes, a
20 map or plat, or both. A certified copy of the resolution shall be
21 filed for record immediately with the county clerk of Dallas
22 County. On the filing of the resolution, all persons are charged
23 with notice of the requirements of the resolution.

24 (d) The board may, on public hearing after notice as
25 provided by Subsection (b), amend, supplement, or grant an
26 exception to building setback lines as determined necessary. (Acts
27 62nd Leg., R.S., Ch. 135, Sec. 19 (part).)

1 Sec. 7803.111. SETBACK LINES: EFFECT ON LANDOWNERS. (a)
2 Except as otherwise provided by this section, after the
3 establishment of building setback lines under Section 7803.110, a
4 structure may not be erected within the setback lines.

5 (b) A person intending to erect a structure within building
6 setback lines must give written notice of the intention by
7 certified mail not later than the 90th day before the date the
8 person begins erecting the structure.

9 (c) Provided that the landowner was given actual notice by
10 certified mail of the hearing to establish the setback lines, a
11 person's failure to give notice under Subsection (b) constitutes a
12 prima facie showing in any subsequent eminent domain proceeding
13 instituted by the district to acquire the area within the setback
14 lines that the person erecting the structure did so at the person's
15 own risk with knowledge of:

16 (1) the fact that erecting the structure interfered
17 with the district's setback provisions; and

18 (2) the district's right to remove the structure
19 erected after the establishment of the setback lines without
20 recovery of the value of the structure.

21 (d) If the district does not institute an eminent domain
22 proceeding to acquire an area within building setback lines within
23 90 days after the date notice is mailed under Subsection (b), the
24 setback lines may not affect damages in the eminent domain
25 proceeding and the damages must be determined and paid as if the
26 setback lines had not been established.

27 (e) An owner who believes that a structure the owner is

1 about to erect may be within the required setback area by certified
2 letter may petition the district to survey and mark the building
3 setback lines on the ground. If the district fails within 90 days
4 to make the requested survey and mark the location of the setback
5 lines on the ground or to show the location of the setback lines in
6 another reasonable manner, the owner may erect the structure in the
7 same manner and with the same results as if setback lines had not
8 been established. (Acts 62nd Leg., R.S., Ch. 135, Sec. 19 (part).)

9 Sec. 7803.112. LEGISLATIVE INTENT. Sections 7803.110 and
10 7803.111 are intended to give the board the right to protect from
11 encroachment those areas that need to be protected from
12 encroachment for such immediate and future drainage and flood
13 control right-of-way requirements in the district as it may be
14 necessary, or in the public interest to protect or promote the
15 public health, safety, and general welfare. (Acts 62nd Leg., R.S.,
16 Ch. 135, Sec. 19 (part).)

17 Sec. 7803.113. NOTICE OF DISTRICT ELECTIONS. Notice of a
18 district election must be published once in a newspaper with
19 general circulation in Dallas County and in the district at least 20
20 days before the date of the election. (Acts 62nd Leg., R.S., Ch.
21 135, Sec. 10 (part).)

22 [Sections 7803.114-7803.150 reserved for expansion]

23 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

24 Sec. 7803.151. TAX METHOD. (a) The district shall use the
25 ad valorem plan of taxation, including for any separately defined
26 area annexed under Subchapter F.

27 (b) The board is not required to call or hold a hearing on

1 the adoption of a plan of taxation. (Acts 62nd Leg., R.S., Ch. 135,
2 Secs. 8, 26(e) (part).)

3 Sec. 7803.152. ASSESSMENT AND COLLECTION OF TAXES. (a) The
4 tax assessor and collector for the City of Irving shall assess and
5 collect taxes for the district.

6 (b) The tax assessor and collector shall make the records
7 maintained by the tax assessor and collector available to the
8 district on request by the secretary of the district. (Acts 62nd
9 Leg., R.S., Ch. 135, Sec. 16 (part).)

10 Sec. 7803.153. CERTIFICATION OF TAX RATE. Each year, the
11 board shall certify to the tax assessor and collector for the City
12 of Irving the rate or rates of tax that the board has imposed for
13 bond and maintenance purposes. (Acts 62nd Leg., R.S., Ch. 135, Sec.
14 16 (part).)

15 Sec. 7803.154. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED.
16 The district is not required to pay a tax or assessment on:

- 17 (1) district property; or
18 (2) a purchase made by the district. (Acts 62nd Leg.,
19 R.S., Ch. 135, Sec. 24 (part).)

20 Sec. 7803.155. DEPOSITORY. (a) The board shall designate
21 one or more banks inside or outside the district to serve as the
22 depository for the district's money.

23 (b) All district money shall be deposited in the depository
24 bank or banks, except that sufficient money must be remitted to and
25 received by the bank or banks of payment to pay the principal of and
26 interest on any outstanding district bonds on or before the
27 maturity date of the principal and interest.

1 (c) To the extent that money in a depository bank is not
2 insured by the Federal Deposit Insurance Corporation, the money
3 must be secured in the manner provided by law for the security of
4 county funds. (Acts 62nd Leg., R.S., Ch. 135, Sec. 13 (part).)

5 [Sections 7803.156-7803.200 reserved for expansion]

6 SUBCHAPTER E. BONDS

7 Sec. 7803.201. AUTHORITY TO ISSUE BONDS. The board may
8 issue district tax bonds to acquire money to carry out any district
9 power or accomplish any district purpose under this chapter. The
10 bonds may be authorized by a board order. (Acts 62nd Leg., R.S.,
11 Ch. 135, Sec. 10 (part).)

12 Sec. 7803.202. FORM OF BONDS. District bonds and their
13 related interest coupons shall be signed and executed as provided
14 by the board in the order authorizing the issuance of the bonds.
15 (Acts 62nd Leg., R.S., Ch. 135, Sec. 10 (part).)

16 Sec. 7803.203. MATURITY. District bonds must mature not
17 later than 40 years after their date of issuance. (Acts 62nd Leg.,
18 R.S., Ch. 135, Sec. 10 (part).)

19 Sec. 7803.204. ELECTION REQUIRED. (a) The district may not
20 issue bonds, other than refunding bonds, unless the bonds are
21 authorized by a majority vote of the district voters voting in an
22 election held to determine whether the bonds should be issued and
23 whether a tax should be imposed to pay the principal of and interest
24 on the bonds.

25 (b) The board may order and provide notice of an election
26 under this section.

27 (c) In addition to the requirements of the Election Code,

1 the ballots shall have printed on them "For the issuance of bonds
2 and the levy of taxes in payment thereof" and the contrary of that
3 proposition. (Acts 62nd Leg., R.S., Ch. 135, Sec. 10 (part).)

4 Sec. 7803.205. USE OF BOND PROCEEDS DURING CONSTRUCTION.

5 (a) The board may set aside part of the bond proceeds to:

6 (1) pay interest on the bonds during the period of
7 construction of improvements or facilities; and

8 (2) create reserves for the payment of the principal
9 of and interest on the bonds.

10 (b) For purposes of Subsection (a), the period of
11 construction may not exceed two years. (Acts 62nd Leg., R.S., Ch.
12 135, Sec. 10 (part).)

13 Sec. 7803.206. TAXES FOR BONDS. The board may impose
14 continuing direct annual ad valorem taxes on all taxable property
15 in the district sufficient to:

16 (1) provide for the payment of interest on bonds
17 issued under this subchapter as the interest accrues; and

18 (2) create and provide a sinking fund for the payment
19 of principal of the bonds as the principal matures. (Acts 62nd
20 Leg., R.S., Ch. 135, Sec. 10 (part).)

21 Sec. 7803.207. PRELIMINARY BONDS. (a) The district may
22 issue preliminary bonds, which need not be designated as such, to
23 provide a fund to pay:

24 (1) the cost of making surveys and investigations,
25 attorneys' fees, and engineers' work;

26 (2) the cost of issuing bonds; and

27 (3) all other costs and expenses incident to the

1 district's operation in investigating and determining plans for the
2 district's plant and improvements.

3 (b) Preliminary bonds shall be voted and authorized in the
4 manner and under the same provisions applicable to the district's
5 construction bonds and shall be of equal dignity with those
6 construction bonds. (Acts 62nd Leg., R.S., Ch. 135, Sec. 10
7 (part).)

8 Sec. 7803.208. EXCHANGING BONDS FOR PROPERTY OR WORK. The
9 district may exchange bonds:

- 10 (1) for property acquired by purchase; or
11 (2) in payment of the contract price of work performed
12 for the use and benefit of the district. (Acts 62nd Leg., R.S., Ch.
13 135, Sec. 10 (part).)

14 [Sections 7803.209-7803.250 reserved for expansion]

15 SUBCHAPTER F. DEFINED AREAS

16 Sec. 7803.251. AUTHORITY TO ANNEX DEFINED AREA. (a) In
17 addition to annexing land under Section 7803.102, the board may
18 annex land to the district as a separately defined area on the
19 petition of the owner or owners of a majority of the land contained
20 in an area defined by metes and bounds outside the district.

21 (b) The petition must be filed with the board. (Acts 62nd
22 Leg., R.S., Ch. 135, Sec. 26(a) (part).)

23 Sec. 7803.252. NOTICE OF AND HEARING ON PETITION TO ANNEX
24 DEFINED AREA. (a) On receipt of a petition under Section 7803.251,
25 the board by order shall set a time and place for a hearing on the
26 petition to be held not less than 30 days after the date of the
27 order.

1 (b) Notice of the time and place of the hearing on the
2 petition must be posted in the district and in the separately
3 defined area proposed to be annexed for at least 15 days before the
4 date of the hearing. Notice must also be published one time in a
5 newspaper with general circulation in the county at least 15 days
6 before the date of the hearing.

7 (c) The notice described by Subsection (b) must contain a
8 description of the separately defined area proposed to be annexed.
9 (Acts 62nd Leg., R.S., Ch. 135, Sec. 26(a) (part).)

10 Sec. 7803.253. ORDER ANNEXING DEFINED AREA. (a) The board
11 by order may designate an area as a separately defined area and
12 annex the area to the district if, on hearing a petition under
13 Section 7803.252, the board finds that:

14 (1) there is a need for improvements for the
15 conservation and reclamation of the defined area;

16 (2) the area will benefit from the improvements; and

17 (3) the improvements will serve a public use and
18 benefit.

19 (b) The board does not have to include all of the area
20 described in the petition if the board finds that a modification of
21 the area is necessary or desirable.

22 (c) The order must be entered in the board's minutes and
23 filed for record in the same manner required for other district
24 annexations of land. (Acts 62nd Leg., R.S., Ch. 135, Sec. 26(b).)

25 Sec. 7803.254. ELECTION REQUIRED. (a) Annexation of a
26 separately defined area is not final until ratified by a majority
27 vote of the voters in the defined area voting at an election held in

1 the area.

2 (b) Section 7803.113 governs notice of an election under
3 this section.

4 (c) A separately defined area is a separate election
5 precinct for an election under this section and all other elections
6 for the defined area. (Acts 62nd Leg., R.S., Ch. 135, Sec. 26(c).)

7 Sec. 7803.255. NUMBERING OF DEFINED AREAS. All annexed
8 separately defined areas shall be numbered in consecutive order.
9 The first separately defined area shall be designated as "Irving
10 Flood Control District of Dallas County, Texas - Section II." (Acts
11 62nd Leg., R.S., Ch. 135, Sec. 26(d).)

12 Sec. 7803.256. ADMINISTRATION OF DEFINED AREA. (a) The
13 board shall administer all business incident to any separately
14 defined area annexed under this subchapter.

15 (b) Each annexed separately defined area shall pay its pro
16 rata share of the administrative costs of the district, based on the
17 assessed valuation of the defined area in relation to the assessed
18 valuation of the district and any other defined areas annexed to the
19 district. (Acts 62nd Leg., R.S., Ch. 135, Sec. 26(g) (part).)

20 Sec. 7803.257. POWERS AND DUTIES OF DEFINED AREA. Except as
21 otherwise provided by this subchapter, or where in conflict with
22 this subchapter, an annexed separately defined area has the rights,
23 duties, restrictions, and provisions of this chapter. (Acts 62nd
24 Leg., R.S., Ch. 135, Sec. 26(g) (part).)

25 Sec. 7803.258. TAXATION; GENERAL PROVISIONS. (a) An
26 annexed separately defined area is a separate tax area for the
27 payment of all indebtedness incurred for improvements constructed

1 on authorization of the defined area and for the maintenance of
2 those improvements.

3 (b) A separately defined area is liable only for
4 indebtedness incurred or taxes imposed for improvements and the
5 maintenance of those improvements authorized by the defined area.
6 No other part of the district, including another separately defined
7 area, is liable for the payment of the indebtedness or taxes
8 described by this subsection.

9 (c) Taxes in a separately defined area shall be imposed in
10 the manner provided by Sections 7803.152 and 7803.153.

11 (d) The provisions authorizing a maintenance tax contained
12 in Section 49.107, Water Code, apply to a separately defined area.
13 (Acts 62nd Leg., R.S., Ch. 135, Secs. 26(e) (part), (f) (part).)

14 Sec. 7803.259. BONDS; GENERAL PROVISIONS. (a) After a
15 separately defined area is annexed, the board may issue tax bonds
16 clearly entitled by the designation of the defined area to acquire
17 money to carry out any district power or accomplish any district
18 purpose under this chapter for improvements to or for the defined
19 area.

20 (b) The board may impose continuing direct annual ad valorem
21 taxes on all taxable property located solely in the separately
22 defined area sufficient to:

23 (1) provide for the payment of interest on bonds
24 issued under this section as the interest accrues; and

25 (2) create and provide a sinking fund for the payment
26 of principal of the bonds as the bonds mature.

27 (c) The issuance of bonds under this section may be

1 authorized by a board order.

2 (d) The district may not issue bonds, other than refunding
3 bonds, unless the bonds are authorized by a majority vote of the
4 voters residing in the separately defined area voting in an
5 election held to determine whether the bonds should be issued and
6 whether a tax should be imposed on property in the defined area to
7 pay the principal of and interest on the bonds. The election must
8 be held in the manner provided by Sections 7803.113 and 7803.204.

9 (e) The initial bond election for a separately defined area
10 may be held on the same day as the election to ratify annexation of
11 the defined area and as part of the order calling the ratification
12 election.

13 (f) Subchapter E applies to any bonds issued to provide
14 improvements to or for any separately defined area in a manner
15 consistent with this section. (Acts 62nd Leg., R.S., Ch. 135, Sec.
16 26(f) (part).)

17 Sec. 7803.260. PRELIMINARY BONDS. Preliminary bonds for a
18 separately defined area may be issued for the same purposes, under
19 the same requirements, and of like effect as under Subchapter E.
20 (Acts 62nd Leg., R.S., Ch. 135, Sec. 26(f) (part).)

21 CHAPTER 7805. IRVING FLOOD CONTROL DISTRICT SECTION III

22 SUBCHAPTER A. GENERAL PROVISIONS

23 Sec. 7805.001. DEFINITIONS

24 Sec. 7805.002. NATURE OF DISTRICT

25 Sec. 7805.003. DISTRICT TERRITORY

26 [Sections 7805.004-7805.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 7805.051. COMPOSITION OF BOARD; TERM

3 Sec. 7805.052. QUALIFICATIONS FOR OFFICE

4 Sec. 7805.053. DIRECTOR'S BOND

5 [Sections 7805.054-7805.100 reserved for expansion]

6 SUBCHAPTER C. POWERS AND DUTIES

7 Sec. 7805.101. GENERAL DISTRICT POWERS

8 Sec. 7805.102. CONFLICTS OF LAW

9 Sec. 7805.103. PROHIBITION OF POLICE AND FIREFIGHTING

10 FUNCTIONS

11 [Sections 7805.104-7805.150 reserved for expansion]

12 SUBCHAPTER D. BONDS AND TAXES

13 Sec. 7805.151. AUTHORITY TO ISSUE BONDS; TAXES FOR

14 BONDS

15 Sec. 7805.152. ASSUMPTION OF INDEBTEDNESS, CONTRACTS

16 Sec. 7805.153. PREVIOUSLY AUTHORIZED MAINTENANCE TAXES

17 Sec. 7805.154. REFUNDING BOND ELECTION

18 Sec. 7805.155. BOND ANTICIPATION NOTES

19 CHAPTER 7805. IRVING FLOOD CONTROL DISTRICT SECTION III

20 SUBCHAPTER A. GENERAL PROVISIONS

21 Sec. 7805.001. DEFINITIONS. In this chapter:

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

23 (2) "Director" means a board member.

24 (3) "District" means the Irving Flood Control District

25 Section III of Dallas County. (Acts 68th Leg., R.S., Ch. 1073, Sec.
26 2 (part); New.)

27 Sec. 7805.002. NATURE OF DISTRICT. (a) The district is

1 established under Section 59, Article XVI, Texas Constitution, and
2 Chapter 7803.

3 (b) The district is a separate and independent conservation
4 and reclamation district and a political subdivision of this state.

5 (c) The district is a separately defined area of Irving
6 Flood Control District Section I. (Acts 68th Leg., R.S., Ch. 1073,
7 Sec. 1(a).)

8 Sec. 7805.003. DISTRICT TERRITORY. The district is
9 composed of the territory located within the redefined boundaries
10 of the district filed in the deed records of Dallas County, Texas,
11 on October 1, 1983, as that territory may have been modified under:

- 12 (1) Subchapter J, Chapter 49, Water Code; or
13 (2) other law. (Acts 68th Leg., R.S., Ch. 1073, Sec. 2
14 (part); New.)

15 [Sections 7805.004-7805.050 reserved for expansion]

16 SUBCHAPTER B. BOARD OF DIRECTORS

17 Sec. 7805.051. COMPOSITION OF BOARD; TERM. (a) The board is
18 composed of five directors appointed by the city council of the City
19 of Irving, Texas.

20 (b) Directors serve staggered two-year terms, with the
21 terms of two directors expiring on the second Tuesday in January of
22 each even-numbered year and the terms of three directors expiring
23 on the second Tuesday in January of each odd-numbered year. (Acts
24 68th Leg., R.S., Ch. 1073, Secs. 3(a), (b) (part), (c).)

25 Sec. 7805.052. QUALIFICATIONS FOR OFFICE. A director must
26 own land in the district or be a resident of the district. (Acts
27 68th Leg., R.S., Ch. 1073, Sec. 3(b) (part).)

1 Sec. 7805.053. DIRECTOR'S BOND. As soon as possible after
2 appointment, each director shall qualify for office and execute a
3 sufficient bond in the amount of \$5,000 that is:

4 (1) payable to the district; and

5 (2) conditioned on the faithful performance of the
6 director's duties. (Acts 68th Leg., R.S., Ch. 1073, Sec. 3(d).)

7 [Sections 7805.054-7805.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 7805.101. GENERAL DISTRICT POWERS. The district has
10 the rights, powers, purposes, and functions provided by Chapter
11 7803 of this code and Chapter 49, Water Code. (Acts 68th Leg.,
12 R.S., Ch. 1073, Sec. 1(b) (part); New.)

13 Sec. 7805.102. CONFLICTS OF LAW. (a) If a provision of
14 Chapter 7803 is in conflict or inconsistent with this chapter, this
15 chapter controls.

16 (b) The provisions of Chapter 7803 not in conflict or
17 inconsistent with this chapter continue in effect. (Acts 68th Leg.,
18 R.S., Ch. 1073, Secs. 1(b) (part), (c).)

19 Sec. 7805.103. PROHIBITION OF POLICE AND FIREFIGHTING
20 FUNCTIONS. The district may not:

21 (1) engage in any police or firefighting functions; or

22 (2) spend any district money or issue bonds for any
23 police or firefighting function. (Acts 68th Leg., R.S., Ch. 1073,
24 Sec. 8.)

25 [Sections 7805.104-7805.150 reserved for expansion]

26 SUBCHAPTER D. BONDS AND TAXES

27 Sec. 7805.151. AUTHORITY TO ISSUE BONDS; TAXES FOR BONDS.

1 (a) The district may issue and sell all unissued bonds that have
2 been authorized at an election held in the district.

3 (b) The district may impose an ad valorem tax on all taxable
4 property in the district to pay the principal of and interest on the
5 bonds. (Acts 68th Leg., R.S., Ch. 1073, Sec. 4(a).)

6 Sec. 7805.152. ASSUMPTION OF INDEBTEDNESS, CONTRACTS. The
7 district shall assume and be responsible for all outstanding
8 indebtedness and existing contracts. (Acts 68th Leg., R.S., Ch.
9 1073, Sec. 4(b) (part).)

10 Sec. 7805.153. PREVIOUSLY AUTHORIZED MAINTENANCE TAXES.
11 The district may impose a maintenance tax that has been previously
12 authorized at an election held in the district. (Acts 68th Leg.,
13 R.S., Ch. 1073, Sec. 4(b) (part).)

14 Sec. 7805.154. REFUNDING BOND ELECTION. (a) The district
15 may refund any outstanding bonds with the approval of district
16 voters voting at an election held by the district.

17 (b) The election shall be held as provided by Chapter 7803.
18 The ballot shall:

19 (1) be printed to provide for voting for or against the
20 proposition: "For the issuance of refunding bonds and the levy of
21 taxes in payment of those bonds."; and

22 (2) state the maximum interest rate and maturity
23 applicable to the refunding bonds.

24 (c) The rate and maturity may exceed the maximum rate and
25 maturity applicable to any outstanding bonds being refunded. (Acts
26 68th Leg., R.S., Ch. 1073, Sec. 6.)

27 Sec. 7805.155. BOND ANTICIPATION NOTES. (a) In addition to

1 all other methods of acquiring funds for district purposes, the
2 district may issue bond anticipation notes for any purpose for
3 which district bonds have been voted or may be issued to refund
4 outstanding bond anticipation notes and the interest on the notes
5 being refunded.

6 (b) The notes may bear interest at any rate not to exceed the
7 maximum interest rate applicable to the district's authorized
8 bonds.

9 (c) The notes shall mature within one year of the date on
10 which they are issued.

11 (d) The maximum amount of the notes outstanding at any one
12 time may not exceed \$500,000 without the prior consent of the City
13 of Irving, Texas.

14 (e) The district shall pay the notes only from the proceeds
15 of the sale of bonds by the district. (Acts 68th Leg., R.S., Ch.
16 1073, Sec. 7.)

17 SECTION 1.03. Subtitle F, Title 6, Special District Local
18 Laws Code, is amended by adding Chapters 8308, 8312, 8381, 8387,
19 8388, 8389, 8391, 8393, 8394, 8395, 8396, 8397, 8398, 8399, 8400,
20 8401, 8402, 8403, 8404, 8405, 8406, 8407, and 8410 to read as
21 follows:

22 CHAPTER 8308. EAST MONTGOMERY COUNTY MUNICIPAL

23 UTILITY DISTRICT NO. 4

24 SUBCHAPTER A. GENERAL PROVISIONS

25 Sec. 8308.001. DEFINITIONS

26 Sec. 8308.002. NATURE OF DISTRICT

27 Sec. 8308.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

1 Sec. 8308.004. DISTRICT TERRITORY

2 [Sections 8308.005-8308.050 reserved for expansion]

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 8308.051. COMPOSITION OF BOARD

5 [Sections 8308.052-8308.100 reserved for expansion]

6 SUBCHAPTER C. POWERS AND DUTIES

7 Sec. 8308.101. MUNICIPAL UTILITY DISTRICT POWERS

8 Sec. 8308.102. COMPLIANCE WITH MUNICIPAL CONSENT

9 ORDINANCES OR RESOLUTIONS

10 Sec. 8308.103. UTILITY PROPERTY EXEMPT FROM IMPACT

11 FEES AND ASSESSMENTS

12 CHAPTER 8308. EAST MONTGOMERY COUNTY MUNICIPAL

13 UTILITY DISTRICT NO. 4

14 SUBCHAPTER A. GENERAL PROVISIONS

15 Sec. 8308.001. DEFINITIONS. In this chapter:

16 (1) "Board" means the board of directors of the
17 district.

18 (2) "District" means the East Montgomery County
19 Municipal Utility District No. 4. (Acts 78th Leg., R.S., Ch. 882,
20 Sec. 1.)

21 Sec. 8308.002. NATURE OF DISTRICT. (a) The district is a
22 municipal utility district in Montgomery County created under
23 Section 59, Article XVI, Texas Constitution.

24 (b) The district is a political subdivision of this state.
25 (Acts 78th Leg., R.S., Ch. 882, Secs. 2(a) (part), (b), 3(b)
26 (part).)

27 Sec. 8308.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)

1 The district is created to serve a public use and benefit.

2 (b) All land and other property included in the district
3 will benefit from the works and projects accomplished by the
4 district under powers conferred by Section 59, Article XVI, Texas
5 Constitution.

6 (c) The creation of the district is essential to accomplish
7 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
8 78th Leg., R.S., Ch. 882, Secs. 3(a), (b) (part), (c).)

9 Sec. 8308.004. DISTRICT TERRITORY. (a) The district is
10 composed of the territory described by Section 4, Chapter 882, Acts
11 of the 78th Legislature, Regular Session, 2003, as that territory
12 may have been modified under:

- 13 (1) Subchapter J, Chapter 49, Water Code;
- 14 (2) Subchapter H, Chapter 54, Water Code; or
- 15 (3) other law.

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

- 19 (1) the district's organization, existence, or
20 validity;
- 21 (2) the district's right to impose a tax; or
- 22 (3) the legality or operation of the district or the
23 board. (Acts 78th Leg., R.S., Ch. 882, Sec. 5; New.)

24 [Sections 8308.005-8308.050 reserved for expansion]

25 SUBCHAPTER B. BOARD OF DIRECTORS

26 Sec. 8308.051. COMPOSITION OF BOARD. The district is
27 governed by a board of five directors. (Acts 78th Leg., R.S., Ch.

1 882, Sec. 7(a).)

2 [Sections 8308.052-8308.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 8308.101. MUNICIPAL UTILITY DISTRICT POWERS. The
5 district has the rights, powers, privileges, functions, and duties
6 provided by general law applicable to a municipal utility district
7 created under Section 59, Article XVI, Texas Constitution,
8 including Chapters 49 and 54, Water Code. (Acts 78th Leg., R.S.,
9 Ch. 882, Sec. 11.)

10 Sec. 8308.102. COMPLIANCE WITH MUNICIPAL CONSENT
11 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
12 54.016, Water Code, the district shall comply with all applicable
13 requirements of any ordinance or resolution adopted by a
14 municipality in whose corporate limits or extraterritorial
15 jurisdiction the district is located, including an ordinance or
16 resolution adopted before September 1, 2003, that consents to the
17 creation of the district or to the inclusion of lands in the
18 district. (Acts 78th Leg., R.S., Ch. 882, Sec. 13.)

19 Sec. 8308.103. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
20 ASSESSMENTS. The district may not impose an impact fee or
21 assessment on the property, including the equipment,
22 rights-of-way, facilities, or improvements, of:

23 (1) an electric utility as defined by Section 31.002,
24 Utilities Code;

25 (2) a gas utility as defined by Section 101.003 or
26 121.001, Utilities Code;

27 (3) a telecommunications provider as defined by

1 Section 51.002, Utilities Code; or

2 (4) a cable operator as defined by 47 U.S.C. Section
3 522, as amended. (Acts 78th Leg., R.S., Ch. 882, Sec. 12.)

4 CHAPTER 8312. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 387

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Sec. 8312.001. DEFINITION

7 Sec. 8312.002. NATURE OF DISTRICT

8 Sec. 8312.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

9 Sec. 8312.004. DISTRICT TERRITORY

10 [Sections 8312.005-8312.050 reserved for expansion]

11 SUBCHAPTER B. BOARD OF DIRECTORS

12 Sec. 8312.051. COMPOSITION OF BOARD; TERMS

13 [Sections 8312.052-8312.100 reserved for expansion]

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 8312.101. MUNICIPAL UTILITY DISTRICT POWERS

16 Sec. 8312.102. COMPLIANCE WITH MUNICIPAL CONSENT

17 ORDINANCES OR RESOLUTIONS

18 Sec. 8312.103. RELOCATING OR ALTERING PROPERTY; COSTS

19 Sec. 8312.104. UTILITY PROPERTY EXEMPT FROM IMPACT

20 FEES AND ASSESSMENTS

21 CHAPTER 8312. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 387

22 SUBCHAPTER A. GENERAL PROVISIONS

23 Sec. 8312.001. DEFINITION. In this chapter, "district"
24 means the Harris County Municipal Utility District No. 387. (Acts
25 77th Leg., R.S., Ch. 1382, Sec. 2.)

26 Sec. 8312.002. NATURE OF DISTRICT. The district is a
27 conservation and reclamation district in Harris County, created

1 under Section 59, Article XVI, Texas Constitution. (Acts 77th
2 Leg., R.S., Ch. 1382, Secs. 1(a) (part), (b) (part).)

3 Sec. 8312.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
4 The district is created to serve a public use and benefit.

5 (b) All land and other property included in the district
6 will benefit from the works and projects accomplished by the
7 district under the powers conferred by Section 59, Article XVI,
8 Texas Constitution.

9 (c) The creation of the district is essential to accomplish
10 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
11 77th Leg., R.S., Ch. 1382, Secs. 1(b) (part), 5.)

12 Sec. 8312.004. DISTRICT TERRITORY. (a) The district is
13 composed of the territory described by Section 3, Chapter 1382,
14 Acts of the 77th Legislature, Regular Session, 2001, as that
15 territory may have been modified under:

- 16 (1) Subchapter H, Chapter 54, Water Code;
17 (2) Subchapter J, Chapter 49, Water Code; or
18 (3) other law.

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

- 22 (1) the district's organization, existence, or
23 validity;
24 (2) the validity of district bonds, notes, or other
25 indebtedness;
26 (3) the district's right to impose a tax; or
27 (4) the legality or operation of the district or its

1 governing body. (Acts 77th Leg., R.S., Ch. 1382, Sec. 4; New.)

2 [Sections 8312.005-8312.050 reserved for expansion]

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 8312.051. COMPOSITION OF BOARD; TERMS. (a) The
5 district is governed by a board of five directors.

6 (b) Directors serve staggered four-year terms. (Acts 77th
7 Leg., R.S., Ch. 1382, Secs. 8(a), (d).)

8 [Sections 8312.052-8312.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8312.101. MUNICIPAL UTILITY DISTRICT POWERS. The
11 district has the rights, powers, privileges, functions, and duties
12 provided by general law applicable to a municipal utility district
13 created under Section 59, Article XVI, Texas Constitution,
14 including Chapters 49, 50, and 54, Water Code. (Acts 77th Leg.,
15 R.S., Ch. 1382, Sec. 6(a) (part).)

16 Sec. 8312.102. COMPLIANCE WITH MUNICIPAL CONSENT
17 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
18 54.016, Water Code, the district shall comply with all applicable
19 requirements of any ordinance or resolution adopted by the city
20 council of the City of Houston, including an ordinance or
21 resolution adopted before September 1, 2001, that consents to the
22 creation of the district or to the inclusion of lands in the
23 district. (Acts 77th Leg., R.S., Ch. 1382, Sec. 12.)

24 Sec. 8312.103. RELOCATING OR ALTERING PROPERTY; COSTS. (a)
25 The district may relocate, raise, reroute, change the grade of, or
26 alter the construction of a highway, railroad, electric
27 transmission line, telecommunications or other public utility

1 facility, pipeline, canal, or drainage ditch if considered
2 necessary by the board of directors.

3 (b) The district shall pay for any relocation, raising,
4 rerouting, changing, or altering under this section, unless
5 otherwise agreed in writing by the interested parties.

6 (c) If a facility is replaced, the cost of replacement is
7 limited to an amount equal to the cost of replacing the facility
8 with a comparable facility, less the replaced facility's net
9 salvage value. (Acts 77th Leg., R.S., Ch. 1382, Sec. 7.)

10 Sec. 8312.104. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
11 ASSESSMENTS. The district may not impose an impact fee or
12 assessment on the property, including the equipment,
13 rights-of-way, facilities, or improvements, of:

14 (1) an electric utility or a power generation company
15 as defined by Section 31.002, Utilities Code;

16 (2) a gas utility as defined by Section 101.003 or
17 121.001, Utilities Code; or

18 (3) a telecommunications provider as defined by
19 Section 51.002, Utilities Code. (Acts 77th Leg., R.S., Ch. 1382,
20 Sec. 6(c).)

21 CHAPTER 8381. NORTH PARK PUBLIC UTILITY DISTRICT

22 SUBCHAPTER A. GENERAL PROVISIONS

23 Sec. 8381.001. DEFINITIONS

24 Sec. 8381.002. NATURE OF DISTRICT

25 Sec. 8381.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

26 Sec. 8381.004. DISTRICT TERRITORY

27 [Sections 8381.005-8381.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8381.051. COMPOSITION OF BOARD

Sec. 8381.052. BOARD VACANCY

[Sections 8381.053-8381.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8381.101. MUNICIPAL UTILITY DISTRICT POWERS

CHAPTER 8381. NORTH PARK PUBLIC UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8381.001. DEFINITIONS. In this chapter:

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

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

(3) "District" means the North Park Public Utility District. (Acts 62nd Leg., R.S., Ch. 696, Sec. 1 (part); New.)

Sec. 8381.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Harris County created under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 696, Sec. 1 (part).)

Sec. 8381.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

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

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 696, Secs. 1 (part), 3.)

Sec. 8381.004. DISTRICT TERRITORY. (a) The district is

1 composed of the territory described by Section 4, Chapter 696, Acts
2 of the 62nd Legislature, Regular Session, 1971, as that territory
3 may have been modified under:

- 4 (1) Subchapter H, Chapter 54, Water Code;
- 5 (2) Subchapter J, Chapter 49, Water Code; or
- 6 (3) other law.

7 (b) The boundaries and field notes of the district form a
8 closure. A mistake in copying the field notes in the legislative
9 process or another mistake in the field notes does not affect:

- 10 (1) the district's organization, existence, or
11 validity;
- 12 (2) the district's right to issue any type of bond for
13 a purpose for which the district is created or to pay the principal
14 of and interest on the bond;
- 15 (3) the district's right to impose a tax; or
- 16 (4) the legality or operation of the district or its
17 governing body. (Acts 62nd Leg., R.S., Ch. 696, Sec. 2; New.)

18 [Sections 8381.005-8381.050 reserved for expansion]

19 SUBCHAPTER B. BOARD OF DIRECTORS

20 Sec. 8381.051. COMPOSITION OF BOARD. The board is composed
21 of five elected directors. (Acts 62nd Leg., R.S., Ch. 696, Sec. 6
22 (part).)

23 Sec. 8381.052. BOARD VACANCY. (a) Except as provided by
24 Subsection (b), a vacancy in the office of director shall be filled
25 in the manner provided by Section 49.105, Water Code.

26 (b) The Texas Commission on Environmental Quality shall
27 appoint directors to fill all of the vacancies on the board whenever

1 the number of qualified directors is fewer than three. (Acts 62nd
2 Leg., R.S., Ch. 696, Sec. 6 (part); New.)

3 [Sections 8381.053-8381.100 reserved for expansion]

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 8381.101. MUNICIPAL UTILITY DISTRICT POWERS. The
6 district has the rights, powers, privileges, and functions
7 conferred by general law applicable to a municipal utility
8 district, including Chapters 49 and 54, Water Code. (Acts 62nd
9 Leg., R.S., Ch. 696, Sec. 5 (part); New.)

10 CHAPTER 8387. NORTHGATE CROSSING MUNICIPAL UTILITY DISTRICT NO. 1

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 8387.001. DEFINITIONS

13 Sec. 8387.002. NATURE OF DISTRICT

14 Sec. 8387.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

15 Sec. 8387.004. DISTRICT TERRITORY

16 [Sections 8387.005-8387.050 reserved for expansion]

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Sec. 8387.051. COMPOSITION OF BOARD

19 Sec. 8387.052. BOARD VACANCY

20 [Sections 8387.053-8387.100 reserved for expansion]

21 SUBCHAPTER C. POWERS AND DUTIES

22 Sec. 8387.101. MUNICIPAL UTILITY DISTRICT POWERS

23 Sec. 8387.102. OPERATION AND MAINTENANCE OF DISTRICT

24 FACILITIES

25 CHAPTER 8387. NORTHGATE CROSSING MUNICIPAL UTILITY DISTRICT NO. 1

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Sec. 8387.001. DEFINITIONS. In this chapter:

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

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

3 (3) "District" means the Northgate Crossing Municipal
4 Utility District No. 1. (Acts 69th Leg., R.S., Ch. 947, Sec. 2;
5 New.)

6 Sec. 8387.002. NATURE OF DISTRICT. The district is a
7 conservation and reclamation district in Harris County created
8 under Section 59, Article XVI, Texas Constitution. (Acts 69th
9 Leg., R.S., Ch. 947, Sec. 1 (part).)

10 Sec. 8387.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
11 The district is created to serve a public use and benefit.

12 (b) All land and other property included in the district's
13 boundaries will benefit from the works and projects accomplished by
14 the district under the powers authorized by Section 59, Article
15 XVI, Texas Constitution.

16 (c) The creation of the district is essential to accomplish
17 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
18 69th Leg., R.S., Ch. 947, Secs. 1 (part), 3.)

19 Sec. 8387.004. DISTRICT TERRITORY. (a) The district is
20 composed of the territory described by Section 4(a), Chapter 947,
21 Acts of the 69th Legislature, Regular Session, 1985, as that
22 territory may have been modified under:

23 (1) Subchapter H, Chapter 54, Water Code;

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

25 (3) other law.

26 (b) The boundaries and field notes of the district form a
27 closure. A mistake in copying the field notes in the legislative

1 process or another mistake in the field notes does not affect:

2 (1) the district's organization, existence, or
3 validity;

4 (2) the district's right to issue any type of bond for
5 a purpose for which the district is created;

6 (3) the payment of the principal of and interest on
7 bonds;

8 (4) the district's right to impose a tax; or

9 (5) the legality or operation of the district or its
10 governing body. (Acts 69th Leg., R.S., Ch. 947, Sec. 4(b); New.)

11 [Sections 8387.005-8387.050 reserved for expansion]

12 SUBCHAPTER B. BOARD OF DIRECTORS

13 Sec. 8387.051. COMPOSITION OF BOARD. The board is composed
14 of five elected directors. (Acts 69th Leg., R.S., Ch. 947, Sec.
15 7(e) (part).)

16 Sec. 8387.052. BOARD VACANCY. (a) Except as provided by
17 Subsection (b), a vacancy in the office of director shall be filled
18 in the manner provided by Section 49.105, Water Code.

19 (b) The Texas Commission on Environmental Quality shall
20 appoint directors to fill the vacancies on the board whenever the
21 number of qualified directors is fewer than three. (Acts 69th Leg.,
22 R.S., Ch. 947, Sec. 7(c) (part); New.)

23 [Sections 8387.053-8387.100 reserved for expansion]

24 SUBCHAPTER C. POWERS AND DUTIES

25 Sec. 8387.101. MUNICIPAL UTILITY DISTRICT POWERS. The
26 district may exercise the rights, powers, privileges, and functions
27 provided by general law applicable to a municipal utility district,

1 including Chapters 49 and 54, Water Code. (Acts 69th Leg., R.S.,
2 Ch. 947, Sec. 5(a); New.)

3 Sec. 8387.102. OPERATION AND MAINTENANCE OF DISTRICT
4 FACILITIES. (a) The district shall operate and maintain any levee,
5 retainage pond, pump, mitigation channel, or other facility,
6 improvement, or property that serves property in the district
7 unless the Harris County Flood Control District undertakes to
8 operate or maintain the facility, improvement, or property.

9 (b) If, at the time the district is annexed by a
10 municipality, the annexing municipality determines not to
11 undertake to operate or maintain a levee, retainage pond, pump,
12 mitigation channel, or other facility, improvement, or property
13 that serves property in the district, the municipality may specify
14 in the annexation ordinance that the district shall continue to
15 exist exclusively to:

16 (1) operate and maintain the levee, retainage pond,
17 pump, mitigation channel, or other facility, improvement, or
18 property; and

19 (2) impose a maintenance tax in the boundaries of the
20 district, to the extent that a maintenance tax has previously been
21 authorized. (Acts 69th Leg., R.S., Ch. 947, Secs. 8(a), (b).)

22 CHAPTER 8388. NORTHGATE CROSSING MUNICIPAL UTILITY DISTRICT NO. 2

23 SUBCHAPTER A. GENERAL PROVISIONS

24 Sec. 8388.001. DEFINITIONS

25 Sec. 8388.002. NATURE OF DISTRICT

26 Sec. 8388.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

27 Sec. 8388.004. DISTRICT TERRITORY

[Sections 8388.005-8388.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8388.051. COMPOSITION OF BOARD

Sec. 8388.052. BOARD VACANCY

[Sections 8388.053-8388.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8388.101. MUNICIPAL UTILITY DISTRICT POWERS

Sec. 8388.102. OPERATION AND MAINTENANCE OF DISTRICT

FACILITIES

CHAPTER 8388. NORTHGATE CROSSING MUNICIPAL UTILITY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8388.001. DEFINITIONS. In this chapter:

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

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

(3) "District" means the Northgate Crossing Municipal Utility District No. 2. (Acts 69th Leg., R.S., Ch. 764, Sec. 2; New.)

Sec. 8388.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Harris County created under Section 59, Article XVI, Texas Constitution. (Acts 69th Leg., R.S., Ch. 764, Sec. 1 (part).)

Sec. 8388.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district's boundaries will benefit from the works and projects accomplished by the district under the powers authorized by Section 59, Article XVI, Texas Constitution.

1 (c) The creation of the district is essential to accomplish
2 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
3 69th Leg., R.S., Ch. 764, Secs. 1 (part), 3.)

4 Sec. 8388.004. DISTRICT TERRITORY. (a) The district is
5 composed of the territory described by Section 4(a), Chapter 764,
6 Acts of the 69th Legislature, Regular Session, 1985, as that
7 territory may have been modified under:

8 (1) Subchapter H, Chapter 54, Water Code;

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

10 (3) other law.

11 (b) The boundaries and field notes of the district form a
12 closure. A mistake in copying the field notes in the legislative
13 process or another mistake in the field notes does not affect:

14 (1) the district's organization, existence, or
15 validity;

16 (2) the district's right to issue any type of bond for
17 a purpose for which the district is created;

18 (3) the payment of the principal of and interest on
19 bonds;

20 (4) the district's right to impose a tax; or

21 (5) the legality or operation of the district or its
22 governing body. (Acts 69th Leg., R.S., Ch. 764, Sec. 4(b); New.)

23 [Sections 8388.005-8388.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 8388.051. COMPOSITION OF BOARD. The board is composed
26 of five elected directors. (Acts 69th Leg., R.S., Ch. 764, Sec.
27 7(e) (part).)

1 Sec. 8388.052. BOARD VACANCY. (a) Except as provided by
2 Subsection (b), a vacancy in the office of director shall be filled
3 in the manner provided by Section 49.105, Water Code.

4 (b) The Texas Commission on Environmental Quality shall
5 appoint directors to fill the vacancies on the board whenever the
6 number of qualified directors is fewer than three. (Acts 69th Leg.,
7 R.S., Ch. 764, Sec. 7(c) (part); New.)

8 [Sections 8388.053-8388.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8388.101. MUNICIPAL UTILITY DISTRICT POWERS. The
11 district may exercise the rights, powers, privileges, and functions
12 provided by general law applicable to a municipal utility district,
13 including Chapters 49 and 54, Water Code. (Acts 69th Leg., R.S.,
14 Ch. 764, Sec. 5(a); New.)

15 Sec. 8388.102. OPERATION AND MAINTENANCE OF DISTRICT
16 FACILITIES. (a) The district shall operate and maintain any levee,
17 retainage pond, pump, mitigation channel, or other facility,
18 improvement, or property that serves property in the district
19 unless the Harris County Flood Control District undertakes to
20 operate or maintain the facility, improvement, or property.

21 (b) If, at the time the district is annexed by a
22 municipality, the annexing municipality determines not to
23 undertake to operate or maintain a levee, retainage pond, pump,
24 mitigation channel, or other facility, improvement, or property
25 that serves property in the district, the municipality may specify
26 in the annexation ordinance that the district shall continue to
27 exist exclusively to:

1 (1) operate and maintain the levee, retainage pond,
2 pump, mitigation channel, or other facility, improvement, or
3 property; and

4 (2) impose a maintenance tax in the boundaries of the
5 district, to the extent that a maintenance tax has previously been
6 authorized. (Acts 69th Leg., R.S., Ch. 764, Secs. 8(a), (b).)

7 CHAPTER 8389. NORTHWEST FOREST MUNICIPAL UTILITY DISTRICT

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 8389.001. DEFINITIONS

10 Sec. 8389.002. NATURE OF DISTRICT

11 Sec. 8389.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

12 Sec. 8389.004. DISTRICT TERRITORY

13 [Sections 8389.005-8389.050 reserved for expansion]

14 SUBCHAPTER B. BOARD OF DIRECTORS

15 Sec. 8389.051. COMPOSITION OF BOARD

16 Sec. 8389.052. BOARD VACANCY

17 [Sections 8389.053-8389.100 reserved for expansion]

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 8389.101. MUNICIPAL UTILITY DISTRICT POWERS

20 CHAPTER 8389. NORTHWEST FOREST MUNICIPAL UTILITY DISTRICT

21 SUBCHAPTER A. GENERAL PROVISIONS

22 Sec. 8389.001. DEFINITIONS. In this chapter:

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

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

25 (3) "District" means the Northwest Forest Municipal
26 Utility District. (Acts 65th Leg., R.S., Ch. 687, Sec. 1 (part);
27 New.)

1 Sec. 8389.002. NATURE OF DISTRICT. The district is a
2 conservation and reclamation district in Jefferson County created
3 under Section 59, Article XVI, Texas Constitution. (Acts 65th
4 Leg., R.S., Ch. 687, Sec. 1 (part).)

5 Sec. 8389.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
6 The district is created to serve a public use and benefit.

7 (b) All land and other property included in the boundaries
8 of the district will benefit from the works and projects
9 accomplished by the district under the powers conferred by Section
10 59, Article XVI, Texas Constitution.

11 (c) The creation of the district is essential to accomplish
12 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
13 65th Leg., R.S., Ch. 687, Secs. 1 (part), 3.)

14 Sec. 8389.004. DISTRICT TERRITORY. (a) The district is
15 composed of the territory described by Section 4, Chapter 687, Acts
16 of the 65th Legislature, Regular Session, 1977, as that territory
17 may have been modified under:

- 18 (1) Subchapter H, Chapter 54, Water Code;
19 (2) Subchapter J, Chapter 49, Water Code; or
20 (3) other law.

21 (b) The boundaries and field notes of the district form a
22 closure. A mistake in copying the field notes in the legislative
23 process or another mistake in the field notes does not affect:

- 24 (1) the district's organization, existence, or
25 validity;
26 (2) the district's right to issue any type of bond for
27 a purpose for which the district is created or to pay the principal

1 of and interest on the bond;

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

3 (4) the legality or operation of the district or its
4 governing body. (Acts 65th Leg., R.S., Ch. 687, Sec. 2; New.)

5 [Sections 8389.005-8389.050 reserved for expansion]

6 SUBCHAPTER B. BOARD OF DIRECTORS

7 Sec. 8389.051. COMPOSITION OF BOARD. The board is composed
8 of five elected directors. (Acts 65th Leg., R.S., Ch. 687, Sec.
9 6(b) (part).)

10 Sec. 8389.052. BOARD VACANCY. (a) Except as provided by
11 Subsection (b), a vacancy in the office of director shall be filled
12 in the manner provided by Section 49.105, Water Code.

13 (b) The Texas Commission on Environmental Quality shall
14 appoint directors to fill all of the vacancies on the board whenever
15 the number of qualified directors is fewer than three. (Acts 65th
16 Leg., R.S., Ch. 687, Sec. 6(b) (part).)

17 [Sections 8389.053-8389.100 reserved for expansion]

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 8389.101. MUNICIPAL UTILITY DISTRICT POWERS. The
20 district has the rights, powers, privileges, and functions
21 conferred by general law applicable to a municipal utility
22 district, including Chapters 49 and 54, Water Code. (Acts 65th
23 Leg., R.S., Ch. 687, Sec. 5 (part); New.)

24 CHAPTER 8391. OAKMONT PUBLIC UTILITY DISTRICT

25 SUBCHAPTER A. GENERAL PROVISIONS

26 Sec. 8391.001. DEFINITIONS

27 Sec. 8391.002. NATURE OF DISTRICT

1 Sec. 8391.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

2 Sec. 8391.004. DISTRICT TERRITORY

3 [Sections 8391.005-8391.050 reserved for expansion]

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 8391.051. COMPOSITION OF BOARD

6 Sec. 8391.052. BOARD VACANCY

7 [Sections 8391.053-8391.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8391.101. MUNICIPAL UTILITY DISTRICT POWERS

10 CHAPTER 8391. OAKMONT PUBLIC UTILITY DISTRICT

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 8391.001. DEFINITIONS. In this chapter:

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

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

15 (3) "District" means the Oakmont Public Utility
16 District. (Acts 62nd Leg., R.S., Ch. 625, Sec. 1 (part); New.)

17 Sec. 8391.002. NATURE OF DISTRICT. The district is a
18 conservation and reclamation district in Harris County created
19 under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg.,
20 R.S., Ch. 625, Sec. 1 (part).)

21 Sec. 8391.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
22 The district is created to serve a public use and benefit.

23 (b) All land and other property included in the boundaries
24 of the district will benefit from the works and projects
25 accomplished by the district under the powers conferred by Section
26 59, Article XVI, Texas Constitution.

27 (c) The creation of the district is essential to accomplish

22
23

1 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
2 62nd Leg., R.S., Ch. 625, Secs. 1 (part), 3.)

3 Sec. 8391.004. DISTRICT TERRITORY. (a) The district is
4 composed of the territory described by Section 4, Chapter 625, Acts
5 of the 62nd Legislature, Regular Session, 1971, as that territory
6 may have been modified under:

7 (1) Subchapter H, Chapter 54, Water Code;

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

9 (3) other law.

10 (b) The boundaries and field notes of the district form a
11 closure. A mistake in copying the field notes in the legislative
12 process or another mistake in the field notes does not affect:

13 (1) the district's organization, existence, or
14 validity;

15 (2) the district's right to issue any type of bond for
16 a purpose for which the district is created or to pay the principal
17 of and interest on the bond;

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

19 (4) the legality or operation of the district or its
20 governing body. (Acts 62nd Leg., R.S., Ch. 625, Sec. 2; New.)

21 [Sections 8391.005-8391.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8391.051. COMPOSITION OF BOARD. The board is composed
24 of five elected directors. (Acts 62nd Leg., R.S., Ch. 625, Sec. 6
25 (part).)

26 Sec. 8391.052. BOARD VACANCY. (a) Except as provided by
27 Subsection (b), a vacancy in the office of director shall be filled

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1 in the manner provided by Section 49.105, Water Code.

2 (b) The Texas Commission on Environmental Quality shall
3 appoint directors to fill all of the vacancies on the board whenever
4 the number of qualified directors is fewer than three. (Acts 62nd
5 Leg., R.S., Ch. 625, Sec. 6 (part); New.)

6 [Sections 8391.053-8391.100 reserved for expansion]

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 8391.101. MUNICIPAL UTILITY DISTRICT POWERS. The
9 district has the rights, powers, privileges, and functions
10 conferred by general law applicable to a municipal utility
11 district, including Chapters 49 and 54, Water Code. (Acts 62nd
12 Leg., R.S., Ch. 625, Sec. 5 (part); New.)

13 CHAPTER 8393. PINE BOUGH PUBLIC UTILITY DISTRICT

14 SUBCHAPTER A. GENERAL PROVISIONS

- 15 Sec. 8393.001. DEFINITIONS
- 16 Sec. 8393.002. NATURE OF DISTRICT
- 17 Sec. 8393.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE
- 18 Sec. 8393.004. DISTRICT TERRITORY

19 [Sections 8393.005-8393.050 reserved for expansion]

20 SUBCHAPTER B. BOARD OF DIRECTORS

- 21 Sec. 8393.051. COMPOSITION OF BOARD
- 22 Sec. 8393.052. BOARD VACANCY

23 [Sections 8393.053-8393.100 reserved for expansion]

24 SUBCHAPTER C. POWERS AND DUTIES

25 Sec. 8393.101. MUNICIPAL UTILITY DISTRICT POWERS

CHAPTER 8393. PINE BOUGH PUBLIC UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8393.001. DEFINITIONS. In this chapter:

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

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

(3) "District" means the Pine Bough Public Utility District. (Acts 62nd Leg., R.S., Ch. 247, Sec. 1 (part); New.)

Sec. 8393.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Harris County created under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 247, Sec. 1 (part).)

Sec. 8393.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

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

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 247, Secs. 1 (part), 3.)

Sec. 8393.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 4, Chapter 247, Acts of the 62nd Legislature, Regular Session, 1971, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

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

(3) other law.

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

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

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

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

10 (4) the legality or operation of the district or its
11 governing body. (Acts 62nd Leg., R.S., Ch. 247, Sec. 2; New.)

12 [Sections 8393.005-8393.050 reserved for expansion]

13 SUBCHAPTER B. BOARD OF DIRECTORS

14 Sec. 8393.051. COMPOSITION OF BOARD. The board is composed
15 of five elected directors. (Acts 62nd Leg., R.S., Ch. 247, Sec. 6
16 (part).)

17 Sec. 8393.052. 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 all of the vacancies on the board whenever
22 the number of qualified directors is fewer than three. (Acts 62nd
23 Leg., R.S., Ch. 247, Sec. 6 (part); New.)

24 [Sections 8393.053-8393.100 reserved for expansion]

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 8393.101. MUNICIPAL UTILITY DISTRICT POWERS. The
27 district has the rights, powers, privileges, and functions

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1 conferred by general law applicable to a municipal utility
2 district, including Chapters 49 and 54, Water Code. (Acts 62nd
3 Leg., R.S., Ch. 247, Sec. 5 (part); New.)

4 CHAPTER 8394. PINE VILLAGE PUBLIC UTILITY DISTRICT

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Sec. 8394.001. DEFINITIONS

7 Sec. 8394.002. NATURE OF DISTRICT

8 Sec. 8394.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

9 Sec. 8394.004. DISTRICT TERRITORY

10 [Sections 8394.005-8394.050 reserved for expansion]

11 SUBCHAPTER B. BOARD OF DIRECTORS

12 Sec. 8394.051. COMPOSITION OF BOARD

13 Sec. 8394.052. BOARD VACANCY

14 [Sections 8394.053-8394.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 8394.101. MUNICIPAL UTILITY DISTRICT POWERS

17 CHAPTER 8394. PINE VILLAGE PUBLIC UTILITY DISTRICT

18 SUBCHAPTER A. GENERAL PROVISIONS

19 Sec. 8394.001. DEFINITIONS. In this chapter:

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

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

22 (3) "District" means the Pine Village Public Utility
23 District. (Acts 62nd Leg., R.S., Ch. 650, Sec. 1 (part); New.)

24 Sec. 8394.002. NATURE OF DISTRICT. The district is a
25 conservation and reclamation district in Harris County created
26 under Section 59, Article XVI, Texas Constitution. (Acts 62nd
27 Leg., R.S., Ch. 650, Sec. 1 (part).)

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1 Sec. 8394.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)

2 The district is created to serve a public use and benefit.

3 (b) All land and other property included in the boundaries
4 of the district will benefit from the works and projects
5 accomplished by the district under the powers conferred by Section
6 59, Article XVI, Texas Constitution.

7 (c) The creation of the district is essential to accomplish
8 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
9 62nd Leg., R.S., Ch. 650, Secs. 1 (part), 3.)

10 Sec. 8394.004. DISTRICT TERRITORY. (a) The district is
11 composed of the territory described by Section 4, Chapter 650, Acts
12 of the 62nd Legislature, Regular Session, 1971, as that territory
13 may have been modified under:

- 14 (1) Subchapter H, Chapter 54, Water Code;
- 15 (2) Subchapter J, Chapter 49, Water Code; or
- 16 (3) other law.

17 (b) The boundaries and field notes of the district form a
18 closure. A mistake in copying the field notes in the legislative
19 process or another mistake in the field notes does not affect:

- 20 (1) the district's organization, existence, or
- 21 validity;
- 22 (2) the district's right to issue any type of bond for
- 23 a purpose for which the district is created or to pay the principal
- 24 of and interest on the bond;
- 25 (3) the district's right to impose a tax; or
- 26 (4) the legality or operation of the district or its
- 27 governing body. (Acts 62nd Leg., R.S., Ch. 650, Sec. 2; New.)

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[Sections 8394.005-8394.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8394.051. COMPOSITION OF BOARD. The board is composed of five elected directors. (Acts 62nd Leg., R.S., Ch. 650, Sec. 6 (part).)

Sec. 8394.052. BOARD VACANCY. (a) Except as provided by Subsection (b), a vacancy in the office of director shall be filled in the manner provided by Section 49.105, Water Code.

(b) The Texas Commission on Environmental Quality shall appoint directors to fill all of the vacancies on the board whenever the number of qualified directors is fewer than three. (Acts 62nd Leg., R.S., Ch. 650, Sec. 6 (part); New.)

[Sections 8394.053-8394.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8394.101. MUNICIPAL UTILITY DISTRICT POWERS. The district has the rights, powers, privileges, and functions conferred by general law applicable to a municipal utility district, including Chapters 49 and 54, Water Code. (Acts 62nd Leg., R.S., Ch. 650, Sec. 5 (part); New.)

CHAPTER 8395. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

- Sec. 8395.001. DEFINITIONS
- Sec. 8395.002. NATURE OF DISTRICT
- Sec. 8395.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE
- Sec. 8395.004. DISTRICT TERRITORY
- Sec. 8395.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT

1 [Sections 8395.006-8395.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8395.051. COMPOSITION OF BOARD; TERMS

4 [Sections 8395.052-8395.100 reserved for expansion]

5 SUBCHAPTER C. POWERS AND DUTIES

6 Sec. 8395.101. MUNICIPAL UTILITY DISTRICT POWERS AND
7 DUTIES

8 [Sections 8395.102-8395.150 reserved for expansion]

9 SUBCHAPTER D. MUNICIPAL ANNEXATION

10 Sec. 8395.151. ANNEXATION BY MUNICIPALITY

11 Sec. 8395.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION

12 CHAPTER 8395. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

13 SUBCHAPTER A. GENERAL PROVISIONS

14 Sec. 8395.001. DEFINITIONS. In this chapter:

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

16 (2) "Commission" means the Texas Commission on
17 Environmental Quality.

18 (3) "Director" means a member of the board.

19 (4) "District" means the Travis County Municipal
20 Utility District No. 3. (Acts 74th Leg., R.S., Ch. 791, Sec. 1.02;
21 New.)

22 Sec. 8395.002. NATURE OF DISTRICT. The district is a
23 conservation and reclamation district in Travis County created
24 under Section 59, Article XVI, Texas Constitution. (Acts 74th
25 Leg., R.S., Ch. 791, Secs. 1.01(a) (part), (b) (part).)

26 Sec. 8395.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
27 The district is created to serve a public use and benefit.

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1 (b) All land and other property included in the district
2 will benefit from the works and projects accomplished by the
3 district under the powers conferred by Section 59, Article XVI,
4 Texas Constitution.

5 (c) The creation of the district is essential to accomplish
6 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
7 74th Leg., R.S., Ch. 791, Secs. 1.01(b) (part), 1.05.)

8 Sec. 8395.004. DISTRICT TERRITORY. (a) The district is
9 composed of the territory described by Section 1.03, Chapter 791,
10 Acts of the 74th Legislature, Regular Session, 1995, as that
11 territory may have been modified under:

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

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

- 18 (1) the district's organization, existence, or
- 19 validity;
- 20 (2) the district's right to impose a tax; or
- 21 (3) the legality or operation of the district or its
- 22 governing body. (Acts 74th Leg., R.S., Ch. 791, Sec. 1.04; New.)

23 Sec. 8395.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT.
24 A municipality in whose extraterritorial jurisdiction the district
25 is located may not take any action, including passing an ordinance
26 or resolution, that:

- 27 (1) impairs the district's ability to exercise the

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1 district's powers under this chapter; or

2 (2) limits the district's ability to finance,
3 construct, or operate the district's water, wastewater, or drainage
4 systems. (Acts 74th Leg., R.S., Ch. 791, Sec. 1.11.)

5 [Sections 8395.006-8395.050 reserved for expansion]

6 SUBCHAPTER B. BOARD OF DIRECTORS

7 Sec. 8395.051. COMPOSITION OF BOARD; TERMS. (a) The
8 district is governed by a board of five directors.

9 (b) Directors serve staggered four-year terms. (Acts 74th
10 Leg., R.S., Ch. 791, Secs. 1.07(a), (d).)

11 [Sections 8395.052-8395.100 reserved for expansion]

12 SUBCHAPTER C. POWERS AND DUTIES

13 Sec. 8395.101. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the rights, powers, privileges,
15 functions, and duties provided by general law applicable to a
16 municipal utility district created under Section 59, Article XVI,
17 Texas Constitution, including Chapters 49, 50, and 54, Water Code.
18 (Acts 74th Leg., R.S., Ch. 791, Sec. 1.06(a) (part).)

19 [Sections 8395.102-8395.150 reserved for expansion]

20 SUBCHAPTER D. MUNICIPAL ANNEXATION

21 Sec. 8395.151. ANNEXATION BY MUNICIPALITY. A municipality
22 may annex the district on the earlier of:

23 (1) the installation of 90 percent of all works,
24 improvements, facilities, plants, equipment, and appliances
25 necessary and adequate to:

26 (A) provide service to the proposed development
27 within the district;

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1 (B) accomplish the purposes for which the
2 district was created; and

3 (C) exercise the powers provided by general law
4 and this chapter; or

5 (2) the 20th anniversary of the date the district was
6 confirmed. (Acts 74th Leg., R.S., Ch. 791, Sec. 1.12.)

7 Sec. 8395.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION. If
8 a municipality in whose extraterritorial jurisdiction the district
9 is located annexes the district for full or limited purposes and the
10 annexation precludes or impairs the ability of the district to
11 issue bonds, the municipality shall:

12 (1) simultaneously with the annexation, pay in cash to
13 the landowner or developer of the district a sum equal to all actual
14 costs and expenses incurred by the landowner or developer in
15 connection with the district that:

16 (A) the district has agreed in writing to pay;
17 and

18 (B) would otherwise have been eligible for
19 reimbursement from bond proceeds under the rules and requirements
20 of the commission as those rules and requirements exist on the date
21 of annexation; and

22 (2) after the annexation, install all necessary water,
23 wastewater, and drainage facilities to serve full buildout of
24 development within the district. (Acts 74th Leg., R.S., Ch. 791,
25 Sec. 1.13.)

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1 CHAPTER 8396. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Sec. 8396.001. DEFINITIONS

4 Sec. 8396.002. NATURE OF DISTRICT

5 Sec. 8396.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

6 Sec. 8396.004. DISTRICT TERRITORY

7 Sec. 8396.005. PROHIBITION AGAINST IMPAIRMENT OF

8 DISTRICT

9 [Sections 8396.006-8396.050 reserved for expansion]

10 SUBCHAPTER B. BOARD OF DIRECTORS

11 Sec. 8396.051. COMPOSITION OF BOARD; TERMS

12 [Sections 8396.052-8396.100 reserved for expansion]

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 8396.101. MUNICIPAL UTILITY DISTRICT POWERS AND

15 DUTIES

16 [Sections 8396.102-8396.150 reserved for expansion]

17 SUBCHAPTER D. MUNICIPAL ANNEXATION

18 Sec. 8396.151. ANNEXATION BY MUNICIPALITY

19 Sec. 8396.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION

20 CHAPTER 8396. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4

21 SUBCHAPTER A. GENERAL PROVISIONS

22 Sec. 8396.001. DEFINITIONS. In this chapter:

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

24 (2) "Commission" means the Texas Commission on
25 Environmental Quality.

26 (3) "Director" means a member of the board.

27 (4) "District" means the Travis County Municipal

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1 Utility District No. 4. (Acts 74th Leg., R.S., Ch. 791, Sec. 2.02;
2 New.)

3 Sec. 8396.002. NATURE OF DISTRICT. The district is a
4 conservation and reclamation district in Travis County created
5 under Section 59, Article XVI, Texas Constitution. (Acts 74th
6 Leg., R.S., Ch. 791, Secs. 2.01(a) (part), (b) (part).)

7 Sec. 8396.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
8 The district is created to serve a public use and benefit.

9 (b) All land and other property included in the district
10 will benefit from the works and projects accomplished by the
11 district under the powers conferred by Section 59, Article XVI,
12 Texas Constitution.

13 (c) The creation of the district is essential to accomplish
14 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
15 74th Leg., R.S., Ch. 791, Secs. 2.01(b) (part), 2.05.)

16 Sec. 8396.004. DISTRICT TERRITORY. (a) The district is
17 composed of the territory described by Section 2.03, Chapter 791,
18 Acts of the 74th Legislature, Regular Session, 1995, as that
19 territory may have been modified under:

- 20 (1) Subchapter H, Chapter 54, Water Code;
- 21 (2) Subchapter J, Chapter 49, Water Code; or
- 22 (3) other law.

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

- 26 (1) the district's organization, existence, or
- 27 validity;

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- 1 (2) the district's right to impose a tax; or
- 2 (3) the legality or operation of the district or its
- 3 governing body. (Acts 74th Leg., R.S., Ch. 791, Sec. 2.04; New.)

4 Sec. 8396.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT.
 5 A municipality in whose extraterritorial jurisdiction the district
 6 is located may not take any action, including passing an ordinance
 7 or resolution, that:

8 (1) impairs the district's ability to exercise the
 9 district's powers under this chapter; or

10 (2) limits the district's ability to finance,
 11 construct, or operate the district's water, wastewater, or drainage
 12 systems. (Acts 74th Leg., R.S., Ch. 791, Sec. 2.11.)

13 [Sections 8396.006-8396.050 reserved for expansion]

14 SUBCHAPTER B. BOARD OF DIRECTORS

15 Sec. 8396.051. COMPOSITION OF BOARD; TERMS. (a) The
 16 district is governed by a board of five directors.

17 (b) Directors serve staggered four-year terms. (Acts 74th
 18 Leg., R.S., Ch. 791, Secs. 2.07(a), (d).)

19 [Sections 8396.052-8396.100 reserved for expansion]

20 SUBCHAPTER C. POWERS AND DUTIES

21 Sec. 8396.101. MUNICIPAL UTILITY DISTRICT POWERS AND
 22 DUTIES. The district has the rights, powers, privileges,
 23 functions, and duties provided by general law applicable to a
 24 municipal utility district created under Section 59, Article XVI,
 25 Texas Constitution, including Chapters 49, 50, and 54, Water Code.
 26 (Acts 74th Leg., R.S., Ch. 791, Sec. 2.06(a) (part).)

27 [Sections 8396.102-8396.150 reserved for expansion]

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SUBCHAPTER D. MUNICIPAL ANNEXATION

Sec. 8396.151. ANNEXATION BY MUNICIPALITY. A municipality may annex the district on the earlier of:

(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

(A) provide service to the proposed development within the district;

(B) accomplish the purposes for which the district was created; and

(C) exercise the powers provided by general law and this chapter; or

(2) the 20th anniversary of the date the district was confirmed. (Acts 74th Leg., R.S., Ch. 791, Sec. 2.12.)

Sec. 8396.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION. If a municipality in whose extraterritorial jurisdiction the district is located annexes the district for full or limited purposes and the annexation precludes or impairs the ability of the district to issue bonds, the municipality shall:

(1) simultaneously with the annexation, pay in cash to the landowner or developer of the district a sum equal to all actual costs and expenses incurred by the landowner or developer in connection with the district that:

(A) the district has agreed in writing to pay; and

(B) would otherwise have been eligible for reimbursement from bond proceeds under the rules and requirements

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1 of the commission as those rules and requirements exist on the date
2 of annexation; and

3 (2) after the annexation, install all necessary water,
4 wastewater, and drainage facilities to serve full buildout of
5 development within the district. (Acts 74th Leg., R.S., Ch. 791,
6 Sec. 2.13.)

7 CHAPTER 8397. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 8397.001. DEFINITIONS

10 Sec. 8397.002. NATURE OF DISTRICT

11 Sec. 8397.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

12 Sec. 8397.004. DISTRICT TERRITORY

13 Sec. 8397.005. PROHIBITION AGAINST IMPAIRMENT OF
14 DISTRICT

15 [Sections 8397.006-8397.050 reserved for expansion]

16 SUBCHAPTER B. BOARD OF DIRECTORS

17 Sec. 8397.051. COMPOSITION OF BOARD; TERMS

18 [Sections 8397.052-8397.100 reserved for expansion]

19 SUBCHAPTER C. POWERS AND DUTIES

20 Sec. 8397.101. MUNICIPAL UTILITY DISTRICT POWERS AND
21 DUTIES

22 [Sections 8397.102-8397.150 reserved for expansion]

23 SUBCHAPTER D. MUNICIPAL ANNEXATION

24 Sec. 8397.151. ANNEXATION BY MUNICIPALITY

25 Sec. 8397.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION

1 CHAPTER 8397. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Sec. 8397.001. DEFINITIONS. In this chapter:

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

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

7 (3) "Director" means a member of the board.

8 (4) "District" means the Travis County Municipal
9 Utility District No. 5. (Acts 74th Leg., R.S., Ch. 791, Sec. 3.02;
10 New.)

11 Sec. 8397.002. NATURE OF DISTRICT. The district is a
12 conservation and reclamation district in Travis County created
13 under Section 59, Article XVI, Texas Constitution. (Acts 74th
14 Leg., R.S., Ch. 791, Secs. 3.01(a) (part), (b) (part).)

15 Sec. 8397.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (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.

21 (c) The creation of the district is essential to accomplish
22 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
23 74th Leg., R.S., Ch. 791, Secs. 3.01(b) (part), 3.05.)

24 Sec. 8397.004. DISTRICT TERRITORY. (a) The district is
25 composed of the territory described by Section 3.03, Chapter 791,
26 Acts of the 74th Legislature, Regular Session, 1995, as that
27 territory may have been modified under:

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

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

- 7 (1) the district's organization, existence, or
- 8 validity;
- 9 (2) the district's right to impose a tax; or
- 10 (3) the legality or operation of the district or its
- 11 governing body. (Acts 74th Leg., R.S., Ch. 791, Sec. 3.04; New.)

12 Sec. 8397.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT.

13 A municipality in whose extraterritorial jurisdiction the district
 14 is located may not take any action, including passing an ordinance
 15 or resolution, that:

- 16 (1) impairs the district's ability to exercise the
- 17 district's powers under this chapter; or
- 18 (2) limits the district's ability to finance,
- 19 construct, or operate the district's water, wastewater, or drainage
- 20 systems. (Acts 74th Leg., R.S., Ch. 791, Sec. 3.11.)

21 [Sections 8397.006-8397.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8397.051. 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 74th
 26 Leg., R.S., Ch. 791, Secs. 3.07(a), (d).)

27 [Sections 8397.052-8397.100 reserved for expansion]

1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 8397.101. MUNICIPAL UTILITY DISTRICT POWERS AND
3 DUTIES. The district has the rights, powers, privileges,
4 functions, and duties provided by general law applicable to a
5 municipal utility district created under Section 59, Article XVI,
6 Texas Constitution, including Chapters 49, 50, and 54, Water Code.
7 (Acts 74th Leg., R.S., Ch. 791, Sec. 3.06(a) (part).)

8 [Sections 8397.102-8397.150 reserved for expansion]

9 SUBCHAPTER D. MUNICIPAL ANNEXATION

10 Sec. 8397.151. ANNEXATION BY MUNICIPALITY. A municipality
11 may annex the district on the earlier of:

12 (1) the installation of 90 percent of all works,
13 improvements, facilities, plants, equipment, and appliances
14 necessary and adequate to:

15 (A) provide service to the proposed development
16 within the district;

17 (B) accomplish the purposes for which the
18 district was created; and

19 (C) exercise the powers provided by general law
20 and this chapter; or

21 (2) the 20th anniversary of the date the district was
22 confirmed. (Acts 74th Leg., R.S., Ch. 791, Sec. 3.12.)

23 Sec. 8397.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION. If
24 a municipality in whose extraterritorial jurisdiction the district
25 is located annexes the district for full or limited purposes and the
26 annexation precludes or impairs the ability of the district to
27 issue bonds, the municipality shall:

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1 (1) simultaneously with the annexation, pay in cash to
2 the landowner or developer of the district a sum equal to all actual
3 costs and expenses incurred by the landowner or developer in
4 connection with the district that:

5 (A) the district has agreed in writing to pay;
6 and

7 (B) would otherwise have been eligible for
8 reimbursement from bond proceeds under the rules and requirements
9 of the commission as those rules and requirements exist on the date
10 of annexation; and

11 (2) after the annexation, install all necessary water,
12 wastewater, and drainage facilities to serve full buildout of
13 development within the district. (Acts 74th Leg., R.S., Ch. 791,
14 Sec. 3.13.)

15 CHAPTER 8398. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6

16 SUBCHAPTER A. GENERAL PROVISIONS

17 Sec. 8398.001. DEFINITIONS

18 Sec. 8398.002. NATURE OF DISTRICT

19 Sec. 8398.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

20 Sec. 8398.004. DISTRICT TERRITORY

21 Sec. 8398.005. PROHIBITION AGAINST IMPAIRMENT OF

22 DISTRICT

23 [Sections 8398.006-8398.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 8398.051. COMPOSITION OF BOARD; TERMS

26 [Sections 8398.052-8398.100 reserved for expansion]

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1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 8398.101. MUNICIPAL UTILITY DISTRICT POWERS AND
3 DUTIES

4 [Sections 8398.102-8398.150 reserved for expansion]

5 SUBCHAPTER D. MUNICIPAL ANNEXATION

6 Sec. 8398.151. ANNEXATION BY MUNICIPALITY

7 Sec. 8398.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION

8 CHAPTER 8398. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8398.001. DEFINITIONS. In this chapter:

- 11 (1) "Board" means the district's board of directors.
- 12 (2) "Commission" means the Texas Commission on
13 Environmental Quality.
- 14 (3) "Director" means a member of the board.
- 15 (4) "District" means the Travis County Municipal
16 Utility District No. 6. (Acts 74th Leg., R.S., Ch. 791, Sec. 4.02;
17 New.)

18 Sec. 8398.002. NATURE OF DISTRICT. The district is a
19 conservation and reclamation district in Travis County created
20 under Section 59, Article XVI, Texas Constitution. (Acts 74th
21 Leg., R.S., Ch. 791, Secs. 4.01(a) (part), (b) (part).)

22 Sec. 8398.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
23 The district is created to serve a public use and benefit.

24 (b) All land and other property included in the district
25 will benefit from the works and projects accomplished by the
26 district under the powers conferred by Section 59, Article XVI,
27 Texas Constitution.

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1 (c) The creation of the district is essential to accomplish
2 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
3 74th Leg., R.S., Ch. 791, Secs. 4.01(b) (part), 4.05.)

4 Sec. 8398.004. DISTRICT TERRITORY. (a) The district is
5 composed of the territory described by Section 4.03, Chapter 791,
6 Acts of the 74th Legislature, Regular Session, 1995, as that
7 territory may have been modified under:

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

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

- 14 (1) the district's organization, existence, or
- 15 validity;
- 16 (2) the district's right to impose a tax; or
- 17 (3) the legality or operation of the district or its
- 18 governing body. (Acts 74th Leg., R.S., Ch. 791, Sec. 4.04; New.)

19 Sec. 8398.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT.
20 A municipality in whose extraterritorial jurisdiction the district
21 is located may not take any action, including passing an ordinance
22 or resolution, that:

- 23 (1) impairs the district's ability to exercise the
- 24 district's powers under this chapter; or
- 25 (2) limits the district's ability to finance,
- 26 construct, or operate the district's water, wastewater, or drainage
- 27 systems. (Acts 74th Leg., R.S., Ch. 791, Sec. 4.11.)

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1 [Sections 8398.006-8398.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8398.051. COMPOSITION OF BOARD; TERMS. (a) The
4 district is governed by a board of five directors.

5 (b) Directors serve staggered four-year terms. (Acts 74th
6 Leg., R.S., Ch. 791, Secs. 4.07(a), (d).)

7 [Sections 8398.052-8398.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8398.101. MUNICIPAL UTILITY DISTRICT POWERS AND
10 DUTIES. The district has the rights, powers, privileges,
11 functions, and duties provided by general law applicable to a
12 municipal utility district created under Section 59, Article XVI,
13 Texas Constitution, including Chapters 49, 50, and 54, Water Code.
14 (Acts 74th Leg., R.S., Ch. 791, Sec. 4.06(a) (part).)

15 [Sections 8398.102-8398.150 reserved for expansion]

16 SUBCHAPTER D. MUNICIPAL ANNEXATION

17 Sec. 8398.151. ANNEXATION BY MUNICIPALITY. A municipality
18 may annex the district on the earlier of:

19 (1) the installation of 90 percent of all works,
20 improvements, facilities, plants, equipment, and appliances
21 necessary and adequate to:

22 (A) provide service to the proposed development
23 within the district;

24 (B) accomplish the purposes for which the
25 district was created; and

26 (C) exercise the powers provided by general law
27 and this chapter; or

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1 (2) the 20th anniversary of the date the district was
2 confirmed. (Acts 74th Leg., R.S., Ch. 791, Sec. 4.12.)

3 Sec. 8398.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION. If
4 a municipality in whose extraterritorial jurisdiction the district
5 is located annexes the district for full or limited purposes and the
6 annexation precludes or impairs the ability of the district to
7 issue bonds, the municipality shall:

8 (1) simultaneously with the annexation, pay in cash to
9 the landowner or developer of the district a sum equal to all actual
10 costs and expenses incurred by the landowner or developer in
11 connection with the district that:

12 (A) the district has agreed in writing to pay;
13 and

14 (B) would otherwise have been eligible for
15 reimbursement from bond proceeds under the rules and requirements
16 of the commission as those rules and requirements exist on the date
17 of annexation; and

18 (2) after the annexation, install all necessary water,
19 wastewater, and drainage facilities to serve full buildout of
20 development within the district. (Acts 74th Leg., R.S., Ch. 791,
21 Sec. 4.13.)

22 CHAPTER 8399. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 7

23 SUBCHAPTER A. GENERAL PROVISIONS

24 Sec. 8399.001. DEFINITIONS

25 Sec. 8399.002. NATURE OF DISTRICT

26 Sec. 8399.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

27 Sec. 8399.004. DISTRICT TERRITORY

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1 Sec. 8399.005. PROHIBITION AGAINST IMPAIRMENT OF
2 DISTRICT

3 [Sections 8399.006-8399.050 reserved for expansion]

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 8399.051. COMPOSITION OF BOARD; TERMS

6 [Sections 8399.052-8399.100 reserved for expansion]

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 8399.101. MUNICIPAL UTILITY DISTRICT POWERS AND
9 DUTIES

10 [Sections 8399.102-8399.150 reserved for expansion]

11 SUBCHAPTER D. MUNICIPAL ANNEXATION

12 Sec. 8399.151. ANNEXATION BY MUNICIPALITY

13 Sec. 8399.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION

14 CHAPTER 8399. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 7

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Sec. 8399.001. DEFINITIONS. In this chapter:

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

18 (2) "Commission" means the Texas Commission on
19 Environmental Quality.

20 (3) "Director" means a member of the board.

21 (4) "District" means the Travis County Municipal
22 Utility District No. 7. (Acts 74th Leg., R.S., Ch. 791, Sec. 5.02;
23 New.)

24 Sec. 8399.002. NATURE OF DISTRICT. The district is a
25 conservation and reclamation district in Travis County created
26 under Section 59, Article XVI, Texas Constitution. (Acts 74th
27 Leg., R.S., Ch. 791, Secs. 5.01(a) (part), (b) (part).)

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1 Sec. 8399.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
2 The district is created to serve a public use and benefit.

3 (b) All land and other property included in the district
4 will benefit from the works and projects accomplished by the
5 district under the powers conferred by Section 59, Article XVI,
6 Texas Constitution.

7 (c) The creation of the district is essential to accomplish
8 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
9 74th Leg., R.S., Ch. 791, Secs. 5.01(b) (part), 5.05.)

10 Sec. 8399.004. DISTRICT TERRITORY. (a) The district is
11 composed of the territory described by Section 5.03, Chapter 791,
12 Acts of the 74th Legislature, Regular Session, 1995, as that
13 territory may have been modified under:

- 14 (1) Subchapter H, Chapter 54, Water Code;
- 15 (2) Subchapter J, Chapter 49, Water Code; or
- 16 (3) other law.

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

- 20 (1) the district's organization, existence, or
- 21 validity;
- 22 (2) the district's right to impose a tax; or
- 23 (3) the legality or operation of the district or its
- 24 governing body. (Acts 74th Leg., R.S., Ch. 791, Sec. 5.04; New.)

25 Sec. 8399.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT.
26 A municipality in whose extraterritorial jurisdiction the district
27 is located may not take any action, including passing an ordinance

1 or resolution, that:

2 (1) impairs the district's ability to exercise the
3 district's powers under this chapter; or

4 (2) limits the district's ability to finance,
5 construct, or operate the district's water, wastewater, or drainage
6 systems. (Acts 74th Leg., R.S., Ch. 791, Sec. 5.11.)

7 [Sections 8399.006-8399.050 reserved for expansion]

8 SUBCHAPTER B. BOARD OF DIRECTORS

9 Sec. 8399.051. COMPOSITION OF BOARD; TERMS. (a) The
10 district is governed by a board of five directors.

11 (b) Directors serve staggered four-year terms. (Acts 74th
12 Leg., R.S., Ch. 791, Secs. 5.07(a), (d).)

13 [Sections 8399.052-8399.100 reserved for expansion]

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 8399.101. MUNICIPAL UTILITY DISTRICT POWERS AND
16 DUTIES. The district has the rights, powers, privileges,
17 functions, and duties provided by general law applicable to a
18 municipal utility district created under Section 59, Article XVI,
19 Texas Constitution, including Chapters 49, 50, and 54, Water Code.
20 (Acts 74th Leg., R.S., Ch. 791, Sec. 5.06(a) (part).)

21 [Sections 8399.102-8399.150 reserved for expansion]

22 SUBCHAPTER D. MUNICIPAL ANNEXATION

23 Sec. 8399.151. ANNEXATION BY MUNICIPALITY. A municipality
24 may annex the district on the earlier of:

25 (1) the installation of 90 percent of all works,
26 improvements, facilities, plants, equipment, and appliances
27 necessary and adequate to:

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1 (A) provide service to the proposed development
2 within the district;

3 (B) accomplish the purposes for which the
4 district was created; and

5 (C) exercise the powers provided by general law
6 and this chapter; or

7 (2) the 20th anniversary of the date the district was
8 confirmed. (Acts 74th Leg., R.S., Ch. 791, Sec. 5.12.)

9 Sec. 8399.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION. If
10 a municipality in whose extraterritorial jurisdiction the district
11 is located annexes the district for full or limited purposes and the
12 annexation precludes or impairs the ability of the district to
13 issue bonds, the municipality shall:

14 (1) simultaneously with the annexation, pay in cash to
15 the landowner or developer of the district a sum equal to all actual
16 costs and expenses incurred by the landowner or developer in
17 connection with the district that:

18 (A) the district has agreed in writing to pay;
19 and

20 (B) would otherwise have been eligible for
21 reimbursement from bond proceeds under the rules and requirements
22 of the commission as those rules and requirements exist on the date
23 of annexation; and

24 (2) after the annexation, install all necessary water,
25 wastewater, and drainage facilities to serve full buildout of
26 development within the district. (Acts 74th Leg., R.S., Ch. 791,
27 Sec. 5.13.)

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1 CHAPTER 8400. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 8

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Sec. 8400.001. DEFINITIONS

4 Sec. 8400.002. NATURE OF DISTRICT

5 Sec. 8400.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

6 Sec. 8400.004. DISTRICT TERRITORY

7 Sec. 8400.005. PROHIBITION AGAINST IMPAIRMENT OF

8 DISTRICT

9 [Sections 8400.006-8400.050 reserved for expansion]

10 SUBCHAPTER B. BOARD OF DIRECTORS

11 Sec. 8400.051. COMPOSITION OF BOARD; TERMS

12 [Sections 8400.052-8400.100 reserved for expansion]

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 8400.101. MUNICIPAL UTILITY DISTRICT POWERS AND

15 DUTIES

16 [Sections 8400.102-8400.150 reserved for expansion]

17 SUBCHAPTER D. MUNICIPAL ANNEXATION

18 Sec. 8400.151. ANNEXATION BY MUNICIPALITY

19 Sec. 8400.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION

20 CHAPTER 8400. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 8

21 SUBCHAPTER A. GENERAL PROVISIONS

22 Sec. 8400.001. DEFINITIONS. In this chapter:

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

24 (2) "Commission" means the Texas Commission on
25 Environmental Quality.

26 (3) "Director" means a member of the board.

27 (4) "District" means the Travis County Municipal

S.B. No. 1026

1 Utility District No. 8. (Acts 74th Leg., R.S., Ch. 791, Sec. 6.02;
2 New.)

3 Sec. 8400.002. NATURE OF DISTRICT. The district is a
4 conservation and reclamation district in Travis County created
5 under Section 59, Article XVI, Texas Constitution. (Acts 74th
6 Leg., R.S., Ch. 791, Secs. 6.01(a) (part), (b) (part).)

7 Sec. 8400.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
8 The district is created to serve a public use and benefit.

9 (b) All land and other property included in the district
10 will benefit from the works and projects accomplished by the
11 district under the powers conferred by Section 59, Article XVI,
12 Texas Constitution.

13 (c) The creation of the district is essential to accomplish
14 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
15 74th Leg., R.S., Ch. 791, Secs. 6.01(b) (part), 6.05.)

16 Sec. 8400.004. DISTRICT TERRITORY. (a) The district is
17 composed of the territory described by Section 6.03, Chapter 791,
18 Acts of the 74th Legislature, Regular Session, 1995, as that
19 territory may have been modified under:

- 20 (1) Subchapter H, Chapter 54, Water Code;
- 21 (2) Subchapter J, Chapter 49, Water Code; or
- 22 (3) other law.

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

- 26 (1) the district's organization, existence, or
- 27 validity;

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- 1 (2) the district's right to impose a tax; or
- 2 (3) the legality or operation of the district or its
- 3 governing body. (Acts 74th Leg., R.S., Ch. 791, Sec. 6.04; New.)

4 Sec. 8400.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT.
 5 A municipality in whose extraterritorial jurisdiction the district
 6 is located may not take any action, including passing an ordinance
 7 or resolution, that:

8 (1) impairs the district's ability to exercise the
 9 district's powers under this chapter; or

10 (2) limits the district's ability to finance,
 11 construct, or operate the district's water, wastewater, or drainage
 12 systems. (Acts 74th Leg., R.S., Ch. 791, Sec. 6.11.)

13 [Sections 8400.006-8400.050 reserved for expansion]

14 SUBCHAPTER B. BOARD OF DIRECTORS

15 Sec. 8400.051. COMPOSITION OF BOARD; TERMS. (a) The
 16 district is governed by a board of five directors.

17 (b) Directors serve staggered four-year terms. (Acts 74th
 18 Leg., R.S., Ch. 791, Secs. 6.07(a), (d).)

19 [Sections 8400.052-8400.100 reserved for expansion]

20 SUBCHAPTER C. POWERS AND DUTIES

21 Sec. 8400.101. MUNICIPAL UTILITY DISTRICT POWERS AND
 22 DUTIES. The district has the rights, powers, privileges,
 23 functions, and duties provided by general law applicable to a
 24 municipal utility district created under Section 59, Article XVI,
 25 Texas Constitution, including Chapters 49, 50, and 54, Water Code.
 26 (Acts 74th Leg., R.S., Ch. 791, Sec. 6.06(a) (part).)

27 [Sections 8400.102-8400.150 reserved for expansion]

SUBCHAPTER D. MUNICIPAL ANNEXATION

Sec. 8400.151. ANNEXATION BY MUNICIPALITY. A municipality may annex the district on the earlier of:

(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

(A) provide service to the proposed development within the district;

(B) accomplish the purposes for which the district was created; and

(C) exercise the powers provided by general law and this chapter; or

(2) the 20th anniversary of the date the district was confirmed. (Acts 74th Leg., R.S., Ch. 791, Sec. 6.12.)

Sec. 8400.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION. If a municipality in whose extraterritorial jurisdiction the district is located annexes the district for full or limited purposes and the annexation precludes or impairs the ability of the district to issue bonds, the municipality shall:

(1) simultaneously with the annexation, pay in cash to the landowner or developer of the district a sum equal to all actual costs and expenses incurred by the landowner or developer in connection with the district that:

(A) the district has agreed in writing to pay; and

(B) would otherwise have been eligible for reimbursement from bond proceeds under the rules and requirements

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1 of the commission as those rules and requirements exist on the date
2 of annexation; and

3 (2) after the annexation, install all necessary water,
4 wastewater, and drainage facilities to serve full buildout of
5 development within the district. (Acts 74th Leg., R.S., Ch. 791,
6 Sec. 6.13.)

7 CHAPTER 8401. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 8401.001. DEFINITIONS

10 Sec. 8401.002. NATURE OF DISTRICT

11 Sec. 8401.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

12 Sec. 8401.004. DISTRICT TERRITORY

13 Sec. 8401.005. PROHIBITION AGAINST IMPAIRMENT OF
14 DISTRICT

15 [Sections 8401.006-8401.050 reserved for expansion]

16 SUBCHAPTER B. BOARD OF DIRECTORS

17 Sec. 8401.051. COMPOSITION OF BOARD; TERMS

18 [Sections 8401.052-8401.100 reserved for expansion]

19 SUBCHAPTER C. POWERS AND DUTIES

20 Sec. 8401.101. MUNICIPAL UTILITY DISTRICT POWERS AND
21 DUTIES

22 [Sections 8401.102-8401.150 reserved for expansion]

23 SUBCHAPTER D. MUNICIPAL ANNEXATION

24 Sec. 8401.151. ANNEXATION BY MUNICIPALITY

25 Sec. 8401.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION

1 CHAPTER 8401. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Sec. 8401.001. DEFINITIONS. In this chapter:

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

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

7 (3) "Director" means a member of the board.

8 (4) "District" means the Travis County Municipal
9 Utility District No. 9. (Acts 74th Leg., R.S., Ch. 791, Sec. 7.02;
10 New.)

11 Sec. 8401.002. NATURE OF DISTRICT. The district is a
12 conservation and reclamation district in Travis County created
13 under Section 59, Article XVI, Texas Constitution. (Acts 74th Leg.,
14 R.S., Ch. 791, Secs. 7.01(a) (part), (b) (part).)

15 Sec. 8401.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (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.

21 (c) The creation of the district is essential to accomplish
22 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
23 74th Leg., R.S., Ch. 791, Secs. 7.01(b) (part), 7.05.)

24 Sec. 8401.004. DISTRICT TERRITORY. (a) The district is
25 composed of the territory described by Section 7.03, Chapter 791,
26 Acts of the 74th Legislature, Regular Session, 1995, as that
27 territory may have been modified under:

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

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

- 7 (1) the district's organization, existence, or
- 8 validity;
- 9 (2) the district's right to impose a tax; or
- 10 (3) the legality or operation of the district or its
- 11 governing body. (Acts 74th Leg., R.S., Ch. 791, Sec. 7.04; New.)

12 Sec. 8401.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT.

13 A municipality in whose extraterritorial jurisdiction the district
 14 is located may not take any action, including passing an ordinance
 15 or resolution, that:

- 16 (1) impairs the district's ability to exercise the
- 17 district's powers under this chapter; or
- 18 (2) limits the district's ability to finance,
- 19 construct, or operate the district's water, wastewater, or drainage
- 20 systems. (Acts 74th Leg., R.S., Ch. 791, Sec. 7.11.)

21 [Sections 8401.006-8401.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8401.051. 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 74th
 26 Leg., R.S., Ch. 791, Secs. 7.07(a), (d).)

27 [Sections 8401.052-8401.100 reserved for expansion]

1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 8401.101. MUNICIPAL UTILITY DISTRICT POWERS AND
3 DUTIES. The district has the rights, powers, privileges, functions,
4 and duties provided by general law applicable to a municipal
5 utility district created under Section 59, Article XVI, Texas
6 Constitution, including Chapters 49, 50, and 54, Water Code. (Acts
7 74th Leg., R.S., Ch. 791, Sec. 7.06(a) (part).)

8 [Sections 8401.102-8401.150 reserved for expansion]

9 SUBCHAPTER D. MUNICIPAL ANNEXATION

10 Sec. 8401.151. ANNEXATION BY MUNICIPALITY. A municipality
11 may annex the district on the earlier of:

12 (1) the installation of 90 percent of all works,
13 improvements, facilities, plants, equipment, and appliances
14 necessary and adequate to:

15 (A) provide service to the proposed development
16 within the district;

17 (B) accomplish the purposes for which the
18 district was created; and

19 (C) exercise the powers provided by general law
20 and this chapter; or

21 (2) the 20th anniversary of the date the district was
22 confirmed. (Acts 74th Leg., R.S., Ch. 791, Sec. 7.12.)

23 Sec. 8401.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION. If
24 a municipality in whose extraterritorial jurisdiction the district
25 is located annexes the district for full or limited purposes and the
26 annexation precludes or impairs the ability of the district to
27 issue bonds, the municipality shall:

1 (1) simultaneously with the annexation, pay in cash to
2 the landowner or developer of the district a sum equal to all actual
3 costs and expenses incurred by the landowner or developer in
4 connection with the district that:

5 (A) the district has agreed in writing to pay;
6 and

7 (B) would otherwise have been eligible for
8 reimbursement from bond proceeds under the rules and requirements
9 of the commission as those rules and requirements exist on the date
10 of annexation; and

11 (2) after the annexation, install all necessary water,
12 wastewater, and drainage facilities to serve full buildout of
13 development within the district. (Acts 74th Leg., R.S., Ch. 791,
14 Sec. 7.13.)

15 CHAPTER 8402. ROLLING CREEK UTILITY DISTRICT

16 SUBCHAPTER A. GENERAL PROVISIONS

17 Sec. 8402.001. DEFINITIONS

18 Sec. 8402.002. NATURE OF DISTRICT

19 Sec. 8402.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

20 Sec. 8402.004. DISTRICT TERRITORY

21 [Sections 8402.005-8402.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8402.051. COMPOSITION OF BOARD

24 Sec. 8402.052. BOARD VACANCY

25 [Sections 8402.053-8402.100 reserved for expansion]

26 SUBCHAPTER C. POWERS AND DUTIES

27 Sec. 8402.101. MUNICIPAL UTILITY DISTRICT POWERS

1 CHAPTER 8402. ROLLING CREEK UTILITY DISTRICT

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Sec. 8402.001. 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 Rolling Creek Utility
7 District. (Acts 62nd Leg., R.S., Ch. 662, Sec. 1 (part); New.)

8 Sec. 8402.002. NATURE OF DISTRICT. The district is a
9 conservation and reclamation district in Harris County created
10 under Section 59, Article XVI, Texas Constitution. (Acts 62nd
11 Leg., R.S., Ch. 662, Sec. 1 (part).)

12 Sec. 8402.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
13 The district is created to serve a public use and benefit.

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

18 (c) The creation of the district is essential to accomplish
19 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
20 62nd Leg., R.S., Ch. 662, Secs. 1 (part), 3.)

21 Sec. 8402.004. DISTRICT TERRITORY. (a) The district is
22 composed of the territory described by Section 4, Chapter 662, Acts
23 of the 62nd Legislature, Regular Session, 1971, as that territory
24 may have been modified under:

25 (1) Subchapter H, Chapter 54, Water Code;

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

27 (3) other law.

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

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

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

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

10 (4) the legality or operation of the district or its
11 governing body. (Acts 62nd Leg., R.S., Ch. 662, Sec. 2; New.)

12 [Sections 8402.005-8402.050 reserved for expansion]

13 SUBCHAPTER B. BOARD OF DIRECTORS

14 Sec. 8402.051. COMPOSITION OF BOARD. The board is composed
15 of five elected directors. (Acts 62nd Leg., R.S., Ch. 662, Sec. 6
16 (part).)

17 Sec. 8402.052. 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 all of the vacancies on the board whenever
22 the number of qualified directors is fewer than three. (Acts 62nd
23 Leg., R.S., Ch. 662, Sec. 6 (part); New.)

24 [Sections 8402.053-8402.100 reserved for expansion]

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 8402.101. MUNICIPAL UTILITY DISTRICT POWERS. The
27 district has the rights, powers, privileges, and functions

1 conferred by general law applicable to a municipal utility
2 district, including Chapters 49 and 54, Water Code. (Acts 62nd
3 Leg., R.S., Ch. 662, Sec. 5 (part); New.)

4 CHAPTER 8403. ROLLING FORK PUBLIC UTILITY DISTRICT

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Sec. 8403.001. DEFINITIONS

7 Sec. 8403.002. NATURE OF DISTRICT

8 Sec. 8403.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

9 Sec. 8403.004. DISTRICT TERRITORY

10 [Sections 8403.005-8403.050 reserved for expansion]

11 SUBCHAPTER B. BOARD OF DIRECTORS

12 Sec. 8403.051. COMPOSITION OF BOARD

13 Sec. 8403.052. BOARD VACANCY

14 [Sections 8403.053-8403.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 8403.101. MUNICIPAL UTILITY DISTRICT POWERS

17 CHAPTER 8403. ROLLING FORK PUBLIC UTILITY DISTRICT

18 SUBCHAPTER A. GENERAL PROVISIONS

19 Sec. 8403.001. DEFINITIONS. In this chapter:

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

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

22 (3) "District" means the Rolling Fork Public Utility
23 District. (Acts 62nd Leg., R.S., Ch. 689, Sec. 1 (part); New.)

24 Sec. 8403.002. NATURE OF DISTRICT. The district is a
25 conservation and reclamation district in Harris County created
26 under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg.,
27 R.S., Ch. 689, Sec. 1 (part).)

1 Sec. 8403.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
2 The district is created to serve a public use and benefit.

3 (b) All land and other property included in the boundaries
4 of the district will benefit from the works and projects
5 accomplished by the district under the powers conferred by Section
6 59, Article XVI, Texas Constitution.

7 (c) The creation of the district is essential to accomplish
8 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
9 62nd Leg., R.S., Ch. 689, Secs. 1 (part), 3.)

10 Sec. 8403.004. DISTRICT TERRITORY. (a) The district is
11 composed of the territory described by Section 4, Chapter 689, Acts
12 of the 62nd Legislature, Regular Session, 1971, as that territory
13 may have been modified under:

- 14 (1) Subchapter H, Chapter 54, Water Code;
15 (2) Subchapter J, Chapter 49, Water Code; or
16 (3) other law.

17 (b) The boundaries and field notes of the district form a
18 closure. A mistake in copying the field notes in the legislative
19 process or another mistake in the field notes does not affect:

- 20 (1) the district's organization, existence, or
21 validity;
22 (2) the district's right to issue any type of bond for
23 a purpose for which the district is created or to pay the principal
24 of and interest on the bond;
25 (3) the district's right to impose a tax; or
26 (4) the legality or operation of the district or its
27 governing body. (Acts 62nd Leg., R.S., Ch. 689, Sec. 2; New.)

1 [Sections 8403.005-8403.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8403.051. COMPOSITION OF BOARD. The board is composed
4 of five elected directors. (Acts 62nd Leg., R.S., Ch. 689, Sec. 6
5 (part).)

6 Sec. 8403.052. BOARD VACANCY. (a) Except as provided by
7 Subsection (b), a vacancy in the office of director shall be filled
8 in the manner provided by Section 49.105, Water Code.

9 (b) The Texas Commission on Environmental Quality shall
10 appoint directors to fill all of the vacancies on the board whenever
11 the number of qualified directors is fewer than three. (Acts 62nd
12 Leg., R.S., Ch. 689, Sec. 6 (part); New.)

13 [Sections 8403.053-8403.100 reserved for expansion]

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 8403.101. MUNICIPAL UTILITY DISTRICT POWERS. The
16 district has the rights, powers, privileges, and functions
17 conferred by general law applicable to a municipal utility
18 district, including Chapters 49 and 54, Water Code. (Acts 62nd
19 Leg., R.S., Ch. 689, Sec. 5 (part); New.)

20 CHAPTER 8404. ROMAN FOREST PUBLIC UTILITY DISTRICT NO. 3

21 SUBCHAPTER A. GENERAL PROVISIONS

22 Sec. 8404.001. DEFINITIONS

23 Sec. 8404.002. NATURE OF DISTRICT

24 Sec. 8404.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

25 Sec. 8404.004. DISTRICT TERRITORY

26 [Sections 8404.005-8404.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8404.051. COMPOSITION OF BOARD

Sec. 8404.052. BOARD VACANCY

[Sections 8404.053-8404.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8404.101. MUNICIPAL UTILITY DISTRICT POWERS

CHAPTER 8404. ROMAN FOREST PUBLIC UTILITY DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8404.001. DEFINITIONS. In this chapter:

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

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

(3) "District" means the Roman Forest Public Utility District No. 3. (Acts 62nd Leg., R.S., Ch. 668, Sec. 1 (part); New.)

Sec. 8404.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Montgomery County created under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 668, Sec. 1 (part).)

Sec. 8404.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

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

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 668, Secs. 1 (part), 3.)

Sec. 8404.004. DISTRICT TERRITORY. (a) The district is

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1 composed of the territory described by Section 4, Chapter 668, Acts
2 of the 62nd Legislature, Regular Session, 1971, as that territory
3 may have been modified under:

- 4 (1) Subchapter H, Chapter 54, Water Code;
- 5 (2) Subchapter J, Chapter 49, Water Code; or
- 6 (3) other law.

7 (b) The boundaries and field notes of the district form a
8 closure. A mistake in copying the field notes in the legislative
9 process or another mistake in the field notes does not affect:

- 10 (1) the district's organization, existence, or
- 11 validity;
- 12 (2) the district's right to issue any type of bond for
- 13 a purpose for which the district is created or to pay the principal
- 14 of and interest on the bond;
- 15 (3) the district's right to impose a tax; or
- 16 (4) the legality or operation of the district or its
- 17 governing body. (Acts 62nd Leg., R.S., Ch. 668, Sec. 2; New.)

18 [Sections 8404.005-8404.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

20 Sec. 8404.051. COMPOSITION OF BOARD. The board is composed
21 of five elected directors. (Acts 62nd Leg., R.S., Ch. 668, Sec. 6
22 (part).)

23 Sec. 8404.052. BOARD VACANCY. (a) Except as provided by
24 Subsection (b), a vacancy in the office of director shall be filled
25 in the manner provided by Section 49.105, Water Code.

26 (b) The Texas Commission on Environmental Quality shall
27 appoint directors to fill all of the vacancies on the board whenever

1 the number of qualified directors is fewer than three. (Acts 62nd
2 Leg., R.S., Ch. 668, Sec. 6 (part); New.)

3 [Sections 8404.053-8404.100 reserved for expansion]

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 8404.101. MUNICIPAL UTILITY DISTRICT POWERS. The
6 district has the rights, powers, privileges, and functions
7 conferred by general law applicable to a municipal utility
8 district, including Chapters 49 and 54, Water Code. (Acts 62nd
9 Leg., R.S., Ch. 668, Sec. 5 (part); New.)

10 CHAPTER 8405. ROMAN FOREST PUBLIC UTILITY DISTRICT NO. 4

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 8405.001. DEFINITIONS

13 Sec. 8405.002. NATURE OF DISTRICT

14 Sec. 8405.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

15 Sec. 8405.004. DISTRICT TERRITORY

16 [Sections 8405.005-8405.050 reserved for expansion]

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Sec. 8405.051. COMPOSITION OF BOARD

19 Sec. 8405.052. BOARD VACANCY

20 [Sections 8405.053-8405.100 reserved for expansion]

21 SUBCHAPTER C. POWERS AND DUTIES

22 Sec. 8405.101. MUNICIPAL UTILITY DISTRICT POWERS

23 CHAPTER 8405. ROMAN FOREST PUBLIC UTILITY DISTRICT NO. 4

24 SUBCHAPTER A. GENERAL PROVISIONS

25 Sec. 8405.001. DEFINITIONS. In this chapter:

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

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

1 (3) "District" means the Roman Forest Public Utility
2 District No. 4. (Acts 62nd Leg., R.S., Ch. 669, Sec. 1 (part); New.)

3 Sec. 8405.002. NATURE OF DISTRICT. The district is a
4 conservation and reclamation district in Montgomery County created
5 under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg.,
6 R.S., Ch. 669, Sec. 1 (part).)

7 Sec. 8405.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
8 The district is created to serve a public use and benefit.

9 (b) All land and other property included in the boundaries
10 of the district will benefit from the works and projects
11 accomplished by the district under the powers conferred by Section
12 59, Article XVI, Texas Constitution.

13 (c) The creation of the district is essential to accomplish
14 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
15 62nd Leg., R.S., Ch. 669, Secs. 1 (part), 3.)

16 Sec. 8405.004. DISTRICT TERRITORY. (a) The district is
17 composed of the territory described by Section 4, Chapter 669, Acts
18 of the 62nd Legislature, Regular Session, 1971, as that territory
19 may have been modified under:

- 20 (1) Subchapter H, Chapter 54, Water Code;
21 (2) Subchapter J, Chapter 49, Water Code; or
22 (3) other law.

23 (b) The boundaries and field notes of the district form a
24 closure. A mistake in copying the field notes in the legislative
25 process or another mistake in the field notes does not affect:

- 26 (1) the district's organization, existence, or
27 validity;

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

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

5 (4) the legality or operation of the district or its
6 governing body. (Acts 62nd Leg., R.S., Ch. 669, Sec. 2; New.)

7 [Sections 8405.005-8405.050 reserved for expansion]

8 SUBCHAPTER B. BOARD OF DIRECTORS

9 Sec. 8405.051. COMPOSITION OF BOARD. The board is composed
10 of five elected directors. (Acts 62nd Leg., R.S., Ch. 669, Sec. 6
11 (part).)

12 Sec. 8405.052. BOARD VACANCY. (a) Except as provided by
13 Subsection (b), a vacancy in the office of director shall be filled
14 in the manner provided by Section 49.105, Water Code.

15 (b) The Texas Commission on Environmental Quality shall
16 appoint directors to fill all of the vacancies on the board whenever
17 the number of qualified directors is fewer than three. (Acts 62nd
18 Leg., R.S., Ch. 669, Sec. 6 (part); New.)

19 [Sections 8405.053-8405.100 reserved for expansion]

20 SUBCHAPTER C. POWERS AND DUTIES

21 Sec. 8405.101. MUNICIPAL UTILITY DISTRICT POWERS. The
22 district has the rights, powers, privileges, and functions
23 conferred by general law applicable to a municipal utility
24 district, including Chapters 49 and 54, Water Code. (Acts 62nd
25 Leg., R.S., Ch. 669, Sec. 5 (part); New.)

1 CHAPTER 8406. SPRING CREEK FOREST PUBLIC UTILITY DISTRICT

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Sec. 8406.001. DEFINITIONS

4 Sec. 8406.002. NATURE OF DISTRICT

5 Sec. 8406.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

6 Sec. 8406.004. DISTRICT TERRITORY

7 [Sections 8406.005-8406.050 reserved for expansion]

8 SUBCHAPTER B. BOARD OF DIRECTORS

9 Sec. 8406.051. COMPOSITION OF BOARD

10 Sec. 8406.052. BOARD VACANCY

11 [Sections 8406.053-8406.100 reserved for expansion]

12 SUBCHAPTER C. POWERS AND DUTIES

13 Sec. 8406.101. MUNICIPAL UTILITY DISTRICT POWERS

14 CHAPTER 8406. SPRING CREEK FOREST PUBLIC UTILITY DISTRICT

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Sec. 8406.001. DEFINITIONS. In this chapter:

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

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

19 (3) "District" means the Spring Creek Forest Public
20 Utility District. (Acts 62nd Leg., R.S., Ch. 630, Sec. 1 (part);
21 New.)

22 Sec. 8406.002. NATURE OF DISTRICT. The district is a
23 conservation and reclamation district in Harris County created
24 under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg.,
25 R.S., Ch. 630, Sec. 1 (part).)

26 Sec. 8406.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
27 The district is created to serve a public use and benefit.

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1 (b) All land and other property included in the boundaries
 2 of the district will benefit from the works and projects
 3 accomplished by the district under the powers conferred by Section
 4 59, Article XVI, Texas Constitution.

5 (c) The creation of the district is essential to accomplish
 6 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
 7 62nd Leg., R.S., Ch. 630, Secs. 1 (part), 3.)

8 Sec. 8406.004. DISTRICT TERRITORY. (a) The district is
 9 composed of the territory described by Section 4, Chapter 630, Acts
 10 of the 62nd Legislature, Regular Session, 1971, as that territory
 11 may have been modified under:

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

15 (b) The boundaries and field notes of the district form a
 16 closure. A mistake in copying the field notes in the legislative
 17 process or another mistake in the field notes does not affect:

- 18 (1) the district's organization, existence, or
- 19 validity;
- 20 (2) the district's right to issue any type of bond for
- 21 a purpose for which the district is created or to pay the principal
- 22 of and interest on the bond;
- 23 (3) the district's right to impose a tax; or
- 24 (4) the legality or operation of the district or its
- 25 governing body. (Acts 62nd Leg., R.S., Ch. 630, Sec. 2; New.)

26 [Sections 8406.005-8406.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8406.051. COMPOSITION OF BOARD. The board is composed
3 of five elected directors. (Acts 62nd Leg., R.S., Ch. 630, Sec. 6
4 (part).)

5 Sec. 8406.052. BOARD VACANCY. (a) Except as provided by
6 Subsection (b), a vacancy in the office of director shall be filled
7 in the manner provided by Section 49.105, Water Code.

8 (b) The Texas Commission on Environmental Quality shall
9 appoint directors to fill all of the vacancies on the board whenever
10 the number of qualified directors is fewer than three. (Acts 62nd
11 Leg., R.S., Ch. 630, Sec. 6 (part); New.)

12 [Sections 8406.053-8406.100 reserved for expansion]

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 8406.101. MUNICIPAL UTILITY DISTRICT POWERS. The
15 district has the rights, powers, privileges, and functions
16 conferred by general law applicable to a municipal utility
17 district, including Chapters 49 and 54, Water Code. (Acts 62nd
18 Leg., R.S., Ch. 630, Sec. 5 (part); New.)

19 CHAPTER 8407. SPRING CREEK UTILITY DISTRICT

20 SUBCHAPTER A. GENERAL PROVISIONS

21 Sec. 8407.001. DEFINITIONS

22 Sec. 8407.002. NATURE OF DISTRICT

23 Sec. 8407.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

24 Sec. 8407.004. DISTRICT TERRITORY

25 [Sections 8407.005-8407.050 reserved for expansion]

26 SUBCHAPTER B. BOARD OF DIRECTORS

27 Sec. 8407.051. COMPOSITION OF BOARD

1 Sec. 8407.052. BOARD VACANCY

2 [Sections 8407.053-8407.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 8407.101. MUNICIPAL UTILITY DISTRICT POWERS

5 CHAPTER 8407. SPRING CREEK UTILITY DISTRICT

6 SUBCHAPTER A. GENERAL PROVISIONS

7 Sec. 8407.001. DEFINITIONS. In this chapter:

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

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

10 (3) "District" means the Spring Creek Utility
11 District. (Acts 62nd Leg., R.S., Ch. 682, Sec. 1 (part); New.)

12 Sec. 8407.002. NATURE OF DISTRICT. The district is a
13 conservation and reclamation district in Montgomery County created
14 under Section 59, Article XVI, Texas Constitution. (Acts 62nd
15 Leg., R.S., Ch. 682, Sec. 1 (part).)

16 Sec. 8407.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
17 The district is created to serve a public use and benefit.

18 (b) All land and other property included in the boundaries
19 of the district will benefit from the works and projects
20 accomplished by the district under the powers conferred by Section
21 59, Article XVI, Texas Constitution.

22 (c) The creation of the district is essential to accomplish
23 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
24 62nd Leg., R.S., Ch. 682, Secs. 1 (part), 3.)

25 Sec. 8407.004. DISTRICT TERRITORY. (a) The district is
26 composed of the territory described by Section 4, Chapter 682, Acts
27 of the 62nd Legislature, Regular Session, 1971, as that territory

1 may have been modified under:

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

5 (b) The boundaries and field notes of the district form a
6 closure. A mistake in copying the field notes in the legislative
7 process or another mistake in the field notes does not affect:

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

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

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

14 (4) the legality or operation of the district or its
15 governing body. (Acts 62nd Leg., R.S., Ch. 682, Sec. 2; New.)

16 [Sections 8407.005-8407.050 reserved for expansion]

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Sec. 8407.051. COMPOSITION OF BOARD. The board is composed
19 of five elected directors. (Acts 62nd Leg., R.S., Ch. 682, Sec. 6
20 (part).)

21 Sec. 8407.052. BOARD VACANCY. (a) Except as provided by
22 Subsection (b), a vacancy in the office of director shall be filled
23 in the manner provided by Section 49.105, Water Code.

24 (b) The Texas Commission on Environmental Quality shall
25 appoint directors to fill all of the vacancies on the board whenever
26 the number of qualified directors is fewer than three. (Acts 62nd
27 Leg., R.S., Ch. 682, Sec. 6 (part); New.)

1 [Sections 8407.053-8407.100 reserved for expansion]

2 SUBCHAPTER C. POWERS AND DUTIES

3 Sec. 8407.101. MUNICIPAL UTILITY DISTRICT POWERS. The
4 district has the rights, powers, privileges, and functions
5 conferred by general law applicable to a municipal utility
6 district, including Chapters 49 and 54, Water Code. (Acts 62nd
7 Leg., R.S., Ch. 682, Sec. 5 (part); New.)

8 CHAPTER 8410. QUAIL CREEK MUNICIPAL UTILITY DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8410.001. DEFINITIONS

11 Sec. 8410.002. NATURE OF DISTRICT

12 Sec. 8410.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

13 Sec. 8410.004. DISTRICT TERRITORY

14 [Sections 8410.005-8410.050 reserved for expansion]

15 SUBCHAPTER B. BOARD OF DIRECTORS

16 Sec. 8410.051. COMPOSITION OF BOARD; TERMS

17 [Sections 8410.052-8410.100 reserved for expansion]

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 8410.101. MUNICIPAL UTILITY DISTRICT POWERS

20 Sec. 8410.102. WATER CONSERVATION PROGRAM

21 CHAPTER 8410. QUAIL CREEK MUNICIPAL UTILITY DISTRICT

22 SUBCHAPTER A. GENERAL PROVISIONS

23 Sec. 8410.001. DEFINITIONS. In this chapter:

24 (1) "Board" means the board of directors of the
25 district.

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

27 (3) "District" means the Quail Creek Municipal Utility

1 District. (New.)

2 Sec. 8410.002. NATURE OF DISTRICT. The district is a
3 conservation and reclamation district created under Section 59,
4 Article XVI, Texas Constitution. (Acts 69th Leg., R.S., Ch. 865,
5 Sec. 1 (part).)

6 Sec. 8410.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
7 The district is created to serve a public use and benefit.

8 (b) All land and other property included in the boundaries
9 of the district will benefit from the works and projects
10 accomplished by the district under the authority granted by Section
11 59, Article XVI, Texas Constitution.

12 (c) The creation of the district is essential to accomplish
13 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
14 69th Leg., R.S., Ch. 865, Secs. 2, 5.)

15 Sec. 8410.004. DISTRICT TERRITORY. (a) The district is
16 composed of the territory described by Section 3, Chapter 865, Acts
17 of the 69th Legislature, Regular Session, 1985, as that territory
18 may have been modified under:

- 19 (1) Subchapter H, Chapter 54, Water Code;
20 (2) Subchapter J, Chapter 49, Water Code; or
21 (3) other law.

22 (b) The boundaries and field notes of the district form a
23 closure. A mistake in copying the field notes in the legislative
24 process or another mistake in the field notes does not affect:

- 25 (1) the district's organization, existence, or
26 validity;
27 (2) the district's right to issue bonds for a purpose

1 for which the district was created or to pay the principal of and
2 interest on the bonds;

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

4 (4) the legality or operation of the district or the
5 board. (Acts 69th Leg., R.S., Ch. 865, Sec. 4; New.)

6 [Sections 8410.005-8410.050 reserved for expansion]

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. 8410.051. COMPOSITION OF BOARD; TERMS. (a) The
9 district is governed by a board of five elected directors.

10 (b) Directors serve staggered four-year terms. (Acts 69th
11 Leg., R.S., Ch. 865, Secs. 10(b) (part), (c).)

12 [Sections 8410.052-8410.100 reserved for expansion]

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 8410.101. MUNICIPAL UTILITY DISTRICT POWERS. The
15 district has the rights, powers, privileges, and functions provided
16 by general law applicable to a municipal utility district created
17 under Section 59, Article XVI, Texas Constitution, including
18 Chapters 49 and 54, Water Code. (Acts 69th Leg., R.S., Ch. 865,
19 Sec. 6 (part); New.)

20 Sec. 8410.102. WATER CONSERVATION PROGRAM. (a) In this
21 section, "program of water conservation" means the practices,
22 techniques, and technologies that will reduce water consumption,
23 reduce water loss or waste, improve efficiency in water use, or
24 increase water recycling and reuse so that a water supply is
25 available for future uses.

26 (b) The district shall adopt and implement a program of
27 water conservation consistent with rules and criteria adopted and

1 enforceable by the Texas Commission on Environmental Quality for
2 similarly situated districts in the region. (Acts 69th Leg., R.S.,
3 Ch. 865, Sec. 7.)

4 SECTION 1.04. Subtitle G, Title 6, Special District Local
5 Laws Code, is amended by adding Chapters 8504 and 8505 to read as
6 follows:

7 CHAPTER 8504. LOWER NECHES VALLEY AUTHORITY

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 8504.001. DEFINITIONS

10 Sec. 8504.002. CREATION AND NATURE OF AUTHORITY

11 Sec. 8504.003. TERRITORY

12 Sec. 8504.004. LIBERAL CONSTRUCTION OF CHAPTER

13 [Sections 8504.005-8504.050 reserved for expansion]

14 SUBCHAPTER B. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS

15 Sec. 8504.051. MEMBERSHIP OF BOARD

16 Sec. 8504.052. TERMS

17 Sec. 8504.053. VACANCY

18 Sec. 8504.054. OATH AND BOND REQUIREMENT FOR DIRECTORS

19 Sec. 8504.055. COMPENSATION OF DIRECTORS

20 Sec. 8504.056. QUORUM; VOTING REQUIREMENT

21 Sec. 8504.057. GENERAL MANAGER

22 [Sections 8504.058-8504.100 reserved for expansion]

23 SUBCHAPTER C. POWERS AND DUTIES

24 Sec. 8504.101. POWERS UNDER CONSTITUTION AND OTHER LAW

25 Sec. 8504.102. POWERS TO ACCOMPLISH PURPOSES FOR WHICH
26 CREATED

- 1 Sec. 8504.103. GENERAL POWERS RELATING TO WORKS AND
2 WATER
- 3 Sec. 8504.104. ADDITIONAL POWERS RELATING TO
4 PARTICULAR PURPOSES; NOT A LIMITATION
- 5 Sec. 8504.105. POWERS RELATING TO PURCHASE OR
6 CONSTRUCTION OF WORKS OR ACQUISITION
7 OF PROPERTY
- 8 Sec. 8504.106. ADDITIONAL POWERS RELATING TO
9 ACQUISITION OR OPERATION OF PROPERTY
- 10 Sec. 8504.107. POWERS RELATING TO CONTRACT, LEASE,
11 AGREEMENT, OR CONVEYANCE
- 12 Sec. 8504.108. POWERS RELATING TO RECREATIONAL
13 FACILITIES
- 14 Sec. 8504.109. EMINENT DOMAIN
- 15 Sec. 8504.110. STATE SUPERVISION AND APPROVAL
- 16 [Sections 8504.111-8504.150 reserved for expansion]
- 17 SUBCHAPTER D. POWERS RELATING TO DEVERS CANAL SYSTEM AND ITS WATER
18 RIGHTS AND ASSOCIATED PROPERTY
- 19 Sec. 8504.151. DEFINITIONS
- 20 Sec. 8504.152. POWERS RELATING TO CANAL SYSTEM
- 21 Sec. 8504.153. POWERS RELATING TO WATER
- 22 Sec. 8504.154. RIGHT OF FIRST REFUSAL FOR CERTAIN
23 WATER CONTRACTS
- 24 [Sections 8504.155-8504.200 reserved for expansion]
- 25 SUBCHAPTER E. ECONOMIC DEVELOPMENT PROGRAMS
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1 Sec. 8504.308. TAX EXEMPTION

2 CHAPTER 8504. LOWER NECHES VALLEY AUTHORITY

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Sec. 8504.001. DEFINITIONS. In this chapter:

5 (1) "Authority" means the Lower Neches Valley
6 Authority.

7 (2) "Basins" means the Neches River basin and the
8 adjoining Neches-Trinity coastal basin.

9 (3) "Board" means the board of directors of the
10 authority.

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

13 (5) "Director" means a member of the board. (Acts 43rd
14 Leg., 1st C.S., Ch. 63, Secs. 1 (part), 13C(a)(2); New.)

15 Sec. 8504.002. CREATION AND NATURE OF AUTHORITY. The
16 authority is created as a conservation and reclamation district.
17 The authority is an independent governmental agency and a body
18 politic and corporate. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 1
19 (part).)

20 Sec. 8504.003. TERRITORY. Unless modified under Subchapter
21 J, Chapter 49, Water Code, or other law, the authority's territory
22 is composed of:

23 (1) all of Jefferson, Hardin, and Tyler Counties;

24 (2) a strip of land 10 miles in width off the eastern
25 end of Liberty County (the west line of that strip being parallel to
26 and 10 miles west of the extreme eastern boundary line of Liberty
27 County); and

1 (3) a strip of land 15 miles in width off the east side
2 of Chambers County (the west line of that strip being parallel to
3 and 15 miles west of the eastern boundary line of Chambers County).
4 (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 2; New.)

5 Sec. 8504.004. LIBERAL CONSTRUCTION OF CHAPTER. This
6 chapter shall be liberally construed to effect its purposes. (Acts
7 43rd Leg., 1st C.S., Ch. 63, Sec. 15 (part).)

8 [Sections 8504.005-8504.050 reserved for expansion]

9 SUBCHAPTER B. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS

10 Sec. 8504.051. MEMBERSHIP OF BOARD. (a) The board consists
11 of nine directors appointed by the governor with the advice and
12 consent of the senate.

13 (b) Each director must be a freehold property taxpayer and a
14 qualified voter of this state.

15 (c) Five directors must reside in Jefferson County, two
16 directors must reside in Hardin County, and two directors must
17 reside in Tyler County. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 3
18 (part).)

19 Sec. 8504.052. TERMS. Directors hold office for staggered
20 terms of six years. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 3
21 (part).)

22 Sec. 8504.053. VACANCY. A vacancy on the board shall be
23 filled for the unexpired term in the same manner as provided for an
24 appointment for a full term. (Acts 43rd Leg., 1st C.S., Ch. 63,
25 Sec. 3 (part).)

26 Sec. 8504.054. OATH AND BOND REQUIREMENT FOR DIRECTORS.
27 (a) A director shall, within 15 days after the date of appointment,

1 qualify by taking the constitutional oath of office and by filing a
2 good and sufficient bond with the secretary of state.

3 (b) The bond is subject to approval by the secretary of
4 state and must:

- 5 (1) be in the amount of \$5,000;
6 (2) be payable to the authority; and
7 (3) be conditioned on the faithful performance of the
8 duties as a director. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 3
9 (part).)

10 Sec. 8504.055. COMPENSATION OF DIRECTORS. (a) A director
11 is entitled to receive a fee of office for each day of service
12 approved by a vote of the board and necessary to discharge the
13 director's duties.

14 (b) The board shall set the fee described by Subsection (a)
15 in an amount not greater than the amount allowed under general law.
16 (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 7.)

17 Sec. 8504.056. QUORUM; VOTING REQUIREMENT. (a) Five
18 directors constitute a quorum at any meeting.

19 (b) A concurrence of a majority of the directors present is
20 sufficient in any matter pertaining to authority business. (Acts
21 43rd Leg., 1st C.S., Ch. 63, Sec. 4.)

22 Sec. 8504.057. GENERAL MANAGER. The board shall employ a
23 general manager at the compensation set by a majority of the board.
24 (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 3 (part).)

25 [Sections 8504.058-8504.100 reserved for expansion]

26 SUBCHAPTER C. POWERS AND DUTIES

27 Sec. 8504.101. POWERS UNDER CONSTITUTION AND OTHER LAW.

1 The authority has and is vested with the powers of a conservation
2 and reclamation district under the constitution and other laws of
3 this state, including the powers:

4 (1) expressly authorized by Section 59, Article XVI,
5 Texas Constitution, for a district created to conserve, store,
6 control, preserve, use, and distribute storm water, floodwater, and
7 the water of the rivers and streams of the state;

8 (2) implied by the purposes of that section of the
9 constitution; and

10 (3) conferred by general law. (Acts 43rd Leg., 1st
11 C.S., Ch. 63, Sec. 1 (part).)

12 Sec. 8504.102. POWERS TO ACCOMPLISH PURPOSES FOR WHICH
13 CREATED. The authority has and may exercise the functions, powers,
14 rights, and duties as may permit the authority to accomplish the
15 purposes for which it is created. (Acts 43rd Leg., 1st C.S., Ch.
16 63, Sec. 15 (part).)

17 Sec. 8504.103. GENERAL POWERS RELATING TO WORKS AND WATER.

18 (a) The authority may construct, maintain, and operate in the
19 basins, inside or outside the authority, any work considered
20 essential:

21 (1) to the operation of the authority; and

22 (2) for the authority's administration in the control,
23 storage, preservation, and distribution to all useful purposes of
24 the water, including storm water and floodwater, of the basins.

25 (b) The authority has the same power of control and
26 regulation over the water of the basins that the state has, subject
27 to the constitution and statutes of this state. (Acts 43rd Leg.,

1 1st C.S., Ch. 63, Sec. 1 (part).)

2 Sec. 8504.104. ADDITIONAL POWERS RELATING TO PARTICULAR
3 PURPOSES; NOT A LIMITATION. (a) For the conservation and
4 beneficial use of the water of the basins, including storm water and
5 floodwater, the authority may control and use the water in the
6 manner and for the particular purposes described below:

7 (1) for the prevention of the devastation of land from
8 recurrent overflows;

9 (2) for the protection of life and property in the
10 authority from uncontrolled floodwater;

11 (3) to encourage the conservation of soil;

12 (4) to prevent destructive erosion;

13 (5) to provide through practical and legal means for
14 the control and coordination of the regulation of that water;

15 (6) to provide by adequate organization and
16 administration for the preservation of the equitable rights of the
17 people of different sections of the watershed area in the
18 beneficial use of that water;

19 (7) for the storage, control, and conservation of that
20 water inside or outside the authority and the prevention of the
21 escape of that water without the maximum of public service;

22 (8) for the equitable distribution of that water to
23 the regional potential requirements for all uses;

24 (9) for any purpose for which floodwater and storm
25 water when controlled and conserved may be used in the performance
26 of a useful service as authorized by the constitution of this state;

27 (10) for the conservation of the water essential for

1 the domestic and municipal uses of the people of the authority;

2 (11) to control the water and make it available for use
3 in the development of commercial and industrial enterprises in the
4 basins or the authority;

5 (12) to control, store, and use the water in the
6 development and distribution of hydroelectric power, if that use is
7 economically coordinated with and subordinate to other uses
8 declared by law to be superior;

9 (13) for the irrigation of all land in the authority or
10 outside the authority but inside the basins; and

11 (14) to provide for the drainage of land in the basins.

12 (b) The plans and works provided by the authority in acting
13 under this section, and the works provided under the power of the
14 authority in acting under this section, shall have primary regard
15 for the necessary and potential needs for water by or in the area in
16 the authority constituting the basins.

17 (c) This section does not limit the powers of the authority
18 expressed elsewhere in this chapter or under other law. (Acts 43rd
19 Leg., 1st C.S., Ch. 63, Sec. 13A-1.)

20 Sec. 8504.105. POWERS RELATING TO PURCHASE OR CONSTRUCTION
21 OF WORKS OR ACQUISITION OF PROPERTY. The authority may:

22 (1) purchase or construct any work necessary or
23 convenient for the exercise of the authority's powers under this
24 chapter and to accomplish the purposes of this chapter; and

25 (2) purchase or otherwise acquire land or other
26 property necessary or convenient for carrying out the purposes of
27 this chapter. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13A-2.)

1 Sec. 8504.106. ADDITIONAL POWERS RELATING TO ACQUISITION OR
2 OPERATION OF PROPERTY. (a) In this section, "property" includes:

- 3 (1) rights, including water rights; and
4 (2) land, tenements, easements, rights-of-way,
5 improvements, reservoirs, dams, canals, laterals, plants, works,
6 and facilities.

7 (b) The authority may investigate, plan, acquire,
8 construct, maintain, or operate any property the authority
9 considers necessary or proper to accomplish the purposes for which
10 the authority is created.

11 (c) The power described by Subsection (b) includes the power
12 to acquire, inside or outside the authority, property and all other
13 rights that are incidental or helpful to carrying out the purposes
14 for which the authority is created. (Acts 43rd Leg., 1st C.S., Ch.
15 63, Sec. 15 (part); New.)

16 Sec. 8504.107. POWERS RELATING TO CONTRACT, LEASE,
17 AGREEMENT, OR CONVEYANCE. (a) In this section, "property"
18 includes land, rights, tenements, easements, improvements,
19 reservoirs, dams, canals, laterals, plants, works, and facilities.

20 (b) The authority may with any person enter into a contract,
21 lease, or agreement necessary or convenient to carry out a power
22 granted to the authority under this chapter.

23 (c) The authority may:

24 (1) convey or cause to be conveyed any of its property
25 to the United States; and

26 (2) enter into a lease, regardless of whether it
27 includes a privilege of purchase, with the United States relating

1 to the property and obligate the authority to pay rent under the
2 lease from the income or other revenue of the property.

3 (d) A contract, lease, or agreement under this section must
4 be approved by board resolution and must be executed by the board
5 president and attested by the board secretary.

6 (e) This section does not authorize the authority to assume
7 an obligation requiring a payment from taxes. (Acts 43rd Leg., 1st
8 C.S., Ch. 63, Sec. 13A-5; New.)

9 Sec. 8504.108. POWERS RELATING TO RECREATIONAL FACILITIES.
10 The authority may acquire land for recreational facilities and may
11 construct, operate, and maintain recreational facilities as
12 provided by general law, provided that money derived from taxation
13 may not be spent in purchasing that land or constructing and
14 maintaining those facilities. (Acts 43rd Leg., 1st C.S., Ch. 63,
15 Sec. 13A-6.)

16 Sec. 8504.109. EMINENT DOMAIN. (a) The authority may
17 exercise the power of eminent domain inside or outside the
18 authority to acquire the fee simple title to, or an easement or
19 right-of-way over or through, any private or public land, water, or
20 land under water that is necessary or convenient for carrying out
21 any purpose or power conferred on the authority by this chapter.

22 (b) A condemnation proceeding is under the direction of the
23 board and must be in the name of the authority.

24 (c) The assessment of damages and all procedures with
25 reference to condemnation, appeal, and payment must conform to
26 Chapter 21, Property Code. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec.
27 13A-3.)

1 may distribute, sell, and use water of this state for any purpose
2 approved by the commission. (Acts 43rd Leg., 1st C.S., Ch. 63,
3 Secs. 13C(c), (d).)

4 Sec. 8504.154. RIGHT OF FIRST REFUSAL FOR CERTAIN WATER
5 CONTRACTS. (a) This section applies only to a contract to sell or
6 provide water:

7 (1) that is for any use other than irrigation in
8 Chambers County outside the authority's boundaries; and

9 (2) that the navigation district had authority to sell
10 or provide under the navigation district's water rights on May 1,
11 2009.

12 (b) Before entering into a contract, the authority must:

13 (1) send to the navigation district a written notice
14 of intent to sell or provide water for nonirrigation use in Chambers
15 County outside the authority's boundaries; and

16 (2) allow the navigation district 30 days to exercise
17 a right of first refusal to provide the water.

18 (c) Not later than the 30th day after the date the
19 navigation district receives the notice of intent under Subsection
20 (b), the navigation district may exercise its right of first
21 refusal under Subsection (b) by delivering to the authority notice
22 that it intends to exercise that right.

23 (d) The authority may enter into a contract only if the
24 navigation district:

25 (1) fails to comply with Subsection (c); or

26 (2) complies with Subsection (c) and does not enter
27 into a contract to sell or otherwise provide water for the use

1 described by the authority's notice of intent under Subsection (b)
2 before the expiration of four months after the date the navigation
3 district receives the notice of intent. (Acts 43rd Leg., 1st C.S.,
4 Ch. 63, Secs. 13C(e), (f), (g).)

5 [Sections 8504.155-8504.200 reserved for expansion]

6 SUBCHAPTER E. ECONOMIC DEVELOPMENT PROGRAMS

7 Sec. 8504.201. DEFINITION. In this subchapter, "economic
8 development program" includes a community assistance program, a
9 privatization program, or any other program designed to:

- 10 (1) encourage economic diversification;
- 11 (2) maintain or expand employment;
- 12 (3) train persons;
- 13 (4) eliminate conditions detrimental to the public
14 health, safety, or welfare;
- 15 (5) improve the quality or quantity of services
16 essential for the development of viable communities and economic
17 growth, including services related to:
- 18 (A) education;
- 19 (B) transportation;
- 20 (C) public safety;
- 21 (D) recreation;
- 22 (E) health care;
- 23 (F) water and wastewater treatment; or
- 24 (G) rural water and sewer development; or
- 25 (6) contribute to the health and development of a
26 community to improve the attractiveness of the community to public
27 and private enterprises. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec.

1 13B(h).)

2 Sec. 8504.202. LEGISLATIVE FINDINGS. The legislature finds
3 that the economic development programs authorized by this
4 subchapter are a specific public purpose and governmental function
5 of the authority in accordance with:

- 6 (1) Section 52-a, Article III, Texas Constitution; and
7 (2) to the extent that the programs provide assistance
8 to public firefighting organizations, Section 51-a-1, Article III,
9 Texas Constitution. (Acts 75th Leg., R.S., Ch. 1263, Sec. 4.)

10 Sec. 8504.203. AUTHORITY FOR ECONOMIC DEVELOPMENT PROGRAM;
11 PROGRAM AREA. The authority may, in the areas served by the
12 authority, sponsor and participate in an economic development
13 program intended to strengthen the economic base and further the
14 economic development of this state. The program may not be outside
15 the areas served by the authority unless the authority has entered
16 into an interlocal agreement with an entity under Section 8504.205.
17 (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13B(a).)

18 Sec. 8504.204. ESTABLISHMENT OF PROGRAM. Each economic
19 development program must be established by formal action of the
20 board. The board shall:

- 21 (1) establish the goals of the program;
22 (2) impose requirements on persons participating in
23 and receiving the benefits of the program; and
24 (3) provide restrictions, procedures, and budget
25 limits that the board determines are necessary to ensure that the
26 governmental purposes of this subchapter and the program are
27 achieved. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13B(b).)

1 Sec. 8504.205. PARTICIPATION IN PROGRAM BY OTHER PERSONS.

2 A program under this subchapter may involve grants or loans of
3 money, services, or equipment to a person engaged in an economic
4 development activity, including a public firefighting
5 organization, governmental body, nonprofit corporation, local or
6 regional development council, or other nonprofit or noncommercial
7 organization. The authority may provide assistance to a for-profit
8 entity if the assistance is necessary or appropriate to carry out an
9 economic development program consistent with the purposes of this
10 subchapter. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13B(c).)

11 Sec. 8504.206. STAFFING AND FUNDING OF PROGRAM. (a) The

12 authority may employ staff and spend authority resources to further
13 an economic development program under this subchapter, except that
14 the authority may not use money received from an ad valorem tax or a
15 general appropriation to further a program.

16 (b) The authority may apply for and receive from any source

17 money, grants, or other assistance to carry out an economic
18 development program under this subchapter. (Acts 43rd Leg., 1st
19 C.S., Ch. 63, Sec. 13B(d).)

20 Sec. 8504.207. AGREEMENT. The authority and any other

21 public or private person may enter into an agreement with respect to
22 an economic development program. (Acts 43rd Leg., 1st C.S., Ch. 63,
23 Sec. 13B(e).)

24 Sec. 8504.208. GUIDELINES FOR ASSISTANCE TO PUBLIC

25 FIREFIGHTING ORGANIZATIONS. If the authority provides
26 scholarships, grants, loans, or financial assistance to a public
27 firefighting organization, the authority shall adopt guidelines to

1 determine:

2 (1) eligibility for the assistance;

3 (2) the amount of grants, loans, or other assistance
4 the authority may make available to a firefighting organization;
5 and

6 (3) the type of equipment, education, or training for
7 which the assistance may be used. (Acts 43rd Leg., 1st C.S., Ch.
8 63, Sec. 13B(f).)

9 Sec. 8504.209. BOARD DETERMINATION CONCLUSIVE. A
10 determination by the board that a program is intended and expected
11 to carry out the program's stated purposes is conclusive with
12 respect to whether the purposes of this subchapter are satisfied.
13 (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13B(g).)

14 [Sections 8504.210-8504.250 reserved for expansion]

15 SUBCHAPTER F. GENERAL FINANCIAL PROVISIONS

16 Sec. 8504.251. FEES AND CHARGES. (a) The board shall
17 prescribe fees and charges to be collected for the use of water, a
18 water connection, or another service.

19 (b) The fees and charges must be reasonable and equitable
20 and sufficient to produce revenue adequate to pay the items
21 described by Subsection (c). The fees and charges may not exceed
22 what may be reasonably necessary to fulfill the obligations imposed
23 on the authority by this chapter.

24 (c) The board shall pay the following items from the fees
25 and charges:

26 (1) all expenses necessary to the operation and
27 maintenance of the improvements and facilities of the authority,

1 including:

2 (A) the cost of acquiring materials and other
3 property necessary to maintain the improvements and facilities in
4 good condition and to operate them efficiently;

5 (B) necessary wages and salaries of the
6 authority; and

7 (C) other expenses reasonably necessary to the
8 efficient operation of the improvements and facilities;

9 (2) the interest on any obligation issued under this
10 chapter and payable from the revenue from the improvements and
11 facilities; and

12 (3) the amount required to be paid for the payment of
13 an obligation issued under this chapter and payable from the
14 revenue from the improvements and facilities.

15 (d) If the revenue received exceeds the amount required for
16 the purposes listed in Subsection (c), the board may pay from the
17 excess revenue the cost of improvements and replacements not
18 covered by Subsection (c)(1) and may establish a reasonable
19 depreciation and emergency fund. (Acts 43rd Leg., 1st C.S., Ch. 63,
20 Sec. 13A-4.)

21 Sec. 8504.252. TAX OR SPECIAL ASSESSMENT NOT AUTHORIZED BY
22 CHAPTER. This chapter does not authorize the authority to levy a
23 tax or special assessment or to create any debt payable from taxes.
24 (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 1 (part).)

25 [Sections 8504.253-8504.300 reserved for expansion]

26 SUBCHAPTER G. OBLIGATIONS RELATING TO BORROWED MONEY

27 Sec. 8504.301. GENERAL POWER TO BORROW MONEY. (a) The

1 authority may:

2 (1) borrow money for any corporate purpose from any
3 source; and

4 (2) issue a note, warrant, bond, certificate of
5 indebtedness, or other form of obligation of the authority as
6 evidence of the borrowed money.

7 (b) An obligation of the authority under Subsection (a) is
8 payable only from revenue derived from authority improvements and
9 facilities and the operation and services of the improvements and
10 facilities. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 16.)

11 Sec. 8504.302. COVENANTS FOR MARKETABILITY. (a) As
12 considered necessary to ensure the marketability of obligations
13 issued under this chapter, a resolution or order authorizing
14 issuance may contain covenants with the holders of the obligations
15 as to:

16 (1) the management and operation of the authority's
17 improvements and facilities;

18 (2) the collection of fees and charges for the use of
19 the improvements and facilities;

20 (3) the disposition of the fees and charges;

21 (4) the issuance of future obligations and the
22 creation of future liens, mortgages, and encumbrances against the
23 improvements and facilities and the revenue of the improvements and
24 facilities; and

25 (5) other pertinent matters.

26 (b) A covenant under this section may not be inconsistent
27 with this chapter. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 20.)

1 Sec. 8504.303. HOLDER OF OBLIGATION MAY COMPEL PERFORMANCE.

2 (a) A holder of obligations issued under this chapter or of
3 coupons originally attached to the obligations may enforce and
4 compel the board's performance of all duties required by this
5 chapter, including:

6 (1) setting and collecting reasonable and sufficient
7 fees or charges for the use of the authority's improvements and
8 facilities;

9 (2) segregating the income and revenue of the
10 improvements and facilities; and

11 (3) applying the income and revenue under this
12 chapter.

13 (b) The holder of the obligations or coupons may act under
14 Subsection (a):

15 (1) at law or in equity; and

16 (2) by an action, mandamus, or other proceeding.

17 (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 22 (part).)

18 Sec. 8504.304. HOLDER OF OBLIGATION ENTITLED TO
19 ADMINISTRATOR OR RECEIVER. (a) If there is a default in the
20 payment of the principal of or interest on an obligation issued
21 under this chapter, any holder of the obligation is entitled to have
22 a court appoint an administrator or receiver to administer and
23 operate, on behalf of the authority and the holders of the
24 obligation, the improvements and facilities the revenue of which is
25 pledged to the payment of the obligation.

26 (b) The administrator or receiver may:

27 (1) set and collect fees and charges sufficient to:

1 (A) provide for the payment of operation and
2 maintenance expenses as described by this chapter; and

3 (B) pay any outstanding obligations or interest
4 coupons payable from the revenue of the improvements and
5 facilities; and

6 (2) apply the income and revenue of the improvements
7 and facilities in accordance with this chapter and the proceedings
8 authorizing the issuance of the obligation. (Acts 43rd Leg., 1st
9 C.S., Ch. 63, Sec. 22 (part).)

10 Sec. 8504.305. ADDITIONAL SECURITY FOR OBLIGATION:
11 MORTGAGE AND ENCUMBRANCE. (a) As additional security for the
12 payment of an obligation issued under this chapter, the board may
13 have executed in favor of the holder of the obligation an indenture
14 mortgaging and encumbering:

15 (1) the improvements, facilities, and other property
16 acquired with the proceeds of the sale of the obligation; or

17 (2) all the authority's improvements, facilities, and
18 other property.

19 (b) The indenture may also mortgage and encumber the revenue
20 to be derived from the operation of the improvements, facilities,
21 and other property.

22 (c) In the encumbrance, the board may provide for granting
23 to any purchaser at a foreclosure sale under the encumbrance a
24 franchise to operate the improvements, facilities, and other
25 property for a term not to exceed 50 years after the date of the
26 purchase, subject to the laws regulating the matter.

27 (d) The indenture:

1 (1) may contain the provisions the board considers
2 proper; and

3 (2) is enforceable in the manner provided by the laws
4 of this state for the enforcement of other mortgages and
5 encumbrances. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 23 (part).)

6 Sec. 8504.306. SALE UNDER MORTGAGE OR ENCUMBRANCE.

7 (a) Under a sale ordered under a mortgage or encumbrance described
8 by Section 8504.305, a purchaser of the improvements, facilities,
9 and other property at the sale, and the purchaser's successors or
10 assigns, are vested with a permit and franchise to maintain and
11 operate the improvements, facilities, and other property, with
12 powers and privileges like those held by the authority in the
13 operation of the improvements, facilities, and other property.

14 (b) Instead of operating the improvements, facilities, and
15 other property as provided by Subsection (a), the purchaser and the
16 purchaser's successors or assigns may remove all or part of the
17 improvements, facilities, and other property for diversion to other
18 purposes. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 23 (part).)

19 Sec. 8504.307. INSURING IMPROVEMENTS AND FACILITIES.

20 (a) The board and the purchaser of an obligation issued under this
21 chapter may enter into an agreement under which the board agrees to:

22 (1) keep all the improvements and facilities, the
23 revenue of which is pledged to the payment of the obligation,
24 insured with one or more insurers of good standing against loss or
25 damage by fire, water or flood, or another hazard that private
26 companies operating similar properties customarily cover by
27 insurance; and

1 (2) carry with one or more insurers of good standing
2 the insurance covering the use and occupancy of the property that is
3 customarily carried by private companies operating similar
4 properties.

5 (b) The board shall budget the cost of the insurance as a
6 maintenance and operation expense.

7 (c) The insurance shall be carried for the benefit of the
8 holder of the obligation. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec.
9 25; New.)

10 Sec. 8504.308. TAX EXEMPTION. An obligation issued under
11 this chapter is exempt from taxation by this state or by any
12 political subdivision of this state. (Acts 43rd Leg., 1st C.S., Ch.
13 63, Sec. 26.)

14 CHAPTER 8505. CENTRAL COLORADO RIVER AUTHORITY

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2 CHAPTER 8505. CENTRAL COLORADO RIVER AUTHORITY

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Sec. 8505.001. DEFINITIONS. In this chapter:

5 (1) "Authority" means the Central Colorado River
6 Authority.

7 (2) "Board" means the board of directors of the
8 authority.

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

11 (4) "Director" means a member of the board. (Acts 44th
12 Leg., R.S., G.L., Ch. 338, Secs. 1 (part), 4(a) (part); New.)

13 Sec. 8505.002. CREATION AND NATURE OF AUTHORITY. (a) The
14 authority is created as a conservation and reclamation district.

15 (b) The creation of the authority is essential to the
16 accomplishment of the purposes of Section 59, Article XVI, Texas
17 Constitution. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 1 (part).)

18 Sec. 8505.003. TERRITORY. Unless modified under Subchapter
19 J, Chapter 49, Water Code, or other law, the authority's territory
20 consists of that part of this state included in the boundaries of
21 Coleman County. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 1
22 (part); New.)

23 Sec. 8505.004. LIBERAL CONSTRUCTION OF CHAPTER. This
24 chapter shall be liberally construed to effect its purposes. (Acts
25 44th Leg., R.S., G.L., Ch. 338, Secs. 19, 19A.)

26 [Sections 8505.005-8505.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS

2 Sec. 8505.051. MEMBERSHIP OF BOARD. (a) The board
3 consists of five directors appointed by the governor with the
4 advice and consent of the senate.

5 (b) Each director must be a freehold property taxpayer in
6 this state and a resident of the authority.

7 (c) A person is ineligible to be appointed as a director if,
8 during the three years preceding the date of the appointment, the
9 person has been employed by a utility company, including an
10 electric power and light company, a gas company, or a telephone
11 company. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 4(a) (part).)

12 Sec. 8505.052. TERMS. Directors are appointed for
13 staggered terms of six years with one or two directors' terms
14 expiring on February 1 of each odd-numbered year. (Acts 44th Leg.,
15 R.S., G.L., Ch. 338, Sec. 4(a) (part).)

16 Sec. 8505.053. REMOVAL. A director may be removed by the
17 governor for inefficiency, neglect of duty, or misconduct in
18 office, after at least 10 days' written notice of the charge against
19 the director and an opportunity to be heard in person or by counsel
20 at a public hearing. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec.
21 4(b) (part).)

22 Sec. 8505.054. VACANCY. A vacancy on the board shall be
23 filled by the governor for the unexpired term. (Acts 44th Leg.,
24 R.S., G.L., Ch. 338, Sec. 4(b) (part).)

25 Sec. 8505.055. COMPENSATION OF DIRECTORS. Unless the board
26 by resolution increases the fee to an amount authorized by Section
27 49.060, Water Code, each director shall receive a fee of \$10 per day

1 for each day spent in attending meetings of the board. (Acts 44th
2 Leg., R.S., G.L., Ch. 338, Sec. 4(b) (part); New.)

3 Sec. 8505.056. VOTING REQUIREMENT. (a) Except as provided
4 by this chapter or the bylaws, action may be taken by the
5 affirmative vote of a majority of the directors present at a
6 meeting.

7 (b) The following are valid only if authorized or ratified
8 by the affirmative vote of at least a majority of the entire
9 membership of the board:

10 (1) a contract that involves an amount greater than
11 \$10,000 or has a duration of more than one year;

12 (2) a bond, note, or other evidence of indebtedness;
13 or

14 (3) an amendment of the bylaws. (Acts 44th Leg., R.S.,
15 G.L., Ch. 338, Sec. 4(c) (part).)

16 Sec. 8505.057. OFFICERS AND EMPLOYEES. (a) The board
17 shall select a secretary, a general manager, and a treasurer. The
18 treasurer may also hold the office of secretary.

19 (b) The secretary shall keep accurate and complete records
20 of all proceedings of the board.

21 (c) Until the board selects a secretary, or if the secretary
22 is absent or unable to act, the board shall select a secretary pro
23 tem.

24 (d) The general manager is the chief executive officer of
25 the authority.

26 (e) The secretary, secretary pro tem, general manager, and
27 treasurer have the powers and duties, hold office for the term, and

1 are subject to removal in the manner provided by the bylaws.

2 (f) The board shall set the compensation of the secretary,
3 secretary pro tem, general manager, and treasurer.

4 (g) The board may appoint other officers, agents, and
5 employees, set their compensation and term of office, prescribe
6 their duties and the method by which they may be removed, and
7 delegate to them any of its powers and duties as it considers
8 proper. (Acts 44th Leg., R.S., G.L., Ch. 338, Secs. 2 (part), 5.)

9 Sec. 8505.058. SURETY BONDS. (a) The general manager, the
10 treasurer, and any other officer, agent, or employee of the
11 authority who is charged with the collection, custody, or payment
12 of authority money shall give bond conditioned on:

13 (1) the faithful performance of the person's duties;
14 and

15 (2) an accounting for all money and property of the
16 authority coming into the person's possession.

17 (b) The bond must be in a form and amount and with a surety
18 approved by the board, and the surety on the bond must be a surety
19 company authorized to do business in this state.

20 (c) The authority shall pay the premium on the bond and
21 charge the premium as an operating expense. (Acts 44th Leg., R.S.,
22 G.L., Ch. 338, Sec. 6 (part).)

23 Sec. 8505.059. AUTHORITY'S DOMICILE AND OFFICE. (a) The
24 authority's domicile is in the city of Coleman, Coleman County.

25 (b) The authority shall maintain its principal office in the
26 city of Coleman, Coleman County.

27 (c) The general manager is in charge of the authority's

1 principal office. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 7
2 (part).)

3 Sec. 8505.060. CONFLICT OF INTEREST; CRIMINAL PENALTY.

4 (a) A director, officer, agent, or employee of the authority may
5 not be directly or indirectly interested in a contract for the
6 purchase of any property or construction of any work by or for the
7 authority.

8 (b) A person commits an offense if the person violates this
9 section. An offense under this subsection is a felony punishable
10 by:

11 (1) a fine not to exceed \$10,000;

12 (2) confinement in the county jail for not less than
13 one year or more than 10 years; or

14 (3) both the fine and confinement. (Acts 44th Leg.,
15 R.S., G.L., Ch. 338, Sec. 8.)

16 [Sections 8505.061-8505.100 reserved for expansion]

17 SUBCHAPTER C. POWERS AND DUTIES

18 Sec. 8505.101. GENERAL POWERS. (a) The authority has:

19 (1) the powers of government and the authority to
20 exercise the rights, privileges, and functions specified by this
21 chapter; and

22 (2) all powers, rights, privileges, and functions
23 conferred by general law on any district created under Section 59,
24 Article XVI, Texas Constitution, except as expressly limited by
25 this chapter.

26 (b) The authority may perform any act necessary or
27 convenient to the exercise of the powers, rights, privileges, or

1 functions conferred on the authority by this chapter or any other
2 law. (Acts 44th Leg., R.S., G.L., Ch. 338, Secs. 1 (part), 2
3 (part).)

4 Sec. 8505.102. POWERS RELATED TO WATER OF COLORADO RIVER
5 AND ITS TRIBUTARIES. Inside the boundaries of the authority, the
6 authority may:

7 (1) control, store, and preserve the water of the
8 Colorado River and its tributaries for any useful purpose; and

9 (2) use, distribute, and sell the water described by
10 Subdivision (1) for any useful purpose. (Acts 44th Leg., R.S.,
11 G.L., Ch. 338, Sec. 2 (part).)

12 Sec. 8505.103. DEVELOPMENT, GENERATION, DISTRIBUTION, AND
13 SALE OF WATER POWER AND ELECTRIC ENERGY. (a) The authority may:

14 (1) develop and generate water power and electric
15 energy inside the boundaries of the authority; and

16 (2) distribute and sell water power and electric
17 energy inside or outside the boundaries of the authority.

18 (b) A use authorized by this section is subordinate and
19 inferior to a domestic, municipal, or irrigation requirement.
20 (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 2 (part).)

21 Sec. 8505.104. PREVENTION OF DAMAGE TO PERSONS OR PROPERTY.
22 The authority may prevent or aid in the prevention of damage to
23 persons or property from the water of the Colorado River and its
24 tributaries. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 2 (part).)

25 Sec. 8505.105. FORESTATION AND REFORESTATION; PREVENTION
26 OF SOIL EROSION AND FLOODS. In the watershed of the Colorado River
27 and its tributaries, the authority may:

1 (1) forest, reforest, or aid in foresting or
2 reforesting; and

3 (2) prevent or aid in the prevention of soil erosion
4 and floods. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 2 (part).)

5 Sec. 8505.106. AUTHORITY PROPERTY; EMINENT DOMAIN.

6 (a) The authority may acquire, maintain, use, and operate property
7 of any kind or any interest in property, inside or outside the
8 boundaries of the authority, necessary or convenient to the
9 exercise of the powers, rights, privileges, and functions conferred
10 on the authority by this chapter.

11 (b) Except as provided by Subsection (d), the authority may
12 acquire property or an interest in property as provided by
13 Subsection (a) by purchase, lease, gift, exercise of the power of
14 eminent domain, or any other manner.

15 (c) The authority may acquire property or an interest in
16 property by exercise of the power of eminent domain in the manner
17 provided by:

18 (1) Chapter 21, Property Code; or

19 (2) the statutes relating to condemnation by districts
20 organized under general law under Section 59, Article XVI, Texas
21 Constitution.

22 (d) The authority may not exercise the power of eminent
23 domain to acquire property or an interest in property that is
24 located outside the boundaries of the authority. (Acts 44th Leg.,
25 R.S., G.L., Ch. 338, Sec. 2 (part).)

26 Sec. 8505.107. SALE, LEASE, MORTGAGE, OR OTHER DISPOSITION

27 OF AUTHORITY PROPERTY. (a) The authority may not:

1 (1) mortgage or otherwise encumber authority property
2 of any kind, or any interest in authority property; or

3 (2) acquire any property or interest in property
4 subject to a mortgage or conditional sale.

5 (b) Subsection (a) does not prevent pledging authority
6 revenue as authorized by this chapter.

7 (c) This chapter does not authorize the sale, lease, or
8 other disposition of authority property of any kind, or an interest
9 in authority property, by the authority, by a receiver of any
10 authority property, through a court proceeding, or otherwise.

11 (d) Notwithstanding Subsection (c), the authority may sell
12 for cash authority property of any kind, or an interest in authority
13 property, if:

14 (1) the board, by the affirmative vote of a two-thirds
15 majority of the entire membership of the board, determines that the
16 property or interest is not necessary or convenient to the business
17 of the authority and approves the terms of the sale; and

18 (2) the aggregate value of the properties or interests
19 sold in any year does not exceed \$50,000.

20 (e) It is the intent of the legislature that, except by sale
21 as expressly authorized by this section, authority property or an
22 interest in authority property, except personal property, never
23 come into the ownership or control, directly or indirectly, of any
24 person other than a public authority created under the laws of this
25 state.

26 (f) Authority property, except personal property, is exempt
27 from forced sale. The sale of authority property, except personal

1 property, under a judgment rendered in a suit is prohibited. (Acts
2 44th Leg., R.S., G.L., Ch. 338, Secs. 2 (part), 15.)

3 Sec. 8505.108. OVERFLOW OR INUNDATION OF PUBLIC PROPERTY;
4 RELOCATION OF ROADS. The authority may overflow and inundate any
5 public land or public property and require the relocation of a road
6 or highway in the manner and to the extent permitted to a district
7 organized under general law under Section 59, Article XVI, Texas
8 Constitution. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 2 (part).)

9 Sec. 8505.109. CONSTRUCTION, MAINTENANCE, AND OPERATION OF
10 FACILITIES. The authority may construct, extend, improve,
11 maintain, and reconstruct, cause to be constructed, extended,
12 improved, maintained, and reconstructed, and use and operate
13 facilities of any kind necessary or convenient to the exercise of
14 the authority's powers, rights, privileges, and functions. (Acts
15 44th Leg., R.S., G.L., Ch. 338, Sec. 2 (part).)

16 Sec. 8505.110. SEAL. The authority may adopt and use a
17 corporate seal. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 2
18 (part).)

19 Sec. 8505.111. GENERAL CONTRACT POWERS. The authority may
20 make a contract or execute an instrument necessary or convenient to
21 the exercise of the powers, rights, privileges, and functions
22 conferred on the authority by this chapter. (Acts 44th Leg., R.S.,
23 G.L., Ch. 338, Sec. 2 (part).)

24 Sec. 8505.112. CONTRACTS RELATING TO WATER OR SOIL
25 CONSERVATION PROJECTS. (a) The authority may enter into a
26 contract with an individual, firm, association, or corporation for
27 the construction of a water or soil conservation project on

1 property owned or controlled by the individual, firm, association,
2 or corporation and use machinery, equipment, or facilities owned or
3 controlled by the authority.

4 (b) The authority may enter into a contract with the
5 governing board of a governmental agency inside or outside the
6 boundaries of the authority for the purpose of supervising the
7 construction of a water or soil conservation project on property
8 located in the control or in the limits of the governmental agency.

9 (c) An individual, firm, association, corporation, or
10 governmental agency that enters into a contract with the authority
11 under this section shall pay a reasonable charge therefor.

12 (d) The authority is not liable for damages to any person or
13 property in connection with, or for maintenance or upkeep of, a
14 project contracted for and constructed under this section. (Acts
15 44th Leg., R.S., G.L., Ch. 338, Secs. 13A, 13-b.)

16 Sec. 8505.113. ADDITIONAL POWERS RELATING TO CONTRACTS,
17 RULES, AND REGULATIONS. The authority may enter into and carry out
18 contracts or establish or comply with rules and regulations
19 concerning labor and materials and other related matters in
20 connection with any project the authority considers desirable or as
21 requested by the United States, or any corporation or agency
22 created, designated, or established by the United States, that may
23 assist in the financing of the project. (Acts 44th Leg., R.S.,
24 G.L., Ch. 338, Sec. 13.)

25 Sec. 8505.114. LIMITATIONS ON POWERS OF AUTHORITY.
26 (a) The authority may not use water for irrigation purposes under
27 any law or any permit that was issued before May 21, 1935, was held,

1 owned, or enjoyed by the authority as of that date, or is acquired
2 from another person after that date unless expressly authorized by
3 a subsequent permit granted to the authority by the commission or a
4 predecessor agency under authority of law. In considering permit
5 applications by the authority, the commission shall at all times
6 consider the needs of the people living in the watershed of the
7 Colorado River and its tributaries above the authority. This
8 subsection does not prevent the authority from selling, for
9 irrigation purposes and in the boundaries of the authority, any
10 water impounded by it under authority of law.

11 (b) Notwithstanding any right or permit to use the water of
12 the Colorado River and its tributaries for the generation of
13 hydroelectric power that was issued by the former State Board of
14 Water Engineers, was in existence as of May 21, 1935, and is
15 acquired by the authority, the impounding and use of the
16 floodwaters of the Colorado River and its tributaries for the
17 generation of hydroelectric power by the authority or a person who
18 succeeds to the rights and privileges conferred on the authority by
19 this chapter are subject to the rights of any other person who
20 before May 21, 1935, was impounding or as of that date was putting
21 to beneficial use any water for the purposes described by Sections
22 11.024(1) and (2), Water Code, if the person:

23 (1) before May 21, 1935, received a permit for that use
24 from the former State Board of Water Engineers; or

25 (2) by law was permitted before May 21, 1935, to
26 impound water for those purposes.

27 (c) This chapter may not be construed to subject to

1 condemnation by the authority or any successor of the authority, or
2 by any person who succeeds to the rights and privileges conferred on
3 the authority by this chapter, any water:

4 (1) impounded or to be impounded inside or outside the
5 authority under any law authorizing water to be impounded or under
6 any permit granted to a municipal corporation or body politic; or

7 (2) impounded or permitted to be impounded or used
8 outside the authority under a permit granted to any person.

9 (d) This chapter may not be construed to deprive any person
10 of the right to impound the water of the Colorado River or its
11 tributaries for domestic or municipal purposes or to repeal any law
12 granting such a right to a person.

13 (e) The rights of the authority to impound, use, or sell the
14 water of the Colorado River and its tributaries for the generation
15 of hydroelectric power are subordinate and inferior to the rights
16 of:

17 (1) municipalities situated in the watershed of the
18 Colorado River and its tributaries to build dams and impound
19 floodwaters for municipal purposes; and

20 (2) any residents of this state or bodies politic to
21 build dams and impound the floodwaters in the watershed of the
22 Colorado River and its tributaries for domestic purposes and for
23 the purposes of irrigation.

24 (f) The title to any right, property, license, franchise, or
25 permit acquired by the authority is subject to the limitations
26 imposed by Subsection (e). (Acts 44th Leg., R.S., G.L., Ch. 338,
27 Secs. 2 (part), 3.)

1 Sec. 8505.115. PUBLIC USE OF AUTHORITY'S LAND. (a) The
2 authority may prohibit free public use of its land for recreational
3 purposes, hunting, or fishing only to the extent to which, in the
4 opinion of the board, the use would interfere with the proper
5 conduct and maintenance of its property.

6 (b) All public rights-of-way that as of May 21, 1935,
7 traversed the areas adjacent to the areas to be flooded by the
8 impounded waters shall remain open as a way of free public passage
9 to and from the lakes created, and a charge may be made to the public
10 for the right to engage in hunting, fishing, or boating thereon.

11 (c) On notice by a resident of this state of a violation of
12 this section, the attorney general shall institute the proper legal
13 proceedings to enforce compliance with this section by the
14 authority or its successor.

15 (d) If the authority sells any of the authority's land
16 bordering a lake to be created under this chapter, the authority
17 shall retain in each tract a strip 20 feet wide abutting the
18 high-water line of the lake for the purpose of passage and use by
19 the public for public sports and amusements. This subsection does
20 not apply to a sale of land by the authority to a state or federal
21 agency to be used for game or fish sanctuaries or preserves or for
22 propagation purposes. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec.
23 16.)

24 [Sections 8505.116-8505.150 reserved for expansion]

25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

26 Sec. 8505.151. DISBURSEMENT OF MONEY. The authority may
27 disburse its money only by a check, draft, order, or other

1 instrument signed by a person authorized to sign the instrument by
2 the bylaws or a resolution in which at least a majority of the
3 entire membership of the board concurs. (Acts 44th Leg., R.S.,
4 G.L., Ch. 338, Sec. 6 (part).)

5 Sec. 8505.152. ACCOUNTS, CONTRACTS, AND OTHER RECORDS;
6 PUBLIC INSPECTION. (a) The authority shall keep complete and
7 accurate accounts conforming to approved methods of bookkeeping.

8 (b) The accounts and all contracts, documents, and records
9 of the authority shall be kept at the principal office of the
10 authority.

11 (c) The contracts shall be open to public inspection at all
12 reasonable times. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 7
13 (part).)

14 Sec. 8505.153. FILING OF COPIES OF AUDIT REPORT. Copies of
15 the audit report prepared under Subchapter G, Chapter 49, Water
16 Code, shall be certified to by the accountant who performed the
17 audit and filed:

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

19 (2) with the comptroller. (Acts 44th Leg., R.S.,
20 G.L., Ch. 338, Sec. 7 (part); New.)

21 Sec. 8505.154. RATES AND OTHER CHARGES. (a) The board
22 shall establish and collect rates and other charges for the sale or
23 use of water, water connections, power, electric energy, or other
24 services sold, provided, or supplied by the authority.

25 (b) The rates and charges must be reasonable,
26 nondiscriminatory, and sufficient to provide revenue adequate to:

27 (1) pay all expenses necessary to the operation and

1 maintenance of the properties and facilities of the authority;

2 (2) pay the interest on and the principal of all bonds
3 issued under this chapter when and as they become due and payable;

4 (3) pay all sinking fund or reserve fund payments
5 agreed to be made with respect to any of those bonds and payable out
6 of that revenue when and as they become due and payable; and

7 (4) fulfill the terms of any agreements made with the
8 holders of those bonds or with any person in their behalf.

9 (c) The rates and charges may not exceed what may be
10 necessary to fulfill the obligations imposed on the authority by
11 this chapter. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 9 (part).)

12 Sec. 8505.155. USE OF EXCESS REVENUE. If the authority
13 receives revenue in excess of that required for the purposes
14 specified by Section 8505.154(b), the board may:

15 (1) use the excess revenue to:

16 (A) establish a reasonable depreciation and
17 emergency fund; or

18 (B) retire bonds issued under this chapter by
19 purchase and cancellation or redemption; or

20 (2) apply the excess revenue to any corporate purpose.

21 (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 9 (part).)

22 Sec. 8505.156. TAX OR ASSESSMENT OR PLEDGE OF CREDIT OF
23 STATE NOT AUTHORIZED BY CHAPTER. This chapter does not authorize
24 the authority to:

25 (1) levy or collect a tax or assessment;

26 (2) create any debt payable out of taxes or
27 assessments; or

1 (3) in any way pledge the credit of this state. (Acts
2 44th Leg., R.S., G.L., Ch. 338, Sec. 1 (part).)

3 [Sections 8505.157-8505.200 reserved for expansion]

4 SUBCHAPTER E. OBLIGATIONS RELATING TO BORROWED MONEY OR GRANTS

5 Sec. 8505.201. LOANS AND GRANTS. The authority may:

6 (1) borrow money for its corporate purposes;

7 (2) borrow money or accept a grant from the United
8 States and, in connection with such a loan or grant, enter into any
9 agreement the United States or such corporation or agency may
10 require; and

11 (3) make and issue its bonds for money borrowed, in the
12 manner and to the extent provided by Section 8505.203. (Acts 44th
13 Leg., R.S., G.L., Ch. 338, Sec. 2 (part).)

14 Sec. 8505.202. STATE PLEDGE REGARDING RIGHTS AND REMEDIES
15 OF BONDHOLDERS. This chapter does not deprive this state of its
16 power to regulate and control rates or charges to be collected for
17 the use of water, water connections, power, electric energy, or
18 another service. The state pledges to and agrees with the
19 purchasers and successive holders of the bonds issued under this
20 chapter that the state will not limit or alter the power this
21 chapter gives the authority to establish and collect rates and
22 charges that will produce revenue sufficient to pay the items
23 specified by Section 8505.154(b) or in any way impair the rights or
24 remedies of the holders of the bonds, or of any person in their
25 behalf, until the following are fully discharged:

26 (1) the bonds;

27 (2) the interest on the bonds;

1 (3) interest on unpaid installments of interest;

2 (4) all costs and expenses in connection with any
3 action or proceedings by or on behalf of the bondholders; and

4 (5) all other obligations of the authority in
5 connection with the bonds. (Acts 44th Leg., R.S., G.L., Ch. 338,
6 Sec. 9 (part).)

7 Sec. 8505.203. OBLIGATION PAYABLE FROM REVENUE. A debt,
8 liability, or obligation of the authority for the payment of money,
9 however entered into or incurred and whether arising from an
10 express or implied contract or otherwise, is payable solely:

11 (1) out of the revenue received by the authority with
12 respect to its properties, subject to any prior lien on the revenue
13 conferred by any resolution previously adopted as provided by this
14 chapter authorizing the issuance of bonds; or

15 (2) if the board so determines, out of the proceeds of
16 sale by the authority of bonds payable solely from revenue
17 described by Subdivision (1). (Acts 44th Leg., R.S., G.L., Ch. 338,
18 Sec. 10.)

19 Sec. 8505.204. POWER TO ISSUE BONDS. (a) The authority
20 may issue bonds for any corporate purpose in an aggregate principal
21 amount not to exceed \$500,000.

22 (b) The bonds must be authorized by a board resolution.
23 (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 11 (part).)

24 Sec. 8505.205. TERMS OF ISSUANCE. Authority bonds may be:

25 (1) sold for cash;

26 (2) issued on terms the board determines in exchange
27 for property of any kind, or any interest in property, that the

1 board considers necessary or convenient for the corporate purpose
2 for which the bonds are issued; or

3 (3) issued in exchange for like principal amounts of
4 other obligations of the authority, whether matured or unmatured.
5 (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 11 (part).)

6 Sec. 8505.206. DEPOSIT OF PROCEEDS. The proceeds of sale of
7 authority bonds shall be deposited in one or more banks or trust
8 companies, and shall be paid out according to the terms, on which
9 the authority and the purchasers of the bonds agree. (Acts 44th
10 Leg., R.S., G.L., Ch. 338, Sec. 11 (part).)

11 Sec. 8505.207. RESOLUTION PROVISIONS. (a) A resolution
12 authorizing bonds may contain provisions approved by the board that
13 are not inconsistent with this chapter, including provisions:

14 (1) reserving the right to redeem the bonds at the time
15 or times, in the amounts, and at the prices, not exceeding 105
16 percent of the principal amount of the bonds, plus accrued
17 interest, as may be provided;

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

20 (3) pledging, to secure the payment of the principal
21 of and interest on the bonds and of the sinking fund or reserve fund
22 payments agreed to be made with respect to the bonds:

23 (A) all or any part of the gross or net revenue
24 subsequently received by the authority with respect to the property
25 to be acquired or constructed with the bonds or the proceeds of the
26 bonds; or

27 (B) all or any part of the gross or net revenue

1 subsequently received by the authority from any source;

2 (4) prescribing the purposes to which the bonds or any
3 bonds subsequently to be issued, or the proceeds of the bonds, may
4 be applied;

5 (5) agreeing to set and collect rates and charges
6 sufficient to produce revenue adequate to pay the items specified
7 by Section 8505.154(b) and prescribing the use and disposition of
8 all revenue;

9 (6) prescribing limitations on the issuance of
10 additional bonds and on the agreements that may be made with the
11 purchasers and successive holders of those bonds;

12 (7) with regard to the construction, extension,
13 improvement, reconstruction, operation, maintenance, and repair of
14 the properties of the authority and the carrying of insurance on all
15 or any part of those properties covering loss or damage or loss of
16 use and occupancy resulting from specified risks;

17 (8) setting the procedure, if any, by which, if the
18 authority so desires, the terms of a contract with the bondholders
19 may be amended or abrogated, the amount of bonds the holders of
20 which must consent to that amendment or abrogation, and the manner
21 in which the consent may be given; and

22 (9) providing for the execution and delivery by the
23 authority to a bank or trust company authorized by law to accept
24 trusts, or to the United States or any officer of the United States,
25 of indentures and agreements for the benefit of the bondholders
26 setting forth any or all of the agreements authorized by this
27 chapter to be made with or for the benefit of the bondholders and

1 any other provisions that are customary in such indentures or
2 agreements.

3 (b) A provision authorized by this section that is contained
4 in a bond resolution is part of the contract between the authority
5 and the bondholders. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 11
6 (part).)

7 Sec. 8505.208. DEFAULT PROCEDURES. (a) This section
8 applies only to a default in:

9 (1) the payment of the interest on bonds as the
10 interest becomes due and payable;

11 (2) the payment of the principal of bonds as they
12 become due and payable, whether at maturity, by call for
13 redemption, or otherwise; or

14 (3) the performance of an agreement made with the
15 purchasers or successive holders of bonds.

16 (b) A resolution authorizing bonds and any indenture or
17 agreement entered into under the resolution may provide that in the
18 event of a default described by Subsection (a) that continues for a
19 period, if any, prescribed by the resolution, the trustee under the
20 indenture entered into with respect to the bonds authorized by the
21 resolution, or, if there is no indenture, a trustee appointed in the
22 manner provided in the resolution by the holders of 25 percent in
23 aggregate principal amount of the bonds authorized by the
24 resolution and then outstanding may, and on the written request of
25 the holders of 25 percent in aggregate principal amount of the bonds
26 authorized by the resolution then outstanding, shall, in the
27 trustee's own name, but for the equal and proportionate benefit of

1 the holders of all of the bonds, and with or without having
2 possession of the bonds:

3 (1) by mandamus or other suit, action, or proceeding
4 at law or in equity, enforce all rights of the bondholders;

5 (2) bring suit on the bonds or the appurtenant
6 coupons;

7 (3) by action or suit in equity, require the authority
8 to account as if it were the trustee of an express trust for the
9 bondholders;

10 (4) by action or suit in equity, enjoin any acts or
11 things that may be unlawful or in violation of the rights of the
12 bondholders; or

13 (5) after such notice to the authority as the
14 resolution may provide, declare the principal of all of the bonds
15 due and payable, and if all defaults have been made good, then with
16 the written consent of the holders of 25 percent in aggregate
17 principal amount of the bonds then outstanding, annul the
18 declaration and its consequences.

19 (c) Notwithstanding Subsection (b), the holders of more
20 than a majority in principal amount of the bonds authorized by the
21 resolution and then outstanding, by written instrument delivered to
22 the trustee, are entitled to direct and control any and all action
23 taken or to be taken by the trustee under this section.

24 (d) A resolution, indenture, or agreement relating to bonds
25 may provide that in a suit, action, or proceeding under this
26 section, the trustee, whether or not all of the bonds have been
27 declared due and payable and with or without possession of any of

1 the bonds, is entitled to the appointment of a receiver who may:

2 (1) enter and take possession of all or any part of the
3 properties of the authority;

4 (2) operate and maintain the properties;

5 (3) set, collect, and receive rates and charges
6 sufficient to provide revenue adequate to pay the items specified
7 by Section 8505.154(b) and the costs and disbursements of the suit,
8 action, or proceeding; and

9 (4) apply the revenue in conformity with this chapter
10 and the resolution authorizing the bonds.

11 (e) In a suit, action, or proceeding by a trustee under this
12 section, the reasonable fees, attorney's fees, and expenses of the
13 trustee and of the receiver, if any, constitute taxable
14 disbursements, and all costs and disbursements allowed by the court
15 are a first charge on any revenue pledged to secure the payment of
16 the bonds.

17 (f) The courts of Coleman County have jurisdiction of a
18 suit, action, or proceeding by a trustee on behalf of the
19 bondholders and of all property involved in the suit, action, or
20 proceeding.

21 (g) In addition to the powers specifically provided by this
22 section, a trustee has all powers necessary or appropriate for the
23 exercise of the powers specifically provided or incident to the
24 general representation of the bondholders in the enforcement of
25 their rights. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 11
26 (part).)

27 Sec. 8505.209. POWER OF AUTHORITY TO PURCHASE BONDS ISSUED

1 BY AUTHORITY. (a) Using any money available for the purpose, the
2 authority may purchase bonds issued by it at a price not exceeding
3 the redemption price applicable at the time of the purchase, or, if
4 the bonds are not redeemable, at a price not exceeding the principal
5 amount of the bonds plus accrued interest.

6 (b) All bonds purchased under this section shall be
7 canceled, and bonds may not be issued in lieu of those bonds. (Acts
8 44th Leg., R.S., G.L., Ch. 338, Sec. 14.)

9 Sec. 8505.210. BONDS EXEMPT FROM TAXATION. A bond issued
10 under this chapter and the interest on the bond is exempt from
11 taxation, except inheritance taxes, by this state or by any
12 political subdivision of this state. (Acts 44th Leg., R.S., G.L.,
13 Ch. 338, Sec. 17.)

14 SECTION 1.05. Subtitle H, Title 6, Special District Local
15 Laws Code, is amended by adding Chapters 8847, 8853, 8858, 8861,
16 8862, 8863, 8864, 8865, 8866, 8867, 8868, 8869, and 8870 to read as
17 follows:

18 CHAPTER 8847. PINEYWOODS GROUNDWATER CONSERVATION DISTRICT

19 SUBCHAPTER A. GENERAL PROVISIONS

20 Sec. 8847.001. DEFINITIONS

21 Sec. 8847.002. NATURE OF DISTRICT

22 Sec. 8847.003. FINDINGS OF PUBLIC USE AND BENEFIT

23 Sec. 8847.004. DISTRICT TERRITORY

24 Sec. 8847.005. ADDITION OF ADJACENT COUNTY TO DISTRICT

25 Sec. 8847.006. LANDOWNERS' RIGHTS

26 [Sections 8847.007-8847.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8847.051. COMPOSITION OF BOARD; TERMS

3 Sec. 8847.052. APPOINTMENT OF DIRECTORS BY INITIAL
4 COUNTIES

5 Sec. 8847.053. APPOINTMENT OF DIRECTORS BY ADDITIONAL
6 COUNTIES

7 Sec. 8847.054. BOARD VACANCY

8 Sec. 8847.055. COMPENSATION; EXPENSES

9 Sec. 8847.056. VOTE REQUIRED FOR BOARD ACTION

10 [Sections 8847.057-8847.100 reserved for expansion]

11 SUBCHAPTER C. POWERS AND DUTIES

12 Sec. 8847.101. GROUNDWATER CONSERVATION DISTRICT
13 POWERS AND DUTIES

14 Sec. 8847.102. TRANSFER OF GROUNDWATER OUT OF DISTRICT

15 Sec. 8847.103. WELLS EXEMPT FROM REGULATION

16 Sec. 8847.104. LIMIT ON PURCHASE OF GROUNDWATER RIGHTS

17 Sec. 8847.105. NO EMINENT DOMAIN POWER

18 [Sections 8847.106-8847.150 reserved for expansion]

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20 Sec. 8847.151. TAXES PROHIBITED

21 Sec. 8847.152. TAX BONDS PROHIBITED

22 Sec. 8847.153. PERMIT FEES

23 CHAPTER 8847. PINEYWOODS GROUNDWATER CONSERVATION DISTRICT

24 SUBCHAPTER A. GENERAL PROVISIONS

25 Sec. 8847.001. 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 Pineywoods Groundwater
2 Conservation District. (Acts 77th Leg., R.S., Ch. 1330, Sec. 2;
3 New.)

4 Sec. 8847.002. NATURE OF DISTRICT. The district is a
5 groundwater conservation district in Angelina and Nacogdoches
6 Counties created under and essential to accomplish the purposes of
7 Section 59, Article XVI, Texas Constitution. (Acts 77th Leg.,
8 R.S., Ch. 1330, Secs. 1(a) (part), (b).)

9 Sec. 8847.003. FINDINGS OF PUBLIC USE AND BENEFIT.

10 (a) The district is created to serve a public use and benefit.

11 (b) All land and other property included in the district
12 will benefit from the works and projects accomplished by the
13 district under the powers conferred by Section 59, Article XVI,
14 Texas Constitution. (Acts 77th Leg., R.S., Ch. 1330, Sec. 4.)

15 Sec. 8847.004. DISTRICT TERRITORY. The district's
16 boundaries are coextensive with the boundaries of Angelina and
17 Nacogdoches Counties unless the district's territory has been
18 modified under:

19 (1) Section 8847.005;

20 (2) Subchapter J or K, Chapter 36, Water Code; or

21 (3) other law. (Acts 77th Leg., R.S., Ch. 1330, Sec. 3;
22 New.)

23 Sec. 8847.005. ADDITION OF ADJACENT COUNTY TO DISTRICT.

24 (a) An adjacent county may petition to join the district by
25 resolution of the commissioners court of the county.

26 (b) If, after a hearing on the resolution, the board finds
27 that the addition of the county would benefit the district and the

1 county to be added, the board by resolution may approve the addition
2 of the county to the district.

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

7 (d) The ballots for the election shall be printed to provide
8 for voting for or against the proposition: "The inclusion of
9 _____ County in the Pineywoods Groundwater Conservation
10 District." (Acts 77th Leg., R.S., Ch. 1330, Secs. 11(a), (b), (c),
11 (d).)

12 Sec. 8847.006. LANDOWNERS' RIGHTS. The rights of
13 landowners and their lessees and assigns in groundwater within the
14 district are recognized. Nothing in this chapter may be construed
15 to deprive or divest the landowners or their lessees or assigns of
16 those rights, subject to district rules. (Acts 77th Leg., R.S., Ch.
17 1330, Sec. 9.)

18 [Sections 8847.007-8847.050 reserved for expansion]

19 SUBCHAPTER B. BOARD OF DIRECTORS

20 Sec. 8847.051. COMPOSITION OF BOARD; TERMS. (a) Except as
21 provided by Section 8847.053, the district is governed by a board of
22 seven directors appointed under Section 8847.052.

23 (b) Directors serve three-year terms.

24 (c) A director may serve consecutive terms. (Acts 77th
25 Leg., R.S., Ch. 1330, Secs. 6(a) (part), (b) (part), (f).)

26 Sec. 8847.052. APPOINTMENT OF DIRECTORS BY INITIAL
27 COUNTIES. (a) The Angelina County Commissioners Court shall

1 appoint two directors. One director shall represent the rural water
2 and utilities and small municipal water supply interests. The other
3 director shall represent the large industrial groundwater supply
4 interests of the county.

5 (b) The Nacogdoches County Commissioners Court shall
6 appoint two directors. One director shall represent the rural water
7 and utilities and small municipal water supply interests. The other
8 director shall represent the forestry or agricultural groundwater
9 supply interests of the county.

10 (c) The Lufkin City Council shall appoint one director.

11 (d) The Nacogdoches City Council shall appoint one
12 director.

13 (e) The Angelina County Commissioners Court and the
14 Nacogdoches County Commissioners Court shall jointly appoint one
15 director to represent the forestry, agricultural, or landowner
16 groundwater interests of both counties. (Acts 77th Leg., R.S., Ch.
17 1330, Secs. 7(a), (b), (c), (d), (e).)

18 Sec. 8847.053. APPOINTMENT OF DIRECTORS BY ADDITIONAL
19 COUNTIES. When a county is added to the district, the board may
20 change the number of directors so that an equal number of directors
21 are appointed from each county and one director is appointed
22 jointly by the counties. (Acts 77th Leg., R.S., Ch. 1330, Sec. 6(a)
23 (part).)

24 Sec. 8847.054. BOARD VACANCY. If there is a vacancy on the
25 board, the governing body of the entity that appointed the director
26 who vacated the office shall appoint a director to serve the
27 remainder of the term. (Acts 77th Leg., R.S., Ch. 1330, Sec. 6(g).)

1 Sec. 8847.055. COMPENSATION; EXPENSES. (a) A director is
2 not entitled to receive compensation for serving as a director.

3 (b) A director may be reimbursed for actual, reasonable
4 expenses incurred in discharging official duties. (Acts 77th Leg.,
5 R.S., Ch. 1330, Sec. 6(h).)

6 Sec. 8847.056. VOTE REQUIRED FOR BOARD ACTION. A majority
7 vote of a quorum of the board is required for board action. If there
8 is a tie vote, the proposed action fails. (Acts 77th Leg., R.S.,
9 Ch. 1330, Sec. 6(i).)

10 [Sections 8847.057-8847.100 reserved for expansion]

11 SUBCHAPTER C. POWERS AND DUTIES

12 Sec. 8847.101. GROUNDWATER CONSERVATION DISTRICT POWERS
13 AND DUTIES. Except as provided by this subchapter and Subchapter D,
14 the district has the rights, powers, privileges, functions, and
15 duties provided by the general law of this state, including Chapter
16 36, Water Code, applicable to groundwater conservation districts
17 created under Section 59, Article XVI, Texas Constitution. (Acts
18 77th Leg., R.S., Ch. 1330, Sec. 5(a) (part).)

19 Sec. 8847.102. TRANSFER OF GROUNDWATER OUT OF DISTRICT.
20 (a) The district by rule may require a person to obtain a permit
21 from the district for the transfer of groundwater out of the
22 district consistent with Section 36.122, Water Code, and may
23 regulate the terms on which a permit holder under those rules may
24 conduct such a transfer.

25 (b) A retail public utility as defined by Section 13.002,
26 Water Code, is not required to obtain a permit to transfer
27 groundwater out of the district if:

1 (1) the source of the water is one or more wells
2 located within the district; and

3 (2) the water is used by the retail public utility to
4 provide retail water utility service, as defined by Section 13.002,
5 Water Code, in a service area located in a county adjacent to the
6 district. (Acts 77th Leg., R.S., Ch. 1330, Sec. 5(b).)

7 Sec. 8847.103. WELLS EXEMPT FROM REGULATION. (a) The
8 district may not require a permit for a well incapable of producing
9 more than 25,000 gallons of groundwater a day.

10 (b) A well meeting the criteria established under Section
11 36.117, Water Code, including a well used for dewatering and
12 monitoring in the production of coal and lignite, is exempt from
13 permit requirements, regulations, and fees imposed by the district.
14 (Acts 77th Leg., R.S., Ch. 1330, Secs. 5(c), (f).)

15 Sec. 8847.104. LIMIT ON PURCHASE OF GROUNDWATER RIGHTS.
16 The district may not purchase groundwater rights unless the
17 purchased rights are acquired for conservation purposes and are
18 permanently held in trust not to be produced. (Acts 77th Leg., R.S.,
19 Ch. 1330, Sec. 5(g) (part).)

20 Sec. 8847.105. NO EMINENT DOMAIN POWER. The district may
21 not exercise the power of eminent domain. (Acts 77th Leg., R.S., Ch.
22 1330, Sec. 5(g) (part).)

23 [Sections 8847.106-8847.150 reserved for expansion]

24 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

25 Sec. 8847.151. TAXES PROHIBITED. The district may not
26 impose taxes in the district. (Acts 77th Leg., R.S., Ch. 1330, Sec.
27 5(d).)

1 Sec. 8847.152. TAX BONDS PROHIBITED. The district may not
2 issue and sell any bonds or notes that pledge revenue derived from
3 taxation in the name of the district. (Acts 77th Leg., R.S., Ch.
4 1330, Sec. 5(g) (part).)

5 Sec. 8847.153. PERMIT FEES. (a) The board by rule may
6 impose a reasonable fee on each well for which a permit is issued by
7 the district and that is not exempt from regulation by the district.

8 (b) The fee must be based on the amount of water to be
9 withdrawn from the well.

10 (c) The fee may not exceed \$0.025 per thousand gallons of
11 groundwater withdrawn for any purpose. (Acts 77th Leg., R.S., Ch.
12 1330, Sec. 5(e).)

13 CHAPTER 8853. KENEDY COUNTY GROUNDWATER CONSERVATION DISTRICT

14 SUBCHAPTER A. GENERAL PROVISIONS

15 Sec. 8853.001. DEFINITIONS

16 Sec. 8853.002. NATURE OF DISTRICT

17 Sec. 8853.003. FINDINGS OF PUBLIC USE AND BENEFIT

18 Sec. 8853.004. DISTRICT TERRITORY

19 [Sections 8853.005-8853.050 reserved for expansion]

20 SUBCHAPTER B. BOARD OF DIRECTORS

21 Sec. 8853.051. COMPOSITION OF BOARD; TERMS

22 Sec. 8853.052. ELECTION OF DIRECTORS

23 Sec. 8853.053. ELECTION DATE

24 Sec. 8853.054. QUALIFICATIONS FOR OFFICE

25 Sec. 8853.055. APPLICATION FOR PLACEMENT ON BALLOT

26 Sec. 8853.056. REVISION OF SINGLE-MEMBER DISTRICTS

27 Sec. 8853.057. COMPENSATION OF DIRECTORS

[Sections 8853.058-8853.100 reserved for expansion]

SUBCHAPTER C. POWERS

Sec. 8853.101. GROUNDWATER CONSERVATION DISTRICT
POWERS AND DUTIES

[Sections 8853.102-8853.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8853.151. LIMITATION ON TAXATION

CHAPTER 8853. KENEDY COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8853.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Kenedy County Groundwater Conservation District. (Acts 78th Leg., R.S., Ch. 1152, Sec. 1; Ch. 1162, Sec. 1; New.)

Sec. 8853.002. NATURE OF DISTRICT. (a) The district is a groundwater conservation district in Kenedy County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) The district is a political subdivision of this state. (Acts 78th Leg., R.S., Ch. 1152, Secs. 2(a) (part), (b), 3(b); Ch. 1162, Secs. 2(a) (part), (b), 3(b).)

Sec. 8853.003. FINDINGS OF PUBLIC USE AND BENEFIT.

(a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI,

1 Texas Constitution. (Acts 78th Leg., R.S., Ch. 1152, Secs. 3(a),
2 (c); Ch. 1162, Secs. 3(a), (c).)

3 Sec. 8853.004. DISTRICT TERRITORY. (a) The district is
4 composed of the territory described by Section 4, Chapter 1152,
5 Acts of the 78th Legislature, Regular Session, 2003, as that
6 territory may have been modified under:

7 (1) Subchapter J or K, Chapter 36, Water Code; or

8 (2) other law.

9 (b) The boundaries and field notes of the district form a
10 closure. (Acts 78th Leg., R.S., Ch. 1152, Sec. 4(f); New.)

11 [Sections 8853.005-8853.050 reserved for expansion]

12 SUBCHAPTER B. BOARD OF DIRECTORS

13 Sec. 8853.051. COMPOSITION OF BOARD; TERMS. (a) The
14 district is governed by a board of five directors.

15 (b) Directors serve staggered four-year terms. (Acts 78th
16 Leg., R.S., Ch. 1152, Secs. 6(a), (d); Ch. 1162, Secs. 6(a), (d).)

17 Sec. 8853.052. ELECTION OF DIRECTORS. (a) The district is
18 divided into five single-member districts for electing directors.

19 (b) One director is elected from each single-member
20 district. (Acts 78th Leg., R.S., Ch. 1152, Secs. 9A(a) (part), (d);
21 Ch. 1162, Secs. 8A(a) (part), (d).)

22 Sec. 8853.053. ELECTION DATE. Each even-numbered year, on
23 the uniform election date in May or another date authorized by law,
24 the appropriate number of directors shall be elected. (Acts 78th
25 Leg., R.S., Ch. 1152, Sec. 11(b); Ch. 1162, Sec. 10(b).)

26 Sec. 8853.054. QUALIFICATIONS FOR OFFICE. (a) To be a
27 candidate for or to serve as a director, a person must be a

1 registered voter in the single-member district the person
2 represents or seeks to represent.

3 (b) A director in office on the effective date of a change in
4 the boundaries of a single-member district under Section
5 8853.056(a), or a director elected or appointed before the
6 effective date of the change whose term of office begins on or after
7 the effective date of the change, shall serve for the remainder of
8 the director's term in the single-member district to which the
9 director was elected or appointed even though the change in
10 boundaries places the director's residence outside the district to
11 which the director was elected or appointed. (Acts 78th Leg., R.S.,
12 Ch. 1152, Secs. 9A(e), (g) (part); Ch. 1162, Secs. 8A(e), (g)
13 (part).)

14 Sec. 8853.055. APPLICATION FOR PLACEMENT ON BALLOT. A
15 person shall indicate on the application for a place on the ballot
16 the single-member district the person seeks to represent. (Acts
17 78th Leg., R.S., Ch. 1152, Sec. 9A(f); Ch. 1162, Sec. 8A(f).)

18 Sec. 8853.056. REVISION OF SINGLE-MEMBER DISTRICTS.
19 (a) After each federal decennial census or as needed, the board
20 may redraw the single-member districts to reflect population
21 changes.

22 (b) If the district annexes territory, the annexed
23 territory becomes part of one or more of the single-member
24 districts as determined by the board. (Acts 78th Leg., R.S., Ch.
25 1152, Secs. 9A(c), (g) (part); Ch. 1162, Secs. 8A(c), (g) (part).)

26 Sec. 8853.057. COMPENSATION OF DIRECTORS. A director is
27 not entitled to fees of office but is entitled to reimbursement of

1 actual expenses reasonably and necessarily incurred while engaging
2 in activities on behalf of the district. (Acts 78th Leg., R.S., Ch.
3 1152, Sec. 7.)

4 [Sections 8853.058-8853.100 reserved for expansion]

5 SUBCHAPTER C. POWERS

6 Sec. 8853.101. GROUNDWATER CONSERVATION DISTRICT POWERS
7 AND DUTIES. The district has the rights, powers, privileges,
8 functions, and duties provided by the general law of this state,
9 including Chapter 36, Water Code, applicable to groundwater
10 conservation districts created under Section 59, Article XVI, Texas
11 Constitution. (Acts 78th Leg., R.S., Ch. 1152, Sec. 12; Ch. 1162,
12 Sec. 11.)

13 [Sections 8853.102-8853.150 reserved for expansion]

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

15 Sec. 8853.151. LIMITATION ON TAXATION. The district may
16 impose a tax to pay any part of bonds or notes issued by the district
17 at a rate not to exceed 20 cents on each \$100 of assessed valuation.
18 (Acts 78th Leg., R.S., Ch. 1152, Sec. 13.)

19 CHAPTER 8858. KIMBLE COUNTY GROUNDWATER CONSERVATION DISTRICT

20 SUBCHAPTER A. GENERAL PROVISIONS

21 Sec. 8858.001. DEFINITIONS

22 Sec. 8858.002. NATURE OF DISTRICT

23 Sec. 8858.003. FINDINGS OF PUBLIC USE AND BENEFIT

24 Sec. 8858.004. DISTRICT TERRITORY

25 [Sections 8858.005-8858.050 reserved for expansion]

26 SUBCHAPTER B. BOARD OF DIRECTORS

27 Sec. 8858.051. COMPOSITION OF BOARD; TERMS

1 Sec. 8858.052. ELECTION OF DIRECTORS

2 Sec. 8858.053. ELECTION DATE

3 Sec. 8858.054. QUALIFICATIONS FOR OFFICE

4 Sec. 8858.055. REVISION OF SINGLE-MEMBER DISTRICTS

5 Sec. 8858.056. COMPENSATION; EXPENSES

6 [Sections 8858.057-8858.100 reserved for expansion]

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 8858.101. GROUNDWATER CONSERVATION DISTRICT

9 POWERS AND DUTIES

10 [Sections 8858.102-8858.150 reserved for expansion]

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Sec. 8858.151. LIMITATION ON TAXES FOR BONDS OR NOTES

13 CHAPTER 8858. KIMBLE COUNTY GROUNDWATER CONSERVATION DISTRICT

14 SUBCHAPTER A. GENERAL PROVISIONS

15 Sec. 8858.001. DEFINITIONS. In this chapter:

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

17 (2) "Director" means a board member.

18 (3) "District" means the Kimble County Groundwater

19 Conservation District. (Acts 77th Leg., R.S., Ch. 966, Sec.

20 3.0702; New.)

21 Sec. 8858.002. NATURE OF DISTRICT. The district is a

22 groundwater conservation district in Kimble County created under

23 and essential to accomplish the purposes of Section 59, Article

24 XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 966, Secs.

25 3.0701(a) (part), (b).)

26 Sec. 8858.003. FINDINGS OF PUBLIC USE AND BENEFIT.

27 (a) The district is created to serve a public use and benefit.

1 (b) All land and other property included in the district
2 will benefit from the works and projects accomplished by the
3 district under the powers conferred by Section 59, Article XVI,
4 Texas Constitution. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0704.)

5 Sec. 8858.004. DISTRICT TERRITORY. The district's
6 boundaries are coextensive with the boundaries of Kimble County,
7 excluding that part of Kimble County that lies within the
8 boundaries of Hickory Underground Water Conservation District No.
9 1, unless the district's territory has been modified under:

- 10 (1) Subchapter J or K, Chapter 36, Water Code; or
11 (2) other law. (Acts 77th Leg., R.S., Ch. 966, Sec.
12 3.0703; New.)

13 [Sections 8858.005-8858.050 reserved for expansion]

14 SUBCHAPTER B. BOARD OF DIRECTORS

15 Sec. 8858.051. COMPOSITION OF BOARD; TERMS. (a) The
16 district is governed by a board of five directors.

17 (b) Directors serve staggered four-year terms. (Acts 77th
18 Leg., R.S., Ch. 966, Secs. 3.0706(a), (d).)

19 Sec. 8858.052. ELECTION OF DIRECTORS. (a) The district is
20 divided into five numbered single-member districts for electing
21 directors.

22 (b) One director is elected from each single-member
23 district. A director elected from a single-member district
24 represents the residents of that single-member district. (Acts
25 77th Leg., R.S., Ch. 966, Secs. 3.0709(a), (b).)

26 Sec. 8858.053. ELECTION DATE. Each even-numbered year, on
27 the uniform election date in May or another date authorized by law,

1 the appropriate number of directors shall be elected. (Acts 77th
2 Leg., R.S., Ch. 966, Sec. 3.0711(b).)

3 Sec. 8858.054. QUALIFICATIONS FOR OFFICE. To be qualified
4 to be a candidate for or to serve as director, a person must be a
5 registered voter in the single-member district that the person
6 represents or seeks to represent. (Acts 77th Leg., R.S., Ch. 966,
7 Sec. 3.0709(c).)

8 Sec. 8858.055. REVISION OF SINGLE-MEMBER DISTRICTS.

9 (a) The board may revise the single-member districts as necessary
10 or appropriate.

11 (b) The board shall revise each single-member district
12 after each federal decennial census to reflect population changes.

13 (c) At the first election after the single-member districts
14 are revised, a new director shall be elected from each district.
15 The directors shall draw lots to determine which two directors
16 serve two-year terms and which three directors serve four-year
17 terms. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0709(d).)

18 Sec. 8858.056. COMPENSATION; EXPENSES. A director is not
19 entitled to fees of office but is entitled to reimbursement of
20 actual expenses reasonably and necessarily incurred while engaging
21 in activities on behalf of the district. (Acts 77th Leg., R.S., Ch.
22 966, Sec. 3.0707.)

23 [Sections 8858.057-8858.100 reserved for expansion]

24 SUBCHAPTER C. POWERS AND DUTIES

25 Sec. 8858.101. GROUNDWATER CONSERVATION DISTRICT POWERS
26 AND DUTIES. The district has the rights, powers, privileges,
27 functions, and duties provided by the general law of this state,

1 including Chapter 36, Water Code, applicable to groundwater
2 conservation districts created under Section 59, Article XVI, Texas
3 Constitution. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0705(a)
4 (part).)

5 [Sections 8858.102-8858.150 reserved for expansion]

6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

7 Sec. 8858.151. LIMITATION ON TAXES FOR BONDS OR NOTES. The
8 district, to pay any part of bonds or notes issued by the district,
9 may not impose a tax that exceeds 20 cents on each \$100 of assessed
10 valuation. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0712.)

11 CHAPTER 8861. MENARD COUNTY UNDERGROUND WATER DISTRICT

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Sec. 8861.001. DEFINITIONS

14 Sec. 8861.002. NATURE OF DISTRICT

15 Sec. 8861.003. FINDINGS OF PUBLIC USE AND BENEFIT

16 Sec. 8861.004. DISTRICT TERRITORY

17 [Sections 8861.005-8861.050 reserved for expansion]

18 SUBCHAPTER B. BOARD OF DIRECTORS

19 Sec. 8861.051. COMPOSITION OF BOARD; TERMS

20 Sec. 8861.052. ELECTION DATE

21 Sec. 8861.053. COMPENSATION; EXPENSES

22 [Sections 8861.054-8861.100 reserved for expansion]

23 SUBCHAPTER C. POWERS AND DUTIES

24 Sec. 8861.101. GROUNDWATER CONSERVATION DISTRICT

25 POWERS AND DUTIES

26 Sec. 8861.102. AUTHORITY OF DISTRICT TO REQUIRE

27 PERMITS FOR CERTAIN WELLS

1 CHAPTER 8861. MENARD COUNTY UNDERGROUND WATER DISTRICT

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Sec. 8861.001. DEFINITIONS. In this chapter:

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

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

6 (3) "District" means the Menard County Underground
7 Water District. (Acts 72nd Leg., R.S., Ch. 180, Sec. 2; New.)

8 Sec. 8861.002. NATURE OF DISTRICT. The district is a
9 groundwater conservation district in Menard County created under
10 and essential to accomplish the purposes of Section 59, Article
11 XVI, Texas Constitution. (Acts 72nd Leg., R.S., Ch. 180, Secs. 1(a)
12 (part), (b).)

13 Sec. 8861.003. FINDINGS OF PUBLIC USE AND BENEFIT.

14 (a) 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. (Acts 72nd Leg., R.S., Ch. 180, Sec. 5.)

19 Sec. 8861.004. DISTRICT TERRITORY. (a) Except as provided
20 by Subsection (b), the district includes the territory in Menard
21 County unless the district's territory has been modified under:

22 (1) Subchapter J or K, Chapter 36, Water Code; or

23 (2) other law.

24 (b) The district does not include the territory in the
25 Hickory Underground Water Conservation District No. 1 as that
26 territory existed on May 24, 1991.

27 (c) The boundaries of the district form a closure. (Acts

1 72nd Leg., R.S., Ch. 180, Secs. 3, 4; New.)

2 [Sections 8861.005-8861.050 reserved for expansion]

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 8861.051. COMPOSITION OF BOARD; TERMS. (a) The
5 district is governed by a board of five directors.

6 (b) Directors serve staggered four-year terms. (Acts 72nd
7 Leg., R.S., Ch. 180, Secs. 7(a), (d).)

8 Sec. 8861.052. ELECTION DATE. Every two years, on the
9 uniform election date in May or another date authorized by law, the
10 appropriate number of directors shall be elected. (Acts 72nd Leg.,
11 R.S., Ch. 180, Sec. 10 (part).)

12 Sec. 8861.053. COMPENSATION; EXPENSES. A director is not
13 entitled to compensation for service on the board but may be
14 reimbursed as provided by board rules for expenses incurred in
15 carrying out the business of the district. (Acts 72nd Leg., R.S.,
16 Ch. 180, Sec. 7(g).)

17 [Sections 8861.054-8861.100 reserved for expansion]

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 8861.101. GROUNDWATER CONSERVATION DISTRICT POWERS
20 AND DUTIES. The district has the rights, powers, privileges,
21 functions, and duties provided by the general law of this state,
22 including Chapters 36 and 49, Water Code, applicable to groundwater
23 conservation districts created under Section 59, Article XVI, Texas
24 Constitution. (Acts 72nd Leg., R.S., Ch. 180, Sec. 6(a) (part).)

25 Sec. 8861.102. AUTHORITY OF DISTRICT TO REQUIRE PERMITS FOR
26 CERTAIN WELLS. The district may require a permit for a well used
27 for domestic purposes or to provide water for livestock, poultry,

1 or wildlife if the well is:

2 (1) on a tract of land smaller than 100 acres;

3 (2) less than 500 feet deep; and

4 (3) drilled, completed, or equipped so that the well

5 is capable of producing more than 9,000 gallons of groundwater per

6 day. (Acts 72nd Leg., R.S., Ch. 180, Sec. 6A.)

7 CHAPTER 8862. MIDDLE TRINITY GROUNDWATER CONSERVATION DISTRICT

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 8862.001. DEFINITIONS

10 Sec. 8862.002. NATURE OF DISTRICT

11 Sec. 8862.003. FINDINGS OF PUBLIC USE AND BENEFIT

12 Sec. 8862.004. DISTRICT TERRITORY

13 [Sections 8862.005-8862.050 reserved for expansion]

14 SUBCHAPTER B. BOARD OF DIRECTORS

15 Sec. 8862.051. COMPOSITION OF BOARD; TERMS

16 Sec. 8862.052. ELECTION OF DIRECTORS

17 Sec. 8862.053. ELECTION DATE

18 Sec. 8862.054. QUALIFICATION FOR OFFICE

19 Sec. 8862.055. COMPOSITION OF BOARD AND ELECTION OF

20 DIRECTORS FOLLOWING ANNEXATION OF ONE

21 OR TWO COUNTIES

22 Sec. 8862.056. COMPOSITION OF BOARD AND ELECTION OF

23 DIRECTORS FOLLOWING ANNEXATION OF

24 MORE THAN TWO COUNTIES

25 [Sections 8862.057-8862.100 reserved for expansion]

1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 8862.101. GROUNDWATER CONSERVATION DISTRICT

3 POWERS AND DUTIES

4 Sec. 8862.102. DISTRICT RULES; ENFORCEMENT

5 [Sections 8862.103-8862.150 reserved for expansion]

6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

7 Sec. 8862.151. MAINTENANCE AND OPERATION TAX

8 CHAPTER 8862. MIDDLE TRINITY GROUNDWATER CONSERVATION DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8862.001. DEFINITIONS. In this chapter:

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

12 (2) "Director" means a board member.

13 (3) "District" means the Middle Trinity Groundwater
14 Conservation District. (Acts 77th Leg., R.S., Ch. 1362, Sec. 2.)

15 Sec. 8862.002. NATURE OF DISTRICT. The district is a
16 groundwater conservation district created under and essential to
17 accomplish the purposes of Section 59, Article XVI, Texas
18 Constitution. (Acts 77th Leg., R.S., Ch. 1362, Secs. 1(a) (part),
19 (b).)

20 Sec. 8862.003. FINDINGS OF PUBLIC USE AND BENEFIT.

21 (a) The district is created to serve a public use and benefit.

22 (b) All land and other property included in the district
23 will benefit from the works and projects accomplished by the
24 district under the powers conferred by Section 59, Article XVI,
25 Texas Constitution. (Acts 77th Leg., R.S., Ch. 1362, Sec. 4.)

26 Sec. 8862.004. DISTRICT TERRITORY. The district's
27 boundaries are coextensive with the boundaries of Erath, Comanche,

1 Bosque, and Coryell Counties, unless the district's territory has
2 been modified under:

- 3 (1) Subchapter J or K, Chapter 36, Water Code; or
4 (2) other law. (Acts 77th Leg., R.S., Ch. 1362, Sec.
5 3; New.)

6 [Sections 8862.005-8862.050 reserved for expansion]

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. 8862.051. COMPOSITION OF BOARD; TERMS. (a) Except as
9 provided by Subsection (c) and Sections 8862.055 and 8862.056, the
10 district is governed by a board of six directors.

11 (b) Directors serve staggered four-year terms.

12 (c) The board by resolution may change the number of
13 directors elected from a county in the district for the purpose of
14 equalizing representation of the residents of the district.

15 (d) Section 36.051(a), Water Code, does not apply to the
16 district. (Acts 77th Leg., R.S., Ch. 1362, Secs. 6(a), (d), (g),
17 9(c).)

18 Sec. 8862.052. ELECTION OF DIRECTORS. Except as provided
19 by Sections 8862.051(c) and 8862.056, three directors shall be
20 elected from each county in the district. (Acts 77th Leg., R.S., Ch.
21 1362, Sec. 9(a).)

22 Sec. 8862.053. ELECTION DATE. Except as provided by
23 Sections 8862.055 and 8862.056, each even-numbered year, on the
24 uniform election date in May or another date authorized by law, the
25 appropriate number of directors shall be elected. (Acts 77th Leg.,
26 R.S., Ch. 1362, Sec. 11(b).)

27 Sec. 8862.054. QUALIFICATION FOR OFFICE. To be qualified

1 to be a candidate for or serve as director, a person must be a
2 registered voter in the county the person seeks to represent. (Acts
3 77th Leg., R.S., Ch. 1362, Sec. 9(b).)

4 Sec. 8862.055. COMPOSITION OF BOARD AND ELECTION OF
5 DIRECTORS FOLLOWING ANNEXATION OF ONE OR TWO COUNTIES. (a) This
6 section applies only following the annexation by the district under
7 Subchapter J, Chapter 36, Water Code, of the territory of one or two
8 additional counties.

9 (b) Not later than the 90th day after the date of an election
10 in which the annexation of a county to the district is ratified by a
11 majority vote of the voters of that county, the commissioners court
12 of the annexed county shall appoint three temporary directors to
13 the board. Temporary directors serve until initial permanent
14 directors are elected under Subsection (c).

15 (c) In the first odd-numbered year following the election in
16 which annexation of a county is ratified, on the uniform election
17 date in May or another date authorized by law, initial permanent
18 directors shall be elected from that county. The initial permanent
19 directors from the county shall draw lots to determine who will
20 serve a four-year term and who will serve a two-year term.

21 (d) In each odd-numbered year following the election of
22 initial permanent directors under Subsection (c), on the uniform
23 election date in May or another date authorized by law, the
24 appropriate number of directors from the annexed county shall be
25 elected. (Acts 77th Leg., R.S., Ch. 1362, Sec. 11A.)

26 Sec. 8862.056. COMPOSITION OF BOARD AND ELECTION OF
27 DIRECTORS FOLLOWING ANNEXATION OF MORE THAN TWO COUNTIES.

1 (a) This section applies only following the annexation by the
2 district under Subchapter J, Chapter 36, Water Code, of the
3 territory of a third additional county or the simultaneous or
4 subsequent annexation of the territory of other additional
5 counties.

6 (b) After annexation, two directors shall be elected from
7 each county in the district as provided by this section.

8 (c) Not later than the 90th day after the date of an election
9 in which the annexation of a county is ratified by a majority vote
10 of the voters of that county, the commissioners court of each
11 annexed county shall appoint two temporary directors to the board.
12 Temporary directors serve until initial permanent directors are
13 elected under Subsection (d).

14 (d) In the first odd-numbered year following the election in
15 which annexation of a county is ratified, on the uniform election
16 date in May or another date authorized by law, initial permanent
17 directors shall be elected from that county. The initial permanent
18 directors from the county shall draw lots to determine who will
19 serve a four-year term and who will serve a two-year term.

20 (e) On the date of the next regularly scheduled directors'
21 election in an even-numbered year following the election in which
22 annexation of a county is ratified:

23 (1) one director position from Comanche County and one
24 director position from Erath County are abolished; and

25 (2) the terms of the directors serving in those
26 positions expire on the date of the election.

27 (f) On the date of the next regularly scheduled directors'

1 election in an odd-numbered year following the election in which
2 annexation of the county is ratified:

3 (1) one director position from each of the first two
4 counties annexed by the district is abolished; and

5 (2) the terms of the directors serving in those
6 positions expire on the date of the election.

7 (g) If more than one position described by Subsection (e)(1)
8 or (f)(1) is scheduled for election in Comanche County, Erath
9 County, or one of the first two counties annexed by the district,
10 the directors of the county shall draw lots to determine which
11 position shall be abolished in accordance with Subsections (e) and
12 (f).

13 (h) Each odd-numbered year following the election of
14 initial permanent directors under Subsection (d), on the uniform
15 election date in May or another date authorized by law, the
16 appropriate number of directors from the annexed county shall be
17 elected. (Acts 77th Leg., R.S., Ch. 1362, Sec. 11B.)

18 [Sections 8862.057-8862.100 reserved for expansion]

19 SUBCHAPTER C. POWERS AND DUTIES

20 Sec. 8862.101. GROUNDWATER CONSERVATION DISTRICT POWERS
21 AND DUTIES. The district has the rights, powers, privileges,
22 functions, and duties provided by the general law of this state,
23 including Chapter 36, Water Code, applicable to groundwater
24 conservation districts created under Section 59, Article XVI, Texas
25 Constitution. (Acts 77th Leg., R.S., Ch. 1362, Sec. 5(a) (part).)

26 Sec. 8862.102. DISTRICT RULES; ENFORCEMENT. (a) Any rules
27 adopted by the district as authorized by this chapter and Chapter

1 36, Water Code, apply to all persons and entities except as exempted
2 under Section 36.117, Water Code.

3 (b) The district may enforce its rules and the provisions of
4 Chapter 36, Water Code, in the manner authorized by that chapter. In
5 addition to the remedies provided under Section 36.102, Water Code,
6 the district may impose a fee on a person or entity for violation of
7 a rule of the district or failure to comply with an order issued by
8 the district. (Acts 77th Leg., R.S., Ch. 1362, Sec. 13, as added
9 Acts 81st Leg., R.S., Ch. 521.)

10 [Sections 8862.103-8862.150 reserved for expansion]

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Sec. 8862.151. MAINTENANCE AND OPERATION TAX. To pay the
13 maintenance and operating expenses of the district, the board of
14 directors may impose taxes annually at a rate not to exceed five
15 cents on each \$100 of assessed valuation. (Acts 77th Leg., R.S., Ch.
16 1362, Sec. 12.)

17 CHAPTER 8863. NECHES AND TRINITY VALLEYS GROUNDWATER

18 CONSERVATION DISTRICT

19 SUBCHAPTER A. GENERAL PROVISIONS

20 Sec. 8863.001. DEFINITIONS

21 Sec. 8863.002. NATURE OF DISTRICT

22 Sec. 8863.003. FINDINGS OF PUBLIC USE AND BENEFIT

23 Sec. 8863.004. DISTRICT TERRITORY

24 Sec. 8863.005. ADDITION OF UNDERGROUND WATER

25 CONSERVATION DISTRICT OR ADJACENT

26 COUNTY TO DISTRICT

27 [Sections 8863.006-8863.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8863.051. COMPOSITION OF BOARD

3 Sec. 8863.052. APPOINTMENT OF DIRECTORS

4 Sec. 8863.053. TERMS

5 Sec. 8863.054. BOARD VACANCY

6 Sec. 8863.055. COMPENSATION; EXPENSES

7 Sec. 8863.056. VOTE REQUIRED FOR BOARD ACTION

8 [Sections 8863.057-8863.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8863.101. GROUNDWATER CONSERVATION DISTRICT

11 POWERS AND DUTIES

12 Sec. 8863.102. WELLS EXEMPT FROM REGULATION

13 Sec. 8863.103. TRANSFER OF GROUNDWATER OUT OF DISTRICT

14 Sec. 8863.104. NO EMINENT DOMAIN POWER

15 Sec. 8863.105. LIMIT ON PURCHASE OF GROUNDWATER RIGHTS

16 [Sections 8863.106-8863.150 reserved for expansion]

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 8863.151. AUTHORITY TO SET FEES; LIMITS

19 Sec. 8863.152. TAXES PROHIBITED

20 Sec. 8863.153. LIMIT ON ISSUANCE OF BONDS AND NOTES

21 CHAPTER 8863. NECHES AND TRINITY VALLEYS GROUNDWATER

22 CONSERVATION DISTRICT

23 SUBCHAPTER A. GENERAL PROVISIONS

24 Sec. 8863.001. DEFINITIONS. In this chapter:

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

26 (2) "Director" means a board member.

27 (3) "District" means the Neches and Trinity Valleys

1 Groundwater Conservation District. (Acts 77th Leg., R.S., Ch.
2 1387, Sec. 2; New.)

3 Sec. 8863.002. NATURE OF DISTRICT. The district is a
4 groundwater conservation district in Anderson, Cherokee, and
5 Henderson Counties created under and essential to accomplish the
6 purposes of Section 59, Article XVI, Texas Constitution. (Acts
7 77th Leg., R.S., Ch. 1387, Secs. 1(a) (part), (b).)

8 Sec. 8863.003. FINDINGS OF PUBLIC USE AND BENEFIT.
9 (a) The district is created to serve a public use and benefit.

10 (b) All land and other property included in the district
11 will benefit from the works and projects accomplished by the
12 district under the powers conferred by Section 59, Article XVI,
13 Texas Constitution. (Acts 77th Leg., R.S., Ch. 1387, Sec. 4.)

14 Sec. 8863.004. DISTRICT TERRITORY. The district is
15 composed of the territory described by Section 3, Chapter 1387,
16 Acts of the 77th Legislature, Regular Session, 2001, as that
17 territory may have been modified under:

18 (1) Section 8863.005 or its predecessor statute,
19 former Section 10, Chapter 1387, Acts of the 77th Legislature,
20 Regular Session, 2001;

21 (2) Subchapter J or K, Chapter 36, Water Code; or

22 (3) other law. (New.)

23 Sec. 8863.005. ADDITION OF UNDERGROUND WATER CONSERVATION
24 DISTRICT OR ADJACENT COUNTY TO DISTRICT. (a) An adjacent county
25 or an underground water conservation district the boundaries of
26 which lie wholly within the boundaries of the district may petition
27 to join the district by resolution of the commissioners court of the

1 county or the board of directors of the underground water
2 conservation district.

3 (b) If, after a hearing on the resolution, the board finds
4 that the addition of the county or underground water conservation
5 district would benefit the district and the county or underground
6 water conservation district to be added, the board by resolution
7 may approve the addition of the county or underground water
8 conservation district to the district.

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

14 (d) The ballot for the election shall be printed to provide
15 for voting for or against the proposition: "The inclusion of
16 _____ County in the Neches and Trinity Valleys Groundwater
17 Conservation District" or "The inclusion of _____ Underground
18 Water Conservation District in the Neches and Trinity Valleys
19 Groundwater Conservation District." (Acts 77th Leg., R.S., Ch.
20 1387, Secs. 10(a), (b), (c), (d).)

21 [Sections 8863.006-8863.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8863.051. COMPOSITION OF BOARD. The district is
24 governed by a board of directors appointed as provided by Section
25 8863.052. (Acts 77th Leg., R.S., Ch. 1387, Sec. 6(a).)

26 Sec. 8863.052. APPOINTMENT OF DIRECTORS. (a) The
27 commissioners court of each county in the district shall appoint:

1 (1) one director to represent the rural water and
2 utilities and small municipal water supply interests of the county;
3 and

4 (2) one director to represent the agriculture,
5 industry, or landowner groundwater supply interests of the county.

6 (b) The governing body of the most populous municipality in
7 each county in the district, acting jointly with the governing body
8 of the most populous municipality in each other county in the
9 district, shall appoint one director to represent those
10 municipalities. The governing bodies shall appoint residents of
11 the district on a rotating basis so that a resident of each county
12 is appointed every sixth year. (Acts 77th Leg., R.S., Ch. 1387,
13 Secs. 7(a), (b).)

14 Sec. 8863.053. TERMS. (a) Directors appointed under
15 Section 8863.052(a) serve staggered four-year terms, with the term
16 of one director appointed by the commissioners court of each county
17 expiring every two years. The director appointed jointly under
18 Section 8863.052(b) serves a two-year term.

19 (b) A director may serve consecutive terms.

20 (c) A director serves at the pleasure of the political
21 subdivision that appointed the director. (Acts 77th Leg., R.S.,
22 Ch. 1387, Secs. 6(b), (c) (part), (g).)

23 Sec. 8863.054. BOARD VACANCY. If there is a vacancy on the
24 board, the governing body of the entity that appointed the director
25 who vacated the office shall appoint a director to serve the
26 remainder of the term. (Acts 77th Leg., R.S., Ch. 1387, Sec. 6(h).)

27 Sec. 8863.055. COMPENSATION; EXPENSES. (a) A director is

1 not entitled to receive compensation for serving as a director.

2 (b) A director may be reimbursed for actual, reasonable
3 expenses incurred in discharging official duties. (Acts 77th Leg.,
4 R.S., Ch. 1387, Sec. 6(i).)

5 Sec. 8863.056. VOTE REQUIRED FOR BOARD ACTION. A majority
6 vote of a quorum of the board is required for board action. If there
7 is a tie vote, the proposed action fails. (Acts 77th Leg., R.S.,
8 Ch. 1387, Sec. 6(j).)

9 [Sections 8863.057-8863.100 reserved for expansion]

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 8863.101. GROUNDWATER CONSERVATION DISTRICT POWERS
12 AND DUTIES. Except as provided by this subchapter and Subchapter D,
13 the district has the rights, powers, privileges, functions, and
14 duties provided by the general law of this state, including Chapter
15 36, Water Code, applicable to groundwater conservation districts
16 created under Section 59, Article XVI, Texas Constitution. (Acts
17 77th Leg., R.S., Ch. 1387, Sec. 5(a) (part).)

18 Sec. 8863.102. WELLS EXEMPT FROM REGULATION. A well
19 meeting the criteria established under Section 36.117, Water Code,
20 including a well used for dewatering and monitoring in the
21 production of coal and lignite, is exempt from permit requirements,
22 regulations, and fees imposed by the district. (Acts 77th Leg.,
23 R.S., Ch. 1387, Sec. 5(e).)

24 Sec. 8863.103. TRANSFER OF GROUNDWATER OUT OF DISTRICT.
25 (a) In this section, "retail public utility" has the meaning
26 assigned by Section 13.002, Water Code.

27 (b) The district by rule may require a person to obtain a

1 permit from the district for the transfer of groundwater out of the
2 district consistent with Section 36.122, Water Code.

3 (c) The district may determine that a transfer of
4 groundwater produced within the district's boundaries for use
5 outside the district's boundaries will not be considered a transfer
6 outside the district if the transfer:

7 (1) is for use as a potable water supply by a retail
8 public utility and is within an authorized service area of which an
9 appropriate portion, as determined by the district, is located
10 inside the district's boundaries; or

11 (2) involves an emergency potable water interconnect
12 between retail public utilities. (Acts 77th Leg., R.S., Ch. 1387,
13 Sec. 5(b).)

14 Sec. 8863.104. NO EMINENT DOMAIN POWER. The district may
15 not exercise the power of eminent domain. (Acts 77th Leg., R.S.,
16 Ch. 1387, Sec. 5(f) (part).)

17 Sec. 8863.105. LIMIT ON PURCHASE OF GROUNDWATER RIGHTS.
18 The district may not purchase groundwater rights unless the
19 purchased rights are acquired for conservation purposes and are
20 permanently held in trust not to be produced. (Acts 77th Leg.,
21 R.S., Ch. 1387, Sec. 5(f) (part).)

22 [Sections 8863.106-8863.150 reserved for expansion]

23 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

24 Sec. 8863.151. AUTHORITY TO SET FEES; LIMITS. (a) The
25 board may set fees for administrative acts of the district, such as
26 filing applications. A fee may not unreasonably exceed the cost to
27 the district of performing the administrative function for which

1 the fee is charged.

2 (b) The board shall set and collect fees for all services
3 provided outside the boundaries of the district. The fees may not
4 unreasonably exceed the cost to the district of providing the
5 services outside the district.

6 (c) The board may assess production fees based on the amount
7 of water authorized by permit to be withdrawn from a well or the
8 amount actually withdrawn. The district may assess the fees in lieu
9 of, or in conjunction with, any taxes otherwise imposed by the
10 district. The district may use revenue generated by the fees for
11 any lawful purpose. Production fees may not exceed:

12 (1) \$1 per acre-foot payable annually for water used
13 for agricultural use; or

14 (2) \$10 per acre-foot payable annually for water used
15 for any other purpose.

16 (d) The board may assess a production fee under Subsection
17 (c) for any water that is:

18 (1) produced under an exemption under Section 36.117,
19 Water Code; and

20 (2) subsequently sold to another person.

21 (e) The district may not assess a fee of any type on a well
22 if the well's production is used only for domestic, agricultural,
23 or wildlife purposes within the district. (Acts 77th Leg., R.S.,
24 Ch. 1387, Secs. 5(d), (g).)

25 Sec. 8863.152. TAXES PROHIBITED. The district may not
26 impose taxes in the district. (Acts 77th Leg., R.S., Ch. 1387, Sec.
27 5(c).)

④ E
S.B.

1 Sec. 8863.153. LIMIT ON ISSUANCE OF BONDS AND NOTES. The
2 district may not issue and sell bonds or notes in the name of the
3 district. (Acts 77th Leg., R.S., Ch. 1387, Sec. 5(f) (part).)

4 CHAPTER 8864. PECAN VALLEY GROUNDWATER CONSERVATION DISTRICT

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Sec. 8864.001. DEFINITIONS

7 Sec. 8864.002. NATURE OF DISTRICT

8 Sec. 8864.003. FINDINGS OF PUBLIC USE AND BENEFIT

9 Sec. 8864.004. DISTRICT TERRITORY

10 [Sections 8864.005-8864.050 reserved for expansion]

11 SUBCHAPTER B. BOARD OF DIRECTORS

12 Sec. 8864.051. COMPOSITION OF BOARD; TERMS

13 Sec. 8864.052. ELECTION OF DIRECTORS

14 Sec. 8864.053. ELECTION DATE

15 Sec. 8864.054. QUALIFICATIONS FOR OFFICE

16 Sec. 8864.055. BOARD VACANCY

17 [Sections 8864.056-8864.100 reserved for expansion]

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 8864.101. GROUNDWATER CONSERVATION DISTRICT

20 POWERS AND DUTIES

21 [Sections 8864.102-8864.150 reserved for expansion]

22 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

23 Sec. 8864.151. LIMITATION ON TAXES

24 CHAPTER 8864. PECAN VALLEY GROUNDWATER CONSERVATION DISTRICT

25 SUBCHAPTER A. GENERAL PROVISIONS

26 Sec. 8864.001. DEFINITIONS. In this chapter:

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

1 (2) "Director" means a board member.

2 (3) "District" means the Pecan Valley Groundwater
3 Conservation District. (Acts 77th Leg., R.S., Ch. 1343, Sec. 2;
4 New.)

5 Sec. 8864.002. NATURE OF DISTRICT. The district is a
6 groundwater conservation district in DeWitt County created under
7 and essential to accomplish the purposes of Section 59, Article
8 XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1343, Secs.
9 1(a) (part), (b).)

10 Sec. 8864.003. FINDINGS OF PUBLIC USE AND BENEFIT.

11 (a) The district is created to serve a public use and benefit.

12 (b) All land and other property included in the district
13 will benefit from the works and projects accomplished by the
14 district under the powers conferred by Section 59, Article XVI,
15 Texas Constitution. (Acts 77th Leg., R.S., Ch. 1343, Sec. 4.)

16 Sec. 8864.004. DISTRICT TERRITORY. The district's
17 boundaries are coextensive with the boundaries of DeWitt County
18 unless the district's territory has been modified under:

19 (1) Subchapter J or K, Chapter 36, Water Code; or

20 (2) other law. (Acts 77th Leg., R.S., Ch. 1343, Sec.
21 3; New.)

22 [Sections 8864.005-8864.050 reserved for expansion]

23 SUBCHAPTER B. BOARD OF DIRECTORS

24 Sec. 8864.051. COMPOSITION OF BOARD; TERMS. (a) The
25 district is governed by a board of five directors.

26 (b) Directors serve staggered four-year terms. (Acts 77th
27 Leg., R.S., Ch. 1343, Secs. 6(a), (c).)

1 Sec. 8864.052. ELECTION OF DIRECTORS. (a) Directors are
2 elected according to the commissioners precinct method as provided
3 by this section.

4 (b) One director is elected by the voters of the entire
5 district. One director is elected from each county commissioners
6 precinct by the voters of that precinct.

7 (c) A person shall indicate on the application for a place
8 on the ballot:

9 (1) the precinct that the person seeks to represent;

10 or

11 (2) that the person seeks to represent the district at
12 large.

13 (d) At the first election of the district after the county
14 commissioners precincts are redrawn under Section 18, Article V,
15 Texas Constitution, four new directors shall be elected to
16 represent the precincts. The directors shall draw lots to
17 determine which two directors serve four-year terms and which two
18 directors serve two-year terms. (Acts 77th Leg., R.S., Ch. 1343,
19 Secs. 8(a), (b), (d), (e).)

20 Sec. 8864.053. ELECTION DATE. Each odd-numbered year, on
21 the uniform election date in May or another date authorized by law,
22 the appropriate number of directors shall be elected. (Acts 77th
23 Leg., R.S., Ch. 1343, Sec. 11(c); New.)

24 Sec. 8864.054. QUALIFICATIONS FOR OFFICE. (a) To qualify
25 as a candidate for or serve as director at large, a person must be:

26 (1) at least 18 years of age;

27 (2) a resident of the district; and

1 (3) a registered voter in the district.

2 (b) To be a candidate for or serve as director from a county
3 commissioners precinct, a person must be:

4 (1) at least 18 years of age;

5 (2) a resident of that precinct; and

6 (3) a registered voter of that precinct. (Acts 77th
7 Leg., R.S., Ch. 1343, Sec. 8(c).)

8 Sec. 8864.055. BOARD VACANCY. (a) The board shall appoint
9 a replacement to fill a vacancy in the office of any director.

10 (b) The appointed replacement serves until the next
11 directors' election.

12 (c) If the position is not scheduled to be filled at the
13 election, the person elected to fill the position serves only for
14 the remainder of the unexpired term. (Acts 77th Leg., R.S., Ch.
15 1343, Sec. 6(f).)

16 [Sections 8864.056-8864.100 reserved for expansion]

17 SUBCHAPTER C. POWERS AND DUTIES

18 Sec. 8864.101. GROUNDWATER CONSERVATION DISTRICT POWERS
19 AND DUTIES. The district has the rights, powers, privileges,
20 functions, and duties provided by the general law of this state,
21 including Chapter 36, Water Code, applicable to groundwater
22 conservation districts created under Section 59, Article XVI, Texas
23 Constitution. (Acts 77th Leg., R.S., Ch. 1343, Sec. 5(a) (part).)

24 [Sections 8864.102-8864.150 reserved for expansion]

25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

26 Sec. 8864.151. LIMITATION ON TAXES. The board may not
27 impose an ad valorem tax at a rate that exceeds five cents on each

1 \$100 valuation of taxable property in the district. (Acts 77th
2 Leg., R.S., Ch. 1343, Sec. 12.)

3 CHAPTER 8865. POST OAK SAVANNAH GROUNDWATER

4 CONSERVATION DISTRICT

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Sec. 8865.001. DEFINITIONS

7 Sec. 8865.002. NATURE OF DISTRICT

8 Sec. 8865.003. FINDINGS OF PUBLIC USE AND BENEFIT

9 Sec. 8865.004. DISTRICT TERRITORY

10 [Sections 8865.005-8865.050 reserved for expansion]

11 SUBCHAPTER B. BOARD OF DIRECTORS

12 Sec. 8865.051. COMPOSITION OF BOARD; TERMS

13 Sec. 8865.052. APPOINTMENT OF DIRECTORS

14 Sec. 8865.053. BOARD VACANCY

15 Sec. 8865.054. COMPENSATION; EXPENSES

16 Sec. 8865.055. QUORUM; VOTE REQUIRED FOR BOARD ACTION

17 [Sections 8865.056-8865.100 reserved for expansion]

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 8865.101. GROUNDWATER CONSERVATION DISTRICT

20 POWERS AND DUTIES

21 Sec. 8865.102. GROUNDWATER WELLS UNDER JURISDICTION OF

22 RAILROAD COMMISSION

23 Sec. 8865.103. LIMITATION ON POWER OF EMINENT DOMAIN

24 [Sections 8865.104-8865.150 reserved for expansion]

25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

26 Sec. 8865.151. FEES

27 Sec. 8865.152. LIMITATION ON AUTHORITY TO IMPOSE TAXES

1 CHAPTER 8865. POST OAK SAVANNAH GROUNDWATER

2 CONSERVATION DISTRICT

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Sec. 8865.001. 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 Post Oak Savannah Groundwater
8 Conservation District. (Acts 77th Leg., R.S., Ch. 966, Sec.
9 3.1402; Acts 77th Leg., R.S., Ch. 1307, Sec. 3.02; New.)

10 Sec. 8865.002. NATURE OF DISTRICT. The district is a
11 groundwater conservation district in Milam and Burleson Counties
12 created under and essential to accomplish the purposes of Section
13 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch.
14 966, Secs. 3.1401(a) (part), (b); Acts 77th Leg., R.S., Ch. 1307,
15 Secs. 3.01(a) (part), (b).)

16 Sec. 8865.003. FINDINGS OF PUBLIC USE AND BENEFIT.

17 (a) The district is created to serve a public use and benefit.

18 (b) All land and other property included in the district
19 will benefit from the works and projects accomplished by the
20 district under the powers conferred by Section 59, Article XVI,
21 Texas Constitution. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1404;
22 Acts 77th Leg., R.S., Ch. 1307, Sec. 3.04.)

23 Sec. 8865.004. DISTRICT TERRITORY. The district's
24 boundaries are coextensive with the boundaries of Milam and
25 Burleson Counties unless the district's territory has been modified
26 under:

27 (1) Subchapter J or K, Chapter 36, Water Code; or

1 (2) other law. (Acts 77th Leg., R.S., Ch. 966, Sec.
2 3.1403; Acts 77th Leg., R.S., Ch. 1307, Sec. 3.03; New.)

3 [Sections 8865.005-8865.050 reserved for expansion]

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 8865.051. COMPOSITION OF BOARD; TERMS. (a) The
6 district is governed by a board of 10 directors.

7 (b) Directors serve staggered four-year terms.

8 (c) A director may serve consecutive terms. (Acts 77th Leg.,
9 R.S., Ch. 966, Secs. 3.1409(a), (c), (f); Acts 77th Leg., R.S., Ch.
10 1307, Secs. 3.10(a), (c), (f).)

11 Sec. 8865.052. APPOINTMENT OF DIRECTORS. (a) The Milam
12 County Commissioners Court shall appoint five directors, of whom:

13 (1) one must represent municipal interests in the
14 county;

15 (2) one must be a bona fide agricultural producer who
16 derives a substantial portion of the producer's income from
17 agriculture in the county;

18 (3) one must be a director or employee of a rural water
19 supply corporation in the county;

20 (4) one must represent active industrial interests in
21 the county; and

22 (5) one must represent the interests of the county at
23 large.

24 (b) The Burleson County Commissioners Court shall appoint
25 five directors, of whom:

26 (1) one must represent municipal interests in the
27 county;

1 (2) one must be a bona fide agricultural producer who
2 derives a substantial portion of the producer's income from
3 agriculture in the county;

4 (3) one must be a director or employee of a rural water
5 supply corporation in the county;

6 (4) one must represent active industrial interests in
7 the county; and

8 (5) one must represent the interests of the county at
9 large.

10 (c) On January 1 of each even-numbered year, the appropriate
11 commissioners court shall appoint the appropriate number of
12 directors. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1410(d) (part);
13 Acts 77th Leg., R.S., Ch. 1307, Secs. 3.11(a), (b), (d) (part).)

14 Sec. 8865.053. BOARD VACANCY. If there is a vacancy on the
15 board, the commissioners court that appointed the director who
16 vacated the office shall appoint a director to serve the remainder
17 of the term. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1409(g); Acts
18 77th Leg., R.S., Ch. 1307, Sec. 3.10(g).)

19 Sec. 8865.054. COMPENSATION; EXPENSES. (a) A director is
20 not entitled to receive compensation for serving as a director.

21 (b) A director may be reimbursed for actual, reasonable
22 expenses incurred in discharging official duties. (Acts 77th Leg.,
23 R.S., Ch. 966, Sec. 3.1409(h); Acts 77th Leg., R.S., Ch. 1307, Sec.
24 3.10(h).)

25 Sec. 8865.055. QUORUM; VOTE REQUIRED FOR BOARD ACTION.

26 (a) A quorum exists when at least two-thirds of the directors are
27 present.

1 (b) A majority vote of a quorum of the board is required for
2 board action. If there is a tie vote, the proposed action fails.
3 (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1409(i); Acts 77th Leg.,
4 R.S., Ch. 1307, Sec. 3.10(i).)

5 [Sections 8865.056-8865.100 reserved for expansion]

6 SUBCHAPTER C. POWERS AND DUTIES

7 Sec. 8865.101. GROUNDWATER CONSERVATION DISTRICT POWERS
8 AND DUTIES. Except as otherwise provided by this chapter, the
9 district has the rights, powers, privileges, functions, and duties
10 provided by the general law of this state, including Chapter 36,
11 Water Code, applicable to groundwater conservation districts
12 created under Section 59, Article XVI, Texas Constitution. (Acts
13 77th Leg., R.S., Ch. 966, Sec. 3.1405(a) (part); Acts 77th Leg.,
14 R.S., Ch. 1307, Sec. 3.05(a) (part).)

15 Sec. 8865.102. GROUNDWATER WELLS UNDER JURISDICTION OF
16 RAILROAD COMMISSION. (a) In this section, "railroad commission"
17 means the Railroad Commission of Texas.

18 (b) A groundwater well drilled or operated in the district
19 under a permit issued by the railroad commission is under the
20 exclusive jurisdiction of the railroad commission and is exempt
21 from regulation by the district.

22 (c) Groundwater produced in an amount authorized by a
23 railroad commission permit may be used in or exported from the
24 district without a permit from the district.

25 (d) To the extent groundwater production exceeds railroad
26 commission authorization, the holder of the railroad commission
27 permit:

1 (1) must apply to the district for the appropriate
2 permit for the excess production; and

3 (2) is subject to the applicable regulatory fees.

4 (e) Groundwater produced from a well under the jurisdiction
5 of the railroad commission is generally exempt from water district
6 fees. However, the district may impose either a pumping fee or an
7 export fee on groundwater produced from an otherwise exempt mine
8 well that is used for municipal purposes or by a public utility. A
9 fee imposed by the district under this subsection may not exceed the
10 fee imposed on other groundwater producers in the district. (Acts
11 77th Leg., R.S., Ch. 966, Sec. 3.1407; Acts 77th Leg., R.S., Ch.
12 1307, Sec. 3.07; New.)

13 Sec. 8865.103. LIMITATION ON POWER OF EMINENT DOMAIN. The
14 district does not have the authority granted by Section 36.105,
15 Water Code, relating to eminent domain. (Acts 77th Leg., R.S., Ch.
16 966, Sec. 3.1405(b) (part); Acts 77th Leg., R.S., Ch. 1307, Sec.
17 3.05(b) (part).)

18 [Sections 8865.104-8865.150 reserved for expansion]

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20 Sec. 8865.151. FEES. (a) The board by rule may impose a
21 reasonable fee on each well that is not exempt from regulation by
22 the district and for which a permit is issued by the district. The
23 fee may be based on:

24 (1) the size of column pipe used by the well; or

25 (2) the actual, authorized, or anticipated amount of
26 water to be withdrawn from the well.

27 (b) Fees may not exceed:

1 (1) 25 cents per acre-foot for water used for
2 irrigating agricultural crops; or

3 (2) 17 cents per thousand gallons for water used for
4 any other purpose.

5 (c) In addition to the fee authorized under Subsection (a),
6 the district may impose a reasonable fee or surcharge for an export
7 fee using one of the following methods:

8 (1) a fee negotiated between the district and the
9 transporter; or

10 (2) a combined production and export fee not to exceed
11 17 cents per thousand gallons of water used.

12 (d) Fees authorized by this section may be:

13 (1) assessed annually; and

14 (2) used to pay the cost of operating the district.

15 (Acts 77th Leg., R.S., Ch. 966, Secs. 3.1406(a), (c); Acts 77th
16 Leg., R.S., Ch. 1307, Sec. 3.06.)

17 Sec. 8865.152. LIMITATION ON AUTHORITY TO IMPOSE TAXES.
18 The district does not have the authority granted by Sections 36.020
19 and 36.201-36.204, Water Code, relating to taxes. (Acts 77th Leg.,
20 R.S., Ch. 966, Sec. 3.1405(b) (part); Acts 77th Leg., R.S., Ch.
21 1307, Sec. 3.05(b) (part).)

22 CHAPTER 8866. MID-EAST TEXAS GROUNDWATER CONSERVATION DISTRICT

23 SUBCHAPTER A. GENERAL PROVISIONS

24 Sec. 8866.001. DEFINITIONS

25 Sec. 8866.002. NATURE OF DISTRICT

26 Sec. 8866.003. FINDINGS OF PUBLIC USE AND BENEFIT

27 Sec. 8866.004. DISTRICT TERRITORY

1 [Sections 8866.005-8866.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8866.051. COMPOSITION OF BOARD; TERMS

4 Sec. 8866.052. APPOINTMENT OF DIRECTORS

5 Sec. 8866.053. BOARD VACANCY

6 Sec. 8866.054. COMPENSATION; EXPENSES

7 Sec. 8866.055. VOTE REQUIRED FOR BOARD ACTION

8 [Sections 8866.056-8866.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8866.101. GROUNDWATER CONSERVATION DISTRICT

11 POWERS AND DUTIES

12 Sec. 8866.102. GROUNDWATER WELLS UNDER JURISDICTION OF

13 RAILROAD COMMISSION

14 Sec. 8866.103. LIMITATION ON POWER OF EMINENT DOMAIN

15 [Sections 8866.104-8866.150 reserved for expansion]

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 8866.151. FEES

18 Sec. 8866.152. LIMITATION ON AUTHORITY TO IMPOSE TAXES

19 CHAPTER 8866. MID-EAST TEXAS GROUNDWATER CONSERVATION DISTRICT

20 SUBCHAPTER A. GENERAL PROVISIONS

21 Sec. 8866.001. DEFINITIONS. In this chapter:

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

23 (2) "Director" means a board member.

24 (3) "District" means the Mid-East Texas Groundwater
25 Conservation District. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1502;
26 Acts 77th Leg., R.S., Ch. 1307, Sec. 4.02; New.)

27 Sec. 8866.002. NATURE OF DISTRICT. The district is a

1 groundwater conservation district in Leon, Madison, and Freestone
2 Counties created under and essential to accomplish the purposes of
3 Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S.,
4 Ch. 966, Secs. 3.1501(a) (part), (b); Acts 77th Leg., R.S., Ch.
5 1307, Secs. 4.01(a) (part), (b).)

6 Sec. 8866.003. FINDINGS OF PUBLIC USE AND BENEFIT.

7 (a) The district is created to serve a public use and benefit.

8 (b) All land and other property included in the district
9 will benefit from the works and projects accomplished by the
10 district under the powers conferred by Section 59, Article XVI,
11 Texas Constitution. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1504;
12 Acts 77th Leg., R.S., Ch. 1307, Sec. 4.04.)

13 Sec. 8866.004. DISTRICT TERRITORY. The district's
14 boundaries are coextensive with the boundaries of Leon, Madison,
15 and Freestone Counties unless the district's territory has been
16 modified under:

17 (1) Subchapter J or K, Chapter 36, Water Code; or

18 (2) other law. (Acts 77th Leg., R.S., Ch. 966, Sec.
19 3.1503; Acts 77th Leg., R.S., Ch. 1307, Sec. 4.03; New.)

20 [Sections 8866.005-8866.050 reserved for expansion]

21 SUBCHAPTER B. BOARD OF DIRECTORS

22 Sec. 8866.051. COMPOSITION OF BOARD; TERMS. (a) The
23 district is governed by a board of nine directors.

24 (b) Directors serve staggered four-year terms.

25 (c) A director may serve consecutive terms. (Acts 77th
26 Leg., R.S., Ch. 966, Secs. 3.1509(a), (c), (f); Acts 77th Leg.,
27 R.S., Ch. 1307, Secs. 4.10(a), (c), (f).)

1 Sec. 8866.052. APPOINTMENT OF DIRECTORS. (a) The Leon
2 County Commissioners Court shall appoint three directors, of whom:

3 (1) one must represent the interests of municipalities
4 in the county, or must be a director or employee of a rural water
5 supply corporation in the county, or both;

6 (2) one must be a bona fide agricultural producer who
7 derives a substantial portion of the producer's income from
8 agriculture in the county; and

9 (3) one must represent active industrial interests in
10 the county.

11 (b) The Madison County Commissioners Court shall appoint
12 three directors, of whom:

13 (1) one must represent the interests of municipalities
14 in the county, or must be a director or employee of a rural water
15 supply corporation in the county, or both;

16 (2) one must be a bona fide agricultural producer who
17 derives a substantial portion of the producer's income from
18 agriculture in the county; and

19 (3) one must represent active industrial interests in
20 the county.

21 (c) The Freestone County Commissioners Court shall appoint
22 three directors, of whom:

23 (1) one must represent the interests of municipalities
24 in the county, or must be a director or employee of a rural water
25 supply corporation in the county, or both;

26 (2) one must be a bona fide agricultural producer who
27 derives a substantial portion of the producer's income from

1 agriculture in the county; and

2 (3) one must represent active industrial interests in
3 the county.

4 (d) On January 1 of each even-numbered year, the appropriate
5 commissioners courts shall appoint the appropriate number of
6 directors. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1510(e) (part);
7 Acts 77th Leg., R.S., Ch. 1307, Secs. 4.11(a), (b), (c), (e)
8 (part).)

9 Sec. 8866.053. BOARD VACANCY. If there is a vacancy on the
10 board, the commissioners court that appointed the director who
11 vacated the office shall appoint a director to serve the remainder
12 of the term. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1509(g); Acts
13 77th Leg., R.S., Ch. 1307, Sec. 4.10(g).)

14 Sec. 8866.054. COMPENSATION; EXPENSES. (a) A director is
15 not entitled to receive compensation for serving as a director.

16 (b) A director may be reimbursed for actual, reasonable
17 expenses incurred in discharging official duties. (Acts 77th Leg.,
18 R.S., Ch. 966, Sec. 3.1509(h); Acts 77th Leg., R.S., Ch. 1307, Sec.
19 4.10(h).)

20 Sec. 8866.055. VOTE REQUIRED FOR BOARD ACTION. A majority
21 vote of a quorum of the board is required for board action. If there
22 is a tie vote, the proposed action fails. (Acts 77th Leg., R.S., Ch.
23 966, Sec. 3.1509(i); Acts 77th Leg., R.S., Ch. 1307, Sec. 4.10(i).)

24 [Sections 8866.056-8866.100 reserved for expansion]

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 8866.101. GROUNDWATER CONSERVATION DISTRICT POWERS
27 AND DUTIES. Except as otherwise provided by this chapter, the

1 district has the rights, powers, privileges, functions, and duties
2 provided by the general law of this state, including Chapter 36,
3 Water Code, applicable to groundwater conservation districts
4 created under Section 59, Article XVI, Texas Constitution. (Acts
5 77th Leg., R.S., Ch. 966, Sec. 3.1505(a) (part); Acts 77th Leg.,
6 R.S., Ch. 1307, Sec. 4.05(a) (part).)

7 Sec. 8866.102. GROUNDWATER WELLS UNDER JURISDICTION OF
8 RAILROAD COMMISSION. (a) In this section, "railroad commission"
9 means the Railroad Commission of Texas.

10 (b) A groundwater well drilled or operated in the district
11 under a permit issued by the railroad commission is under the
12 exclusive jurisdiction of the railroad commission and is exempt
13 from regulation by the district.

14 (c) Groundwater produced in an amount authorized by a
15 railroad commission permit may be used in or exported from the
16 district without a permit from the district.

17 (d) To the extent groundwater production exceeds railroad
18 commission authorization, the holder of the railroad commission
19 permit:

20 (1) must apply to the district for the appropriate
21 permit for the excess production; and

22 (2) is subject to the applicable regulatory fees.

23 (e) Groundwater produced from a well under the jurisdiction
24 of the railroad commission is generally exempt from water district
25 fees. However, the district may impose either a pumping fee or an
26 export fee on groundwater produced from an otherwise exempt mine
27 well that is used for municipal purposes or by a public utility. A

1 fee imposed by the district under this subsection may not exceed the
2 fee imposed on other groundwater producers in the district. (Acts
3 77th Leg., R.S., Ch. 966, Sec. 3.1507; Acts 77th Leg., R.S., Ch.
4 1307, Sec. 4.07; New.)

5 Sec. 8866.103. LIMITATION ON POWER OF EMINENT DOMAIN. The
6 district does not have the authority granted by Section 36.105,
7 Water Code, relating to eminent domain. (Acts 77th Leg., R.S., Ch.
8 966, Sec. 3.1505(b) (part); Acts 77th Leg., R.S., Ch. 1307, Sec.
9 4.05(b) (part).)

10 [Sections 8866.104-8866.150 reserved for expansion]

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Sec. 8866.151. FEES. (a) The board by rule may impose a
13 reasonable fee on each well that is not exempt from regulation by
14 the district and for which a permit is issued by the district. The
15 fee may be based on:

- 16 (1) the size of column pipe used by the well; or
17 (2) the actual, authorized, or anticipated amount of
18 water to be withdrawn from the well.

19 (b) Fees may not exceed:

- 20 (1) 25 cents per acre-foot for water used for
21 irrigating agricultural crops; or
22 (2) 17 cents per thousand gallons for water used for
23 any other purpose.

24 (c) In addition to the fee authorized under Subsection (a),
25 the district may impose a reasonable fee or surcharge for an export
26 fee using one of the following methods:

- 27 (1) a fee negotiated between the district and the

1 transporter; or

2 (2) a combined production and export fee not to exceed
3 17 cents per thousand gallons of water used.

4 (d) Fees authorized by this section may be:

5 (1) assessed annually; and

6 (2) used to pay the cost of operating the district.

7 (Acts 77th Leg., R.S., Ch. 966, Secs. 3.1506(a), (c); Acts 77th
8 Leg., R.S., Ch. 1307, Sec. 4.06.)

9 Sec. 8866.152. LIMITATION ON AUTHORITY TO IMPOSE TAXES.

10 The district does not have the authority granted by Sections 36.020
11 and 36.201-36.204, Water Code, relating to taxes. (Acts 77th Leg.,
12 R.S., Ch. 966, Sec. 3.1505(b) (part); Acts 77th Leg., R.S., Ch.
13 1307, Sec. 4.05(b) (part).)

14 CHAPTER 8867. ROLLING PLAINS GROUNDWATER CONSERVATION DISTRICT

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Sec. 8867.001. DEFINITIONS

17 Sec. 8867.002. NATURE OF DISTRICT

18 Sec. 8867.003. FINDINGS OF PUBLIC USE AND BENEFIT

19 Sec. 8867.004. DISTRICT TERRITORY

20 [Sections 8867.005-8867.050 reserved for expansion]

21 SUBCHAPTER B. BOARD OF DIRECTORS

22 Sec. 8867.051. COMPOSITION OF BOARD; TERMS

23 Sec. 8867.052. APPOINTMENT OF DIRECTORS IN GENERAL

24 Sec. 8867.053. APPOINTMENT OF DIRECTORS BY ADDITIONAL

25 COUNTIES

26 Sec. 8867.054. ELIGIBILITY

27 Sec. 8867.055. BOARD VACANCY

1 Sec. 8867.056. COMPENSATION

2 Sec. 8867.057. PRESIDENT

3 [Sections 8867.058-8867.100 reserved for expansion]

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 8867.101. GROUNDWATER CONSERVATION DISTRICT

6 POWERS AND DUTIES

7 Sec. 8867.102. LIMITATION ON RULEMAKING POWER NOT

8 APPLICABLE

9 Sec. 8867.103. FEES

10 CHAPTER 8867. ROLLING PLAINS GROUNDWATER CONSERVATION DISTRICT

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 8867.001. DEFINITIONS. In this chapter:

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

14 (2) "Director" means a board member.

15 (3) "District" means the Rolling Plains Groundwater
16 Conservation District. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 2;
17 New.)

18 Sec. 8867.002. NATURE OF DISTRICT. The district is created
19 under and essential to accomplish the purposes of Section 59,
20 Article XVI, Texas Constitution. (Acts 73rd Leg., R.S., Ch. 1028,
21 Sec. 1(b).)

22 Sec. 8867.003. FINDINGS OF PUBLIC USE AND BENEFIT.

23 (a) The district is created to serve a public use and benefit.

24 (b) All land and other property included in the district
25 will benefit from the works and projects accomplished by the
26 district under the powers conferred by Section 59, Article XVI,
27 Texas Constitution. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 4.)

1 Sec. 8867.004. DISTRICT TERRITORY. The district's
2 boundaries are coextensive with the boundaries of Haskell County,
3 Knox County, and Baylor County, unless the district's territory has
4 been modified under:

- 5 (1) Subchapter J or K, Chapter 36, Water Code; or
6 (2) other law. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 3;
7 New.)

8 [Sections 8867.005-8867.050 reserved for expansion]

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Sec. 8867.051. COMPOSITION OF BOARD; TERMS. (a) The
11 district is governed by a board of not fewer than 5 or more than 16
12 directors.

13 (b) Directors serve staggered four-year terms. (Acts 73rd
14 Leg., R.S., Ch. 1028, Secs. 6(a), 8(c).)

15 Sec. 8867.052. APPOINTMENT OF DIRECTORS IN GENERAL. The
16 commissioners court of each county in the district shall appoint an
17 equal number of directors. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 7.)

18 Sec. 8867.053. APPOINTMENT OF DIRECTORS BY ADDITIONAL
19 COUNTIES. (a) When a county is added to the district, the board
20 shall change the number of directors so that an equal number of
21 directors are appointed by the commissioners court of each county
22 in the district. The terms of the directors then serving expire on
23 a date set by the board, not later than the 90th day after the date
24 the county is added to the district, and the directors continue to
25 serve only until the new directors have been appointed.

26 (b) The board shall send to the commissioners court of each
27 county in the district notice of the number of directors the county

1 may appoint.

2 (c) After receiving the notice from the board, the
3 commissioners courts of all the counties in the district shall
4 confer to determine the number of new directors from each county who
5 will serve four-year terms and the number of new directors from each
6 county who will serve two-year terms. The commissioners courts
7 shall provide that, as nearly as possible, half of the new
8 directors, in total and from each county, serve four-year terms and
9 the remaining new directors serve two-year terms.

10 (d) The commissioners court of each county shall appoint new
11 directors before the date set by the board in Subsection (a). A
12 commissioners court may reappoint a current director.

13 (e) The new directors from each county shall draw lots to
14 determine which directors serve four-year terms and which directors
15 serve two-year terms in accordance with Subsection (c). (Acts 73rd
16 Leg., R.S., Ch. 1028, Sec. 7A.)

17 Sec. 8867.054. ELIGIBILITY. To be eligible to serve as
18 director, a person must be:

19 (1) at least 21 years of age; and

20 (2) a registered voter in the county from which the
21 person is appointed. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 6(c).)

22 Sec. 8867.055. BOARD VACANCY. If a vacancy occurs in the
23 office of director, the commissioners court of the county from
24 which the person vacating the position was appointed shall appoint
25 a director for the unexpired term. (Acts 73rd Leg., R.S., Ch. 1028,
26 Sec. 6(b).)

27 Sec. 8867.056. COMPENSATION. (a) A director is not

1 entitled to receive fees of office under Section 36.060, Water
2 Code, if the director holds another office that is a civil office of
3 emolument for purposes of Section 40, Article XVI, Texas
4 Constitution.

5 (b) Except as provided by this section, a director may
6 receive reimbursement of actual expenses as provided by Section
7 36.060(b), Water Code.

8 (c) The board by rule, bylaw, or resolution may limit the
9 amount of fees of office or the amount of reimbursement for actual
10 expenses a director is entitled to receive.

11 (d) This section prevails over any provision of general or
12 special law that is in conflict or inconsistent with this section,
13 including Section 36.060(d), Water Code. (Acts 73rd Leg., R.S., Ch.
14 1028, Sec. 6(d).)

15 Sec. 8867.057. PRESIDENT. (a) The board shall elect a
16 president from among the directors every other year following the
17 appointment of directors under Section 8867.052.

18 (b) The president may vote and may cast an additional vote
19 to break a tie. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 9.)

20 [Sections 8867.058-8867.100 reserved for expansion]

21 SUBCHAPTER C. POWERS AND DUTIES

22 Sec. 8867.101. GROUNDWATER CONSERVATION DISTRICT POWERS
23 AND DUTIES. Except as provided by Sections 8867.102 and
24 8867.103(b), the district has the rights, powers, privileges,
25 functions, and duties provided by the general law of this state,
26 including Chapter 36, Water Code, applicable to groundwater
27 conservation districts created under Section 59, Article XVI, Texas

1 Constitution. (Acts 73rd Leg., R.S., Ch. 1028, Secs. 5(a) (part),
2 (b) (part), (c) (part).)

3 Sec. 8867.102. LIMITATION ON RULEMAKING POWER NOT
4 APPLICABLE. Section 36.121, Water Code, does not apply to the
5 district. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 5(b) (part).)

6 Sec. 8867.103. FEES. (a) The district may assess fees
7 under Section 36.122(e) or 36.205(c), Water Code, in an annual
8 amount not to exceed:

9 (1) \$1 per acre-foot of water used for agricultural
10 use; or

11 (2) 17 cents per thousand gallons of water used for any
12 other purpose.

13 (b) Section 36.205(e), Water Code, does not apply to the
14 district. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 5(c) (part).)

15 CHAPTER 8868. SOUTHEAST TEXAS GROUNDWATER CONSERVATION DISTRICT

16 SUBCHAPTER A. GENERAL PROVISIONS

17 Sec. 8868.001. DEFINITIONS

18 Sec. 8868.002. NATURE OF DISTRICT

19 Sec. 8868.003. FINDINGS OF PUBLIC USE AND BENEFIT

20 Sec. 8868.004. DISTRICT TERRITORY

21 Sec. 8868.005. ADDITION OF ADJACENT COUNTY TO DISTRICT

22 Sec. 8868.006. LANDOWNERS' RIGHTS

23 [Sections 8868.007-8868.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 8868.051. COMPOSITION OF BOARD; TERMS

26 Sec. 8868.052. APPOINTMENT OF DIRECTORS BY INITIAL

27 COUNTIES

1 Sec. 8868.053. APPOINTMENT OF DIRECTORS BY ADDITIONAL
2 COUNTIES

3 Sec. 8868.054. QUALIFICATIONS; GROUNDWATER PRODUCERS

4 Sec. 8868.055. BOARD VACANCY

5 Sec. 8868.056. COMPENSATION; EXPENSES

6 Sec. 8868.057. VOTE REQUIRED FOR BOARD ACTION

7 [Sections 8868.058-8868.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8868.101. GROUNDWATER CONSERVATION DISTRICT

10 POWERS AND DUTIES

11 Sec. 8868.102. TRANSFER OF GROUNDWATER OUT OF DISTRICT

12 Sec. 8868.103. LIMIT ON PURCHASE OF GROUNDWATER RIGHTS

13 FOR CONSERVATION PURPOSES

14 Sec. 8868.104. WELLS EXEMPT FROM REGULATION

15 Sec. 8868.105. NO EMINENT DOMAIN POWER

16 [Sections 8868.106-8868.150 reserved for expansion]

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 8868.151. TAXES PROHIBITED

19 Sec. 8868.152. TAX BONDS PROHIBITED

20 Sec. 8868.153. PERMIT FEES

21 CHAPTER 8868. SOUTHEAST TEXAS GROUNDWATER CONSERVATION DISTRICT

22 SUBCHAPTER A. GENERAL PROVISIONS

23 Sec. 8868.001. 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 Southeast Texas Groundwater

27 Conservation District. (Acts 78th Leg., R.S., Ch. 384, Sec. 1;

1 New.)

2 Sec. 8868.002. NATURE OF DISTRICT. (a) The district is a
3 groundwater conservation district created under and essential to
4 accomplish the purposes of Section 59, Article XVI, Texas
5 Constitution.

6 (b) The district is a political subdivision of this state.
7 (Acts 78th Leg., R.S., Ch. 384, Secs. 2, 3.)

8 Sec. 8868.003. FINDINGS OF PUBLIC USE AND BENEFIT.

9 (a) The district is created to serve a public use and benefit.

10 (b) All land and other property included in the district
11 will benefit from the works and projects accomplished by the
12 district under the powers conferred by Section 59, Article XVI,
13 Texas Constitution. (Acts 78th Leg., R.S., Ch. 384, Sec. 4.)

14 Sec. 8868.004. DISTRICT TERRITORY. The district's
15 boundaries are coextensive with the boundaries of Jasper, Newton,
16 Hardin, and Tyler Counties, Texas, unless the district's territory
17 has been modified under:

18 (1) Section 8868.005;

19 (2) Subchapter J or K, Chapter 36, Water Code; or

20 (3) other law. (Acts 78th Leg., R.S., Ch. 384, Sec. 5;

21 New.)

22 Sec. 8868.005. ADDITION OF ADJACENT COUNTY TO DISTRICT.

23 (a) An adjacent county may petition to join the district by
24 resolution of the commissioners court of the county.

25 (b) If, after a hearing on the resolution, the board finds
26 that the addition of the county would benefit the district and the
27 county to be added, the board by resolution may approve the addition

1 of the county to the district.

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

6 (d) The ballot for the election shall be printed to provide
7 for voting for or against the proposition: "The inclusion of
8 _____ (name of county) County in the Southeast Texas
9 Groundwater Conservation District." (Acts 78th Leg., R.S., Ch. 384,
10 Secs. 14(a), (b), (c), (d).)

11 Sec. 8868.006. LANDOWNERS' RIGHTS. The rights of landowners
12 and their lessees and assigns in groundwater in the district are
13 recognized. Nothing in this chapter may be construed to deprive or
14 divest the landowners or their lessees and assigns of their rights,
15 subject to district rules. (Acts 78th Leg., R.S., Ch. 384, Sec. 12.)

16 [Sections 8868.007-8868.050 reserved for expansion]

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Sec. 8868.051. COMPOSITION OF BOARD; TERMS. (a) The
19 district is governed by a board of directors appointed under
20 Sections 8868.052 and 8868.053.

21 (b) Directors serve three-year terms.

22 (c) A director may serve consecutive terms. (Acts 78th Leg.,
23 R.S., Ch. 384, Secs. 9(a) (part), (b) (part), (e).)

24 Sec. 8868.052. APPOINTMENT OF DIRECTORS BY INITIAL
25 COUNTIES. (a) The Jasper County Commissioners Court shall appoint
26 two directors. One director shall represent rural water utilities
27 and small municipal water supply interests. The other director

1 shall represent the large industrial groundwater supply interests
2 of the county and large municipal utilities.

3 (b) The Newton County Commissioners Court shall appoint two
4 directors. One director shall represent rural water utilities and
5 small municipal water supply interests. The other director shall
6 represent the forestry or agricultural groundwater supply
7 interests of the county.

8 (c) The Jasper County Commissioners Court and the Newton
9 County Commissioners Court shall jointly appoint one director to
10 represent the forestry, agricultural, or landowner groundwater
11 supply interests of both counties. The jointly appointed director
12 shall serve as the board's presiding officer.

13 (d) The Newton City Council shall appoint one director.

14 (e) The Jasper City Council shall appoint one director.
15 (Acts 78th Leg., R.S., Ch. 384, Secs. 10(a), (b), (c), (d), (e).)

16 Sec. 8868.053. APPOINTMENT OF DIRECTORS BY ADDITIONAL
17 COUNTIES. When a county is added to the district, the board may
18 change the number of directors so that an equal number of directors
19 are appointed from each county and one director is appointed
20 jointly by the counties. (Acts 78th Leg., R.S., Ch. 384, Sec. 9(a)
21 (part).)

22 Sec. 8868.054. QUALIFICATIONS; GROUNDWATER PRODUCERS. A
23 director is not disqualified from serving because the director is
24 an employee, manager, director, or officer of a groundwater
25 producer that is or may be regulated by the district. (Acts 78th
26 Leg., R.S., Ch. 384, Sec. 10(f).)

27 Sec. 8868.055. BOARD VACANCY. (a) If there is a vacancy on

1 the board, the governing body of the entity that appointed the
2 director who vacated the office shall appoint a director to serve
3 the remainder of the term.

4 (b) The board shall adopt rules or bylaws to establish when
5 a vacancy has occurred. (Acts 78th Leg., R.S., Ch. 384, Sec. 9(f).)

6 Sec. 8868.056. COMPENSATION; EXPENSES. (a) A director is
7 not entitled to receive compensation for serving as a director.

8 (b) A director may be reimbursed for actual, reasonable
9 expenses incurred in discharging official duties. (Acts 78th Leg.,
10 R.S., Ch. 384, Sec. 9(g).)

11 Sec. 8868.057. VOTE REQUIRED FOR BOARD ACTION. A majority
12 vote of a quorum of the board is required for board action. If there
13 is a tie vote, the proposed action fails. (Acts 78th Leg., R.S., Ch.
14 384, Sec. 9(h).)

15 [Sections 8868.058-8868.100 reserved for expansion]

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 8868.101. GROUNDWATER CONSERVATION DISTRICT POWERS
18 AND DUTIES. Except as provided by this chapter, the district has
19 the rights, powers, privileges, functions, and duties provided by
20 the general law of this state, including Chapter 36, Water Code,
21 applicable to groundwater conservation districts created under
22 Section 59, Article XVI, Texas Constitution. (Acts 78th Leg., R.S.,
23 Ch. 384, Sec. 6.)

24 Sec. 8868.102. TRANSFER OF GROUNDWATER OUT OF DISTRICT.
25 The district by rule may require a person to obtain a permit from
26 the district for the transfer of groundwater out of the district
27 consistent with Section 36.122, Water Code, and may regulate the

1 terms on which a permit holder under those rules may conduct the
2 transfer. (Acts 78th Leg., R.S., Ch. 384, Sec. 7(a).)

3 Sec. 8868.103. LIMIT ON PURCHASE OF GROUNDWATER RIGHTS FOR
4 CONSERVATION PURPOSES. The district may not purchase groundwater
5 rights unless the purchased rights are acquired for conservation
6 purposes and are permanently held in trust not to be produced. (Acts
7 78th Leg., R.S., Ch. 384, Sec. 7(g) (part).)

8 Sec. 8868.104. WELLS EXEMPT FROM REGULATION. (a) The
9 district may not require a permit for a well incapable of producing
10 more than 25,000 gallons of groundwater a day.

11 (b) A well meeting the criteria established under Section
12 36.117, Water Code, including a well used for dewatering and
13 monitoring in the production of coal or lignite, is exempt from
14 permit requirements, regulations, and fees imposed by the district.
15 (Acts 78th Leg., R.S., Ch. 384, Secs. 7(b), (f).)

16 Sec. 8868.105. NO EMINENT DOMAIN POWER. The district may
17 not exercise the power of eminent domain. (Acts 78th Leg., R.S., Ch.
18 384, Sec. 7(g) (part).)

19 [Sections 8868.106-8868.150 reserved for expansion]

20 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

21 Sec. 8868.151. TAXES PROHIBITED. The district may not
22 impose a tax. (Acts 78th Leg., R.S., Ch. 384, Sec. 7(c).)

23 Sec. 8868.152. TAX BONDS PROHIBITED. The district may not
24 issue any bonds or other obligations that pledge revenue derived
25 from district taxation. (Acts 78th Leg., R.S., Ch. 384, Sec. 7(g)
26 (part).)

27 Sec. 8868.153. PERMIT FEES. (a) The district by rule may

1 impose a reasonable fee on each well that is not exempt from
2 regulation by the district and for which a permit is issued by the
3 district.

4 (b) The fee must be based on the amount of water to be
5 withdrawn from the well.

6 (c) The fee may not exceed one cent per thousand gallons of
7 groundwater withdrawn for any purpose. (Acts 78th Leg., R.S., Ch.
8 384, Secs. 7(d), (e).)

9 CHAPTER 8869. WES-TEX GROUNDWATER CONSERVATION DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8869.001. DEFINITIONS

12 Sec. 8869.002. NATURE OF DISTRICT

13 Sec. 8869.003. FINDINGS OF PUBLIC USE AND BENEFIT

14 Sec. 8869.004. DISTRICT TERRITORY

15 [Sections 8869.005-8869.050 reserved for expansion]

16 SUBCHAPTER B. BOARD OF DIRECTORS

17 Sec. 8869.051. COMPOSITION OF BOARD

18 Sec. 8869.052. ELECTION OF DIRECTORS

19 Sec. 8869.053. TERMS

20 Sec. 8869.054. ELECTION DATE

21 Sec. 8869.055. QUALIFICATIONS FOR OFFICE

22 [Sections 8869.056-8869.100 reserved for expansion]

23 SUBCHAPTER C. POWERS AND DUTIES

24 Sec. 8869.101. GROUNDWATER CONSERVATION DISTRICT

25 POWERS AND DUTIES

26 Sec. 8869.102. LIMITATIONS ON DISTRICT POWERS

27 [Sections 8869.103-8869.150 reserved for expansion]

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Sec. 8869.151. MAINTENANCE AND OPERATION TAX

3 CHAPTER 8869. WES-TEX GROUNDWATER CONSERVATION DISTRICT

4 SUBCHAPTER A. GENERAL PROVISIONS

5 Sec. 8869.001. DEFINITIONS. In this chapter:

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

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

8 (3) "District" means the Wes-Tex Groundwater
9 Conservation District. (Acts 77th Leg., R.S., Ch. 1473, Sec. 2;
10 New.)

11 Sec. 8869.002. NATURE OF DISTRICT. The district is a
12 groundwater conservation district in Nolan County created under and
13 essential to accomplish the purposes of Section 59, Article XVI,
14 Texas Constitution. (Acts 77th Leg., R.S., Ch. 1473, Secs. 1(a)
15 (part), (b).)

16 Sec. 8869.003. FINDINGS OF PUBLIC USE AND BENEFIT.

17 (a) The district is created to serve a public use and benefit.

18 (b) All land and other property included in the district
19 will benefit from the works and projects accomplished by the
20 district under the powers conferred by Section 59, Article XVI,
21 Texas Constitution. (Acts 77th Leg., R.S., Ch. 1473, Sec. 4.)

22 Sec. 8869.004. DISTRICT TERRITORY. The district's

23 boundaries are coextensive with the boundaries of Nolan County,
24 unless the district's territory has been modified under:

25 (1) Subchapter J or K, Chapter 36, Water Code; or

26 (2) other law. (Acts 77th Leg., R.S., Ch. 1473, Sec.
27 3; New.)

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2022

1 [Sections 8869.005-8869.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8869.051. COMPOSITION OF BOARD. The district is
4 governed by a board of nine directors that consists of one at-large
5 director and two directors from each county commissioners precinct.
6 (Acts 77th Leg., R.S., Ch. 1473, Sec. 7(a) (part).)

7 Sec. 8869.052. ELECTION OF DIRECTORS. (a) Directors are
8 elected according to the commissioners precinct method as provided
9 by this section.

10 (b) One director is elected by the voters of the entire
11 district. Two directors are elected from each county commissioners
12 precinct by the voters of that precinct. Of the two directors
13 elected from each precinct, one must reside in an incorporated area
14 and one must reside in an unincorporated area.

15 (c) A person shall indicate on the application for a place
16 on the ballot:

17 (1) the precinct that the person seeks to represent
18 and whether that person resides in an incorporated or in an
19 unincorporated area; or

20 (2) that the person seeks to represent the district at
21 large.

22 (d) When the boundaries of the county commissioners
23 precincts are redrawn under Section 18, Article V, Texas
24 Constitution, a director in office on the effective date of the
25 change, or elected or appointed before the effective date of the
26 change to a term of office beginning on or after the effective date
27 of the change, shall serve the term or the remainder of the term in

1 the precinct to which elected or appointed even though the change in
2 boundaries places the person's residence outside the precinct for
3 which the person was elected or appointed. (Acts 77th Leg., R.S.,
4 Ch. 1473, Secs. 7(a) (part), 9(a), (b), (d), (e), as amended Acts
5 79th Leg., R.S., Chs. 858, 1088.)

6 Sec. 8869.053. TERMS. Directors serve staggered four-year
7 terms with four or five members' terms expiring December 1 of each
8 even-numbered year. (Acts 77th Leg., R.S., Ch. 1473, Secs. 7(d),
9 11A, as added Acts 79th Leg., R.S., Chs. 858, 1088.)

10 Sec. 8869.054. ELECTION DATE. On the uniform election date
11 prescribed by Section 41.001, Election Code, in November of each
12 even-numbered year, the appropriate number of directors shall be
13 elected. (Acts 77th Leg., R.S., Ch. 1473, Sec. 11, as amended Acts
14 79th Leg., R.S., Chs. 858, 1088.)

15 Sec. 8869.055. QUALIFICATIONS FOR OFFICE. (a) To be a
16 candidate for or to serve as director at large, a person must reside
17 in and be a registered voter in the district.

18 (b) To be a candidate for or to serve as director from an
19 incorporated area of a county commissioners precinct, a person must
20 reside in an incorporated area of and be a registered voter of that
21 precinct.

22 (c) To be a candidate for or to serve as director from an
23 unincorporated area of a county commissioners precinct, a person
24 must reside in an unincorporated area of and be a registered voter
25 of that precinct. (Acts 77th Leg., R.S., Ch. 1473, Sec. 9(c).)

26 [Sections 8869.056-8869.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8869.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1473, Sec. 5(a) (part).)

Sec. 8869.102. LIMITATIONS ON DISTRICT POWERS.

Notwithstanding Section 8869.101, the district may not:

(1) acquire land;

(2) purchase, sell, transport, or distribute surface water or groundwater;

(3) issue bonds; or

(4) exercise eminent domain authority. (Acts 77th Leg., R.S., Ch. 1473, Sec. 6.)

[Sections 8869.103-8869.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8869.151. MAINTENANCE AND OPERATION TAX. To pay the maintenance and operating expenses of the district, the board may impose taxes annually at a rate not to exceed three cents on each \$100 of assessed valuation. (Acts 77th Leg., R.S., Ch. 1473, Sec. 12.)

CHAPTER 8870. TRINITY GLEN ROSE GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8870.001. DEFINITIONS

Sec. 8870.002. NATURE OF DISTRICT

Sec. 8870.003. PURPOSE

- 1 Sec. 8870.004. FINDINGS OF PUBLIC USE AND BENEFIT
- 2 Sec. 8870.005. DISTRICT TERRITORY
- 3 Sec. 8870.006. MUNICIPALITY'S CHOICE OF DISTRICT
- 4 Sec. 8870.007. EFFECT OF ANNEXATION OF LAND BY CERTAIN
- 5 MUNICIPALITIES
- 6 [Sections 8870.008-8870.050 reserved for expansion]
- 7 SUBCHAPTER B. BOARD OF DIRECTORS
- 8 Sec. 8870.051. COMPOSITION OF BOARD; TERMS
- 9 Sec. 8870.052. ELECTION OF DIRECTORS
- 10 Sec. 8870.053. ELECTION DATE
- 11 Sec. 8870.054. QUALIFICATIONS FOR OFFICE
- 12 Sec. 8870.055. BOARD VACANCY
- 13 Sec. 8870.056. REVISION OF SINGLE-MEMBER DISTRICTS
- 14 [Sections 8870.057-8870.100 reserved for expansion]
- 15 SUBCHAPTER C. POWERS AND DUTIES
- 16 Sec. 8870.101. GROUNDWATER CONSERVATION DISTRICT
- 17 POWERS AND DUTIES
- 18 Sec. 8870.102. REGULATION OF WELLS
- 19 Sec. 8870.103. PUBLIC WATER SUPPLY WELLS; CERTAIN
- 20 WELLS EXEMPT FROM REGULATION
- 21 Sec. 8870.104. MANAGEMENT PRACTICES; CONSTRUCTION AND
- 22 MAINTENANCE
- 23 Sec. 8870.105. LIMITATIONS ON DISTRICT POWERS
- 24 [Sections 8870.106-8870.150 reserved for expansion]
- 25 SUBCHAPTER D. FINANCIAL PROVISIONS
- 26 Sec. 8870.151. MAINTENANCE AND OPERATION TAX

1 Sec. 8870.152. LIMITATION ON TAXES; PROHIBITED TAXES
2 AND FEES

3 Sec. 8870.153. FEES

4 Sec. 8870.154. RECHARGE CREDITS

5 Sec. 8870.155. USE OF DISTRICT FUNDS

6 CHAPTER 8870. TRINITY GLEN ROSE GROUNDWATER CONSERVATION DISTRICT
7 SUBCHAPTER A. GENERAL PROVISIONS

8 Sec. 8870.001. DEFINITIONS. In this chapter:

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

10 (2) "Commission" means the Texas Commission on
11 Environmental Quality.

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

13 (4) "District" means the Trinity Glen Rose Groundwater
14 Conservation District. (Acts 77th Leg., R.S., Ch. 1312, Sec. 2;
15 New.)

16 Sec. 8870.002. NATURE OF DISTRICT. The district is a
17 groundwater conservation district in the part of Bexar County
18 overlying the Trinity Aquifer and is created under and essential to
19 accomplish the purposes of Section 59, Article XVI, Texas
20 Constitution. (Acts 77th Leg., R.S., Ch. 1312, Secs. 1(a) (part),
21 (b).)

22 Sec. 8870.003. PURPOSE. The purpose of the district is to
23 develop and implement regulatory, conservation, and recharge
24 programs that preserve and protect the underground water resources
25 located within the district. (Acts 77th Leg., R.S., Ch. 1312, Sec.
26 1(c).)

27 Sec. 8870.004. FINDINGS OF PUBLIC USE AND BENEFIT.

1 (a) The district is created to serve a public use and benefit.

2 (b) All land and other property included in the district
3 will benefit from the works and projects accomplished by the
4 district under the powers conferred by Section 59, Article XVI,
5 Texas Constitution. (Acts 77th Leg., R.S., Ch. 1312, Sec. 4.)

6 Sec. 8870.005. DISTRICT TERRITORY. (a) The district is
7 composed of the territory described by Section 3, Chapter 1312,
8 Acts of the 77th Legislature, Regular Session, 2001, as that
9 territory may have been modified under:

10 (1) Subsection (b) or its predecessor statute, former
11 Section 3(b), Chapter 1312, Acts of the 77th Legislature, Regular
12 Session, 2001;

13 (2) Section 8870.006 or 8870.007 or their predecessor
14 statutes, former Sections 19 and 19A, Chapter 1312, Acts of the 77th
15 Legislature, Regular Session, 2001;

16 (3) Subchapter J or K, Chapter 36, Water Code; or

17 (4) other law.

18 (b) The district may add territory inside the boundaries of
19 the Edwards Aquifer Authority with the consent of the board of
20 directors of the authority in the manner provided by Subchapter J,
21 Chapter 36, Water Code. (Acts 77th Leg., R.S., Ch. 1312, Sec. 3(b);
22 New.)

23 Sec. 8870.006. MUNICIPALITY'S CHOICE OF DISTRICT. (a) If
24 any part of a municipality, a part of which is included within the
25 boundaries of the district, is included within the boundaries of
26 one or more other groundwater conservation districts created by
27 special Act of the 77th Legislature, Regular Session, 2001, and

1 confirmed at a subsequent election called for the purpose, the
2 municipality, not later than August 31, 2004, at an election called
3 for the purpose, may vote to choose the one groundwater
4 conservation district of which it will be a part.

5 (b) If, after a municipality has held an election authorized
6 by Subsection (a), another groundwater conservation district
7 created by special Act of the 77th Legislature, Regular Session,
8 2001, that includes any part of the municipality is confirmed at an
9 election called for the purpose and if the district of which the
10 municipality has chosen to be a part has not issued bonds secured by
11 ad valorem taxes on any land within the boundaries of the
12 municipality, the municipality may hold another election under this
13 section to choose whether to remain within the groundwater
14 conservation district of which it has chosen to be a part or to
15 separate from that district and become part of the newly confirmed
16 groundwater conservation district. The district may hold another
17 election under this section, regardless of the number of previous
18 elections under this section, at any time a district described by
19 Subsection (a) is confirmed.

20 (c) Section 41.001(a), Election Code, does not apply to an
21 election under this section.

22 (d) This section and the results of an election held under
23 this section prevail over the provisions of any Act of the 77th
24 Legislature, Regular Session, 2001, other than Chapter 1312, Acts
25 of the 77th Legislature, Regular Session, 2001, regardless of the
26 relative dates on which Chapter 1312, Acts of the 77th Legislature,
27 Regular Session, 2001, and the other Act were enacted and became

1 law. (Acts 77th Leg., R.S., Ch. 1312, Secs. 19(a), (b), (c) (part),
2 (d).)

3 Sec. 8870.007. EFFECT OF ANNEXATION OF LAND BY CERTAIN
4 MUNICIPALITIES. (a) In this section:

5 (1) "Inhabited land" means land on which at least one
6 fixed, permanent, and occupied dwelling is situated, as of the date
7 on which the land is annexed by a municipality.

8 (2) "Vacant land" means land on which no fixed,
9 permanent, and occupied dwelling is situated, as of the date on
10 which the land is annexed by a municipality.

11 (b) If a municipality that has held an election under
12 Section 8870.006 or its predecessor statute, former Section 19,
13 Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001,
14 subsequently annexes vacant land that is not located in the
15 groundwater conservation district chosen by the municipality in the
16 election, the annexed vacant land by that action:

17 (1) becomes part of the territory of the groundwater
18 conservation district chosen by the municipality in the election;
19 and

20 (2) is disannexed from any other groundwater
21 conservation district in which the land is located.

22 (c) If a municipality that has held an election under
23 Section 8870.006 or its predecessor statute, former Section 19,
24 Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001,
25 subsequently annexes inhabited land that is not located in the
26 groundwater conservation district chosen by the municipality in the
27 election, the landowners of the annexed inhabited land may file a

1 petition with the groundwater conservation district requesting
2 inclusion in that district as provided by Subchapter J, Chapter 36,
3 Water Code. Notwithstanding Section 36.325(b), Water Code, the
4 petition must be signed by all of the landowners of the land to be
5 annexed by the groundwater conservation district. If the affected
6 landowners do not file a petition as provided by this subsection,
7 the municipality shall hold an election under Section 8870.006 in
8 which the voters in the annexed inhabited land may choose the one
9 groundwater conservation district of which the annexed land will be
10 a part.

11 (d) Any land annexed by the municipality after an election
12 under Section 8870.006 or its predecessor statute, former Section
13 19, Chapter 1312, Acts of the 77th Legislature, Regular Session,
14 2001, and before the effective date of this section is:

15 (1) territory of the district chosen by the
16 municipality in the election; and

17 (2) disannexed from any other groundwater
18 conservation district in which the land is located.

19 (e) A disannexation of a groundwater conservation
20 district's territory under this section does not diminish or impair
21 the rights of the holders of any outstanding and unpaid bonds,
22 warrants, or other obligations of that groundwater conservation
23 district. Property disannexed under this section is not released
24 from its pro rata share of any indebtedness of that groundwater
25 conservation district at the time of the disannexation, and that
26 groundwater conservation district may continue to tax the property
27 until that debt is paid. (Acts 77th Leg., R.S., Ch. 1312, Sec. 19A.)

1 [Sections 8870.008-8870.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8870.051. COMPOSITION OF BOARD; TERMS. (a) The
4 district is governed by a board of five directors.

5 (b) Directors serve staggered four-year terms. (Acts 77th
6 Leg., R.S., Ch. 1312, Secs. 7(a), 11(c).)

7 Sec. 8870.052. ELECTION OF DIRECTORS. (a) The district is
8 divided into five numbered, single-member districts for electing
9 directors.

10 (b) One director is elected from each single-member
11 district. A director elected from a single-member district
12 represents the residents of that single-member district. (Acts
13 77th Leg., R.S., Ch. 1312, Secs. 6(a), (b).)

14 Sec. 8870.053. ELECTION DATE. Each even-numbered year, on
15 the uniform election date in May or another date authorized by law,
16 the appropriate number of directors shall be elected. (Acts 77th
17 Leg., R.S., Ch. 1312, Sec. 12.)

18 Sec. 8870.054. QUALIFICATIONS FOR OFFICE. (a) To be
19 qualified to be a candidate for or to serve as director, a person
20 must be a registered voter in the single-member district that the
21 person represents or seeks to represent.

22 (b) The disqualification of a director is governed by
23 Section 49.052, Water Code. (Acts 77th Leg., R.S., Ch. 1312, Secs.
24 5(c), 6(c).)

25 Sec. 8870.055. BOARD VACANCY. (a) The board shall appoint
26 a replacement to fill a vacancy in the office of director.

27 (b) The appointed replacement serves until the next

1 directors' election.

2 (c) At that election, a person is elected to fill the
3 position. If the position is not scheduled to be filled at the
4 election, the person elected to fill the position serves only for
5 the remainder of the unexpired term. (Acts 77th Leg., R.S., Ch.
6 1312, Sec. 7(b).)

7 Sec. 8870.056. REVISION OF SINGLE-MEMBER DISTRICTS.

8 (a) The board may revise the single-member districts as necessary
9 or appropriate.

10 (b) The board shall revise each single-member district
11 after each federal decennial census to reflect population changes.

12 (c) At the first election after the single-member districts
13 are revised, a new director shall be elected from each district.
14 The directors shall draw lots to determine which two directors
15 serve two-year terms and which three directors serve four-year
16 terms. (Acts 77th Leg., R.S., Ch. 1312, Sec. 6(d).)

17 [Sections 8870.057-8870.100 reserved for expansion]

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 8870.101. GROUNDWATER CONSERVATION DISTRICT POWERS
20 AND DUTIES. The district has the rights, powers, privileges,
21 functions, and duties provided by the general law of this state,
22 including Chapter 36, Water Code, applicable to groundwater
23 conservation districts created under Section 59, Article XVI, Texas
24 Constitution. (Acts 77th Leg., R.S., Ch. 1312, Sec. 5(a).)

25 Sec. 8870.102. REGULATION OF WELLS. (a) The board may
26 require all or certain types of wells in the district to be
27 registered with the district.

1 (b) Notwithstanding Section 36.117, Water Code:

2 (1) the production capacity for an exempt well in the
3 district is 10,000 gallons per day or less; and

4 (2) an exempt domestic well in the district may not
5 serve more than five households.

6 (c) A well on or serving a tract of land of less than five
7 acres that is installed after September 1, 2001, regardless of
8 whether a plat is required or whether the production capacity of the
9 well is less than 10,000 gallons per day, is not an exempt well.

10 (d) This section does not affect the exempt status of public
11 water supply wells under Section 8870.103. (Acts 77th Leg., R.S.,
12 Ch. 1312, Secs. 14(a), (b), (c), (d).)

13 Sec. 8870.103. PUBLIC WATER SUPPLY WELLS; CERTAIN WELLS
14 EXEMPT FROM REGULATION. (a) A public water supply well is exempt
15 from regulation by the district if:

16 (1) the well existed on September 1, 2001, and was
17 drilled in compliance with technical requirements in effect at the
18 time the well was drilled; or

19 (2) the commission approved plans submitted for the
20 installation of the well before September 1, 2001, and the
21 installation of the well was completed in accordance with the
22 approved plans and the commission's technical requirements before
23 September 1, 2002.

24 (b) For the purposes of Subsection (a)(2), the installation
25 of a well was timely completed if, before September 1, 2002, the
26 well was drilled, cased, and cemented in accordance with the
27 commission's technical requirements and the plans submitted to and

1 approved by the commission before September 1, 2001, even if the
2 well was capped for subsequent placement into service as part of a
3 public water system.

4 (c) The owner of a public water supply well shall register
5 the well with the district and submit reports to the district. A
6 public water supply well is subject to the district's prohibitions
7 on the waste of groundwater.

8 (d) The district may not require a construction or operating
9 permit for a public water supply well approved by the commission.

10 (e) Fees a retail public utility pays to the district shall
11 be collected directly from the customers of the utility as a
12 regulatory fee and shown as a separate line item on the customer's
13 bill.

14 (f) The district may not prohibit the sale, purchase, lease,
15 or trade of groundwater by a private well owner under this section.
16 (Acts 77th Leg., R.S., Ch. 1312, Sec. 16.)

17 Sec. 8870.104. MANAGEMENT PRACTICES; CONSTRUCTION AND
18 MAINTENANCE. The district may:

19 (1) construct, implement, and maintain best
20 management practices in the district;

21 (2) engage in and promote the acceptance of best
22 management practices through education efforts sponsored by the
23 district;

24 (3) include the construction and maintenance of
25 terraces and other structures on land in the district;

26 (4) engage in and promote land treatment measures for
27 soil conservation and improvement; and

1 (5) prepare and implement a plan for the control and
2 management of brush within the district. (Acts 77th Leg., R.S., Ch.
3 1312, Sec. 14(e).)

4 Sec. 8870.105. LIMITATIONS ON DISTRICT POWERS. The
5 district may not:

6 (1) sell, donate, lease, or otherwise grant rights in
7 or to underground water located in the district unless the action
8 has been approved by a majority vote of district residents; or

9 (2) enter into any contract or engage in any action to
10 purchase, sell, transport, and distribute surface water or
11 groundwater for any purpose other than a program for aquifer
12 storage and recovery of water. (Acts 77th Leg., R.S., Ch. 1312,
13 Sec. 15(a) (part).)

14 [Sections 8870.106-8870.150 reserved for expansion]

15 SUBCHAPTER D. FINANCIAL PROVISIONS

16 Sec. 8870.151. MAINTENANCE AND OPERATION TAX. (a) Except
17 as provided by Subsection (b), the board may impose a maintenance
18 and operation tax if the tax is approved by a majority of the
19 qualified voters voting at an election called and held for that
20 purpose in the manner provided by Section 36.201, Water Code.

21 (b) If the district imposes a fee under Section 8870.153,
22 the district may not impose a tax under this section. (Acts 77th
23 Leg., R.S., Ch. 1312, Secs. 13(a), (i) (part).)

24 Sec. 8870.152. LIMITATION ON TAXES; PROHIBITED TAXES AND
25 FEES. (a) The district may not assess an ad valorem tax for
26 administrative, operation, and maintenance expenses in excess of
27 three cents for each \$100 valuation.

1 (b) The district may not impose a tax on or charge a fee to
2 any person in the district who does not obtain water from the
3 Trinity Aquifer.

4 (c) The district may not impose a fee or tax on:

5 (1) a municipality that has held an election under
6 Section 8870.006 or its predecessor statute, Section 19, Chapter
7 1312, Acts of the 77th Legislature, Regular Session, 2001, and
8 obtains at least 50 percent of its annual water supply from a source
9 other than the Trinity Aquifer;

10 (2) a municipally owned utility, as defined by Section
11 13.002, Water Code, of a municipality described by Subdivision (1);
12 or

13 (3) a resident of or other water user within a
14 municipality described by Subdivision (1), whose sole source of
15 water is the municipality or the municipally owned utility of the
16 municipality. (Acts 77th Leg., R.S., Ch. 1312, Secs. 15(a) (part),
17 17.)

18 Sec. 8870.153. FEES. (a) Except as provided by Subsection
19 (g), the board may impose fees on each nonexempt well in the
20 district.

21 (b) A fee may be assessed annually, based on:

- 22 (1) the size of column pipe used in the well;
23 (2) the production capacity of the well; or
24 (3) actual, authorized, and anticipated pumpage.

25 (c) A fee imposed under this section may not exceed:

- 26 (1) \$1 per acre-foot for water used for agricultural
27 purposes; or

1 (2) \$40 per acre-foot for water used for a purpose
2 other than an agricultural purpose.

3 (d) The board may use fees as a regulatory mechanism or a
4 revenue-producing mechanism.

5 (e) The board shall adopt rules regarding:

6 (1) fee rates;

7 (2) the manner and form for filing reports of fees; and

8 (3) the manner of collecting fees.

9 (f) To secure payment of a fee imposed under this section, a
10 lien attaches to the property on which the well is located. The lien
11 has the same priority and characteristics as a lien for district
12 taxes. The district may use the lien and all other powers that the
13 district possesses to collect the payment of the fee.

14 (g) If the district imposes a tax under Section 8870.151,
15 the district may not impose a fee under this section. (Acts 77th
16 Leg., R.S., Ch. 1312, Secs. 13(b), (b-1), (c) (part), (d), (e), (i)
17 (part).)

18 Sec. 8870.154. RECHARGE CREDITS. The board shall adopt
19 rules regarding the issuance of appropriate recharge credits to
20 persons in the district who:

21 (1) pay taxes or fees to the district; and

22 (2) enhance, supplement, improve, or prevent
23 pollution of recharge of the Trinity Aquifer. (Acts 77th Leg.,
24 R.S., Ch. 1312, Sec. 13(c) (part).)

25 Sec. 8870.155. USE OF DISTRICT FUNDS. (a) The district
26 may use a tax collected under Section 8870.151 or a fee collected
27 under Section 8870.153 to pay for the district's management and

1 operation and to pay all or part of the principal of and interest on
2 district bonds or notes.

3 (b) The board shall use a tax collected under Section
4 8870.151 or a fee collected under Section 8870.153 to pay for:

5 (1) studies and planning required to develop a
6 scientifically based regulatory program;

7 (2) soil and water conservation measures, including
8 water-retarding structures and brush management and the
9 implementation of other best management practices to address
10 natural resource concerns in the district;

11 (3) direct installation of water conservation devices
12 and early retirement of older devices;

13 (4) educational material relating to soil and water
14 conservation; and

15 (5) enforcement programs or regulatory programs.

16 (c) The district may spend a tax collected under Section
17 8870.151 or a fee collected under Section 8870.153 for the purposes
18 described by Subsection (b)(2) independently or in conjunction with
19 other natural resource programs in the district. (Acts 77th Leg.,
20 R.S., Ch. 1312, Secs. 13(f), (g), (h).)

21 SECTION 1.06. Subtitle I, Title 6, Special District Local
22 Laws Code, is amended by adding Chapters 9013, 9018, 9019, 9026,
23 9029, 9032, and 9033 to read as follows:

24 CHAPTER 9013. BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT

25 NO. 6

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Sec. 9013.001. DEFINITIONS

- 1 Sec. 9013.002. NATURE OF DISTRICT
2 Sec. 9013.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE
3 Sec. 9013.004. APPLICABILITY OF WATER CONTROL AND
4 IMPROVEMENT DISTRICTS LAW
5 [Sections 9013.005-9013.050 reserved for expansion]
6 SUBCHAPTER B. DISTRICT TERRITORY
7 Sec. 9013.051. DISTRICT TERRITORY
8 Sec. 9013.052. HEARINGS FOR EXCLUSION OF TERRITORY
9 [Sections 9013.053-9013.100 reserved for expansion]
10 SUBCHAPTER C. BOARD OF DIRECTORS
11 Sec. 9013.101. COMPOSITION OF BOARD
12 Sec. 9013.102. ELIGIBILITY
13 Sec. 9013.103. DIRECTOR'S BOND
14 Sec. 9013.104. FAILURE TO ELECT DIRECTORS
15 [Sections 9013.105-9013.150 reserved for expansion]
16 SUBCHAPTER D. POWERS AND DUTIES
17 Sec. 9013.151. GENERAL POWERS
18 Sec. 9013.152. WATER CONTROL AND IMPROVEMENT DISTRICT
19 POWERS
20 Sec. 9013.153. CONTROL OF WATER AND FLOODWATER;
21 RECLAMATION
22 Sec. 9013.154. STRUCTURES AND FACILITIES
23 Sec. 9013.155. COST OF RELOCATING OR ALTERING PROPERTY
24 [Sections 9013.156-9013.200 reserved for expansion]
25 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS
26 Sec. 9013.201. TAX METHOD

1 Sec. 9013.202. HEARING ON CHANGE IN METHOD OF
2 TAXATION; LIMITATION

3 Sec. 9013.203. PROJECTS EXEMPT FROM ASSESSMENT OR
4 TAXATION

5 Sec. 9013.204. MAINTENANCE TAX ELECTION PROCEDURES

6 Sec. 9013.205. MAINTENANCE TAX RATE

7 Sec. 9013.206. USE OF MAINTENANCE TAX PROCEEDS

8 Sec. 9013.207. APPROVAL OF AND FUNDING FOR CERTAIN
9 PLANS FOR WORKS AND IMPROVEMENTS

10 [Sections 9013.208-9013.250 reserved for expansion]

11 SUBCHAPTER F. BONDS

12 Sec. 9013.251. ISSUANCE OF BONDS

13 Sec. 9013.252. FAILED BOND ELECTION

14 Sec. 9013.253. BONDS EXEMPT FROM TAXATION

15 CHAPTER 9013. BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT
16 NO. 6

17 SUBCHAPTER A. GENERAL PROVISIONS

18 Sec. 9013.001. DEFINITIONS. In this chapter:

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

20 (2) "Director" means a board member.

21 (3) "District" means the Bell County Water Control and
22 Improvement District No. 6. (Acts 55th Leg., 1st C.S., Ch. 18, Sec.
23 1 (part); New.)

24 Sec. 9013.002. NATURE OF DISTRICT. The district is a
25 conservation and reclamation district in Bell County. (Acts 55th
26 Leg., 1st C.S., Ch. 18, Sec. 1 (part).)

27 Sec. 9013.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1 (a) The district is created to serve a public use and benefit.

2 (b) All land and other property included in the boundaries
3 of the district will benefit from the works and projects
4 accomplished by the district under the powers conferred by Section
5 59, Article XVI, Texas Constitution.

6 (c) The creation of the district is essential to accomplish
7 the purposes of Section 59, Article XVI, Texas Constitution.

8 (d) The accomplishment of the purposes stated in this
9 chapter is for the benefit of the people of this state and for the
10 improvement of their property and industries. The district in
11 carrying out the purposes of this chapter will be performing an
12 essential public function under the Texas Constitution. (Acts 55th
13 Leg., 1st C.S., Ch. 18, Secs. 1 (part), 2 (part), 3 (part).)

14 Sec. 9013.004. APPLICABILITY OF WATER CONTROL AND
15 IMPROVEMENT DISTRICTS LAW. Except as provided in this chapter,
16 general laws pertaining to water control and improvement districts
17 govern the district. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 13.)

18 [Sections 9013.005-9013.050 reserved for expansion]

19 SUBCHAPTER B. DISTRICT TERRITORY

20 Sec. 9013.051. DISTRICT TERRITORY. (a) The district is
21 composed of the territory described by Section 2, Chapter 18, Acts
22 of the 55th Legislature, 1st Called Session, 1957, as amended by
23 Section 1, Chapter 300, Acts of the 57th Legislature, Regular
24 Session, 1961, as that territory may have been modified under:

- 25 (1) Subchapter O, Chapter 51, Water Code;
26 (2) Subchapter J, Chapter 49, Water Code; or
27 (3) other law.

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

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

6 (2) the district's right to issue bonds or to pay the
7 principal of and interest on the bonds;

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

9 (4) the legality or operation of the district or its
10 governing body. (Acts 55th Leg., 1st C.S., Ch. 18, Secs. 1 (part),
11 2 (part); New.)

12 Sec. 9013.052. HEARINGS FOR EXCLUSION OF TERRITORY. A
13 hearing may not be held to determine whether to exclude property
14 included in the district. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 6
15 (part).)

16 [Sections 9013.053-9013.100 reserved for expansion]

17 SUBCHAPTER C. BOARD OF DIRECTORS

18 Sec. 9013.101. COMPOSITION OF BOARD. The board consists of
19 six elected directors. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 14
20 (part).)

21 Sec. 9013.102. ELIGIBILITY. (a) Each director of the
22 district must:

23 (1) be a landowner within the district; and

24 (2) reside in Bell County.

25 (b) A director who fails to meet the requirements of this
26 section during the director's tenure in office shall vacate that
27 office. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 14 (part).)

1 Sec. 9013.103. DIRECTOR'S BOND. Each director shall give a
2 bond in the amount of \$1,000 for the faithful performance of the
3 director's duties. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 9
4 (part).)

5 Sec. 9013.104. FAILURE TO ELECT DIRECTORS. Failure to call
6 a director election does not affect the legal status of the
7 district, the board, a director, or the right of the board to act or
8 function, and the directors continue to serve as provided by
9 Section 17, Article XVI, Texas Constitution. (Acts 55th Leg., 1st
10 C.S., Ch. 18, Sec. 9 (part).)

11 [Sections 9013.105-9013.150 reserved for expansion]

12 SUBCHAPTER D. POWERS AND DUTIES

13 Sec. 9013.151. GENERAL POWERS. The district may exercise
14 the rights, privileges, and functions provided by this chapter.
15 (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 1 (part).)

16 Sec. 9013.152. WATER CONTROL AND IMPROVEMENT DISTRICT
17 POWERS. To accomplish a purpose for which the district is created,
18 the district has the powers conferred by the general laws of this
19 state on water control and improvement districts, including the
20 power to:

21 (1) construct, acquire, improve, maintain, and repair
22 a dam or other structure; and

23 (2) acquire land, easements, equipment, or other
24 property needed to use, control, and distribute water that may be
25 impounded, diverted, or controlled by the district. (Acts 55th
26 Leg., 1st C.S., Ch. 18, Sec. 5.)

27 Sec. 9013.153. CONTROL OF WATER AND FLOODWATER;

1 RECLAMATION. The district has the power to:

2 (1) control, store, preserve, and distribute the water
3 and floodwater in the district for the irrigation of arid land,
4 conservation, preservation, reclamation, and drainage of the lands
5 in the district;

6 (2) carry out flood prevention measures to prevent
7 damage to the property in the district; and

8 (3) reclaim lands heretofore damaged because of the
9 failure to provide the facilities authorized to be constructed
10 under this chapter. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 4.)

11 Sec. 9013.154. STRUCTURES AND FACILITIES. The district may
12 acquire, construct, improve, repair, maintain, and operate a
13 structure or facility inside or outside the district. (Acts 55th
14 Leg., 1st C.S., Ch. 18, Sec. 9 (part).)

15 Sec. 9013.155. COST OF RELOCATING OR ALTERING PROPERTY. If
16 the district's exercise of the power of eminent domain, the power of
17 relocation, or any other power granted under this chapter makes
18 necessary the relocating, raising, rerouting, changing the grade,
19 or altering the construction of a highway, a railroad, an electric
20 transmission line, a telephone or telegraph property or facility,
21 or a pipeline, the necessary action shall be accomplished at the
22 sole expense of the district. (Acts 55th Leg., 1st C.S., Ch. 18,
23 Sec. 5a.)

24 [Sections 9013.156-9013.200 reserved for expansion]

25 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

26 Sec. 9013.201. TAX METHOD. Subject to Section 9013.202,
27 the district shall use an ad valorem plan of taxation, and the taxes

1 imposed by the district shall be on an ad valorem basis. (Acts 55th
2 Leg., 1st C.S., Ch. 18, Sec. 6 (part); New.)

3 Sec. 9013.202. HEARING ON CHANGE IN METHOD OF TAXATION;
4 LIMITATION. (a) Except as provided by Subsection (b), the
5 district may call a hearing to consider changing the method of
6 taxation.

7 (b) Once district bonds are approved by the attorney general
8 or district court, the district may not change its plan of taxation.
9 (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 10 (part).)

10 Sec. 9013.203. PROJECTS EXEMPT FROM ASSESSMENT OR TAXATION.
11 The district is not required to pay a tax or assessment on a project
12 or any part of a project. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 3
13 (part).)

14 Sec. 9013.204. MAINTENANCE TAX ELECTION PROCEDURES. (a) A
15 maintenance tax election shall be called and notice given in the
16 same manner as for a bond election.

17 (b) This chapter does not prevent the calling of a later
18 maintenance tax election to establish or increase the amount of tax
19 if the board determines that a maintenance tax election is
20 required. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 8 (part).)

21 Sec. 9013.205. MAINTENANCE TAX RATE. In calling a
22 maintenance tax election, the board must specify the maximum
23 proposed tax rate. To impose a maintenance tax at a rate that
24 exceeds the maximum proposed rate approved by the voters, the board
25 must submit the question of a tax rate increase to the voters.
26 (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 8 (part).)

27 Sec. 9013.206. USE OF MAINTENANCE TAX PROCEEDS. (a) The

1 district may spend maintenance tax proceeds for:

2 (1) an easement or right-of-way;

3 (2) any purpose for which a district may spend bond
4 proceeds; and

5 (3) maintenance and operation purposes.

6 (b) The district may place surplus maintenance tax proceeds
7 not needed for maintenance purposes into the sinking funds for
8 outstanding district bonds.

9 (c) The board's determination to spend maintenance tax
10 proceeds is final and is not subject to judicial review, except on
11 the grounds of fraud, palpable error, or gross abuse of discretion.
12 (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 9 (part).)

13 Sec. 9013.207. APPROVAL OF AND FUNDING FOR CERTAIN PLANS
14 FOR WORKS AND IMPROVEMENTS. (a) In this section, "commission"
15 means the Texas Commission on Environmental Quality.

16 (b) This section applies only to plans contemplated by the
17 district for works and improvements, or amendments to the plans,
18 that are prepared by the Natural Resources Conservation Service of
19 the United States Department of Agriculture and approved by the
20 district directors.

21 (c) An engineer's report covering the plans and
22 improvements to be constructed, and the maps, plats, profiles, and
23 data fully showing and explaining the plans and improvements, are
24 not required to be filed in the district office before an election
25 is held to authorize the issuance of bonds for the works and
26 improvements. The plans and specifications, engineering reports,
27 profiles, maps, and other data, and subsequent amendments to those

1 items, are not required to be approved by the commission before the
2 bonds are issued.

3 (d) Before the district may spend any funds for the
4 construction of any works and improvements, the commission must
5 approve the portion of the works and improvements to be
6 constructed. The commission's advance approval for the entire
7 project contemplated by the district is not required. The
8 commission may approve on a separate basis the portion of the entire
9 project or works and improvements:

10 (1) to be constructed at a particular time; and

11 (2) on which plans and specifications of the Natural
12 Resources Conservation Service have been prepared and submitted by
13 the district to the commission. (Acts 55th Leg., 1st C.S., Ch. 18,
14 Sec. 9 (part); New.)

15 [Sections 9013.208-9013.250 reserved for expansion]

16 SUBCHAPTER F. BONDS

17 Sec. 9013.251. ISSUANCE OF BONDS. To accomplish a district
18 purpose, the district may issue bonds as provided by general law for
19 water control and improvement districts to obtain money necessary
20 to furnish land or easements or permanent improvements on the land
21 or easements. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 8 (part).)

22 Sec. 9013.252. FAILED BOND ELECTION. (a) A general law,
23 including Sections 51.781-51.791, Water Code, that provides for
24 calling a hearing on the dissolution of a district after a failed
25 district bond election does not apply to the district.

26 (b) The district continues to exist and retain its full
27 power to function and operate regardless of the outcome of a bond

1 election. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 9 (part).)

2 Sec. 9013.253. BONDS EXEMPT FROM TAXATION. A bond issued
3 under this chapter, the transfer of the bond, and income from the
4 bond, including profits made on the sale of the bond, are exempt
5 from taxation in this state. (Acts 55th Leg., 1st C.S., Ch. 18,
6 Sec. 3 (part).)

7 CHAPTER 9018. BOLING MUNICIPAL WATER DISTRICT

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 9018.001. DEFINITIONS

10 Sec. 9018.002. NATURE OF DISTRICT

11 Sec. 9018.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

12 [Sections 9018.004-9018.050 reserved for expansion]

13 SUBCHAPTER B. DISTRICT TERRITORY; ANNEXATION AND EXCLUSION

14 Sec. 9018.051. DISTRICT TERRITORY

15 Sec. 9018.052. AUTHORITY TO ANNEX OR EXCLUDE TERRITORY

16 Sec. 9018.053. PETITION TO CHANGE BOUNDARIES

17 Sec. 9018.054. HEARING; NOTICE

18 Sec. 9018.055. BOARD APPROVAL OF ANNEXATION

19 Sec. 9018.056. BOARD APPROVAL OF EXCLUSION

20 Sec. 9018.057. RATIFICATION ELECTION; NOTICE

21 Sec. 9018.058. TAX LIABILITY OF EXCLUDED TERRITORY;

22 BONDS OUTSTANDING

23 [Sections 9018.059-9018.100 reserved for expansion]

24 SUBCHAPTER C. BOARD OF DIRECTORS

25 Sec. 9018.101. COMPOSITION OF BOARD

26 [Sections 9018.102-9018.150 reserved for expansion]

SUBCHAPTER D. POWERS AND DUTIES

Sec. 9018.151. WATER CONTROL AND IMPROVEMENT DISTRICT

POWERS

Sec. 9018.152. COST OF RELOCATING OR ALTERING PROPERTY

[Sections 9018.153-9018.200 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 9018.201. TAX METHOD

CHAPTER 9018. BOLING MUNICIPAL WATER DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9018.001. DEFINITIONS. In this chapter:

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

(2) "District" means the Boling Municipal Water District. (Acts 54th Leg., R.S., Ch. 286, Sec. 1 (part); New.)

Sec. 9018.002. NATURE OF DISTRICT. The district is:

(1) a conservation and reclamation district in Wharton County under Section 59, Article XVI, Texas Constitution; and

(2) a municipal corporation. (Acts 54th Leg., R.S., Ch. 286, Secs. 1 (part), 5 (part).)

Sec. 9018.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

(a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the creation of the district.

(c) The creation of the district is essential to accomplish the purpose of Section 59, Article XVI, Texas Constitution. (Acts 54th Leg., R.S., Ch. 286, Secs. 4 (part), 5 (part).)

[Sections 9018.004-9018.050 reserved for expansion]

1 SUBCHAPTER B. DISTRICT TERRITORY; ANNEXATION AND EXCLUSION

2 Sec. 9018.051. DISTRICT TERRITORY. The district is
3 composed of the territory described by Section 1, Chapter 286, Acts
4 of the 54th Legislature, Regular Session, 1955, as that territory
5 may have been modified under:

6 (1) this subchapter or its predecessor statute,
7 Section 4(a), Chapter 286, Acts of the 54th Legislature, Regular
8 Session, 1955;

9 (2) Subchapter O, Chapter 51, Water Code;

10 (3) Subchapter J, Chapter 49, Water Code; or

11 (4) other law. (New.)

12 Sec. 9018.052. AUTHORITY TO ANNEX OR EXCLUDE TERRITORY.
13 Defined areas of territory not included in the territory described
14 by Section 1, Chapter 286, Acts of the 54th Legislature, Regular
15 Session, 1955, may be added to the district, and territory included
16 in the district may be excluded from the district as provided by
17 this subchapter. (Acts 54th Leg., R.S., Ch. 286, Sec. 4(a) (part).)

18 Sec. 9018.053. PETITION TO CHANGE BOUNDARIES. (a) A
19 petition for:

20 (1) annexation of territory must be signed by a
21 majority of the landowners of the territory; and

22 (2) exclusion of territory must be signed by all of the
23 landowners of the territory sought to be excluded from the
24 district.

25 (b) The petition must be filed with the board secretary.
26 (Acts 54th Leg., R.S., Ch. 286, Sec. 4(a), Subsec. (a).)

27 Sec. 9018.054. HEARING; NOTICE. (a) At the next board

1 meeting after the date the petition is filed, the board shall order
2 a time and place to hold a hearing on the petition.

3 (b) The hearing shall be held not earlier than the 15th day
4 and not later than the 60th day after the date of the order.

5 (c) The secretary shall issue notice of the time and place
6 of the hearing. The notice must contain a description of the
7 territory sought to be annexed or excluded.

8 (d) Notice of the hearing shall be given by posting a copy of
9 the notice in three public places in the district and one copy in
10 the territory sought to be annexed or excluded. (Acts 54th Leg.,
11 R.S., Ch. 286, Sec. 4(a), Subsecs. (b), (c).)

12 Sec. 9018.055. BOARD APPROVAL OF ANNEXATION. (a) The
13 board shall enter an order of temporary acceptance in the minutes of
14 the hearing if, on hearing the petition for annexation, the board
15 finds that:

16 (1) the proposed annexation is to the advantage of the
17 district;

18 (2) no injury would result to the district; and

19 (3) the territory to be annexed will benefit from the
20 improvements and plans of the district.

21 (b) The order may include all of the land described in the
22 petition, but if the board finds a modification or change is
23 necessary, the board shall include only territory that will benefit
24 and not result in injury to the existing district.

25 (c) The board may condition its findings for the annexation
26 of territory on the grant of certain petitions for exclusion.

27 (d) An annexation of territory does not become effective

1 until ratified at an election under Section 9018.057. (Acts 54th
2 Leg., R.S., Ch. 286, Sec. 4(a), Subsec. (d) (part).)

3 Sec. 9018.056. BOARD APPROVAL OF EXCLUSION. (a) The board
4 may enter an order of temporary exclusion of territory if, on
5 hearing the petition for exclusion, the board finds that:

6 (1) the territory will not be benefited by the further
7 improvements planned by the district; and

8 (2) the benefits accorded to the territory to be
9 excluded by improvements previously authorized by the district do
10 not have a proportionate relationship to the benefits received by
11 the remainder of the district.

12 (b) An exclusion of territory does not become effective
13 until ratified at an election under Section 9018.057. (Acts 54th
14 Leg., R.S., Ch. 286, Sec. 4(a), Subsec. (d) (part).)

15 Sec. 9018.057. RATIFICATION ELECTION; NOTICE.

16 (a) Immediately on the entry of an order under Section 9018.055 or
17 9018.056, the board shall enter an order for an election for the
18 purpose of ratifying the board's action by the assumption of the
19 proportionate share of all obligations previously issued, voted,
20 owned, or contracted for by the district.

21 (b) At an election held to ratify only the annexation of
22 territory, separate polling places shall be provided for the
23 existing territory of the district and the territory to be annexed.

24 (c) An election held only to ratify the exclusion of
25 territory from the district shall be held in the area of the
26 district as the district will exist if the territory is excluded,
27 and the voters of the territory to be excluded may not participate

1 in the election.

2 (d) If the annexation and the exclusion of territory are
3 simultaneously submitted as separate propositions, the election
4 shall be held as provided by Subsection (b) except:

5 (1) the voters in the territory to be excluded shall
6 vote, in a separate box, only on the question of assumption of debt
7 if the election for the exclusion fails; and

8 (2) the voters in the territory to be annexed and the
9 voters in the district shall have the right to vote for assumption
10 of debt conditioned on exclusion of the other territory and the
11 annexation.

12 (e) If the board has conditioned an annexation on the
13 exclusion of other territory from the district, the election shall
14 be held as provided by Subsection (b), except the voters of the
15 territory to be excluded may not vote in the election.

16 (f) If a separate polling place is required under this
17 section, a favorable majority of the participating voters at each
18 polling place is required to assume the debt and approve the
19 tentative order of the board.

20 (g) The manner of giving notice and holding the election is
21 the same as provided for confirmation elections under general law
22 for water control and improvement districts. (Acts 54th Leg.,
23 R.S., Ch. 286, Sec. 4(a), Subsec. (e).)

24 Sec. 9018.058. TAX LIABILITY OF EXCLUDED TERRITORY; BONDS
25 OUTSTANDING. (a) Territory excluded by an election is not liable
26 for any obligations voted by the district after the election.

27 (b) The excluded territory remains liable for the payment of

1 taxes to pay obligations incurred before the exclusion until:

2 (1) all of the holders of outstanding bonds:

3 (A) consent to the release of the excluded
4 territory; and

5 (B) file the consent in writing with the
6 secretary of the district; or

7 (2) the obligations are paid or refunded.

8 (c) The territory assuming the obligations is first subject
9 to taxes for the payment of the obligations. The taxes against the
10 excluded territory are levied only to prevent default on the
11 obligations, except the district may levy taxes against the
12 territory to create and maintain a reserve for that contingency.
13 The reserve may not exceed the proportionate amount, based on tax
14 valuations, of the average annual principal and interest
15 requirements on the outstanding obligations.

16 (d) If the bonds are refunded, the resolution must expressly
17 provide for the release of the excluded territory from the
18 obligation to pay further taxes. (Acts 54th Leg., R.S., Ch. 286,
19 Sec. 4(a), Subsec. (f).)

20 [Sections 9018.059-9018.100 reserved for expansion]

21 SUBCHAPTER C. BOARD OF DIRECTORS

22 Sec. 9018.101. COMPOSITION OF BOARD. The board is composed
23 of five elected directors. (Acts 54th Leg., R.S., Ch. 286, Sec. 3
24 (part).)

25 [Sections 9018.102-9018.150 reserved for expansion]

26 SUBCHAPTER D. POWERS AND DUTIES

27 Sec. 9018.151. WATER CONTROL AND IMPROVEMENT DISTRICT

1 POWERS. The district has the rights, powers, privileges, and
2 duties provided by general law applicable to a water control and
3 improvement district created under Section 59, Article XVI, Texas
4 Constitution, including Chapters 49 and 51, Water Code. (Acts 54th
5 Leg., R.S., Ch. 286, Sec. 2 (part).)

6 Sec. 9018.152. COST OF RELOCATING OR ALTERING PROPERTY. If
7 the district's exercise of the power of eminent domain, the power of
8 relocation, or any other power granted by this chapter, makes
9 necessary the relocating, raising, rerouting, changing the grade,
10 or altering the construction of a highway, railroad, electric
11 transmission line, pipeline, or telegraph or telephone property or
12 facility, the necessary action shall be accomplished at the sole
13 expense of the district. (Acts 54th Leg., R.S., Ch. 286, Sec. 2A.)

14 [Sections 9018.153-9018.200 reserved for expansion]

15 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

16 Sec. 9018.201. TAX METHOD. (a) The district shall use the
17 ad valorem plan of taxation.

18 (b) The board is not required to hold a hearing on the
19 adoption of a plan of taxation. (Acts 54th Leg., R.S., Ch. 286, Sec.
20 4 (part).)

21 CHAPTER 9019. BROOKSHIRE MUNICIPAL WATER DISTRICT

22 SUBCHAPTER A. GENERAL PROVISIONS

23 Sec. 9019.001. DEFINITIONS

24 Sec. 9019.002. NATURE OF DISTRICT

25 Sec. 9019.003. DISTRICT TERRITORY

26 [Sections 9019.004-9019.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 9019.051. COMPOSITION OF BOARD

3 Sec. 9019.052. QUALIFICATIONS FOR OFFICE

4 [Sections 9019.053-9019.100 reserved for expansion]

5 SUBCHAPTER C. POWERS AND DUTIES

6 Sec. 9019.101. GENERAL POWERS

7 Sec. 9019.102. POWER TO ACQUIRE PROPERTY AND ASSUME

8 INDEBTEDNESS

9 Sec. 9019.103. POWERS RELATING TO WATERWORKS OR

10 SANITARY SEWER SYSTEM

11 Sec. 9019.104. POWERS RELATING TO FIRE DEPARTMENT

12 Sec. 9019.105. PROJECT APPROVAL

13 [Sections 9019.106-9019.150 reserved for expansion]

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

15 Sec. 9019.151. TAX METHOD

16 [Sections 9019.152-9019.200 reserved for expansion]

17 SUBCHAPTER E. BONDS

18 Sec. 9019.201. AUTHORITY TO ISSUE BONDS

19 Sec. 9019.202. BOND ELECTION REQUIRED

20 Sec. 9019.203. NOTICE OF BOND ELECTION

21 Sec. 9019.204. REFUNDING BONDS

22 Sec. 9019.205. REFUNDING BOND ELECTION

23 Sec. 9019.206. BOND APPROVAL

24 CHAPTER 9019. BROOKSHIRE MUNICIPAL WATER DISTRICT

25 SUBCHAPTER A. GENERAL PROVISIONS

26 Sec. 9019.001. DEFINITIONS. In this chapter:

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

1 (2) "City" means the city of Brookshire, Texas.

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

3 (4) "District" means the Brookshire Municipal Water
4 District. (Acts 52nd Leg., R.S., Ch. 418, Sec. 1 (part); New.)

5 Sec. 9019.002. NATURE OF DISTRICT. (a) The district is a
6 conservation and reclamation district.

7 (b) The creation of the district is essential to accomplish
8 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
9 52nd Leg., R.S., Ch. 418, Sec. 1 (part).)

10 Sec. 9019.003. DISTRICT TERRITORY. (a) The district
11 consists of the territory included in the incorporated city of
12 Brookshire in Waller County, Texas, on April 1, 1951. The
13 district's territory may have been modified under:

14 (1) Chapter 3A, Title 128, Revised Statutes, before
15 August 30, 1971;

16 (2) Subchapter O, Chapter 51, Water Code;

17 (3) Subchapter J, Chapter 49, Water Code; or

18 (4) other law.

19 (b) A defect in the definition of the boundaries of the city
20 of Brookshire or in a past proceeding for the annexation or
21 exclusion of territory to or from the city does not affect the
22 validity of the district or any of its powers and duties. (Acts
23 52nd Leg., R.S., Ch. 418, Secs. 1 (part), 1a; New.)

24 [Sections 9019.004-9019.050 reserved for expansion]

25 SUBCHAPTER B. BOARD OF DIRECTORS

26 Sec. 9019.051. COMPOSITION OF BOARD. The district is
27 governed by a board of five elected directors. (Acts 52nd Leg.,

1 R.S., Ch. 418, Sec. 2 (part).)

2 Sec. 9019.052. QUALIFICATIONS FOR OFFICE. A director must
3 be:

4 (1) at least 18 years of age;

5 (2) a resident of the state; and

6 (3) the owner of property subject to taxation in the
7 district. (Acts 52nd Leg., R.S., Ch. 418, Sec. 2 (part).)

8 [Sections 9019.053-9019.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 9019.101. GENERAL POWERS. (a) Except as otherwise
11 provided by this chapter, the district:

12 (1) has all the powers and duties granted water
13 control and improvement districts by Chapters 49 and 51, Water
14 Code, and all other laws relating to water control and improvement
15 districts; and

16 (2) shall be governed by all of the laws described by
17 Subdivision (1) and the powers, functions, duties, privileges, and
18 procedures provided by those laws.

19 (b) The district may exercise the rights, privileges, and
20 functions provided by this chapter. (Acts 52nd Leg., R.S., Ch. 418,
21 Secs. 1 (part), 3 (part).)

22 Sec. 9019.102. POWER TO ACQUIRE PROPERTY AND ASSUME
23 INDEBTEDNESS. (a) The district may purchase or otherwise acquire
24 from the city any property owned by the city, for the production,
25 distribution, and sale of water and everything appurtenant thereto
26 on terms agreed to by the governing bodies of the city and the
27 district.

1 (b) The district may assume all outstanding bonds,
2 warrants, and other forms of indebtedness of the city issued for
3 waterworks purposes, including indebtedness payable from:

- 4 (1) the revenue of the city's waterworks system; or
5 (2) ad valorem taxes.

6 (c) The assumption of indebtedness described by Subsection
7 (b) must first be approved at an election held in the district in
8 the manner provided by this chapter for bond elections. (Acts 52nd
9 Leg., R.S., Ch. 418, Sec. 4.)

10 Sec. 9019.103. POWERS RELATING TO WATERWORKS OR SANITARY
11 SEWER SYSTEM. The district may:

- 12 (1) purchase, construct, or otherwise acquire a
13 waterworks or sanitary sewer system;
14 (2) own and operate a system described by Subdivision
15 (1); and
16 (3) construct an addition, extension, or improvement
17 to a system described by Subdivision (1). (Acts 52nd Leg., R.S.,
18 Ch. 418, Sec. 5 (part).)

19 Sec. 9019.104. POWERS RELATING TO FIRE DEPARTMENT. The
20 district may:

- 21 (1) purchase or otherwise acquire, maintain, and
22 operate a firefighting facility and equipment to protect property
23 belonging to the district and other property in the district;
24 (2) maintain and operate a fire department;
25 (3) employ a fire marshal; and
26 (4) pay a reward for information leading to the arrest
27 and conviction of a person on a charge of arson in connection with

1 the burning or attempted burning of property in the district. (Acts
2 52nd Leg., R.S., Ch. 418, Sec. 5 (part).)

3 Sec. 9019.105. PROJECT APPROVAL. The board is not required
4 to secure the approval of the Texas Commission on Environmental
5 Quality for any district project. (Acts 52nd Leg., R.S., Ch. 418,
6 Sec. 3 (part).)

7 [Sections 9019.106-9019.150 reserved for expansion]

8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

9 Sec. 9019.151. TAX METHOD. The district shall use the ad
10 valorem plan of taxation. (Acts 52nd Leg., R.S., Ch. 418, Sec. 3
11 (part).)

12 [Sections 9019.152-9019.200 reserved for expansion]

13 SUBCHAPTER E. BONDS

14 Sec. 9019.201. AUTHORITY TO ISSUE BONDS. To carry out a
15 power the district is authorized to perform, the district may issue
16 bonds payable from and secured by:

- 17 (1) ad valorem taxes;
- 18 (2) all or part of the net revenue of the
19 income-producing properties of the district, as specified by the
20 board, after deducting reasonable expenses for maintenance,
21 operation, and administration; or

22 (3) ad valorem taxes and the net revenue described by
23 Subdivision (2). (Acts 52nd Leg., R.S., Ch. 418, Sec. 6 (part).)

24 Sec. 9019.202. BOND ELECTION REQUIRED. The district may
25 issue bonds only if the bonds are authorized by a majority of the
26 district voters voting at an election called by the board. (Acts
27 52nd Leg., R.S., Ch. 418, Sec. 6 (part).)

1 Sec. 9019.203. NOTICE OF BOND ELECTION. (a) Except as
2 otherwise provided by this section, notice of a bond election must
3 be given in the manner required of bond elections in water control
4 and improvement districts.

5 (b) The notice must be published once a week for two
6 consecutive weeks in a newspaper of general circulation in the
7 district. Publication of the first notice must be at least 14 days
8 before the date of the election.

9 (c) The notice is not required to state any summary of
10 engineers or other estimates of cost. (Acts 52nd Leg., R.S., Ch.
11 418, Sec. 6 (part); New.)

12 Sec. 9019.204. REFUNDING BONDS. (a) The district may
13 issue refunding bonds to refund:

14 (1) outstanding bonds issued by the district and
15 interest on those bonds; or

16 (2) outstanding bonds of the city assumed by the
17 district.

18 (b) Refunding bonds may:

19 (1) be issued to refund more than one series of
20 outstanding district bonds, including bonds assumed by the
21 district;

22 (2) combine the pledges of net revenue, taxes, or
23 both, that secure the outstanding bonds for the security of the
24 refunding bonds; and

25 (3) be secured by a pledge of other or additional
26 revenue.

27 (c) Refunding bonds may be combined and issued jointly with

1 new money bonds to be issued and sold to carry out a power for which
2 the district may issue bonds.

3 (d) The comptroller shall register the refunding bonds on
4 the surrender and cancellation of the bonds to be refunded.

5 (e) Instead of issuing bonds to be registered on the
6 surrender and cancellation of the bonds to be refunded, the
7 district, in the resolution authorizing the issuance of the
8 refunding bonds, may provide for the sale of the refunding bonds and
9 the deposit of the proceeds in a bank at which the bonds to be
10 refunded are payable. In that case, the refunding bonds may be
11 issued in an amount sufficient to pay the interest on the bonds to
12 be refunded to their option date or maturity date, and the
13 comptroller shall register the refunding bonds without the
14 surrender and cancellation of the bonds to be refunded. (Acts 52nd
15 Leg., R.S., Ch. 418, Sec. 7 (part).)

16 Sec. 9019.205. REFUNDING BOND ELECTION. (a) Except as
17 otherwise provided by this section, refunding bonds may be issued
18 without an election.

19 (b) The district may not issue refunding bonds to refund
20 outstanding bonds of the city unless the district's assumption of
21 those bonds is first authorized at an election in the district held
22 in the manner provided by this chapter for bond elections.

23 (c) Refunding bonds payable wholly or partly from ad valorem
24 taxes may not be issued to refund revenue bonds issued by the
25 district or revenue bonds of the city assumed by the district unless
26 the refunding bonds are authorized at an election held in the manner
27 provided by this chapter for bond elections. (Acts 52nd Leg., R.S.,

1 Ch. 418, Sec. 7 (part).)

2 Sec. 9019.206. BOND APPROVAL. The board is not required to
3 secure the approval of the Texas Commission on Environmental
4 Quality for district bonds. (Acts 52nd Leg., R.S., Ch. 418, Sec. 3
5 (part).)

6 CHAPTER 9026. CEDAR BAYOU PARK UTILITY DISTRICT

7 SUBCHAPTER A. GENERAL PROVISIONS

8 Sec. 9026.001. DEFINITIONS

9 Sec. 9026.002. NATURE OF DISTRICT

10 Sec. 9026.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

11 Sec. 9026.004. DISTRICT TERRITORY

12 Sec. 9026.005. EXPANSION OF DISTRICT

13 Sec. 9026.006. STATE POLICY REGARDING WASTE DISPOSAL

14 [Sections 9026.007-9026.050 reserved for expansion]

15 SUBCHAPTER B. DISTRICT ADMINISTRATION

16 Sec. 9026.051. COMPOSITION OF BOARD

17 Sec. 9026.052. DIRECTOR'S BOND

18 Sec. 9026.053. BOARD VACANCY

19 Sec. 9026.054. BOARD PRESIDENT'S POWER TO EXECUTE

20 CONTRACTS

21 Sec. 9026.055. ABSENCE OR INACTION OF BOARD PRESIDENT

22 Sec. 9026.056. DISTRICT OFFICE

23 [Sections 9026.057-9026.100 reserved for expansion]

24 SUBCHAPTER C. POWERS AND DUTIES

25 Sec. 9026.101. WATER CONTROL AND IMPROVEMENT DISTRICT

26 POWERS

27 Sec. 9026.102. ADDITIONAL POWERS

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1 Sec. 9026.103. LIMIT ON EMINENT DOMAIN

2 Sec. 9026.104. COST OF RELOCATING OR ALTERING PROPERTY

3 Sec. 9026.105. WATER, SEWER, OR DRAINAGE CONTRACTS;

4 ELECTION NOT REQUIRED; BONDS

5 Sec. 9026.106. NOTICE OF ELECTION

6 Sec. 9026.107. DISTRICT RULES

7 [Sections 9026.108-9026.150 reserved for expansion]

8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

9 Sec. 9026.151. TAX METHOD

10 Sec. 9026.152. DISTRICT ACCOUNTS

11 Sec. 9026.153. COPY OF AUDIT REPORT

12 Sec. 9026.154. PAYMENT OF TAX OR ASSESSMENT NOT

13 REQUIRED

14 Sec. 9026.155. DEPOSITORY

15 [Sections 9026.156-9026.200 reserved for expansion]

16 SUBCHAPTER E. BONDS

17 Sec. 9026.201. ISSUANCE OF BONDS

18 Sec. 9026.202. ADDITIONAL SECURITY

19 Sec. 9026.203. TRUST INDENTURE

20 Sec. 9026.204. ORDER OR RESOLUTION AUTHORIZING

21 ISSUANCE OF CERTAIN BONDS

22 Sec. 9026.205. USE OF BOND PROCEEDS

23 CHAPTER 9026. CEDAR BAYOU PARK UTILITY DISTRICT

24 SUBCHAPTER A. GENERAL PROVISIONS

25 Sec. 9026.001. 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 Cedar Bayou Park Utility
2 District. (Acts 61st Leg., R.S., Ch. 261, Sec. 1 (part); New.)

3 Sec. 9026.002. NATURE OF DISTRICT. The district is a
4 conservation and reclamation district in Harris County created
5 under Section 59, Article XVI, Texas Constitution. (Acts 61st
6 Leg., R.S., Ch. 261, Sec. 1 (part).)

7 Sec. 9026.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

8 (a) The district is created to serve a public use and benefit.

9 (b) All land and other property included in the boundaries
10 of the district will benefit from the works and projects
11 accomplished by the district under the powers conferred by Section
12 59, Article XVI, Texas Constitution.

13 (c) The creation of the district is essential to accomplish
14 the purposes of Section 59, Article XVI, Texas Constitution.

15 (d) The accomplishment of the purposes stated in this
16 chapter is for the benefit of the people of this state and for the
17 improvement of their property and industries. The district in
18 carrying out the purposes of this chapter will be performing an
19 essential public function under the Texas Constitution. (Acts 61st
20 Leg., R.S., Ch. 261, Secs. 1 (part), 4, 24 (part).)

21 Sec. 9026.004. DISTRICT TERRITORY. (a) The district is
22 composed of the territory described by Section 2, Chapter 261, Acts
23 of the 61st Legislature, Regular Session, 1969, as that territory
24 may have been modified under:

- 25 (1) Subchapter O, Chapter 51, Water Code;
- 26 (2) Subchapter J, Chapter 49, Water Code;
- 27 (3) Section 9026.005 or its predecessor statute,

1 former Section 9, Chapter 261, Acts of the 61st Legislature,
2 Regular Session, 1969; or

3 (4) other law.

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

7 (1) the district's organization, existence, or
8 validity;

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

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

13 (4) in any other manner, the legality or operation of
14 the district or the board. (Acts 61st Leg., R.S., Ch. 261, Sec. 3;
15 New.)

16 Sec. 9026.005. EXPANSION OF DISTRICT. (a) If land is
17 annexed by the district under Section 49.301 or 51.714, Water Code,
18 the board may require the petitioners to:

19 (1) assume the petitioners' pro rata share of the voted
20 but unissued bonds of the district; and

21 (2) authorize the board to impose a tax on the
22 petitioners' property to pay for the bonds after the bonds have been
23 issued.

24 (b) If land is annexed by the district under Section 49.302,
25 Water Code, the board may submit to the voters of the area to be
26 annexed a proposition on the question of the assumption by the area
27 to be annexed of its part of the voted but not yet issued or sold tax

1 or tax-revenue bonds of the district and the imposition of an ad
2 valorem tax on taxable property in the area to be annexed along with
3 a tax in the rest of the district for the payment of the bonds.

4 (c) If the petitioners consent or if the election results
5 favorably, the district may issue its voted but unissued tax or
6 tax-revenue bonds regardless of changes to district boundaries
7 since the voting or authorization of those bonds. (Acts 61st Leg.,
8 R.S., Ch. 261, Sec. 9.)

9 Sec. 9026.006. STATE POLICY REGARDING WASTE DISPOSAL. The
10 district's powers and duties are subject to the state policy of
11 encouraging the development and use of integrated area-wide waste
12 collection, treatment, and disposal systems to serve the waste
13 disposal needs of this state's residents, if integrated systems can
14 reasonably be provided for an area, so as to avoid the economic
15 burden on residents and the impact on state water quality caused by
16 the construction and operation of numerous small waste collection,
17 treatment, and disposal facilities. (Acts 61st Leg., R.S., Ch.
18 261, Sec. 5 (part).)

19 [Sections 9026.007-9026.050 reserved for expansion]

20 SUBCHAPTER B. DISTRICT ADMINISTRATION

21 Sec. 9026.051. COMPOSITION OF BOARD. The board consists of
22 five elected directors. (Acts 61st Leg., R.S., Ch. 261, Sec. 10
23 (part).)

24 Sec. 9026.052. DIRECTOR'S BOND. (a) Each director shall
25 qualify by giving bond in the amount of \$5,000 for the faithful
26 performance of the director's duties.

27 (b) The bonds must be recorded in a record book kept for that

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1 purpose in the district office. (Acts 61st Leg., R.S., Ch. 261,
2 Sec. 10 (part).)

3 Sec. 9026.053. BOARD VACANCY. (a) Except as provided by
4 Subsection (b), a vacancy in the office of director shall be filled
5 in the manner provided by Section 49.105, Water Code.

6 (b) The county judge of the county in which the district is
7 located shall appoint directors to fill all of the vacancies on the
8 board whenever the number of qualified directors is less than
9 three. (Acts 61st Leg., R.S., Ch. 261, Sec. 10 (part).)

10 Sec. 9026.054. BOARD PRESIDENT'S POWER TO EXECUTE
11 CONTRACTS. The board president may execute all contracts,
12 including construction contracts, entered into by the board on
13 behalf of the district. (Acts 61st Leg., R.S., Ch. 261, Sec. 10
14 (part).)

15 Sec. 9026.055. ABSENCE OR INACTION OF BOARD PRESIDENT.
16 (a) When the board president is absent or fails or declines to act,
17 the board vice president shall perform all duties and exercise all
18 power that this chapter or general law gives the president.

19 (b) If the board president is absent from a board meeting,
20 the board vice president may sign an order adopted or other action
21 taken at the meeting, or the board may authorize the president to
22 sign the order or implement the action. (Acts 61st Leg., R.S., Ch.
23 261, Sec. 10 (part).)

24 Sec. 9026.056. DISTRICT OFFICE. (a) The board shall
25 designate, establish, and maintain a district office as provided by
26 Section 49.062, Water Code.

27 (b) The board may establish a second district office outside

1 the district. If the board establishes a district office outside
2 the district, the board shall give notice of the location of that
3 office by:

4 (1) filing a copy of the board resolution that
5 establishes the location of the office:

6 (A) with the Texas Commission on Environmental
7 Quality; and

8 (B) in the water control and improvement district
9 records of each county in which the district is located; and

10 (2) publishing notice of the location of the office in
11 a newspaper of general circulation in each county in which the
12 district is located.

13 (c) A district office may be a private residence or office.
14 A district office that is a private residence or office is a public
15 place for matters relating to the district's business.

16 (d) The board shall give notice of any change in the
17 location of the district office outside the district in the manner
18 required by Subsection (b). (Acts 61st Leg., R.S., Ch. 261, Sec.
19 15.)

20 [Sections 9026.057-9026.100 reserved for expansion]

21 SUBCHAPTER C. POWERS AND DUTIES

22 Sec. 9026.101. WATER CONTROL AND IMPROVEMENT DISTRICT
23 POWERS. The district has all of the rights, powers, privileges, and
24 functions provided by general law applicable to water control and
25 improvement districts created under Section 59, Article XVI, Texas
26 Constitution, including Chapters 49 and 51, Water Code. (Acts 61st
27 Leg., R.S., Ch. 261, Sec. 5 (part).)

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1 Sec. 9026.102. ADDITIONAL POWERS. (a) The district may:

2 (1) make, purchase, construct, lease, or otherwise
3 acquire property, works, facilities, or improvements, existing or
4 to be made, constructed, or acquired, inside or outside the
5 district's boundaries and necessary to carry out the powers granted
6 by this chapter or general law; or

7 (2) enter into a contract with a person on terms the
8 board considers desirable, fair, and advantageous for:

9 (A) the purchase or sale of water;

10 (B) the transportation, treatment, and disposal
11 of the domestic, industrial, or communal wastes of the district or
12 others;

13 (C) the continuing and orderly development of
14 land and property in the district through the purchase,
15 construction, or installation of facilities, works, or
16 improvements that the district is otherwise authorized to do or
17 perform so that, to the greatest extent reasonably possible,
18 considering sound engineering and economic practices, all of the
19 land and property may ultimately receive the services of the
20 facilities, works, or improvements; and

21 (D) the performance of any of the rights or
22 powers granted by this chapter or general law.

23 (b) A contract under Subsection (a)(2) may not have a
24 duration of more than 40 years. (Acts 61st Leg., R.S., Ch. 261,
25 Sec. 5 (part).)

26 Sec. 9026.103. LIMIT ON EMINENT DOMAIN. The district may
27 exercise the power of eminent domain only:

- 1 (1) in a county in which the district is located; and
- 2 (2) when necessary to carry out the purposes for which
- 3 the district was created. (Acts 61st Leg., R.S., Ch. 261, Sec. 13
- 4 (part).)

5 Sec. 9026.104. COST OF RELOCATING OR ALTERING PROPERTY.

6 (a) In this section, "sole expense" means the actual cost of
7 relocating, raising, lowering, rerouting, changing the grade of, or
8 altering the construction of a facility described by Subsection (b)
9 in providing comparable replacement without enhancement of the
10 facility, after deducting from that cost the net salvage value of
11 the old facility.

12 (b) If the district's exercise of the power of eminent
13 domain, power of relocation, or any other power granted by this
14 chapter makes necessary the relocation, raising, rerouting,
15 changing the grade, or alteration of the construction of a highway,
16 a railroad, an electric transmission line, a telegraph or telephone
17 property or facility, or a pipeline, the necessary action shall be
18 accomplished at the sole expense of the district. (Acts 61st Leg.,
19 R.S., Ch. 261, Sec. 13 (part).)

20 Sec. 9026.105. WATER, SEWER, OR DRAINAGE CONTRACTS;

21 ELECTION NOT REQUIRED; BONDS. (a) The district and a political
22 subdivision may enter into a water, sewer, or drainage contract or
23 any combination of those contracts without an election by any
24 contracting party to approve the contract.

25 (b) The district may pay for an obligation incurred under a
26 contract under this section by issuing bonds that, if otherwise
27 necessary, have been approved by the voters in the manner provided

1 by this chapter.

2 (c) The district may deliver the district's bonds to the
3 United States or an agency or instrumentality of the United States,
4 or to this state or an agency or instrumentality of this state, that
5 enters into a contract with the district under this section. (Acts
6 61st Leg., R.S., Ch. 261, Sec. 5 (part).)

7 Sec. 9026.106. NOTICE OF ELECTION. Notice of an election
8 may be given under the hand of the board president or secretary.
9 (Acts 61st Leg., R.S., Ch. 261, Sec. 19.)

10 Sec. 9026.107. DISTRICT RULES. The district shall adopt
11 and enforce reasonable and effective rules to secure and maintain
12 safe, sanitary, and adequate plumbing installations, connections,
13 and appurtenances, as subsidiary parts of the district's sewerage
14 system, to aid in preserving the quality of water within or
15 controlled by the district. (Acts 61st Leg., R.S., Ch. 261, Sec.
16 16.)

17 [Sections 9026.108-9026.150 reserved for expansion]

18 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

19 Sec. 9026.151. TAX METHOD. (a) The district shall use the
20 ad valorem plan of taxation.

21 (b) The board is not required to call or hold a hearing on
22 the adoption of a plan of taxation. (Acts 61st Leg., R.S., Ch. 261,
23 Sec. 8.)

24 Sec. 9026.152. DISTRICT ACCOUNTS. The district shall keep
25 a complete system of the district's accounts. (Acts 61st Leg.,
26 R.S., Ch. 261, Sec. 14 (part).)

27 Sec. 9026.153. COPY OF AUDIT REPORT. A copy of the audit

1 report prepared under Subchapter G, Chapter 49, Water Code, shall
2 be delivered:

- 3 (1) to each director; and
- 4 (2) to a holder of at least 25 percent of the
5 outstanding bonds of the district, on request. (Acts 61st Leg.,
6 R.S., Ch. 261, Sec. 14 (part); New.)

7 Sec. 9026.154. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED.

8 The district is not required to pay a tax or assessment on:

- 9 (1) district property; or
- 10 (2) a purchase made by the district. (Acts 61st Leg.,
11 R.S., Ch. 261, Sec. 24 (part).)

12 Sec. 9026.155. DEPOSITORY. (a) The board shall select one
13 or more banks in this state to act as depository for the district's
14 money.

15 (b) To the extent that money in the depository bank is not
16 insured by the Federal Deposit Insurance Corporation, the money
17 must be secured in the manner provided by law for the security of
18 county funds.

19 (c) A director may be a shareholder in a bank that is a
20 depository of district money. (Acts 61st Leg., R.S., Ch. 261, Sec.
21 14 (part).)

22 [Sections 9026.156-9026.200 reserved for expansion]

23 SUBCHAPTER E. BONDS

24 Sec. 9026.201. ISSUANCE OF BONDS. (a) The district may
25 issue tax bonds, revenue bonds, or tax and revenue bonds to provide
26 money for any purpose of this chapter, including the acquisition of
27 land.

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1 (b) The district must issue bonds in the manner provided by
2 Chapters 49 and 51, Water Code, except that the district may issue
3 bonds payable solely from net revenue by resolution or order of the
4 board without an election.

5 (c) Bonds issued under this subchapter may be payable from
6 all or any designated part of the revenue of district property and
7 facilities or under a specific contract, as provided in the order or
8 resolution authorizing the issuance of the bonds. (Acts 61st Leg.,
9 R.S., Ch. 261, Sec. 12 (part).)

10 Sec. 9026.202. ADDITIONAL SECURITY. (a) Within the
11 discretion of the board, bonds issued under this subchapter may be
12 additionally secured by a deed of trust or mortgage lien on physical
13 property of the district and franchises, easements, water rights
14 and appropriation permits, leases, contracts, and all rights
15 appurtenant to that property, vesting in the trustee:

16 (1) the power to sell the property for payment of the
17 debt;

18 (2) the power to operate the property; and

19 (3) all other powers to further secure the bonds.

20 (b) A purchaser under a sale under the deed of trust or
21 mortgage lien, if one is given:

22 (1) is the absolute owner of the property, facilities,
23 and rights purchased; and

24 (2) may maintain and operate the property and
25 facilities. (Acts 61st Leg., R.S., Ch. 261, Sec. 12 (part).)

26 Sec. 9026.203. TRUST INDENTURE. A trust indenture created
27 under Section 9026.202, regardless of the existence of a deed of

1 trust or mortgage lien on the property, may:

2 (1) contain provisions prescribed by the board for the
3 security of the bonds and the preservation of the trust estate;

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 61st Leg., R.S., Ch. 261, Sec. 12 (part).)

13 Sec. 9026.204. ORDER OR RESOLUTION AUTHORIZING ISSUANCE OF
14 CERTAIN BONDS. (a) In an order or resolution authorizing the
15 issuance of revenue, tax-revenue, revenue refunding, or
16 tax-revenue refunding bonds, the board may:

17 (1) provide for:

18 (A) the flow of money; and

19 (B) the establishment and maintenance of the
20 interest and sinking fund, reserve fund, or other fund;

21 (2) make additional covenants with respect to the
22 bonds and the pledged revenue and the operation and maintenance of
23 the improvements and facilities the revenue of which is pledged,
24 including provisions for the operation or leasing of all or part of
25 the improvements and facilities and the use or pledge of money
26 received from the operation contract or lease as the board
27 considers appropriate;

1 (3) prohibit the further issuance of bonds or other
2 obligations payable from the pledged revenue or reserve the right
3 to issue additional bonds to be secured by a pledge of and payable
4 from the revenue on a parity with, or subordinate to, the lien and
5 pledge in support of the bonds being issued, subject to any
6 conditions set forth in the order or resolution; and

7 (4) include any other provision or covenant, as the
8 board determines, that is not prohibited by the Texas Constitution
9 or this chapter.

10 (b) The board may adopt and execute any other proceeding or
11 instrument necessary or convenient in the issuance of the bonds.
12 (Acts 61st Leg., R.S., Ch. 261, Sec. 12 (part).)

13 Sec. 9026.205. USE OF BOND PROCEEDS. (a) The district may
14 appropriate or set aside out of proceeds from the sale of district
15 bonds an amount for:

16 (1) the payment of interest, administrative, and
17 operating expenses expected to accrue during the period of
18 construction, as may be provided in the bond orders or resolutions;
19 and

20 (2) the payment of all expenses incurred and to be
21 incurred in the issuance, sale, and delivery of the bonds.

22 (b) For purposes of this section, the period of construction
23 may not exceed three years. (Acts 61st Leg., R.S., Ch. 261, Sec. 12
24 (part).)

25 CHAPTER 9029. CLEAR LAKE CITY WATER AUTHORITY

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Sec. 9029.001. DEFINITIONS

- 1 Sec. 9029.002. NATURE OF AUTHORITY
- 2 Sec. 9029.003. LEGISLATIVE DECLARATION AND FINDINGS
- 3 Sec. 9029.004. AUTHORITY TERRITORY
- 4 Sec. 9029.005. CORRECTION OF INVALID PROCEDURES
- 5 Sec. 9029.006. LIBERAL CONSTRUCTION OF CHAPTER
- 6 [Sections 9029.007-9029.050 reserved for expansion]
- 7 SUBCHAPTER B. BOARD OF DIRECTORS
- 8 Sec. 9029.051. COMPOSITION OF BOARD
- 9 Sec. 9029.052. ELIGIBILITY
- 10 Sec. 9029.053. OFFICERS
- 11 Sec. 9029.054. DIRECTOR'S AND TREASURER'S BONDS
- 12 [Sections 9029.055-9029.100 reserved for expansion]
- 13 SUBCHAPTER C. POWERS AND DUTIES
- 14 Sec. 9029.101. WATER CONTROL AND IMPROVEMENT DISTRICT
- 15 POWERS
- 16 Sec. 9029.102. ADDITIONAL POWERS
- 17 Sec. 9029.103. CONTRACT FOR DEVELOPMENT OF LAND AND
- 18 PROPERTY
- 19 Sec. 9029.104. ELECTION NOT REQUIRED FOR CERTAIN
- 20 CONTRACTS
- 21 Sec. 9029.105. COST OF RELOCATING OR ALTERING PROPERTY
- 22 Sec. 9029.106. BID ON PROPOSED CONSTRUCTION WORK
- 23 [Sections 9029.107-9029.150 reserved for expansion]
- 24 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
- 25 Sec. 9029.151. TAX METHOD
- 26 Sec. 9029.152. AUTHORITY ACCOUNTS
- 27 Sec. 9029.153. FISCAL YEAR

1 Sec. 9029.154. COPY OF AUDIT REPORT

2 Sec. 9029.155. PAYMENT OF TAX OR ASSESSMENT NOT
3 REQUIRED

4 Sec. 9029.156. POWER TO BORROW MONEY AND ACCEPT GRANTS
5 OR OTHER SUPPORT

6 Sec. 9029.157. DEPOSITORY

7 [Sections 9029.158-9029.200 reserved for expansion]

8 SUBCHAPTER E. BONDS

9 Sec. 9029.201. AUTHORITY TO ISSUE BONDS

10 Sec. 9029.202. ISSUANCE OF REVENUE BONDS

11 Sec. 9029.203. BONDS EXEMPT FROM TAXATION

12 CHAPTER 9029. CLEAR LAKE CITY WATER AUTHORITY

13 SUBCHAPTER A. GENERAL PROVISIONS

14 Sec. 9029.001. DEFINITIONS. In this chapter:

15 (1) "Authority" means the Clear Lake City Water
16 Authority.

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

18 (3) "Director" means a board member. (Acts 58th Leg.,
19 R.S., Ch. 101, Sec. 1 (part); New.)

20 Sec. 9029.002. NATURE OF AUTHORITY. The authority is a
21 conservation and reclamation district in Harris County created
22 under Section 59, Article XVI, Texas Constitution. (Acts 58th
23 Leg., R.S., Ch. 101, Sec. 1 (part).)

24 Sec. 9029.003. LEGISLATIVE DECLARATION AND FINDINGS.

25 (a) The legislature declares that:

26 (1) the creation of the authority is essential to
27 accomplish the purposes of Section 59, Article XVI, Texas

1 Constitution; and

2 (2) this chapter addresses a subject in which the
3 state and general public are interested.

4 (b) The legislature finds that:

5 (1) all land and other property included in the
6 boundaries of the authority will benefit from the works and
7 projects accomplished by the authority under the powers conferred
8 by Section 59, Article XVI, Texas Constitution; and

9 (2) the authority is created to serve a public use and
10 benefit.

11 (c) The accomplishment of the purposes stated in this
12 chapter is for the benefit of the people of this state and for the
13 improvement of their property and industries. The authority in
14 carrying out the purposes of this chapter will be performing an
15 essential public function under the Texas Constitution. (Acts 58th
16 Leg., R.S., Ch. 101, Secs. 1 (part), 3, 15 (part), 16 (part).)

17 Sec. 9029.004. AUTHORITY TERRITORY. (a) The authority is
18 composed of the territory described by Section 2, Chapter 101, Acts
19 of the 58th Legislature, Regular Session, 1963, as that territory
20 may have been modified under:

21 (1) Subchapter O, Chapter 51, Water Code;

22 (2) Subchapter J, Chapter 49, Water Code;

23 (3) Section 20, Chapter 101, Acts of the 58th
24 Legislature, Regular Session, 1963; or

25 (4) other law.

26 (b) The boundaries of the authority form a closure. A
27 mistake in the field notes or in copying the field notes in the

1 legislative process does not affect:

2 (1) the authority's organization, existence, or
3 validity;

4 (2) the authority's right to issue bonds or to pay the
5 principal of and interest on the bonds;

6 (3) the authority's right to impose a tax; or

7 (4) the legality or operation of the authority or the
8 board. (Acts 58th Leg., R.S., Ch. 101, Secs. 4, 20; New.)

9 Sec. 9029.005. CORRECTION OF INVALID PROCEDURES. If a
10 court holds that any procedure under this chapter violates the
11 constitution of this state or of the United States, the authority by
12 resolution may provide an alternative procedure that conforms with
13 the constitution. (Acts 58th Leg., R.S., Ch. 101, Sec. 17 (part).)

14 Sec. 9029.006. LIBERAL CONSTRUCTION OF CHAPTER. This
15 chapter shall be liberally construed to effect the purposes,
16 powers, and rights stated in this chapter. (Acts 58th Leg., R.S.,
17 Ch. 101, Sec. 16 (part).)

18 [Sections 9029.007-9029.050 reserved for expansion]

19 SUBCHAPTER B. BOARD OF DIRECTORS

20 Sec. 9029.051. COMPOSITION OF BOARD. The board consists of
21 five elected directors. (Acts 58th Leg., R.S., Ch. 101, Sec. 10
22 (part).)

23 Sec. 9029.052. ELIGIBILITY. A person may not be appointed
24 or elected a director unless the person:

25 (1) owns taxable property in the authority; and

26 (2) resides in the authority. (Acts 58th Leg., R.S.,
27 Ch. 101, Sec. 10 (part).)

1 Sec. 9029.053. OFFICERS. (a) The board shall elect from
2 among its members a president, secretary, and any other officers
3 the board determines are necessary.

4 (b). The board may appoint a treasurer. (Acts 58th Leg.,
5 R.S., Ch. 101, Sec. 10 (part).)

6 Sec. 9029.054. DIRECTOR'S AND TREASURER'S BONDS. (a) Each
7 director shall give bond in the amount of \$5,000 for the faithful
8 performance of the director's duties.

9 (b) The treasurer shall give bond in the amount required by
10 the board, conditioned on the treasurer's faithful accounting for
11 all money that comes into the treasurer's custody as authority
12 treasurer. (Acts 58th Leg., R.S., Ch. 101, Sec. 10 (part).)

13 [Sections 9029.055-9029.100 reserved for expansion]

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 9029.101. WATER CONTROL AND IMPROVEMENT DISTRICT
16 POWERS. The authority has the rights, powers, privileges, and
17 functions provided by general law applicable to a water control and
18 improvement district created under Section 59, Article XVI, Texas
19 Constitution, including Chapters 49 and 51, Water Code. (Acts 58th
20 Leg., R.S., Ch. 101, Sec. 5 (part); New.)

21 Sec. 9029.102. ADDITIONAL POWERS. (a) The authority may:

22 (1) purchase, construct, or otherwise acquire and
23 accomplish by any practical means a waterworks system, sanitary
24 sewer system, storm sewer system, or drainage facility or any part
25 of those systems or facilities;

26 (2) make any necessary purchase, construction,
27 improvement, extension, addition, or repair to a system or facility

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1 described by Subdivision (1);

2 (3) purchase or acquire, operate, and maintain any
3 land, right-of-way, easement, site, equipment, building, plant,
4 structure, or facility necessary to a system or facility described
5 by Subdivision (1); and

6 (4) sell water and other services at rates fixed by the
7 authority.

8 (b) The authority may exercise any of the rights or powers
9 granted by this chapter inside or outside the authority's
10 boundaries. (Acts 58th Leg., R.S., Ch. 101, Sec. 7 (part).)

11 Sec. 9029.103. CONTRACT FOR DEVELOPMENT OF LAND AND
12 PROPERTY. The authority may enter into a contract with a political
13 subdivision or with an owner, developer, or lessee of land and
14 property as necessary or appropriate to a continuing and orderly
15 plan of development of the land and property through the purchase,
16 construction, or installation of facilities, works, or
17 improvements that the authority is otherwise authorized to do or
18 perform so that, to the greatest extent reasonably possible,
19 considering sound engineering and economic practices, all of the
20 land may, under the contract, ultimately receive the services of
21 the facilities, works, or improvements. (Acts 58th Leg., R.S., Ch.
22 101, Sec. 9 (part).)

23 Sec. 9029.104. ELECTION NOT REQUIRED FOR CERTAIN CONTRACTS.
24 A municipality may enter into a water, sewer, or drainage contract,
25 or any combination of those contracts, with the authority without
26 the necessity of an election by any contracting party to approve the
27 contract. (Acts 58th Leg., R.S., Ch. 101, Sec. 9 (part).)

1 Sec. 9029.105. 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 in providing comparable replacement without enhancement of the
6 facility, after deducting from that cost the net salvage value of
7 the old facility.

8 (b) If the authority's exercise of the power of eminent
9 domain, the power of relocation, or any other power makes necessary
10 the relocation, raising, rerouting, changing the grade, or
11 alteration of the construction of a highway, a railroad, an
12 electric transmission line, a telephone or telegraph property or
13 facility, or a pipeline, the necessary action shall be accomplished
14 at the sole expense of the authority. (Acts 58th Leg., R.S., Ch.
15 101, Sec. 11.)

16 Sec. 9029.106. BID ON PROPOSED CONSTRUCTION WORK. (a) A

17 person who submits a written sealed bid on proposed construction
18 work for the authority must submit with the bid an amount equal to
19 at least five percent of the total amount of the bid in the form of
20 a:

21 (1) certified or cashier's check on a responsible bank
22 in this state; or

23 (2) bidder's bond.

24 (b) If a successful bidder fails or refuses to enter into a
25 proper contract with the authority or provide a bond required by
26 law, the bidder forfeits the amount of the check or bond that
27 accompanied the bidder's bid. (Acts 58th Leg., R.S., Ch. 101, Sec.

1 19.)

2 [Sections 9029.107-9029.150 reserved for expansion]

3 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

4 Sec. 9029.151. TAX METHOD. (a) The authority shall use
5 the ad valorem plan of taxation.

6 (b) The board is not required to call a hearing on the
7 adoption of a plan of taxation. (Acts 58th Leg., R.S., Ch. 101,
8 Sec. 6 (part).)

9 Sec. 9029.152. AUTHORITY ACCOUNTS. The authority shall
10 keep a complete system of the authority's accounts. (Acts 58th
11 Leg., R.S., Ch. 101, Sec. 14 (part).)

12 Sec. 9029.153. FISCAL YEAR. The fiscal year of the
13 authority is from October 1 to September 30 of the following year,
14 unless changed by the board. (Acts 58th Leg., R.S., Ch. 101, Sec.
15 14 (part).)

16 Sec. 9029.154. COPY OF AUDIT REPORT. A copy of the audit
17 report prepared under Subchapter G, Chapter 49, Water Code, shall
18 be delivered:

19 (1) to each director; and

20 (2) to a holder of at least 25 percent of the
21 outstanding bonds of the authority, on request. (Acts 58th Leg.,
22 R.S., Ch. 101, Sec. 14 (part); New.)

23 Sec. 9029.155. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED.
24 The authority is not required to pay a tax or assessment on
25 authority property or any part of authority property. (Acts 58th
26 Leg., R.S., Ch. 101, Sec. 15 (part).)

27 Sec. 9029.156. POWER TO BORROW MONEY AND ACCEPT GRANTS OR

1 OTHER SUPPORT. (a) The authority may borrow money for the
2 authority's corporate purposes, including taking a loan or
3 accepting a grant, gratuity, or other support from the United
4 States, this state, or a corporation or agency created or
5 designated by the United States or this state.

6 (b) In connection with the loan, grant, or other support,
7 the authority may enter into any arrangement the board considers
8 advisable. (Acts 58th Leg., R.S., Ch. 101, Sec. 12 (part).)

9 Sec. 9029.157. DEPOSITORY. (a) The board shall designate
10 one or more banks inside or outside the authority to serve as a
11 depository for authority money.

12 (b) All authority money shall be deposited in a depository
13 bank, except that sufficient money shall be remitted to the
14 appropriate bank of payment to pay the principal of and interest on
15 the authority's outstanding bonds on or before the maturity date of
16 the principal and interest.

17 (c) To the extent that money in a depository bank is not
18 insured by the Federal Deposit Insurance Corporation, the money
19 must be secured in the manner provided by law for the security of
20 county funds. (Acts 58th Leg., R.S., Ch. 101, Sec. 13.)

21 [Sections 9029.158-9029.200 reserved for expansion]

22 SUBCHAPTER E. BONDS

23 Sec. 9029.201. AUTHORITY TO ISSUE BONDS. The authority may
24 issue bonds for an authority purpose. (Acts 58th Leg., R.S., Ch.
25 101, Sec. 7 (part).)

26 Sec. 9029.202. ISSUANCE OF REVENUE BONDS. The board may
27 issue, by resolution and without a hearing or an election, bonds

1 payable solely from net revenue of the authority's operation or
2 from the proceeds of any contract for the authority's services.
3 (Acts 58th Leg., R.S., Ch. 101, Sec. 12 (part).)

4 Sec. 9029.203. BONDS EXEMPT FROM TAXATION. An authority
5 bond, the transfer of the bond, and income from the bond, including
6 profits made on the sale of the bond, are exempt from taxation in
7 this state. (Acts 58th Leg., R.S., Ch. 101, Sec. 15 (part).)

8 CHAPTER 9032. COKE COUNTY KICKAPOO WATER CONTROL AND
9 IMPROVEMENT DISTRICT NO. 1

10 SUBCHAPTER A. GENERAL PROVISIONS

- 11 Sec. 9032.001. DEFINITIONS
- 12 Sec. 9032.002. NATURE OF DISTRICT
- 13 Sec. 9032.003. FINDINGS OF BENEFIT
- 14 Sec. 9032.004. APPLICABILITY OF OTHER WATER CONTROL
- 15 AND IMPROVEMENT DISTRICT LAW

16 [Sections 9032.005-9032.050 reserved for expansion]

17 SUBCHAPTER B. DISTRICT TERRITORY

- 18 Sec. 9032.051. DISTRICT TERRITORY
- 19 Sec. 9032.052. HEARING FOR EXCLUSION OF TERRITORY

20 [Sections 9032.053-9032.100 reserved for expansion]

21 SUBCHAPTER C. BOARD OF DIRECTORS

- 22 Sec. 9032.101. COMPOSITION OF BOARD
- 23 Sec. 9032.102. QUALIFICATIONS FOR OFFICE
- 24 Sec. 9032.103. ELECTION OF DIRECTORS
- 25 Sec. 9032.104. ELECTION RESULTS
- 26 Sec. 9032.105. BALLOT PROCEDURE FOR CANDIDATES
- 27 Sec. 9032.106. DIRECTOR'S BOND

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- 1 Sec. 9032.107. VOTE BY BOARD PRESIDENT
2 Sec. 9032.108. ABSENCE OR INACTION OF BOARD PRESIDENT
3 Sec. 9032.109. APPOINTMENT OR EMPLOYMENT OF SECRETARY
4 AND TREASURER
5 Sec. 9032.110. SECRETARY'S BOND
6 Sec. 9032.111. EMPLOYEES
7 Sec. 9032.112. SEAL
8 [Sections 9032.113-9032.150 reserved for expansion]
9 SUBCHAPTER D. POWERS AND DUTIES
10 Sec. 9032.151. GENERAL POWERS
11 Sec. 9032.152. WATER CONTROL AND IMPROVEMENT DISTRICT
12 POWERS
13 Sec. 9032.153. CONTROL OF WATER AND FLOODWATER;
14 RECLAMATION
15 Sec. 9032.154. POWERS RELATING TO THE WATER OF
16 KICKAPOO CREEKS; SURVEYS, MAPS, AND
17 PLANS
18 Sec. 9032.155. GENERAL PROPERTY POWER
19 Sec. 9032.156. COST OF RELOCATING OR ALTERING PROPERTY
20 Sec. 9032.157. SURVEYS; ENGINEERING INVESTIGATIONS
21 Sec. 9032.158. EQUIPMENT; SUPPLIES
22 Sec. 9032.159. COOPERATION IN WILDLIFE PROGRAMS
23 [Sections 9032.160-9032.200 reserved for expansion]
24 SUBCHAPTER E. TAXES
25 Sec. 9032.201. HEARING ON CHANGE IN METHOD OF
26 TAXATION; LIMITATION
27 Sec. 9032.202. MAINTENANCE TAX ELECTION PROCEDURES

1 Sec. 9032.203. MAINTENANCE TAX RATE

2 [Sections 9032.204-9032.250 reserved for expansion]

3 SUBCHAPTER F. BONDS

4 Sec. 9032.251. ISSUANCE OF BONDS

5 Sec. 9032.252. PLEDGE OF REVENUE TO PAY BONDS

6 CHAPTER 9032. COKE COUNTY KICKAPOO WATER CONTROL AND

7 IMPROVEMENT DISTRICT NO. 1

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 9032.001. DEFINITIONS. In this chapter:

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

11 (2) "Director" means a board member.

12 (3) "District" means the Coke County Kickapoo Water

13 Control and Improvement District No. 1. (Acts 56th Leg., 1st C.S.,

14 Ch. 17, Sec. 1 (part); New.)

15 Sec. 9032.002. NATURE OF DISTRICT. The district is a

16 conservation, reclamation, and improvement district in Coke

17 County. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 1 (part).)

18 Sec. 9032.003. FINDINGS OF BENEFIT. All territory included

19 in the district will benefit from the works and projects

20 accomplished by the district under the powers conferred by Section

21 59, Article XVI, Texas Constitution. (Acts 56th Leg., 1st C.S., Ch.

22 17, Sec. 2 (part).)

23 Sec. 9032.004. APPLICABILITY OF OTHER WATER CONTROL AND

24 IMPROVEMENT DISTRICT LAW. Except as provided in this chapter,

25 general laws pertaining to water control and improvement districts

26 govern the district. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 15

27 (part).)

1 [Sections 9032.005-9032.050 reserved for expansion]

2 SUBCHAPTER B. DISTRICT TERRITORY

3 Sec. 9032.051. DISTRICT TERRITORY. The district is
4 composed of the territory described by Section 2, Chapter 17, Acts
5 of the 56th Legislature, 1st Called Session, 1959, as that
6 territory may have been modified under:

7 (1) Subchapter O, Chapter 51, Water Code;

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

9 (3) other law. (Acts 56th Leg., 1st C.S., Ch. 17, Sec.
10 1 (part); New.)

11 Sec. 9032.052. HEARING FOR EXCLUSION OF TERRITORY. A
12 hearing is not required for the exclusion of territory from the
13 district. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 6 (part).)

14 [Sections 9032.053-9032.100 reserved for expansion]

15 SUBCHAPTER C. BOARD OF DIRECTORS

16 Sec. 9032.101. COMPOSITION OF BOARD. The board is composed
17 of five elected directors. (Acts 56th Leg., 1st C.S., Ch. 17, Sec.
18 16 (part).)

19 Sec. 9032.102. QUALIFICATIONS FOR OFFICE. A director must
20 be:

21 (1) at least 18 years of age;

22 (2) a resident of the state and district; and

23 (3) an owner of taxable property in the district.
24 (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 16 (part).)

25 Sec. 9032.103. ELECTION OF DIRECTORS. (a) An election
26 order for a directors' election must state the time, place, and
27 purpose of the election.

1 (b) Notice of a directors' election must be published in a
2 newspaper of general circulation in the district for two
3 consecutive weeks in not less than two publications at least 20 days
4 before the date of the election. (Acts 56th Leg., 1st C.S., Ch. 17,
5 Sec. 16 (part).)

6 Sec. 9032.104. ELECTION RESULTS. (a) The candidates
7 receiving the highest number of votes shall be elected.

8 (b) The board shall declare the results of the election.
9 (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 16 (part).)

10 Sec. 9032.105. BALLOT PROCEDURE FOR CANDIDATES. (a) A
11 person who wants the person's name printed on the ballot as a
12 candidate for director must submit a petition to the board
13 secretary requesting that action.

14 (b) The petition must be:

15 (1) signed by at least 15 qualified voters; and

16 (2) presented to the board secretary not later than
17 the 21st day before the date of the election. (Acts 56th Leg., 1st
18 C.S., Ch. 17, Sec. 16 (part).)

19 Sec. 9032.106. DIRECTOR'S BOND. Each director shall make
20 bond in the amount of \$5,000 payable to the county judge of Coke
21 County for the faithful performance of the director's duties.
22 (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 16 (part).)

23 Sec. 9032.107. VOTE BY BOARD PRESIDENT. The president has
24 the same right to vote as any other director. (Acts 56th Leg., 1st
25 C.S., Ch. 17, Sec. 17 (part).)

26 Sec. 9032.108. ABSENCE OR INACTION OF BOARD PRESIDENT.
27 When the board president is absent or fails or declines to act, the

1 board vice president shall perform all duties and exercise all
2 power this chapter gives the president. (Acts 56th Leg., 1st C.S.,
3 Ch. 17, Sec. 17 (part).)

4 Sec. 9032.109. APPOINTMENT OR EMPLOYMENT OF SECRETARY AND
5 TREASURER. (a) The board may appoint or employ a secretary. The
6 secretary shall also serve as treasurer.

7 (b) The secretary is not required to be a director. (Acts
8 56th Leg., 1st C.S., Ch. 17, Sec. 17 (part).)

9 Sec. 9032.110. SECRETARY'S BOND. (a) The secretary shall
10 make bond in an amount required by the board, conditioned on the
11 secretary's faithfully accounting for all money that comes into the
12 secretary's custody as district treasurer.

13 (b) The bond must be payable to the order of the county judge
14 of Coke County. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 17 (part).)

15 Sec. 9032.111. EMPLOYEES. The board may employ a general
16 manager, attorney, engineer, or other technical or nontechnical
17 employees or assistants and set the amount and manner of their
18 compensation. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 18 (part).)

19 Sec. 9032.112. SEAL. The board may adopt a seal for the
20 district. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 19.)

21 [Sections 9032.113-9032.150 reserved for expansion]

22 SUBCHAPTER D. POWERS AND DUTIES

23 Sec. 9032.151. GENERAL POWERS. (a) The district may
24 exercise the rights, privileges, functions, and authority granted
25 water control and improvement districts by:

- 26 (1) Chapters 49 and 51, Water Code; and
27 (2) all other laws relating to water control and

1 improvement districts.

2 (b) To the extent a general law described by Subsection (a)
3 conflicts or is inconsistent with this chapter, this chapter
4 prevails. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 1 (part).)

5 Sec. 9032.152. WATER CONTROL AND IMPROVEMENT DISTRICT
6 POWERS. To accomplish a purpose for which the district is created,
7 the district has the powers conferred by the general laws of this
8 state on water control and improvement districts, including the
9 power to:

10 (1) construct, acquire, improve, maintain, and repair
11 a dam or other structure; and

12 (2) acquire land easements, rights, property, or
13 equipment needed to use, control, or distribute water that may be
14 impounded, diverted, or controlled by the district. (Acts 56th
15 Leg., 1st C.S., Ch. 17, Sec. 5.)

16 Sec. 9032.153. CONTROL OF WATER AND FLOODWATER;
17 RECLAMATION. The district has the power to:

18 (1) control, store, preserve, and distribute the water
19 and floodwater in the district for the irrigation of arid land,
20 conservation, preservation, reclamation, and drainage of the lands
21 in the district;

22 (2) carry out flood prevention measures to prevent
23 damage to land and other property in the district; and

24 (3) reclaim lands heretofore damaged because of the
25 failure to provide the facilities authorized under this chapter.
26 (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 4.)

27 Sec. 9032.154. POWERS RELATING TO THE WATER OF KICKAPOO

1 CREEKS; SURVEYS, MAPS, AND PLANS. (a) The district may conduct
2 preliminary surveys and develop and map out a plan for the control
3 and use of the water of Kickapoo Creeks to the end that improvements
4 on any part of the watershed will be mechanically and economically
5 related to the improvements of the entire watershed.

6 (b) On the completion of the survey, map, or plan and the
7 adoption of the survey, map, or plan by the board, a certified copy
8 of the survey, map, or plan must be filed for informational purposes
9 with the Texas Commission on Environmental Quality. (Acts 56th
10 Leg., 1st C.S., Ch. 17, Sec. 3.)

11 Sec. 9032.155. GENERAL PROPERTY POWER. In addition to
12 powers granted the district under other law, the district has the
13 power to purchase, construct, maintain, condemn, or in any other
14 manner acquire, provide, and develop all works, facilities,
15 improvements, lands, easements, rights, and other properties in the
16 district that may be necessary or useful in fulfilling the purposes
17 of the district. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 7.)

18 Sec. 9032.156. COST OF RELOCATING OR ALTERING PROPERTY. If
19 the district's exercise of the power of eminent domain, the power of
20 relocation, or any other power granted under this chapter makes
21 necessary the relocating, raising, rerouting, changing grades of,
22 or altering the construction of any highway, railroad, electric
23 transmission line, pipeline, telephone, or telegraph property or
24 facility, the necessary action shall be accomplished at the sole
25 expense of the district. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 15
26 (part).)

27 Sec. 9032.157. SURVEYS; ENGINEERING INVESTIGATIONS. The

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1 board may conduct or provide for surveys and engineering
2 investigations for the district and its associates or affiliates to
3 accomplish district purposes. (Acts 56th Leg., 1st C.S., Ch. 17,
4 Sec. 18 (part).)

5 Sec. 9032.158. EQUIPMENT; SUPPLIES. The board may provide
6 equipment and supplies considered essential to properly maintain
7 the district. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 18 (part).)

8 Sec. 9032.159. COOPERATION IN WILDLIFE PROGRAMS. The
9 district may cooperate with state, federal, and other agencies and
10 groups in wildlife programs that are:

11 (1) not inconsistent with the purposes of this
12 chapter; and

13 (2) designed to improve the general habitat of
14 wildlife and promote the general propagation of wildlife. (Acts
15 56th Leg., 1st C.S., Ch. 17, Sec. 14.)

16 [Sections 9032.160-9032.200 reserved for expansion]

17 SUBCHAPTER E. TAXES

18 Sec. 9032.201. HEARING ON CHANGE IN METHOD OF TAXATION;
19 LIMITATION. (a) Except as provided by Subsection (b), the
20 district may call a hearing to consider changing the method of
21 taxation.

22 (b) Once district bonds are approved by the attorney general
23 or district court, the district may not change the plan of taxation.
24 (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 11 (part).)

25 Sec. 9032.202. MAINTENANCE TAX ELECTION PROCEDURES. (a) A
26 maintenance tax election shall be called and notice given in the
27 same manner as for a bond election.

1 (b) This chapter does not prevent the calling of a later
2 maintenance tax election to establish or increase the amount of tax
3 if the board determines that a maintenance tax election is
4 required. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 9 (part).)

5 Sec. 9032.203. MAINTENANCE TAX RATE. In calling a
6 maintenance tax election, the board must specify the maximum
7 proposed tax rate. To impose a maintenance tax at a rate that
8 exceeds the maximum proposed rate approved by the voters, the board
9 must submit the question of a tax rate increase to the voters.
10 (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 9 (part).)

11 [Sections 9032.204-9032.250 reserved for expansion]

12 SUBCHAPTER F. BONDS

13 Sec. 9032.251. ISSUANCE OF BONDS. To accomplish a district
14 purpose, the district may issue bonds as provided by general law for
15 water control and improvement districts to obtain money necessary
16 to furnish land, easements, or improvements, to maintain a
17 structure, or for channeling, or other works of improvement
18 performed or constructed by the district or others in cooperation
19 with the district. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 8
20 (part).)

21 Sec. 9032.252. PLEDGE OF REVENUE TO PAY BONDS. When the
22 board selects a plan of taxation, the board may pledge district
23 revenue to pay bonds authorized by voters. (Acts 56th Leg., 1st
24 C.S., Ch. 17, Sec. 10.)

25 CHAPTER 9033. COMMODORE COVE IMPROVEMENT DISTRICT

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Sec. 9033.001. DEFINITIONS

- 1 Sec. 9033.002. NATURE OF DISTRICT
- 2 Sec. 9033.003. FINDINGS OF PUBLIC BENEFIT AND PUBLIC
3 PURPOSE
- 4 Sec. 9033.004. DISTRICT TERRITORY
- 5 Sec. 9033.005. EXPANSION OF DISTRICT
- 6 Sec. 9033.006. HEARINGS FOR EXCLUSION OF LAND
- 7 [Sections 9033.007-9033.050 reserved for expansion]
- 8 SUBCHAPTER B. DISTRICT ADMINISTRATION
- 9 Sec. 9033.051. BOARD OF DIRECTORS
- 10 Sec. 9033.052. NOTICE OF DIRECTORS' ELECTION
- 11 Sec. 9033.053. DIRECTOR'S BOND
- 12 Sec. 9033.054. DUTY OF SECRETARY; ABSENCE OF SECRETARY
13 FROM BOARD MEETING
- 14 Sec. 9033.055. VOTE BY BOARD PRESIDENT
- 15 Sec. 9033.056. ABSENCE OR INACTION OF BOARD PRESIDENT
- 16 [Sections 9033.057-9033.100 reserved for expansion]
- 17 SUBCHAPTER C. POWERS AND DUTIES
- 18 Sec. 9033.101. WATER CONTROL AND IMPROVEMENT DISTRICT
19 POWERS
- 20 Sec. 9033.102. ADDITIONAL POWERS
- 21 Sec. 9033.103. LIMIT ON EMINENT DOMAIN POWER
- 22 Sec. 9033.104. COST OF RELOCATING OR ALTERING PROPERTY
- 23 Sec. 9033.105. NOTICE OF ELECTION
- 24 [Sections 9033.106-9033.150 reserved for expansion]
- 25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
- 26 Sec. 9033.151. TAX METHOD
- 27 Sec. 9033.152. DEPOSITORY

1 Sec. 9033.153. PAYMENT OF TAX OR ASSESSMENT NOT
2 REQUIRED

3 [Sections 9033.154-9033.200 reserved for expansion]

4 SUBCHAPTER E. BONDS

5 Sec. 9033.201. AUTHORITY TO ISSUE BONDS

6 Sec. 9033.202. EXCHANGING BONDS FOR PROPERTY OR WORK

7 Sec. 9033.203. FAILED BOND ELECTION

8 Sec. 9033.204. BONDS EXEMPT FROM TAXATION

9 CHAPTER 9033. COMMODORE COVE IMPROVEMENT DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 9033.001. DEFINITIONS. In this chapter:

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

13 (2) "Director" means a board member.

14 (3) "District" means the Commodore Cove Improvement

15 District. (Acts 59th Leg., R.S., Ch. 598, Sec. 1 (part); New.)

16 Sec. 9033.002. NATURE OF DISTRICT. The district is a
17 conservation and reclamation district in Brazoria County created
18 under Section 59, Article XVI, Texas Constitution. (Acts 59th
19 Leg., R.S., Ch. 598, Sec. 1 (part).)

20 Sec. 9033.003. FINDINGS OF PUBLIC BENEFIT AND PUBLIC
21 PURPOSE. (a) The district is created to serve a public use and
22 benefit.

23 (b) All land and other property included in the boundaries
24 of the district will benefit from the works and projects
25 accomplished by the district under the powers conferred by Section
26 59, Article XVI, Texas Constitution.

27 (c) The creation of the district is essential to accomplish

1 the purposes of Section 59, Article XVI, Texas Constitution.

2 (d) The accomplishment of the purposes stated in this
3 chapter is for the benefit of the people of this state and for the
4 improvement of their property and industries. The district in
5 carrying out the purposes of this chapter will be performing an
6 essential public function under the Texas Constitution. (Acts 59th
7 Leg., R.S., Ch. 598, Secs. 1 (part), 4, 22 (part).)

8 Sec. 9033.004. DISTRICT TERRITORY. (a) The district is
9 composed of the territory described by Section 2, Chapter 598, Acts
10 of the 59th Legislature, Regular Session, 1965, as that territory
11 may have been modified under:

- 12 (1) Subchapter O, Chapter 51, Water Code;
13 (2) Subchapter J, Chapter 49, Water Code;
14 (3) Section 9033.005 of this chapter or its
15 predecessor statute, former Section 16, Chapter 598, Acts of the
16 59th Legislature, Regular Session, 1965; or
17 (4) other law.

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

- 21 (1) the district's organization, existence, or
22 validity;
23 (2) the district's right to issue any type of bond or
24 to pay the principal of and interest on the bond;
25 (3) the district's right to impose a tax; or
26 (4) the legality or operation of the district or the
27 board. (Acts 59th Leg., R.S., Ch. 598, Sec. 3; New.)

1 Sec. 9033.005. EXPANSION OF DISTRICT. (a) Except as
2 otherwise provided by this section, the district may annex
3 territory as provided by Section 49.302, Water Code.

4 (b) Territory may not be annexed to the district without the
5 written consent of:

6 (1) all lienholders of record in Brazoria County; and

7 (2) at least a three-fourths majority of all
8 landowners in the territory to be annexed whose land must also
9 constitute at least three-fourths of the value of all land in the
10 territory to be annexed, as shown by the tax rolls of the county in
11 which the territory to be annexed is located.

12 (c) A finding by the district that the requirements of
13 Subsection (b) have been met is:

14 (1) conclusive for all purposes; and

15 (2) not subject to judicial review. (Acts 59th Leg.,
16 R.S., Ch. 598, Sec. 16.)

17 Sec. 9033.006. HEARINGS FOR EXCLUSION OF LAND. (a) The
18 board is not required to call or hold a hearing on the exclusion of
19 land or other property from the district.

20 (b) This section may not be construed to prevent the board
21 on its own motion from calling and holding an exclusion hearing
22 under general law. (Acts 59th Leg., R.S., Ch. 598, Sec. 7 (part).)

23 [Sections 9033.007-9033.050 reserved for expansion]

24 SUBCHAPTER B. DISTRICT ADMINISTRATION

25 Sec. 9033.051. BOARD OF DIRECTORS. (a) The board consists
26 of five elected directors.

27 (b) To be appointed as a director, a person must:

1 (1) be at least 18 years of age; and

2 (2) reside in this state.

3 (c) Such director is not required to reside in the district.

4 (d) Such director is not required to own land in the
5 district, but before the district awards any construction
6 contracts, each director must own land in the district subject to
7 district taxation. (Acts 59th Leg., R.S., Ch. 598, Sec. 9 (part).)

8 Sec. 9033.052. NOTICE OF DIRECTORS' ELECTION. At least 30
9 days before the date of a directors' election, notice of the
10 election must be published at least once in a newspaper of general
11 circulation in Brazoria County. (Acts 59th Leg., R.S., Ch. 598,
12 Sec. 9 (part).)

13 Sec. 9033.053. DIRECTOR'S BOND. Each director shall give a
14 bond in the amount of \$5,000 for the faithful performance of the
15 director's duties. (Acts 59th Leg., R.S., Ch. 598, Sec. 9 (part).)

16 Sec. 9033.054. DUTY OF SECRETARY; ABSENCE OF SECRETARY FROM
17 BOARD MEETING. (a) The board secretary shall sign the minutes of
18 each board meeting.

19 (b) If the board secretary is absent from a board meeting,
20 the board shall name a secretary pro tem for the meeting who may:

21 (1) exercise all powers and duties of the secretary
22 for the meeting;

23 (2) sign the minutes of the meeting; and

24 (3) attest all orders passed or other action taken at
25 the meeting. (Acts 59th Leg., R.S., Ch. 598, Sec. 9 (part).)

26 Sec. 9033.055. VOTE BY BOARD PRESIDENT. The board
27 president has the same right to vote as any other director. (Acts

1 59th Leg., R.S., Ch. 598, Sec. 9 (part).)

2 Sec. 9033.056. ABSENCE OR INACTION OF BOARD PRESIDENT.

3 When the board president is absent or fails or declines to act, the
4 board vice president shall perform all duties and exercise all
5 power this chapter or general law gives the president. (Acts 59th
6 Leg., R.S., Ch. 598, Sec. 9 (part).)

7 [Sections 9033.057-9033.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 9033.101. WATER CONTROL AND IMPROVEMENT DISTRICT
10 POWERS. The district has the rights, powers, privileges, and
11 duties provided by general law applicable to a water control and
12 improvement district created under Section 59, Article XVI, Texas
13 Constitution, including Chapters 49 and 51, Water Code. (Acts 59th
14 Leg., R.S., Ch. 598, Sec. 5 (part); New.)

15 Sec. 9033.102. ADDITIONAL POWERS. (a) The district may:

16 (1) purchase, construct, or otherwise acquire a
17 waterworks system, sanitary sewer system, storm sewer system, or
18 drainage facility or any part of those systems or facilities;

19 (2) make any purchase, construction, improvement,
20 extension, addition, or repair necessary to a system or facility
21 described by Subdivision (1);

22 (3) purchase or otherwise acquire, operate, and
23 maintain any land, right-of-way, easement, site, equipment,
24 building, plant, structure, or facility necessary for a system or
25 facility described by Subdivision (1); and

26 (4) sell water and other services.

27 (b) The district may exercise any of the rights or powers

1 granted by this chapter inside or outside the district's
2 boundaries, but only in Brazoria County. (Acts 59th Leg., R.S., Ch.
3 598, Sec. 17 (part).)

4 Sec. 9033.103. LIMIT ON EMINENT DOMAIN POWER. The district
5 may exercise the power of eminent domain only in the district.
6 (Acts 59th Leg., R.S., Ch. 598, Sec. 12 (part).)

7 Sec. 9033.104. COST OF RELOCATING OR ALTERING PROPERTY.

8 (a) In this section, "sole expense" means the actual cost of
9 lowering, rerouting, changing the grade of, or altering the
10 construction of a facility described by Subsection (b) in providing
11 comparable replacement without enhancement of the facility, after
12 deducting from that cost the net salvage value of the old facility.

13 (b) If the district's exercise of the power of eminent
14 domain, the power of relocation, or any other power granted by this
15 chapter makes necessary the relocating, raising, rerouting,
16 changing the grade, or altering of the construction of a highway,
17 railroad, electric transmission line, telegraph or telephone
18 property or facility, or pipeline, the necessary action shall be
19 accomplished at the sole expense of the district. (Acts 59th Leg.,
20 R.S., Ch. 598, Sec. 12 (part).)

21 Sec. 9033.105. NOTICE OF ELECTION. Notice of an election
22 may be given under the hand of the board president or secretary.
23 (Acts 59th Leg., R.S., Ch. 598, Sec. 20.)

24 [Sections 9033.106-9033.150 reserved for expansion]

25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

26 Sec. 9033.151. TAX METHOD. (a) The district shall use the
27 ad valorem plan of taxation.

1 district. (Acts 59th Leg., R.S., Ch. 598, Sec. 18 (part).)

2 Sec. 9033.203. FAILED BOND ELECTION. (a) A general law,
3 including Sections 51.781-51.791, Water Code, that provides for
4 calling a hearing on the dissolution of a district after a failed
5 district bond election does not apply to the district.

6 (b) Six months after the date of a failed bond election, the
7 board may call a subsequent bond election.

8 (c) The district continues to exist and retain its full
9 power to function and operate regardless of the outcome of a bond
10 election. (Acts 59th Leg., R.S., Ch. 598, Sec. 19.)

11 Sec. 9033.204. BONDS EXEMPT FROM TAXATION. A bond issued
12 under this chapter, the transfer of the bond, and income from the
13 bond, including profits made on the sale of the bond, are exempt
14 from taxation in this state. (Acts 59th Leg., R.S., Ch. 598, Sec.
15 22 (part).)

16 SECTION 1.07. Subtitle X, Title 6, Special District Local
17 Laws Code, is amended by adding Chapter 11003 to read as follows:

18 CHAPTER 11003. MATADOR WATER DISTRICT

19 SUBCHAPTER A. GENERAL PROVISIONS

20 Sec. 11003.001. DEFINITIONS

21 Sec. 11003.002. NATURE OF DISTRICT

22 Sec. 11003.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

23 [Sections 11003.004-11003.050 reserved for expansion]

24 SUBCHAPTER B. DISTRICT TERRITORY; ANNEXATION

25 Sec. 11003.051. DISTRICT TERRITORY

26 Sec. 11003.052. ANNEXATION OF CITY TERRITORY

27 Sec. 11003.053. ANNEXATION OF OTHER TERRITORY

1 [Sections 11003.054-11003.100 reserved for expansion]

2 SUBCHAPTER C. BOARD OF DIRECTORS

3 Sec. 11003.101. COMPOSITION OF BOARD; TERMS

4 Sec. 11003.102. QUALIFICATIONS FOR OFFICE

5 Sec. 11003.103. VACANCIES

6 Sec. 11003.104. REMOVAL FROM OFFICE

7 Sec. 11003.105. BOARD RESOLUTIONS; QUORUM; VOTING

8 REQUIREMENTS

9 Sec. 11003.106. OFFICERS AND ASSISTANTS

10 Sec. 11003.107. DUTIES OF OFFICERS AND ASSISTANTS

11 Sec. 11003.108. MEETINGS

12 Sec. 11003.109. PERSONAL LIABILITY OF DIRECTORS

13 [Sections 11003.110-11003.150 reserved for expansion]

14 SUBCHAPTER D. POWERS AND DUTIES

15 Sec. 11003.151. DISTRICT POWERS

16 Sec. 11003.152. PERMITS

17 Sec. 11003.153. GENERAL AUTHORITY OF PUBLIC AGENCIES

18 AND POLITICAL SUBDIVISIONS TO

19 CONTRACT WITH DISTRICT

20 Sec. 11003.154. CONTRACTS TO SUPPLY WATER

21 Sec. 11003.155. SOURCES FOR WATER; ACQUISITION OF

22 LAND; STORAGE CAPACITY

23 Sec. 11003.156. CONSTRUCTION CONTRACTS

24 Sec. 11003.157. CONVEYANCE OF LAND TO DISTRICT

25 Sec. 11003.158. SURPLUS PROPERTY

26 Sec. 11003.159. EMINENT DOMAIN

- 1 Sec. 11003.160. COST OF RELOCATING OR ALTERING
- 2 PROPERTY; RIGHTS-OF-WAY AND
- 3 EASEMENTS
- 4 Sec. 11003.161. OTHER DISTRICT POWERS
- 5 [Sections 11003.162-11003.200 reserved for expansion]
- 6 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS
- 7 Sec. 11003.201. IMPOSITION OF MAINTENANCE TAX
- 8 Sec. 11003.202. DEPOSITORY
- 9 Sec. 11003.203. INVESTMENT OF DISTRICT MONEY
- 10 Sec. 11003.204. DISTRICT FACILITIES EXEMPT FROM
- 11 TAXATION AND ASSESSMENT
- 12 [Sections 11003.205-11003.250 reserved for expansion]
- 13 SUBCHAPTER F. BONDS
- 14 Sec. 11003.251. AUTHORITY TO ISSUE BONDS
- 15 Sec. 11003.252. FORM OF BONDS
- 16 Sec. 11003.253. MATURITY
- 17 Sec. 11003.254. ELECTION FOR BONDS PAYABLE FROM AD
- 18 VALOREM TAXES
- 19 Sec. 11003.255. BONDS SECURED BY REVENUE; ADDITIONAL
- 20 BONDS
- 21 Sec. 11003.256. BONDS PAYABLE FROM AD VALOREM TAXES
- 22 Sec. 11003.257. ADDITIONAL SECURITY
- 23 Sec. 11003.258. TRUST INDENTURE
- 24 Sec. 11003.259. CHARGES FOR DISTRICT SERVICES
- 25 Sec. 11003.260. USE OF BOND PROCEEDS
- 26 Sec. 11003.261. APPOINTMENT OF RECEIVER
- 27 Sec. 11003.262. REFUNDING BONDS

1 Sec. 11003.263. LIMITATION ON RIGHTS OF BONDHOLDERS

2 Sec. 11003.264. BONDS EXEMPT FROM TAXATION

3 Sec. 11003.265. DETACHMENT OF DISTRICT TERRITORY AFTER
4 ISSUANCE OF BONDS

5 CHAPTER 11003. MATADOR WATER DISTRICT

6 SUBCHAPTER A. GENERAL PROVISIONS

7 Sec. 11003.001. DEFINITIONS. In this chapter:

8 (1) "Board" means the board of directors of the
9 district.

10 (2) "City" means the city of Matador.

11 (3) "City council" means the city council of the city.

12 (4) "Director" means a member of the board appointed
13 by the city council.

14 (5) "District" means the Matador Water District.
15 (Acts 64th Leg., R.S., Ch. 36, Secs. 1 (part), 2 (part), 3(a)
16 (part); New.)

17 Sec. 11003.002. NATURE OF DISTRICT. The district is a
18 conservation and reclamation district created under Section 59,
19 Article XVI, Texas Constitution. (Acts 64th Leg., R.S., Ch. 36,
20 Sec. 1 (part).)

21 Sec. 11003.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

22 (a) All territory and taxable property in the city will benefit
23 from the works and improvements of the district.

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 essential public function under the constitution. (Acts 64th Leg.,
2 R.S., Ch. 36, Secs. 2 (part), 22 (part).)

3 [Sections 11003.004-11003.050 reserved for expansion]

4 SUBCHAPTER B. DISTRICT TERRITORY; ANNEXATION

5 Sec. 11003.051. DISTRICT TERRITORY. (a) The boundaries of
6 the district are coextensive with the boundaries of the city as
7 those boundaries existed on January 1, 1975, and as the district
8 territory may have been modified under:

9 (1) this subchapter or its predecessor statutes,
10 Sections 6 and 7, Chapter 36, Acts of the 64th Legislature, Regular
11 Session, 1975;

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

13 (3) other law.

14 (b) An invalidity in the fixing of the boundaries of the
15 city as they existed on January 1, 1975, does not affect the
16 boundaries of the district. (Acts 64th Leg., R.S., Ch. 36, Sec. 2
17 (part); New.)

18 Sec. 11003.052. ANNEXATION OF CITY TERRITORY.

19 (a) Territory annexed to the city after January 1, 1975, may be
20 annexed to the district as provided by this section.

21 (b) At any time after final passage of an ordinance or
22 resolution annexing territory to the city, the board may give
23 notice of a hearing on the question of annexing that territory to
24 the district. The notice is sufficient if it:

25 (1) states the date and place of the hearing; and

26 (2) describes the area proposed to be annexed or
27 refers to the annexation ordinance or resolution of the city.

1 (c) At least 10 days before the date set for the hearing, the
2 notice must be published one time in a newspaper of general
3 circulation in the city.

4 (d) If, as a result of the hearing, the board finds that the
5 territory will benefit from the present or contemplated
6 improvements, works, or facilities of the district, the board shall
7 adopt a resolution annexing the territory to the district.

8 (e) After the territory is annexed to the district, the
9 board may hold an election in the entire district to determine
10 whether:

11 (1) the entire district will assume any tax-supported
12 bonds then outstanding and those bonds previously voted but not yet
13 sold; and

14 (2) an ad valorem tax for the payment of the bonds will
15 be imposed on all taxable property in the district.

16 (f) An election held under Subsection (e) must be held and
17 notice must be given in the same manner as an election held under
18 Section 11003.254 for the issuance of bonds. (Acts 64th Leg., R.S.,
19 Ch. 36, Sec. 6.)

20 Sec. 11003.053. ANNEXATION OF OTHER TERRITORY.

21 (a) Territory other than territory subject to Section 11003.052
22 may be annexed to the district as provided by this section.

23 (b) The board may annex territory or a municipality under
24 this section only if a petition requesting annexation is signed by
25 50 registered voters of the territory or municipality to be
26 annexed, or a majority of the registered voters of that territory or
27 municipality, whichever is fewer, and is filed with the board. The

1 petition must describe the territory to be annexed by metes and
2 bounds, or otherwise, except that if the territory is the same as
3 that contained in the boundaries of a municipality, the petition is
4 sufficient if it states that the territory to be annexed is the
5 territory contained in the municipal boundaries.

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

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

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

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

20 (B) the other functions of the district.

21 (d) At least 10 days before the date of the hearing, notice
22 of the adoption of the resolution stating the time and place of the
23 hearing must be published one time in a newspaper of general
24 circulation in the territory or municipality proposed to be
25 annexed. The notice must describe the territory in the same manner
26 in which Subsection (b) requires the petition to describe the
27 territory.

1 (e) Any interested person may appear at the hearing and
2 offer evidence for or against the annexation.

3 (f) The hearing may proceed in the order and under the rules
4 prescribed by the board and may be recessed from time to time.

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 present or contemplated improvements, works, or facilities
8 of the district, the board shall adopt a resolution making a finding
9 of 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) In calling an election on the proposition for annexation
20 of the territory or municipality, the board may include, as part of
21 the same proposition or as a separate proposition, a proposition
22 for:

23 (1) the territory to assume its part of the
24 tax-supported bonds of the district then outstanding and those
25 bonds previously voted but not yet sold; and

26 (2) an ad valorem tax to be imposed on taxable property
27 in the territory along with the tax in the rest of the district for

1 the payment of the bonds.

2 (k) If a majority of the votes cast at the election are in
3 favor of annexation, the board by resolution shall annex the
4 territory to the district.

5 (l) An annexation under this section is incontestable
6 except in the manner and within the time for contesting elections
7 under the Election Code. (Acts 64th Leg., R.S., Ch. 36, Secs. 7(a),
8 (b), (c) (part), (d) (part), (e) (part).)

9 [Sections 11003.054-11003.100 reserved for expansion]

10 SUBCHAPTER C. BOARD OF DIRECTORS

11 Sec. 11003.101. COMPOSITION OF BOARD; TERMS. (a) The
12 district is governed by a board of five directors appointed by the
13 city council. The directors occupy numbered places on the board.

14 (b) Directors serve staggered two-year terms, with the
15 terms of the directors occupying Places 1, 2, and 3 expiring at noon
16 on March 1 of each even-numbered year and the terms of the directors
17 occupying Places 4 and 5 expiring at noon on March 1 of each
18 odd-numbered year.

19 (c) The mayor of the city serves, ex officio, as an honorary
20 member of the board. The mayor may attend all meetings and
21 participate in all proceedings of the board except that the mayor
22 may not vote. (Acts 64th Leg., R.S., Ch. 36, Sec. 3(a) (part).)

23 Sec. 11003.102. QUALIFICATIONS FOR OFFICE. (a) To be
24 eligible to be appointed or to serve as a director, a person must be
25 a resident, qualified voter of the district.

26 (b) A director is eligible for reappointment. (Acts 64th
27 Leg., R.S., Ch. 36, Secs. 3(a) (part), (b).)

1 Sec. 11003.103. VACANCIES. Any vacancy occurring on the
2 board shall be filled for the unexpired term by appointment by the
3 city council. (Acts 64th Leg., R.S., Ch. 36, Sec. 3(a) (part).)

4 Sec. 11003.104. REMOVAL FROM OFFICE. After reasonable
5 notice and a public hearing, the board may remove a director from
6 office for misfeasance, malfeasance, or wilful neglect of duty.
7 Reasonable notice and a public hearing are not required if the
8 notice and hearing are expressly waived in writing. (Acts 64th
9 Leg., R.S., Ch. 36, Sec. 3(c).)

10 Sec. 11003.105. BOARD RESOLUTIONS; QUORUM; VOTING
11 REQUIREMENTS. (a) The district shall act through resolutions
12 adopted by the board.

13 (b) Three directors constitute a quorum.

14 (c) Each director has a vote.

15 (d) The affirmative vote of at least three directors is
16 necessary to adopt any resolution. (Acts 64th Leg., R.S., Ch. 36,
17 Sec. 4(c).)

18 Sec. 11003.106. OFFICERS AND ASSISTANTS. (a) The board
19 shall elect a president, vice president, secretary, and treasurer
20 at the first meeting of the board in March of each year or at any
21 time necessary to fill a vacancy.

22 (b) The board shall elect the president and vice president
23 from among the directors. The president shall serve for a term of
24 one year.

25 (c) The offices of secretary and treasurer:

26 (1) may be held by one person; and

27 (2) are not required to be held by a director.

1 (d) The board may appoint as assistant board secretary one
2 or more persons who are not directors. (Acts 64th Leg., R.S., Ch.
3 36, Secs. 4(b) (part), (d) (part).)

4 Sec. 11003.107. DUTIES OF OFFICERS AND ASSISTANTS.

5 (a) The board president shall preside at board meetings and
6 perform other duties prescribed by the board.

7 (b) The board secretary is the official custodian of the
8 minutes, books, records, and seal of the board and shall perform
9 other duties and functions prescribed by the board. An assistant
10 board secretary may perform any duty or function of the board
11 secretary.

12 (c) The board treasurer shall perform duties and functions
13 prescribed by the board. (Acts 64th Leg., R.S., Ch. 36, Sec. 4(b)
14 (part).)

15 Sec. 11003.108. MEETINGS. The board shall have regular
16 meetings at times specified by board resolution and shall have
17 special meetings when called by the board president or by any three
18 directors. (Acts 64th Leg., R.S., Ch. 36, Sec. 4(e).)

19 Sec. 11003.109. PERSONAL LIABILITY OF DIRECTORS. A
20 director is not personally liable for any bond issued or contract
21 executed by the district. (Acts 64th Leg., R.S., Ch. 36, Sec.
22 4(f).)

23 [Sections 11003.110-11003.150 reserved for expansion]

24 SUBCHAPTER D. POWERS AND DUTIES

25 Sec. 11003.151. DISTRICT POWERS. The district may exercise
26 any power necessary or appropriate to achieve the purposes of this
27 chapter, including the power to:

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- 1 (1) sue and be sued, and plead and be impleaded, in its
- 2 own name;
- 3 (2) adopt an official seal;
- 4 (3) adopt and enforce bylaws and rules for the conduct
- 5 of its affairs;
- 6 (4) acquire, hold, use, and dispose of its receipts
- 7 and money from any source;
- 8 (5) select a depository or depositories;
- 9 (6) acquire, own, rent, lease, accept, hold, or
- 10 dispose of property, or an interest in property, including a right
- 11 or easement, by purchase, exchange, gift, assignment,
- 12 condemnation, sale, lease, or otherwise, in performing district
- 13 duties or exercising district powers under this chapter;
- 14 (7) hold, manage, operate, or improve property;
- 15 (8) lease or rent any land, building, structure, or
- 16 facility from or to any person;
- 17 (9) sell, assign, lease, encumber, mortgage, or
- 18 otherwise dispose of property, or an interest in property, and
- 19 release or relinquish a right, title, claim, lien, interest,
- 20 easement, or demand, regardless of the manner in which acquired,
- 21 and conduct a transaction authorized by this subdivision by public
- 22 or private sale, with or without public bidding, notwithstanding
- 23 any other law;
- 24 (10) issue bonds, provide for and secure the payment
- 25 of the bonds, and provide for the rights of the holders of the bonds
- 26 in the manner and to the extent authorized by this chapter;
- 27 (11) request and accept an appropriation, grant,

1 allocation, subsidy, guaranty, aid, service, material, or gift from
2 any source, including the federal government, the state, a public
3 agency, or a political subdivision;

4 (12) operate and maintain an office;

5 (13) appoint and determine the duties, tenure,
6 qualifications, and compensation of officers, employees, agents,
7 professional advisors, and counselors considered necessary or
8 advisable by the board, including financial consultants,
9 accountants, attorneys, architects, engineers, appraisers, and
10 financing experts; and

11 (14) exercise any power granted by Chapter 30, Water
12 Code, to districts created under Section 59, Article XVI, Texas
13 Constitution. (Acts 64th Leg., R.S., Ch. 36, Sec. 5 (part).)

14 Sec. 11003.152. PERMITS. (a) The district may obtain
15 through appropriate proceedings an appropriation permit or a
16 diversion permit from the Texas Commission on Environmental
17 Quality.

18 (b) The district may acquire a water appropriation permit
19 from a permit owner by contract or otherwise. (Acts 64th Leg., R.S.,
20 Ch. 36, Sec. 8 (part).)

21 Sec. 11003.153. GENERAL AUTHORITY OF PUBLIC AGENCIES AND
22 POLITICAL SUBDIVISIONS TO CONTRACT WITH DISTRICT. A public agency
23 or political subdivision of this state, including the city, may
24 enter into a contract or agreement with the district, on terms
25 agreed to by the parties, for any purpose relating to the district's
26 powers or functions. Approval, notice, consent, or an election is
27 not required in connection with the contract or agreement. (Acts

1 64th Leg., R.S., Ch. 36, Sec. 9(b) (part).)

2 Sec. 11003.154. CONTRACTS TO SUPPLY WATER. (a) The
3 district may contract with municipalities and others, including the
4 city, to supply water to them. The district may sell water inside
5 or outside the boundaries of the district.

6 (b) The district may contract with a public agency or
7 political subdivision for the rental or leasing of or for the
8 operation of the water production, water supply, water filtration
9 or purification, and water supply facilities of the entity on the
10 consideration agreed to by the district and the entity.

11 (c) A contract under Subsection (a) or (b) may:

12 (1) be on terms and for the time agreed to by the
13 parties; and

14 (2) provide that it will continue in effect until
15 bonds specified in it and refunding bonds issued in lieu of the
16 bonds are paid.

17 (d) The district may contract with the city for the
18 operation of the district's water facilities by the city. An
19 election is not required in connection with the contract.

20 (e) A public agency or political subdivision of this state,
21 including the city, may enter into a contract or agreement with the
22 district for a water supply as provided by Section 11003.153. (Acts
23 64th Leg., R.S., Ch. 36, Secs. 9(a) (part), (b) (part), 19 (part).)

24 Sec. 11003.155. SOURCES FOR WATER; ACQUISITION OF LAND;
25 STORAGE CAPACITY. (a) The district may acquire or construct,
26 inside or outside the district, a reservoir, a well, or any work,
27 plant, transmission line, or other facility necessary or useful to

1 drill for, divert, impound, store, pump, treat, or transport to the
2 city and others water for municipal, domestic, industrial, mining,
3 oil flooding, or any other useful purpose.

4 (b) The district may develop or otherwise acquire
5 underground sources of water.

6 (c) The district may acquire land, or an interest in land,
7 inside or outside the district, for any work, plant, or other
8 facility necessary or useful to drill for, divert, impound, store,
9 pump, treat, or transport to the city and others water for
10 municipal, domestic, industrial, mining, oil flooding, or any other
11 useful purpose.

12 (d) The district may lease, purchase, or otherwise acquire
13 rights in and to storage and storage capacity in any reservoir
14 constructed or to be constructed by any person or from the United
15 States. (Acts 64th Leg., R.S., Ch. 36, Secs. 8 (part), 9(a)
16 (part), 10 (part).)

17 Sec. 11003.156. CONSTRUCTION CONTRACTS. (a) The district
18 may award a construction contract that requires an expenditure of
19 more than \$5,000 only after publication of notice to bidders once
20 each week for two weeks in a newspaper of general circulation in the
21 district.

22 (b) The notice is sufficient if it states:

23 (1) the time and place for opening the bids;

24 (2) the general nature of the work to be done or the
25 material, equipment, or supplies to be purchased; and

26 (3) where the terms of bidding and copies of the plans
27 and specifications may be obtained. (Acts 64th Leg., R.S., Ch. 36,

1 Sec. 12.)

2 Sec. 11003.157. CONVEYANCE OF LAND TO DISTRICT. A public
3 agency or political subdivision of this state, including the city,
4 may lease, sell, or otherwise convey its land or an interest in its
5 land to the district for consideration that the parties agree is
6 adequate. Approval, notice, consent, or an election is not
7 required in connection with the conveyance. (Acts 64th Leg., R.S.,
8 Ch. 36, Sec. 9(b) (part).)

9 Sec. 11003.158. SURPLUS PROPERTY. Subject to the terms of a
10 resolution or deed of trust authorizing or securing bonds issued by
11 the district, the district may sell, lease, rent, trade, or
12 otherwise dispose of property that the board considers is not
13 needed for a district purpose. (Acts 64th Leg., R.S., Ch. 36, Sec.
14 10 (part).)

15 Sec. 11003.159. EMINENT DOMAIN. (a) To carry out a power
16 conferred by this chapter, the district may exercise the power of
17 eminent domain to acquire the fee simple title to land, or any other
18 interest in land, and other property and easements, inside or
19 outside the district, including land or an interest in land needed
20 for:

21 (1) a well; or

22 (2) a reservoir, dam, or flood easement above the
23 probable high-water line around a reservoir.

24 (b) The district must exercise the power of eminent domain
25 in the manner provided by Chapter 21, Property Code.

26 (c) The district is a municipal corporation for the purposes
27 of Chapter 21, Property Code.

1 (d) The board shall determine the amount and the type of
2 interest in land, other property, or easements to be acquired under
3 this section. (Acts 64th Leg., R.S., Ch. 36, Sec. 11(a) (part).)

4 Sec. 11003.160. COST OF RELOCATING OR ALTERING PROPERTY;
5 RIGHTS-OF-WAY AND EASEMENTS. (a) If the district's exercise of
6 its eminent domain, police, or other power requires relocating,
7 raising, lowering, rerouting, or changing the grade of or altering
8 the construction of any railroad, electric transmission,
9 telegraph, or telephone line, conduit, pole, property, or facility
10 or pipeline, the action shall be accomplished at the sole expense of
11 the district. The term "sole expense" means the actual cost of the
12 lowering, rerouting, or change in grade or alteration of
13 construction to provide a comparable replacement without enhancing
14 the facility, after deducting from the cost the net salvage value
15 derived from the old facility.

16 (b) The district has all necessary or useful rights-of-way
17 and easements along, over, under, and across all public, state,
18 municipal, and county roads, highways, and places for any of its
19 purposes. The district shall restore a used facility to its
20 previous condition as nearly as possible at the sole expense of the
21 district. (Acts 64th Leg., R.S., Ch. 36, Secs. 11(b), (c).)

22 Sec. 11003.161. OTHER DISTRICT POWERS. The district has
23 the same power as is conferred by general law on municipal utility
24 districts or on water control and improvement districts, with
25 reference to entering land and making surveys and attending to
26 other business of the district. (Acts 64th Leg., R.S., Ch. 36, Sec.
27 11(a) (part).)

1 [Sections 11003.162-11003.200 reserved for expansion]

2 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

3 Sec. 11003.201. IMPOSITION OF MAINTENANCE TAX. (a) The
4 district may impose a tax, not to exceed 25 cents on each \$100
5 valuation of taxable property in the district, for:

6 (1) maintenance purposes, including money for
7 planning, maintaining, repairing, and operating all necessary
8 plants, works, facilities, improvements, appliances, and equipment
9 of the district;

10 (2) paying costs of proper services, engineering, and
11 legal fees; and

12 (3) organization and administrative expenses.

13 (b) The district may not impose a maintenance tax unless the
14 tax is approved by a majority of the voters voting at an election
15 held for that purpose.

16 (c) A maintenance tax election may be held at the same time
17 and in conjunction with a bond election.

18 (d) The procedure for calling, giving notice of, and
19 conducting a maintenance tax election is the same as the procedure
20 for a bond election. (Acts 64th Leg., R.S., Ch. 36, Sec. 13.)

21 Sec. 11003.202. DEPOSITORY. (a) The board shall designate
22 one or more banks inside or outside the district to serve as the
23 depository for the district's money.

24 (b) District money shall be deposited in the depository
25 designated by the board, except that:

26 (1) bond proceeds and money pledged to pay bonds, to
27 the extent provided in a resolution or trust indenture authorizing

1 or securing district bonds, may be deposited with another bank or
2 trustee named in the bond resolution or trust indenture; and

3 (2) money shall be remitted to each paying agent for
4 the payment of principal of and interest on the bonds.

5 (c) To the extent that money in a depository bank or trustee
6 bank is not insured by the Federal Deposit Insurance Corporation,
7 the money must be secured in the manner provided by law for the
8 security of municipal money. (Acts 64th Leg., R.S., Ch. 36, Sec. 20
9 (part).)

10 Sec. 11003.203. INVESTMENT OF DISTRICT MONEY. The board
11 may invest district money in obligations and make time deposits of
12 district money in the manner determined by the board or in the
13 manner permitted or required in a resolution or trust indenture
14 authorizing or securing district bonds. (Acts 64th Leg., R.S., Ch.
15 36, Sec. 20 (part).)

16 Sec. 11003.204. DISTRICT FACILITIES EXEMPT FROM TAXATION
17 AND ASSESSMENT. The district is not required to pay a tax or
18 assessment on its facilities or any part of its facilities. (Acts
19 64th Leg., R.S., Ch. 36, Sec. 22 (part).)

20 [Sections 11003.205-11003.250 reserved for expansion]

21 SUBCHAPTER F. BONDS

22 Sec. 11003.251. AUTHORITY TO ISSUE BONDS. (a) The
23 district may issue bonds payable from and secured by revenue or ad
24 valorem taxes, or both revenue and ad valorem taxes, of the district
25 to carry out any power conferred by this chapter. The bonds must be
26 authorized by a board resolution.

27 (b) The bonds must be issued in the manner and under the

1 terms of the resolution authorizing the issuance of the bonds.
2 (Acts 64th Leg., R.S., Ch. 36, Secs. 14(a), (b) (part), (e) (part).)

3 Sec. 11003.252. FORM OF BONDS. District bonds must be:

- 4 (1) issued in the district's name;
5 (2) signed by the president or vice president; and
6 (3) attested by the secretary. (Acts 64th Leg., R.S.,
7 Ch. 36, Sec. 14(b) (part).)

8 Sec. 11003.253. MATURITY. District bonds must mature not
9 later than 40 years after the date of their issuance. (Acts 64th
10 Leg., R.S., Ch. 36, Sec. 14(b) (part).)

11 Sec. 11003.254. ELECTION FOR BONDS PAYABLE FROM AD VALOREM
12 TAXES. (a) Bonds, other than refunding bonds, payable wholly or
13 partly from ad valorem taxes may not be issued unless authorized by
14 a majority of the district voters voting at an election held for
15 that purpose.

16 (b) The board may call an election under this section
17 without a petition. The resolution calling the election must
18 specify:

- 19 (1) the time and place at which the election will be
20 held;
21 (2) the purpose for which the bonds will be issued;
22 (3) the amount of the bonds;
23 (4) the form of the ballot; and
24 (5) other matters the board considers necessary or
25 advisable.

26 (c) Notice of the election must be given by publishing a
27 substantial copy of the resolution calling the election in a

1 newspaper of general circulation in the district. The notice must
2 be published once each week for two consecutive weeks. The first
3 publication must be not later than the 14th day before the date of
4 the election.

5 (d) The district may issue bonds not payable wholly or
6 partly from ad valorem taxes without an election. (Acts 64th Leg.,
7 R.S., Ch. 36, Secs. 17(a) (part), (b).)

8 Sec. 11003.255. BONDS SECURED BY REVENUE; ADDITIONAL BONDS.

9 (a) District bonds issued may be secured by a pledge of all or part
10 of the district's revenue, or by all or part of the revenue of one or
11 more contracts previously or subsequently made or other revenue or
12 income specified by board resolution or a trust indenture securing
13 the bonds. The pledge may reserve the right, under conditions
14 specified by the pledge, to issue additional bonds that will be on a
15 parity with or subordinate to the bonds then being issued.

16 (b) The district may issue bonds secured by both taxes and
17 revenue of the district described by Subsection (a). (Acts 64th
18 Leg., R.S., Ch. 36, Secs. 14(d), (e) (part).)

19 Sec. 11003.256. BONDS PAYABLE FROM AD VALOREM TAXES.

20 (a) If bonds are issued payable wholly or partly from ad valorem
21 taxes, the board shall annually impose a tax on the taxable property
22 in the district in an amount sufficient to pay the principal of and
23 interest on the bonds when due.

24 (b) The district may adopt the rate of a tax imposed under
25 Subsection (a) for any year after giving consideration to the money
26 received from the pledged revenue that may be available for payment
27 of principal and interest, to the extent and in the manner permitted

1 by the resolution authorizing the issuance of the bonds. (Acts 64th
2 Leg., R.S., Ch. 36, Secs. 14(e) (part), 23(b) (part).)

3 Sec. 11003.257. ADDITIONAL SECURITY. (a) District bonds,
4 including refunding bonds, that are not payable wholly from ad
5 valorem taxes may be additionally secured, at the discretion of the
6 board, by a deed of trust or mortgage lien on physical property of
7 the district and all franchises, easements, water rights, and
8 appropriation permits, leases, and contracts and all rights
9 appurtenant to the property, vesting in the trustee power to:

- 10 (1) sell the property for the payment of the debt;
11 (2) operate the property; and
12 (3) take other action to further secure the bonds.

13 (b) A purchaser under a sale under the deed of trust lien, if
14 one is given:

- 15 (1) is the absolute owner of property, facilities, and
16 rights purchased; and
17 (2) is entitled to maintain and operate the property,
18 facilities, and rights. (Acts 64th Leg., R.S., Ch. 36, Sec. 16
19 (part).)

20 Sec. 11003.258. TRUST INDENTURE. (a) District bonds,
21 including refunding bonds, that are not payable wholly from ad
22 valorem taxes may be additionally secured by a trust indenture. The
23 trustee may be a bank with trust powers located inside or outside
24 the state.

25 (b) A trust indenture, regardless of the existence of a deed
26 of trust or mortgage lien on property, may:

- 27 (1) provide for the security of the bonds and the

1 preservation of the trust estate as prescribed by the board;

2 (2) provide for amendment or modification of the trust
3 indenture;

4 (3) provide for the issuance of bonds to replace lost
5 or mutilated bonds;

6 (4) condition the right to spend district money or
7 sell district property on the approval of a licensed engineer
8 selected as provided by the trust indenture; and

9 (5) provide for the investment of district money.

10 (Acts 64th Leg., R.S., Ch. 36, Sec. 16 (part).)

11 Sec. 11003.259. CHARGES FOR DISTRICT SERVICES. (a) If
12 district bonds payable wholly from revenue are issued, the board
13 shall set and revise the rates of compensation for water sold and
14 services provided by the district. The rates must be sufficient to:

15 (1) pay the expense of operating and maintaining
16 district facilities;

17 (2) pay the principal of and interest on the bonds when
18 due; and

19 (3) maintain the reserve fund and other funds as
20 provided in the resolution authorizing the bonds.

21 (b) If bonds payable partly from revenue are issued, the
22 board shall set and revise the rate of compensation for water sold
23 and any other services provided by the district. The rate must be
24 sufficient to ensure compliance with the resolution authorizing the
25 bonds or the trust indenture securing the bonds. (Acts 64th Leg.,
26 R.S., Ch. 36, Sec. 14(f).)

27 Sec. 11003.260. USE OF BOND PROCEEDS. (a) The district

1 may set aside an amount of proceeds from the sale of district bonds
2 for:

3 (1) the payment of interest expected to accrue during
4 construction not to exceed three years;

5 (2) a reserve interest and sinking fund; and

6 (3) other funds as may be provided in the resolution
7 authorizing the bonds or in the trust indenture.

8 (b) The district may use proceeds from the sale of the bonds
9 to pay any expense necessarily incurred in accomplishing the
10 purpose of the district, including any expense of issuing and
11 selling the bonds. (Acts 64th Leg., R.S., Ch. 36, Sec. 14(g).)

12 Sec. 11003.261. APPOINTMENT OF RECEIVER. (a) On default
13 or threatened default in the payment of the principal of or interest
14 on district bonds that are payable wholly or partly from revenue, a
15 court may, on petition of the holders of outstanding bonds, appoint
16 a receiver for the district.

17 (b) The receiver may collect and receive all district
18 income, except taxes, employ and discharge district agents and
19 employees, take charge of money on hand, except money received from
20 taxes, unless commingled, and manage the proprietary affairs of the
21 district without consent or hindrance by the board.

22 (c) The receiver may be authorized to sell or contract for
23 the sale of water or to renew those contracts with the approval of
24 the court that appointed the receiver.

25 (d) The court may vest the receiver with any other power or
26 duty the court finds necessary to protect the bondholders. (Acts
27 64th Leg., R.S., Ch. 36, Sec. 14(h) (part).)

1 Sec. 11003.262. REFUNDING BONDS. (a) The district may
2 issue refunding bonds to refund outstanding district bonds and
3 interest on those bonds.

4 (b) Refunding bonds may:

5 (1) be issued to refund bonds of more than one series;

6 (2) combine the pledges for the outstanding bonds for
7 the security of the refunding bonds; or

8 (3) be secured by a pledge of other or additional
9 revenue or mortgage liens.

10 (c) The provisions of this subchapter regarding the
11 issuance of other bonds, their security, and the remedies of the
12 holders apply to refunding bonds.

13 (d) The comptroller shall register the refunding bonds on
14 surrender and cancellation of the bonds to be refunded.

15 (e) Instead of issuing bonds to be registered on the
16 surrender and cancellation of the bonds to be refunded, the
17 district, in the resolution authorizing the issuance of the
18 refunding bonds, may provide for the sale of the refunding bonds and
19 the deposit of the proceeds in a bank at which the bonds to be
20 refunded are payable. In that case, the refunding bonds may be
21 issued in an amount sufficient to pay the principal of and interest
22 and any required redemption premium on the bonds to be refunded to
23 any redemption date or to their maturity date, and the comptroller
24 shall register the refunding bonds without the surrender and
25 cancellation of the bonds to be refunded.

26 (f) An election is not required to authorize the issuance of
27 refunding bonds.

1 (g) The district may also issue refunding bonds under any
2 other applicable law. (Acts 64th Leg., R.S., Ch. 36, Sec. 15.)

3 Sec. 11003.263. LIMITATION ON RIGHTS OF BONDHOLDERS. The
4 resolution authorizing the bonds or the trust indenture securing
5 the bonds may limit or qualify the rights of the holders of less
6 than all of the outstanding bonds payable from the same source to
7 institute or prosecute litigation affecting the district's
8 property or income. (Acts 64th Leg., R.S., Ch. 36, Sec. 14(h)
9 (part).)

10 Sec. 11003.264. BONDS EXEMPT FROM TAXATION. A district
11 bond, the transfer of the bond, and the income from the bond,
12 including profits made on the sale of the bond, are exempt from
13 taxation in this state. (Acts 64th Leg., R.S., Ch. 36, Sec. 22
14 (part).)

15 Sec. 11003.265. DETACHMENT OF DISTRICT TERRITORY AFTER
16 ISSUANCE OF BONDS. Territory may not be detached from the district
17 after the issuance of bonds payable from revenue or taxes, or both
18 revenue and taxes. (Acts 64th Leg., R.S., Ch. 36, Sec. 17(a)
19 (part).)

20 ARTICLE 2. CONFORMING AMENDMENTS

21 SECTION 2.01. Section 1, Chapter 317, Acts of the 59th
22 Legislature, Regular Session, 1965, is amended to read as follows:

23 Sec. 1. [~~Pursuant to the provisions of Section 9 of Article~~
24 ~~IX of the Constitution of the State of Texas, this Act shall be~~
25 ~~operative so as to authorize the creation, establishment,~~
26 ~~maintenance and operation of a Hospital District within the State~~
27 ~~of Texas, to be known as] Yoakum Hospital District, situated in the~~

1 Counties of DeWitt, Lavaca and Gonzales, Texas, and the boundaries
2 of said District shall be coextensive with the boundaries of the
3 three school districts, hereinafter named as constituted on January
4 1, 1965, lying adjacent and forming one body of land, situated
5 partly in the Counties of DeWitt, Lavaca and Gonzales, Texas, to
6 wit:

7 HOPE COMMON SCHOOL DISTRICT No. 58, lying wholly in Lavaca
8 County, Texas, SWEET HOME COMMON SCHOOL DISTRICT No. 41, lying
9 wholly in Lavaca County, Texas, and YOAKUM INDEPENDENT SCHOOL
10 DISTRICT, lying partly within the Counties of DeWitt, Lavaca and
11 Gonzales, Texas, except as that certain area excluded therefrom
12 situated in said Yoakum Independent School District, in DeWitt
13 County, Texas, lying near the City of Cuero and adjacent to the
14 present Cuero Independent School District, and better described as
15 being all of the William Norwall (W. L. Norwall) Survey A-371; all
16 of the S. B. Mixon Survey A-341; all of the Joshua Threadgill Survey
17 A-454; and all of the William S. Townsend Survey A-457.

18 ~~[The District shall have the powers and responsibilities~~
19 ~~provided by the aforesaid Constitutional provision and as~~
20 ~~hereinafter prescribed.]~~

21 SECTION 2.02. Section 2, Chapter 18, Acts of the 55th
22 Legislature, 1st Called Session, 1957, is amended to read as
23 follows:

24 Sec. 2. ~~[It is expressly determined and found that all of~~
25 ~~the land and other property included within the area and boundaries~~
26 ~~of the District (Bell County Water Control and Improvement District~~
27 ~~No. 6) will be benefited by the works and projects which are to be~~

1 ~~accomplished by the District pursuant to the powers conferred by~~
2 ~~the provisions of Article XVI, Section 59, of the Constitution of~~
3 ~~Texas, and that said District was and is created to serve a public~~
4 ~~use and benefit.]~~ The area of the District shall be all of that
5 territory enclosed within the following metes and bounds
6 description, to-wit:

7 BEGINNING at intersection of right bank of Leon River with
8 center line of Belton-Shallow Ford Road.

9 THENCE westerly with said road, 6800 feet, more or less, to
10 east line of M. F. Connell Survey, Abstract #6.

11 THENCE N. 19° E., 925 feet, more or less, with said survey to
12 point that would intersect East 6th Street, Belton, Texas.

13 THENCE westerly with said 6th Street to Santa Fe Railroad
14 Belton Spur.

15 THENCE northerly with said Spur to Santa Fe Railroad Main
16 Line Right-of-Way.

17 THENCE westerly with said Santa Fe Right-of-Way to road going
18 north to Belton Dam Site.

19 THENCE northerly 800 feet, more or less, with Belton Dam Site
20 Road to north line of Lewis Walker Survey, Abstract #860.

21 THENCE N. 71° W., 12,000 feet, more or less, with north line
22 of Walker Survey, to its northwest corner.

23 THENCE S. 19° W., 150 feet, more or less, to Belton-Sparta
24 Road.

25 THENCE northwesterly 4500 feet, more or less, with said
26 Belton-Sparta Road to east line of A. C. Barrington Tract.

27 THENCE northerly 2300 feet, more or less, with east line of

1 Barrington Tract to its northeast corner, in north line of Wm.
2 Norvell Survey, Abstract #627.

3 THENCE N. 71° W. to the northwest corner of Norvell Survey and
4 the northeast corner of Wiley Jones Survey, Abstract #475.

5 THENCE S. 19° W. with Fort Hood Reservation and the east line
6 of Jones Survey 7400 feet, more or less, to corner of said
7 Reservation.

8 THENCE westerly 16,000 feet, more or less, with said
9 Reservation south line, to the most northerly northwest corner of
10 C. O. Kaiser Tract.

11 THENCE southerly 860 feet, more or less, with said
12 Reservation Line to an ell corner of Kaiser Tract.

13 THENCE N. 71° W., 7800 feet, more or less, to a point in the
14 east line of Wm. Brown Survey, Abstract #87.

15 THENCE S. 19° W. to the southeast corner of said Brown Survey.

16 THENCE N. 71° W. to the southwest corner of said Brown Survey,
17 in the east line of G. W. Cartwright Survey.

18 THENCE southerly 3880 feet, more or less, with Reservation
19 Line and east line of said Cartwright Survey to the northeast corner
20 of T. J. Cox Tract.

21 THENCE N. 71° W., 1850 feet, more or less, with Reservation
22 and Cox Line to northwest corner of Cox's Tract in the east line of
23 Grady Bagby Tract.

24 THENCE N. 19° E., 1100 feet, more or less, with Bagby's east
25 line and Reservation Line, to the northeast corner of Bagby Tract.

26 THENCE westerly 5800 feet, more or less, with Reservation
27 Line and north line of Bagby and T. L. Bishop Tracts, a corner in

1 east line of Perry Hicks Tract.

2 THENCE northerly 1450 feet, more or less, to Hicks northeast
3 corner and corner of Reservation.

4 THENCE N. 71° W., 3100 feet, more or less, to point in public
5 road for corner of this.

6 THENCE northwesterly 8000 feet, more or less, with said road
7 and Reservation Line to northwest corner of W. S. Whitmire Tract and
8 corner of this.

9 THENCE N. 71° W., 3500 feet, more or less, with Reservation
10 Line to northwest corner of E. R. Hilliard Tract.

11 THENCE S. 19° W., 850 feet, more or less, to northeast corner
12 of W. T. Dugger Tract.

13 THENCE N. 71° W., 1320 feet, more or less, with Reservation
14 Line and north line of Dugger to Dugger's northwest corner in west
15 line of A. Dickson Survey, Abstract #265.

16 THENCE S. 19° W., 4600 feet, more or less, with Reservation
17 Line to corner thereof.

18 THENCE westerly 9100 feet, more or less, with Reservation
19 Line to northwest corner of Fairway Park Addition, Killeen, Texas,
20 and corner of Reservation.

21 THENCE S. 19° W., 1300 feet, more or less, to corner of
22 Fairway Park Addition, S. 71° E., 100 feet, more or less to ell
23 corner of Fairway Park Addition, and S. 19° W., 1200 feet, more or
24 less, to the north line of A. Thompson Survey, Abstract #813.

25 THENCE N. 71° W. to northwest corner of A. Thompson Survey.

26 THENCE S. 19° W., 5800 feet, more or less, with Reservation
27 Line to ell corner of Wendland Tract.

1 THENCE N. 71° W., 800 feet, more or less, and S. 19° W., 1500
2 feet, more or less, to point in east line of Thomas Robinett Survey,
3 Abstract #686, northeast corner of Mrs. Joe Harris Tract for corner
4 of this and of Reservation.

5 THENCE N. 71° W., 8000 feet, more or less, with Reservation
6 Line, the northwest corner of L. A. Williams Tract.

7 THENCE southwesterly 3400 feet, more or less, with
8 Reservation Line to a point in north line of Oscar Rose Tract.

9 THENCE N. 71° W., 5700 feet, more or less, to west line of said
10 Robinett Survey and the northwest corner of H. Shorn 251 acre tract.

11 THENCE S. 19° W., 13,900 feet, more or less, to southwest
12 corner of Theron Shepard Tract in west line of J. E. Madera Survey,
13 Abstract #600.

14 THENCE S. 71° E., 1800 feet, more or less, to most southerly
15 southeast corner of said Shepard Tract in west line of C. V.
16 Bouchelle Tract.

17 THENCE N. 19° E., 600 feet, more or less, to the most
18 northerly northwest corner of the Bouchelle Tract.

19 THENCE S. 71° E., 1600 feet, more or less, to northeast corner
20 of Bouchelle Tract in west line of A. J. Henderson Tract.

21 THENCE N. 19° E., 1700 feet, more or less, to the most
22 northerly northwest corner of Henderson Tract, S. 71° E., 600 feet,
23 more or less, to an ell corner of Henderson Tract, and N. 19° E.,
24 2300 feet, more or less, to the northwest corner of said Henderson
25 Tract in south line of Robinett Survey.

26 THENCE S. 71° E., 12,000 feet, more or less, with south line
27 of Robinett Survey and projecting said line to west line of Azra

1 Webb Survey, Abstract #857, for a corner of this.

2 THENCE S. 19° W., 7000 feet, more or less, with west line of
3 said Webb Survey and road to southwest corner of said Webb Survey.

4 THENCE S. 71° E., 6000 feet, more or less, to southeast corner
5 of said Webb Survey, a road intersection for corner of this.

6 THENCE easterly with public road, at 5400 feet, more or less,
7 the southwest corner of Sarah Llewelyn 100 acre tract.

8 THENCE northerly 1300 feet, more or less, to the northwest
9 corner of said 100 acre tract, and easterly 2000 feet, more or less,
10 to northeast corner of said 100 acre tract in west line of Llewelyn
11 300 acre tract.

12 THENCE N. 19° E., 1800 feet, more or less, with west line of
13 said 300 acre tract, 2500 feet, more or less, from the northwest
14 corner thereof.

15 THENCE N. 71° E., 5600 feet, more or less, to point in east
16 line of Robert Cunningham Survey, Abstract #199, and west line of
17 Robert Cunningham Survey, Abstract #198, and southwest corner of L.
18 M. Parmer 100 acre tract.

19 THENCE N. 19° W., 2000 feet, more or less, to southwest corner
20 of E. L. Sprott Tract.

21 THENCE N. 71° E., 2000 feet, more or less, with south line of
22 Sprott Tract to southeast corner of Sprott Tract.

23 THENCE N. 19° W., 1650 feet, more or less, to northwest corner
24 of R. L. Bigham Tract in north line of said Cunningham Survey,
25 Abstract #198.

26 THENCE N. 71° E., 2800 feet, more or less, with north line of
27 Bigham Tract and north line of Cunningham Survey to point in

1 Killeen-Salado Road.

2 THENCE easterly 3300 feet, more or less, with said road to
3 southwest corner of J. A. Cox Survey, Abstract #189.

4 THENCE S. 71° E., 5000 feet, more or less, with south line of
5 said Cox Survey and south line of J. J. Tomlinson Survey, Abstract
6 #831, the southeast corner of said Tomlinson Survey in west line of
7 Martha Smith Survey, Abstract #750, for corner of this.

8 THENCE N. 19° E., 660 feet, more or less, with said Smith's
9 west line to northwest corner of Norris Tract.

10 THENCE S. 71° E., 4300 feet, more or less, to east line of said
11 Smith Survey and west line of Albert Gallatin Survey, Abstract
12 #363.

13 THENCE S. 19° W., 2300 feet, more or less, to southwest corner
14 of said Gallatin Survey.

15 THENCE S. 71° E., 5280 feet, more or less, to southeast corner
16 of said Gallatin Survey in west line of Eliz Dawson Survey, Abstract
17 #258.

18 THENCE S. 19° W., 1300 feet, more or less, to most westerly
19 southwest corner of said Dawson Survey.

20 THENCE S. 71° E., 4400 feet, more or less, to point in east
21 line of said Dawson Survey, and west line of Uriah Hunt Survey,
22 Abstract #401, said point being in road and in west line of M. D.
23 Boydston Tract.

24 THENCE S. 19° W., 500 feet, more or less, to southwest corner
25 of Boydston Tract at road intersection.

26 THENCE easterly 5000 feet, more or less, with said road to
27 northwest corner of Vernon Ellis Tract, in east line of said Hunt

1 Survey.

2 THENCE S. 19° W., 1600 feet, more or less, with Hunt east line
3 to northwest corner of the J. M. Lane Survey, Abstract #531.

4 THENCE S. 71° E. to most northerly northeast corner of said
5 Lane Survey.

6 THENCE S. 19° W. to ell corner of said Lane Survey.

7 THENCE S. 71° E. to most easterly northeast corner of said
8 Lane Survey.

9 THENCE S. 19° W. to southeast corner of said Lane Survey and
10 most southerly corner of P. G. Rucker Survey, Abstract #1119, in
11 north line of T. J. Nabors Survey, Abstract #631.

12 THENCE N. 71° E. to northeast corner of said Nabors Survey.

13 THENCE S. 19° E. to west line of Bill Wendland Tract.

14 THENCE N. 19° E., 1600 feet, more or less, with Wendland west
15 line to south line of John Hughes Survey, Abstract #379.

16 THENCE N. 71° W., 1000 feet, more or less, to southwest corner
17 of said Hughes Survey.

18 THENCE N. 19° E. with said west line to Belton-Keyes Valley
19 Road.

20 THENCE easterly 12,000 feet, more or less, with said road to
21 its intersection with Highway #190, at Fred Hills.

22 THENCE easterly with said Highway #190, to west line of John
23 Lewis Survey, Abstract #512, at W. T. Mills northwest corner.

24 THENCE S. 19° W., 1200 feet, more or less, to Mills southwest
25 corner.

26 THENCE S. 71° E., 4600 feet, more or less, with south lines of
27 Mills, Mrs. J. C. Varnell and Mrs. Katie Peeler Tracts to point in

1 public road, southeast corner Peeler Tract for corner of this.

2 THENCE S. 19° W. with said road, 1200 feet, more or less, to
3 southwest corner of H. C. Farrell Tract.

4 THENCE easterly 7200 feet, more or less, with road to
5 southeast corner of F. R. Stegall Tract, in the west line of J. S.
6 Huey Tract, in the east line of the J. Townsend Survey, Abstract
7 #818.

8 THENCE S. 19° W., 1300 feet, more or less, to J. Townsend
9 southeast corner in west line of J. P. Wallace Survey, Abstract
10 #906.

11 THENCE S. 71° E., 17,500 feet, more or less, to east line of O.
12 T. Tyler Survey, Abstract #20.

13 THENCE N. 19° E., 4000 feet, more or less, to northeast corner
14 of Tyler Survey on right bank of Leon River.

15 THENCE up said Leon River to the place of beginning.

16 ~~[It is determined and found by the Legislature that the~~
17 ~~boundaries and field notes of said District form a closure, and if~~
18 ~~any mistake is made in copying the field notes in the legislative~~
19 ~~process, or otherwise a mistake is made in the field notes, it shall~~
20 ~~in no way or manner affect the organization, existence and validity~~
21 ~~of said District, and the right of said District to issue bonds or~~
22 ~~refunding bonds, or to pay the principal and/or interest thereon,~~
23 ~~and the right to assess, levy and collect taxes, or in any manner~~
24 ~~affect the legality or operation of said District or its governing~~
25 ~~body.]~~

26 SECTION 2.03. Section 1, Chapter 286, Acts of the 54th
27 Legislature, Regular Session, 1955, is amended to read as follows:

20
19
18

1 Sec. 1. [~~Under and pursuant to the provisions of Article 16,~~
2 ~~Section 59, of the Constitution, a conservation and reclamation~~
3 ~~district is hereby created and incorporated in Wharton County,~~
4 ~~Texas, to be known as "Boling Municipal Water District,"~~
5 ~~hereinafter sometimes referred to as the "District".]~~ The
6 boundaries of the district [~~thereof~~] shall be as follows:

7 All the following tract of land comprising approximately 569
8 acres or 0.89 (89/100ths) of a square mile and being in the Stephen
9 F. Austin League, Abstract No. 2, Wharton County, Texas:

10 Beginning at the Northwest Corner of the Lalla Rookh
11 Plantation;

12 Thence easterly along the north boundary line of the Lalla
13 Rookh Plantation a distance of 3,127 feet to a corner;

14 Thence along a line bearing south 31 degrees 0 minutes west, a
15 distance of approximately 2,225 feet to an intersection with the
16 northeast corner of Block 34 of the Oil City Addition;

17 Thence along a line bearing south 41 degrees 45 minutes west,
18 a distance of approximately 3,040 feet to a point on the north
19 boundary line of the William Owens Estate Partition in the Lalla
20 Rookh Plantation;

21 Thence along a line bearing north 59 degrees 9 minutes west, a
22 distance of approximately 4,200 feet to a point on the west boundary
23 line of the May and Martin Subdivision;

24 Thence northerly along the west boundary line of the May and
25 Martin Subdivision, a distance of approximately 2,165 feet to a
26 point on the south boundary line of the Duncan Addition, Boling,
27 Texas;

1 Thence westerly along the south boundary line of the Duncan
2 Addition, Boling, Texas, a distance of 91.2 feet to the southwest
3 corner of the Duncan Addition, Boling, Texas;

4 Thence along a line bearing north 42 degrees 0 minutes east, a
5 distance of approximately 4,680 feet to a point on the south
6 boundary line of the R. E. Vineyard Subdivision;

7 Thence easterly along the south boundary line of the R. E.
8 Vineyard Subdivision, a distance of approximately 785 feet to the
9 west boundary line of the Bear Camp Plantation;

10 Thence southerly along the west boundary line of the Bear
11 Camp Plantation a distance of approximately 1,585 feet to the
12 northwest corner of the Lalla Rookh Plantation, the point of
13 beginning.

14 SECTION 2.04. Section 2, Chapter 17, Acts of the 56th
15 Legislature, 1st Called Session, 1959, is amended to read as
16 follows:

17 Sec. 2. [~~Territory to Be Included in District. It is~~
18 ~~expressly determined and found that all of the territory included~~
19 ~~within the area of the District will be benefited by the works and~~
20 ~~projects which are to be accomplished by the District pursuant to~~
21 ~~the powers conferred by the provisions of Article XVI, Section 59 of~~
22 ~~the Constitution of Texas.] The area of the District shall be all of
23 that territory enclosed within the following metes and bounds
24 description, to wit:~~

25 BEGINNING at the NW corner of H & TC Ry Co. Sur. 341, Block
26 1-A, for the NW Cor. of this District;

27 THENCE east along the north boundary lines of Secs. 341, 340

1 and 339, to the northwest cor. of Sec. 338, H & TC Ry Co. Sur., Block
2 1-A, same being the northeast cor. of Sec. 339, same Sur.;

3 THENCE north with the east boundary line of Sec. 334, same
4 Sur., and the west boundary line of Sec. 335 of said Sur. to the
5 northwest cor. of said Sec. 335, for cor.;

6 THENCE east with the north boundary line of Secs. 335 and 336
7 of said H & TC Ry Co. Sur., to the northeast cor. of said Sec. 336,
8 for cor. in the west line of R. E. Douglas Sur. #8;

9 THENCE north with the west line of said Douglas Sur. to the
10 southwest cor. of Joe Lindley Sur. #1, for cor.;

11 THENCE east with south line of said Joe Lindley Sur. to its
12 northeast cor. in the west line of W. H. Donaghe Sur. #9;

13 THENCE south, then east, then south, with said boundary line
14 of said Donaghe Sur. #9 to the south line of Alfred Dorsey Sur.
15 #474, same being the most southwesterly cor. of said W. H. Donaghe
16 Sur. #9;

17 THENCE northeast with the line of said Alfred Dorsey Sur.
18 #474 to the northeast cor. thereof;

19 THENCE southeast with the line of said Alfred Dorsey Sur. to
20 the southeast cor. thereof, same being the northeast cor. of J. A.
21 Monteith Sur. #1;

22 THENCE southwest with the line of said Alfred Dorsey Sur. to
23 the northwest cor. of the M. C. Allen Sur. #1;

24 THENCE south with the west line of said M. C. Allen Sur. #1 to
25 the southwest cor. thereof; same being the northwest cor. of H & TC
26 Ry Sec. 347, Block 1-A;

27 THENCE east along the lines of said Sec. 347 and J. N. Lindley

see
1026

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1 Sur. #2, to the northeast cor. of said J. N. Lindley Sur. #2 for cor.
2 in the west boundary line of the Pedro Martinez Sur. #299;

3 THENCE southeast with the line of said Martinez Sur. to the
4 northwest boundary line of J. M. Lindley Sur. #26, the southwest
5 cor. of said Pedro Martinez Sur.;

6 THENCE west with the north boundary line of said J. M. Lindley
7 Sur. #26, to the northeast cor. of J. M. Lindley Sur. #25, and the
8 northwest cor. of said J. M. Lindley Sur. #26;

9 THENCE southeast with the westerly lines of the J. M. Lindley
10 Sur. #26, and the S. K. White Sur. #30, to the southwest cor. of said
11 S. K. White Sur. in the northeast line of S. K. White Sur. #32;

12 THENCE northeast with the line of said S. K. White Sur. #30,
13 and the north line of L. N. Taylor Sur. #6, to the west boundary line
14 of Runnels County;

15 THENCE south along the lines of Coke and Runnels Counties,
16 crossing L. N. Taylor Surs. 6, 5, 4, and 2 to the point where the
17 south line of said L. N. Taylor Sur. #2 intersects the west boundary
18 line of Runnels County for cor.;

19 THENCE west with the south boundary line of said L. N. Taylor
20 Sur. #2 and the north boundary line of the H. A. Thomson Sur. #3, to
21 the northwest cor. of the east 1/2 of said H. A. Thomson Sur.;

22 THENCE south with the west line of the east 1/2 of said H. A.
23 Thomson Sur. to the southwest cor. of said east 1/2 of said H. A.
24 Thomson Sur.;

25 THENCE west with the south line of the west 1/2 of said H. A.
26 Thomson Sur. and the south line of B. B. B. & C. RR. Co. Sur. to the
27 southwest cor. of said H. A. Thomson Sur., the northwest cor. of

1 said R. R. Co. Sur. and being in the east boundary line of L. N.
2 Taylor Sur. #1;

3 THENCE south with the east boundary line of said L. N. Taylor
4 Sur. #1 and the west line of said RR. Co. Sur., and with the west
5 boundary line of Benjamin B. Carr Sur., and the west boundary line
6 of I & G. N. Ry. Co. Sur., and the east boundary line of S. F. 8339 to
7 a point in said lines lying due east from the northeast cor. of J. W.
8 Jackson Sur. #2 for cor.;

9 THENCE west pass the northeast cor. of said Jackson Sur., and
10 along the north boundary line of same and the south boundary line of
11 M. M. McCutchen Sur. #3, to the northeast cor. of J. N. Sterling
12 Sur. #9, for cor.;

13 THENCE south with the west boundary line of said Jackson Sur.
14 to the southwest cor. thereof in the northeast boundary line of Wm.
15 L. Coulson Sur. #326;

16 THENCE northwest with the line of said Wm. L. Coulson Sur.
17 326, to the northwest cor. thereof;

18 THENCE southwest along the west boundary line of said Coulson
19 Sur., and the east boundary line of J. P. Moore Sur. #327, to the
20 southwest cor. of said Coulson Sur. and the southeast cor. of said
21 Moore Sur. on the bank of the Colorado River;

22 THENCE up said River with its meanders along the south
23 boundary lines of said J. P. Moore Sur. 327 and J. P. Moore Sur. #328
24 and the Nicholas Eastland Sur. #29, to the east boundary line of the
25 KCM&O Railroad Right of Way;

26 THENCE north with the east boundary line of said Right of Way
27 to the north boundary line of Nicholas Eastland Sur. 330;

1 THENCE west with the north boundary line of said Eastland
2 Sur. #330, crossing said Railroad to the northwest cor. of said
3 Eastland Sur. 330;

4 THENCE south with the east line of Nicholas Eastland Sur.
5 #331, and the west line of said Eastland Sur. 330 to the southeast
6 cor. of said Eastland Sur. #331, and the southwest cor. of said
7 Eastland Sur. #330, on the north bank of the Colorado River;

8 THENCE west along the north bank of said River and the south
9 lines of said Eastland Sur. #331, and the C&M R. R. Co. Sur. to the
10 southwest cor. thereof on the north bank of the Colorado River;

11 THENCE northeast along the east boundary line of the Lee J.
12 Good Sur. #6, to the south boundary line of H & T.C. Ry Co. Sec. 453,
13 for cor.;

14 THENCE west with the south boundary line of said Sec. 453, to
15 the southwest cor. thereof;

16 THENCE north with the west lines of said Sec. 453 and Sec.
17 #450, same Sur. to the southeast cor. of Sec. 432, same Sur., being
18 the northeast cor. of Sec. 449, same Sur., and the northwest cor. of
19 Sec. 450, same Sur.;

20 THENCE west with the south line of Sec. 432, same Sur., and
21 the north line of Sec. 449, same Sur. to the southwest cor. of said
22 Sec. 432;

23 THENCE north with the west line of said Sec. 432 to the
24 northwest Cor. thereof and the southeast cor. of Sec. 422, same
25 Sur.;

26 THENCE west with the south line of said Sec. 422, to the
27 southwest cor. thereof, same being the northeast cor. of Sec. #434,

1 same Sur.;

2 THENCE north along the west lines of Secs. 422 and 399, same
3 Sur., to the southeast cor. of Sec. 387, same Sur.;

4 THENCE west with the north boundary line of Sec. 400, same
5 Sur., to the southwest cor. of Sec. 387, same being the northeast
6 cor. of Sec. 401, H&TC Ry. Co., Block 1-A, same Sur.;

7 THENCE north with the west line of said Sec. 387, to the
8 northwest cor. thereof, being the northeast cor. of Sec. 386, same
9 Sur.;

10 THENCE west with the north boundary line of said Sec. 386 and
11 the south boundary line of Sec. 369, same Sur., to the southwest
12 cor. of said Sec. 369, the northeast cor. of Sec. 385, H&TC RR. Co.
13 Sur., Block 1-A: "Same Sur.";

14 THENCE north, along the west lines of Secs. 369, 354 and 341,
15 same being the east lines of Secs. 370, 355 and 342, same Sur., H&TC
16 RR. Co., Block 1-A, to the northwest cor. of said Sec. 341; the
17 place of beginning.

18 ARTICLE 3. REPEALERS

19 SECTION 3.01. The following statutes are repealed:

20 (1) Chapter 108, Acts of the 59th Legislature, Regular
21 Session, 1965;

22 (2) Sections 2 and 3, Chapter 563, Acts of the 63rd
23 Legislature, Regular Session, 1973;

24 (3) Chapter 118, Acts of the 63rd Legislature, Regular
25 Session, 1973;

26 (4) Chapter 182, Acts of the 60th Legislature, Regular
27 Session, 1967;

- 1 (5) Chapter 638, Acts of the 61st Legislature, Regular
2 Session, 1969;
- 3 (6) Sections 7(b), (c), and (d), Chapter 716, Acts of
4 the 72nd Legislature, Regular Session, 1991;
- 5 (7) Chapter 298, Acts of the 58th Legislature, Regular
6 Session, 1963;
- 7 (8) Sections 2 and 3, Chapter 165, Acts of the 63rd
8 Legislature, Regular Session, 1973;
- 9 (9) Section 2, Chapter 1116, Acts of the 71st
10 Legislature, Regular Session, 1989;
- 11 (10) Chapter 110, Acts of the 58th Legislature,
12 Regular Session, 1963;
- 13 (11) Chapter 658, Acts of the 64th Legislature,
14 Regular Session, 1975;
- 15 (12) Section 2, Chapter 70, Acts of the 72nd
16 Legislature, Regular Session, 1991;
- 17 (13) Chapter 315, Acts of the 58th Legislature,
18 Regular Session, 1963;
- 19 (14) Chapter 6, Acts of the 59th Legislature, Regular
20 Session, 1965;
- 21 (15) Chapter 323, Acts of the 62nd Legislature,
22 Regular Session, 1971;
- 23 (16) Sections 7 and 8, Chapter 1117, Acts of the 70th
24 Legislature, Regular Session, 1987;
- 25 (17) Chapter 511, Acts of the 65th Legislature,
26 Regular Session, 1977;
- 27 (18) Section 2, Chapter 535, Acts of the 66th

1 Legislature, Regular Session, 1979;

2 (19) Section 2, Chapter 18, Acts of the 67th
3 Legislature, Regular Session, 1981;

4 (20) Chapter 293, Acts of the 60th Legislature,
5 Regular Session, 1967; and

6 (21) Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
7 14, 15, 16, 17, 18, 19, 20, and 21, Chapter 317, Acts of the 59th
8 Legislature, Regular Session, 1965.

9 SECTION 3.02. The following statutes are repealed:

10 (1) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
11 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26, Chapter 135, Acts
12 of the 62nd Legislature, Regular Session, 1971;

13 (2) Chapter 1073, Acts of the 68th Legislature,
14 Regular Session, 1983;

15 (3) Sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, and
16 14, Chapter 882, Acts of the 78th Legislature, Regular Session,
17 2003;

18 (4) Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13,
19 Chapter 1382, Acts of the 77th Legislature, Regular Session, 2001;

20 (5) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 696, Acts
21 of the 62nd Legislature, Regular Session, 1971;

22 (6) Sections 1, 2, 3, 4(b), 5, 6, 7, and 8, Chapter
23 947, Acts of the 69th Legislature, Regular Session, 1985;

24 (7) Sections 1, 2, 3, 4(b), 5, 6, 7, and 8, Chapter
25 764, Acts of the 69th Legislature, Regular Session, 1985;

26 (8) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 687, Acts
27 of the 65th Legislature, Regular Session, 1977;

- 1 (9) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 625, Acts
2 of the 62nd Legislature, Regular Session, 1971;
- 3 (10) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 247,
4 Acts of the 62nd Legislature, Regular Session, 1971;
- 5 (11) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 650,
6 Acts of the 62nd Legislature, Regular Session, 1971;
- 7 (12) Sections 1.01, 1.02, 1.04, 1.05, 1.06, 1.07,
8 1.08, 1.09, 1.10, 1.11, 1.12, and 1.13, Chapter 791, Acts of the
9 74th Legislature, Regular Session, 1995;
- 10 (13) Sections 2.01, 2.02, 2.04, 2.05, 2.06, 2.07,
11 2.08, 2.09, 2.10, 2.11, 2.12, and 2.13, Chapter 791, Acts of the
12 74th Legislature, Regular Session, 1995;
- 13 (14) Sections 3.01, 3.02, 3.04, 3.05, 3.06, 3.07,
14 3.08, 3.09, 3.10, 3.11, 3.12, and 3.13, Chapter 791, Acts of the
15 74th Legislature, Regular Session, 1995;
- 16 (15) Sections 4.01, 4.02, 4.04, 4.05, 4.06, 4.07,
17 4.08, 4.09, 4.10, 4.11, 4.12, and 4.13, Chapter 791, Acts of the
18 74th Legislature, Regular Session, 1995;
- 19 (16) Sections 5.01, 5.02, 5.04, 5.05, 5.06, 5.07,
20 5.08, 5.09, 5.10, 5.11, 5.12, and 5.13, Chapter 791, Acts of the
21 74th Legislature, Regular Session, 1995;
- 22 (17) Sections 6.01, 6.02, 6.04, 6.05, 6.06, 6.07,
23 6.08, 6.09, 6.10, 6.11, 6.12, and 6.13, Chapter 791, Acts of the
24 74th Legislature, Regular Session, 1995;
- 25 (18) Sections 7.01, 7.02, 7.04, 7.05, 7.06, 7.07,
26 7.08, 7.09, 7.10, 7.11, 7.12, and 7.13, Chapter 791, Acts of the
27 74th Legislature, Regular Session, 1995;

1 (19) Section 8.01, Chapter 791, Acts of the 74th
2 Legislature, Regular Session, 1995;

3 (20) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 662,
4 Acts of the 62nd Legislature, Regular Session, 1971;

5 (21) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 689,
6 Acts of the 62nd Legislature, Regular Session, 1971;

7 (22) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 668,
8 Acts of the 62nd Legislature, Regular Session, 1971;

9 (23) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 669,
10 Acts of the 62nd Legislature, Regular Session, 1971;

11 (24) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 630,
12 Acts of the 62nd Legislature, Regular Session, 1971;

13 (25) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 682,
14 Acts of the 62nd Legislature, Regular Session, 1971;

15 (26) Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12,
16 Chapter 865, Acts of the 69th Legislature, Regular Session, 1985;

17 (27) Chapter 63, Acts of the 43rd Legislature, 1st
18 Called Session, 1933;

19 (28) Section 2, Chapter 873, Acts of the 71st
20 Legislature, Regular Session, 1989;

21 (29) Sections 4 and 5, Chapter 1263, Acts of the 75th
22 Legislature, Regular Session, 1997;

23 (30) Sections 2, 3, 4, and 5, Chapter 115, Acts of the
24 82nd Legislature, Regular Session, 2011;

25 (31) Chapter 338, General Laws, Acts of the 44th
26 Legislature, Regular Session, 1935;

27 (32) Section 14, Article 4, Chapter 484, Acts of the

- 1 68th Legislature, Regular Session, 1983;
- 2 (33) Sections 3, 4, and 5, Chapter 493, Acts of the
- 3 81st Legislature, Regular Session, 2009;
- 4 (34) Chapter 1330, Acts of the 77th Legislature,
- 5 Regular Session, 2001;
- 6 (35) Sections 1, 2, 3, 4(f), 5, 6, 7, 8, 9A, 10, 11, 12,
- 7 13, and 14, Chapter 1152, Acts of the 78th Legislature, Regular
- 8 Session, 2003;
- 9 (36) Chapter 1162, Acts of the 78th Legislature,
- 10 Regular Session, 2003;
- 11 (37) Section 4, Chapter 893, Acts of the 81st
- 12 Legislature, Regular Session, 2009;
- 13 (38) Part 7, Article 3, Chapter 966, Acts of the 77th
- 14 Legislature, Regular Session, 2001;
- 15 (39) Sections 1, 2, 3, 4, 5, 6, 6A, 7, 8, 9, 10, 12, 13,
- 16 and 14, Chapter 180, Acts of the 72nd Legislature, Regular Session,
- 17 1991;
- 18 (40) Chapter 1362, Acts of the 77th Legislature,
- 19 Regular Session, 2001;
- 20 (41) Section 8, Chapter 521, Acts of the 81st
- 21 Legislature, Regular Session, 2009;
- 22 (42) Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11,
- 23 Chapter 1387, Acts of the 77th Legislature, Regular Session, 2001;
- 24 (43) Chapter 1343, Acts of the 77th Legislature,
- 25 Regular Session, 2001;
- 26 (44) Part 14, Article 3, Chapter 966, Acts of the 77th
- 27 Legislature, Regular Session, 2001;

- 1 (45) Article 3, Chapter 1307, Acts of the 77th
- 2 Legislature, Regular Session, 2001;
- 3 (46) Part 15, Article 3, Chapter 966, Acts of the 77th
- 4 Legislature, Regular Session, 2001;
- 5 (47) Article 4, Chapter 1307, Acts of the 77th
- 6 Legislature, Regular Session, 2001;
- 7 (48) Chapter 1028, Acts of the 73rd Legislature,
- 8 Regular Session, 1993;
- 9 (49) Section 7, Chapter 38, Acts of the 77th
- 10 Legislature, Regular Session, 2001;
- 11 (50) Chapter 384, Acts of the 78th Legislature,
- 12 Regular Session, 2003;
- 13 (51) Chapter 1473, Acts of the 77th Legislature,
- 14 Regular Session, 2001;
- 15 (52) Section 3, Chapter 858, Acts of the 79th
- 16 Legislature, Regular Session, 2005;
- 17 (53) Section 3, Chapter 1088, Acts of the 79th
- 18 Legislature, Regular Session, 2005;
- 19 (54) Sections 1, 2, 3(b), 4, 5, 6, 7, 8, 9, 10, 11, 12,
- 20 13, 14, 15, 16, 17, 18, 19, and 20, Chapter 1312, Acts of the 77th
- 21 Legislature, Regular Session, 2001;
- 22 (55) Section 2, Chapter 1322, Acts of the 79th
- 23 Legislature, Regular Session, 2005;
- 24 (56) Sections 3 and 4, Chapter 381, Acts of the 81st
- 25 Legislature, Regular Session, 2009;
- 26 (57) Sections 1, 3, 4, 5, 5a, 6, 7, 8, 9, 10, 11, 12,
- 27 13, 14, and 15, Chapter 18, Acts of the 55th Legislature, 1st Called

1 Session, 1957;

2 (58) Section 5, Chapter 300, Acts of the 57th
3 Legislature, Regular Session, 1961;

4 (59) Section 2, Chapter 1056, Acts of the 68th
5 Legislature, Regular Session, 1983;

6 (60) Sections 2, 2A, 3, 4, 4(a), and 5, Chapter 286,
7 Acts of the 54th Legislature, Regular Session, 1955;

8 (61) Section 2, Chapter 143, Acts of the 55th
9 Legislature, Regular Session, 1957;

10 (62) Chapter 418, Acts of the 52nd Legislature,
11 Regular Session, 1951;

12 (63) Section 2, Chapter 186, Acts of the 58th
13 Legislature, Regular Session, 1963;

14 (64) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
15 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, Chapter 261, Acts
16 of the 61st Legislature, Regular Session, 1969;

17 (65) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
18 14, 15, 16, 17, 19, and 20, Chapter 101, Acts of the 58th
19 Legislature, Regular Session, 1963;

20 (66) Section 2, Chapter 786, Acts of the 65th
21 Legislature, Regular Session, 1977;

22 (67) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
23 14, 15, 16, 17, 18, 19, and 20, Chapter 17, Acts of the 56th
24 Legislature, 1st Called Session, 1959;

25 (68) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
26 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, Chapter 598, Acts of
27 the 59th Legislature, Regular Session, 1965; and

2015

1 (69) Chapter 36, Acts of the 64th Legislature, Regular
2 Session, 1975.

3 ARTICLE 4. GENERAL MATTERS

4 SECTION 4.01. LEGISLATIVE INTENT OF NO SUBSTANTIVE CHANGE.

5 This Act is enacted under Section 43, Article III, Texas
6 Constitution. This Act is intended as a codification only, and no
7 substantive change in the law is intended by this Act. This Act
8 does not increase or decrease the territory of any special district
9 of the state as those boundaries exist on the effective date of this
10 Act.

11 SECTION 4.02. PRESERVATION OF VALIDATION MADE BY PREVIOUS

12 LAW. (a) The repeal of a law, including a validating law, by this
13 Act does not remove, void, or otherwise affect in any manner a
14 validation under the repealed law. The validation is preserved and
15 continues to have the same effect that it would have if the law were
16 not repealed.

17 (b) Subsection (a) of this section does not diminish the
18 saving provisions prescribed by Section 311.031, Government Code.

19 SECTION 4.03. EFFECTIVE DATE. This Act takes effect April

20 1, 2015.

S.B. No. 1026

David Dewhurst
President of the Senate

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 1026 passed the Senate on April 4, 2013, by the following vote: Yeas 31, Nays 0.

Daisy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 1026 passed the House on May 2, 2013, by the following vote: Yeas 147, Nays 0, two present not voting.

Robert Nancy
Chief Clerk of the House

Approved:

18 MAY '13

Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

6pm O'CLOCK

MAY 18 2013

[Signature]
Secretary of State