

1-1 By: Dominguez (Senate Sponsor - Lucio) H.B. No. 4726
 1-2 (In the Senate - Received from the House May 9, 2019;
 1-3 May 10, 2019, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 15, 2019, reported favorably by
 1-5 the following vote: Yeas 7, Nays 0; May 15, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7	X			
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the creation of the Cameron County Flood Control
 1-18 District; granting a limited power of eminent domain; providing
 1-19 authority to impose assessments, fees, and taxes and to issue
 1-20 bonds.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-22 SECTION 1. Subtitle E, Title 6, Special District Local Laws
 1-23 Code, is amended by adding Chapter 7816 to read as follows:

1-24 CHAPTER 7816. CAMERON COUNTY FLOOD CONTROL DISTRICT
 1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 7816.0101. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Director" means a member of the board.

1-29 (3) "District" means the Cameron County Flood Control
 1-30 District.

1-31 Sec. 7816.0102. NATURE OF DISTRICT. The district is a
 1-32 conservation and reclamation district established under Section
 1-33 59, Article XVI, Texas Constitution.

1-34 Sec. 7816.0103. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-35 (a) The district is created to serve a public use and benefit.

1-36 (b) The land and other property included in the district
 1-37 will benefit from the works and projects accomplished by the
 1-38 district and by the powers conferred by Section 59, Article XVI,
 1-39 Texas Constitution.

1-40 (c) The creation and operation of the district is essential
 1-41 to accomplish the purpose of Section 59, Article XVI, Texas
 1-42 Constitution.

1-43 Sec. 7816.0104. DISTRICT TERRITORY. The boundaries of the
 1-44 district are coextensive with the boundaries of Cameron County
 1-45 except that the district does not include territory that is in a
 1-46 drainage district or irrigation district on the effective date of
 1-47 the Act enacting this chapter.

1-48 Sec. 7816.0105. ALTERATION OF DISTRICT TERRITORY. The
 1-49 district may alter the territory of the district as provided by
 1-50 Subchapters J and K, Chapter 56, Water Code.

1-51 Sec. 7816.0106. ANNEXATION OF LAND. Before the annexation
 1-52 of land inside the corporate limits of a municipality or inside the
 1-53 boundaries of a drainage or irrigation district, the district must
 1-54 obtain the approval of the municipality or drainage or irrigation
 1-55 district.

1-56 SUBCHAPTER B. BOARD OF DIRECTORS

1-57 Sec. 7816.0201. COMPOSITION OF BOARD; TERMS. (a) The
 1-58 district is governed by a board consisting of the five county
 1-59 commissioners of Cameron County.

1-60 (b) The members of the Cameron County commissioners court
 1-61 serve ex-officio and without compensation as directors.

2-1 (c) The terms of the directors correspond to the terms of
 2-2 the county commissioners.

2-3 Sec. 7816.0202. DIRECTOR'S BOND. (a) A director shall
 2-4 execute a bond in the amount of \$10,000 for the faithful performance
 2-5 of the director's duties.

2-6 (b) The bond must be filed in the office of the county clerk
 2-7 of Cameron County.

2-8 Sec. 7816.0203. BOARD PRESIDENT; ABSENCE OF BOARD
 2-9 PRESIDENT. (a) The board may authorize the board's president to
 2-10 sign all orders or take other action.

2-11 (b) Any order adopted or action taken at a board meeting at
 2-12 which the board's president is absent may be signed by the board's
 2-13 vice president, or the board may authorize the president to sign the
 2-14 order or action at a later time.

2-15 Sec. 7816.0204. SECRETARY'S DUTIES. The board secretary
 2-16 shall keep accurate minutes and shall certify any action taken by
 2-17 the board.

2-18 Sec. 7816.0205. TREASURER. (a) The board may appoint a
 2-19 district treasurer.

2-20 (b) The district treasurer shall execute a bond in an amount
 2-21 determined by the board payable to the district and conditioned on
 2-22 the faithful performance of the treasurer's duties.

2-23 Sec. 7816.0206. VOTE REQUIRED FOR OFFICIAL BOARD ACTION.
 2-24 An official action of the board is not valid without the affirmative
 2-25 vote of a majority of the directors.

2-26 Sec. 7816.0207. DESIGNATION OF DIRECTOR TO ACT ON
 2-27 DISTRICT'S BEHALF. The board may designate one or more directors to
 2-28 execute on behalf of the district all contracts, including a
 2-29 construction contract, sign checks, or handle any other matter
 2-30 entered into by the board as shown in the district's official
 2-31 minutes.

2-32 Sec. 7816.0208. DISTRICT OFFICE. (a) The board shall
 2-33 establish and maintain a district office inside the district.

2-34 (b) The board may establish a second district office outside
 2-35 the district.

2-36 (c) A district office may be a private residence or office
 2-37 and that residence or office is a public place for matters relating
 2-38 to the district's business.

2-39 Sec. 7816.0209. RECORDS. The board shall keep the
 2-40 district's records open to public inspection at reasonable times at
 2-41 the district's principal office.

2-42 SUBCHAPTER C. POWERS AND DUTIES

2-43 Sec. 7816.0301. GENERAL POWERS AND DUTIES. (a) The
 2-44 district may exercise the rights, powers, privileges, and functions
 2-45 provided by Section 59, Article XVI, Texas Constitution, Chapters
 2-46 49 and 57, Water Code, and this chapter.

2-47 (b) The district may construct and maintain levees and other
 2-48 improvements on, along, and contiguous to rivers, creeks, streams,
 2-49 and drainage courses for the purposes of:

- 2-50 (1) reclaiming land from overflow from that water;
 2-51 (2) controlling and distributing the water of rivers
 2-52 and streams by straightening and improving the rivers and streams;
 2-53 (3) draining and improving the land; and
 2-54 (4) preventing the pollution of the water.

2-55 Sec. 7816.0302. EMINENT DOMAIN. (a) The district may
 2-56 exercise the power of eminent domain in Cameron County to acquire
 2-57 the fee simple title to or an easement or right-of-way to, over, or
 2-58 through any land, water, or land under water inside or outside the
 2-59 district that has a direct effect on the accomplishment of the
 2-60 purposes for which the district is created and is necessary for
 2-61 constructing and maintaining all levees and other improvements for
 2-62 the improvement of rivers, creeks, streams, or drainage courses in
 2-63 the district or bordering the district and to prevent overflows.

2-64 (b) The district may not exercise the power of eminent
 2-65 domain under Subsection (a) to acquire land or other property that
 2-66 is used for cemetery purposes.

2-67 (c) The district must exercise the power of eminent domain
 2-68 in the manner provided by Chapter 21, Property Code.

2-69 (d) The district may not exercise the power of eminent

3-1 domain within the corporate limits of a municipality without the
 3-2 prior approval by resolution of the governing body of the
 3-3 municipality.

3-4 Sec. 7816.0303. COST OF RELOCATING OR ALTERING PROPERTY.

3-5 (a) In this section, "sole expense" means the actual cost of
 3-6 relocating, raising, lowering, rerouting, changing the grade of, or
 3-7 altering the construction of a facility described by Subsection (b)
 3-8 to provide comparable replacement without enhancement of the
 3-9 facility, after deducting the net salvage value of the old
 3-10 facility.

3-11 (b) If the district's exercise of its power of eminent
 3-12 domain makes necessary relocating, raising, lowering, rerouting,
 3-13 changing the grade of, or altering the construction of a highway,
 3-14 railroad, electric transmission or distribution line, telephone or
 3-15 telegraph property or facility, or pipeline, the necessary action
 3-16 shall be accomplished at the sole expense of the district unless the
 3-17 owner of the relocated or altered facility has a legal obligation to
 3-18 pay those expenses.

3-19 Sec. 7816.0304. CONTRACTS FOR FACILITIES AND IMPROVEMENTS;
 3-20 ELECTION NOT REQUIRED. (a) The district may enter into a contract
 3-21 with a person for the maintenance or construction of any facility or
 3-22 improvement authorized by this chapter.

3-23 (b) The district may enter into a contract under Subsection
 3-24 (a) without:

- 3-25 (1) voting for the issuance of bonds; or
- 3-26 (2) holding an election to approve the contract.

3-27 (c) The district may enter into an interlocal agreement with
 3-28 a drainage district, irrigation district, or municipality for
 3-29 maintenance and improvement of district projects, when
 3-30 practicable.

3-31 Sec. 7816.0305. PROHIBITED FUNCTIONS. The district may
 3-32 not:

- 3-33 (1) engage in any park, water service, wastewater
 3-34 service, police, or firefighting function; or
- 3-35 (2) spend any district money or issue bonds for any
 3-36 function described by Subdivision (1).

3-37 Sec. 7816.0306. STANDARDS FOR ROAD, STREET, OR UTILITY
 3-38 CONSTRUCTION. Any road, street, or utility construction by the
 3-39 district within the corporate limits of a municipality must comply
 3-40 with the standards for construction adopted by the municipality.

3-41 Sec. 7816.0307. APPROVAL OF RECLAMATION PLAN, AMENDMENT, OR
 3-42 PROJECT. In addition to any other requirements in this chapter, a
 3-43 reclamation plan adopted by the district, an amendment to a
 3-44 reclamation plan, or a project of the district that is not included
 3-45 in a reclamation plan must be approved by any appropriate
 3-46 municipalities before the plan, amendment, or project takes effect.

3-47 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-48 Sec. 7816.0401. DEPOSITORY. (a) The board shall designate
 3-49 one or more banks to serve as the depository for district money.

3-50 (b) District money shall be deposited as received in a
 3-51 depository bank, other than money transmitted to a bank for payment
 3-52 of bonds issued by the district.

3-53 (c) If district money is deposited in a depository that is
 3-54 not insured by the Federal Deposit Insurance Corporation, the money
 3-55 must be secured in the manner provided by law for the security of
 3-56 county funds.

3-57 Sec. 7816.0402. AUTHORITY TO ISSUE BONDS AND INCUR
 3-58 INDEBTEDNESS. The district may issue bonds and incur other
 3-59 indebtedness in the manner provided by Subchapter E, Chapter 7803.

3-60 Sec. 7816.0403. BOND ANTICIPATION NOTES. (a) In addition
 3-61 to all other methods of acquiring money for district purposes, the
 3-62 district may issue bond anticipation notes for any purpose for
 3-63 which district bonds have been voted or may be issued to refund
 3-64 outstanding bond anticipation notes and the interest on the notes
 3-65 being refunded.

3-66 (b) The notes may bear interest at any rate not to exceed the
 3-67 maximum interest rate applicable to the district's authorized
 3-68 bonds.

3-69 (c) The district shall pay the notes only from the proceeds

4-1 of the sale of bonds by the district.

4-2 Sec. 7816.0404. AUTHORIZED MAINTENANCE TAXES. The district
4-3 may impose a maintenance tax that has been authorized at an election
4-4 held in the district.

4-5 SECTION 2. (a) The legal notice of the intention to
4-6 introduce this Act, setting forth the general substance of this
4-7 Act, has been published as provided by law, and the notice and a
4-8 copy of this Act have been furnished to all persons, agencies,
4-9 officials, or entities to which they are required to be furnished
4-10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-11 Government Code.

4-12 (b) The governor, one of the required recipients, has
4-13 submitted the notice and Act to the Texas Commission on
4-14 Environmental Quality.

4-15 (c) The Texas Commission on Environmental Quality has filed
4-16 its recommendations relating to this Act with the governor, the
4-17 lieutenant governor, and the speaker of the house of
4-18 representatives within the required time.

4-19 (d) All requirements of the constitution and laws of this
4-20 state and the rules and procedures of the legislature with respect
4-21 to the notice, introduction, and passage of this Act are fulfilled
4-22 and accomplished.

4-23 SECTION 3. (a) Sections 7816.0302 and 7816.0303, Special
4-24 District Local Laws Code, as added by Section 1 of this Act, take
4-25 effect only if this Act receives a two-thirds vote of all the
4-26 members elected to each house.

4-27 (b) If this Act does not receive a two-thirds vote of all the
4-28 members elected to each house, Subchapter C, Chapter 7816, Special
4-29 District Local Laws Code, as added by Section 1 of this Act, is
4-30 amended by adding Section 7816.0302 to read as follows:

4-31 Sec. 7816.0302. NO EMINENT DOMAIN POWER. The district may
4-32 not exercise the power of eminent domain.

4-33 (c) This section is not intended to be an expression of a
4-34 legislative interpretation of the requirements of Section 17(c),
4-35 Article I, Texas Constitution.

4-36 SECTION 4. This Act takes effect immediately if it receives
4-37 a vote of two-thirds of all the members elected to each house, as
4-38 provided by Section 39, Article III, Texas Constitution. If this
4-39 Act does not receive the vote necessary for immediate effect, this
4-40 Act takes effect September 1, 2019.

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