

1-1 By: VanDeaver (Senate Sponsor - Hughes) H.B. No. 3402
 1-2 (In the Senate - Received from the House April 19, 2021;
 1-3 April 21, 2021, read first time and referred to Committee on Local
 1-4 Government; May 20, 2021, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; May 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13			X	
1-14	X			
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the powers and duties of the Franklin County Water
 1-20 District.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 4, Chapter 719, Acts of the 59th
 1-23 Legislature, Regular Session, 1965, is amended to read as follows:

1-24 Sec. 4. DISTRICT POWERS. The District herein created shall
 1-25 have and possess and is hereby vested with all the rights, powers
 1-26 and privileges conferred by the General Laws of this State now in
 1-27 force and effect or hereafter enacted applicable to water control
 1-28 and improvement districts created under the authority of Article
 1-29 XVI, Section 59, of the Texas Constitution, but to the extent that
 1-30 said General Laws may be inconsistent or in conflict herewith, the
 1-31 provisions of this Act shall prevail. It is further the intention of
 1-32 the Legislature that the District herein created shall have all the
 1-33 power and authority necessary to fully qualify and gain the
 1-34 benefits of any and all laws which are in any wise helpful in
 1-35 carrying out the purposes for which the District is created and the
 1-36 provisions of all such laws of which the District may lawfully avail
 1-37 itself are hereby adopted by this reference and made applicable to
 1-38 the District.

1-39 Without limiting the generality of the foregoing, the
 1-40 District shall and is hereby empowered to exercise the following
 1-41 powers, privileges and functions:

1-42 (1) To control, store, preserve and distribute its
 1-43 waters and flood waters, the waters of its rivers and streams, for
 1-44 all useful purposes and to accomplish these ends by all practicable
 1-45 means including the construction, maintenance and operation of all
 1-46 appropriate improvements, plants, works and facilities, the
 1-47 acquisition of water rights and all other properties, lands,
 1-48 tenements, easements and all other rights necessary to the purpose
 1-49 of the organization of the District.

1-50 (2) To process and store such waters and distribute
 1-51 same for municipal, domestic, irrigation and industrial purposes,
 1-52 subject to the requirements of Chapter 1, Title 128, Revised Civil
 1-53 Statutes of Texas, 1925, as amended.

1-54 (3) To dispose of property or rights therein when the
 1-55 same are no longer needed for the purposes for which the District is
 1-56 created or to lease same for purposes which will not interfere with
 1-57 the use of the property of the District.

1-58 (4) To cooperate with and contract with the State of
 1-59 Texas, the United States of America, or with any of their
 1-60 departments or agencies now existing, or which may hereafter be
 1-61 created, to carry out any of the powers or to further any of the

2-1 purposes of the District and, for such purposes, to receive grants,
2-2 loans or advancements therefrom.

2-3 (5) To make or cause to be made surveys and engineering
2-4 investigations for the information of the District to facilitate
2-5 the accomplishment of its purposes and to employ a general manager,
2-6 attorneys, accountants, engineers, financial experts, or other
2-7 technical or nontechnical employees or assistants; further to fix
2-8 the amount and manner of their compensation and to provide for the
2-9 payment of all expenditures deemed essential to the proper
2-10 operation and maintenance of the District and its affairs.

2-11 (6) To exercise all functions to permit the
2-12 accomplishment of its purposes including the acquisition within or
2-13 without said District of land, easements, and rights-of-way and any
2-14 other character of property incident to, or necessary in carrying
2-15 out the purposes and work of the District by way of gift, device,
2-16 purchase, leasehold or condemnation. The right of eminent domain is
2-17 hereby expressly conferred on said District and the procedure with
2-18 reference to condemnation, the assessment of and estimating of
2-19 damages, payment, appeal, the entering upon the property pending
2-20 appeal and other procedures prescribed in Title 52 of the Revised
2-21 Civil Statutes of Texas, 1925, as heretofore or hereafter amended,
2-22 shall apply to said District. In the event the District, in the
2-23 exercise of the power of eminent domain or power of relocation, or
2-24 any other power granted hereunder makes necessary the taking of any
2-25 property or the relocation, raising, re-routing or changing the
2-26 grade, or altering the construction of any highway, railroad,
2-27 electric transmission line, telephone or telegraph properties and
2-28 facilities, or pipeline, all such necessary taking, relocation,
2-29 raising, re-routing, changing of grade or alteration of
2-30 construction shall be accomplished at the expense of the District.
2-31 It is provided, however, that the expense of the District shall be
2-32 strictly confined to that amount which is equal to the actual cost
2-33 of the property taken or work required without enhancement thereof
2-34 and after deducting the net salvage value which may be derived from
2-35 any property taken.

2-36 (7) To design, acquire, construct, improve, operate,
2-37 maintain, and convey to this state, a county, or a municipality for
2-38 operation and maintenance macadamized, graveled, or paved roads, or
2-39 improvements, including storm drainage, in aid of those roads. The
2-40 district may finance the road project with notes secured by non-tax
2-41 revenue. A road project must meet all applicable construction
2-42 standards, zoning and subdivision requirements, and regulations of
2-43 each municipality in whose corporate limits or extraterritorial
2-44 jurisdiction the road project is located. If a road project is not
2-45 located in the corporate limits or extraterritorial jurisdiction of
2-46 a municipality, the road project must meet all applicable
2-47 construction standards, subdivision requirements, and regulations
2-48 of each county in which the road project is located. If the state
2-49 will maintain and operate the road, the Texas Transportation
2-50 Commission must approve the plans and specifications of the road
2-51 project.

2-52 (8) To do any and all other acts or things necessary or
2-53 proper to carry into effect the purpose for which the District is
2-54 created and organized.

2-55 SECTION 2. The Franklin County Water District retains all
2-56 rights, powers, privileges, authority, duties, and functions that
2-57 it had before the effective date of this Act.

2-58 SECTION 3. This Act takes effect immediately if it receives
2-59 a vote of two-thirds of all the members elected to each house, as
2-60 provided by Section 39, Article III, Texas Constitution. If this
2-61 Act does not receive the vote necessary for immediate effect, this
2-62 Act takes effect September 1, 2021.

2-63 * * * * *