

CHAPTER 120

H.B. No. 1731

AN ACT

relating to the authority of the Jefferson County Drainage District No. 6 to make purchases and to acquire and sell property.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 4a, Chapter 349, Acts of the 57th Legislature, Regular Session, 1961, is amended to read as follows:

Sec. 4a. Said District is hereby authorized and empowered from time to time to purchase necessary land, buildings, supplies, materials, and equipment and machinery necessary to carry out functions of the District.

In the case of purchases or contracts not to exceed the sum of *Five* [~~Three~~] Thousand Dollars (*\$5,000*) [~~(\$3,000)~~], such purchases or contracts shall be made upon requisitions *authorized* [~~signed~~] by a majority of the District's Commissioners, which requisitions shall be executed at least in triplicate, one copy to be delivered to the person, firm or corporation from whom the purchase is made, one copy to be delivered to the County Auditor, and one to remain on file with the Commissioners. All purchases and contracts of over *Five* [~~Three~~] Thousand Dollars (*\$5,000*) [~~(\$3,000)~~] shall require the concurrence of a majority of the Commission and shall otherwise be made in accordance with the requirements of the *County Purchasing Act (Article 2368a.5, Vernon's Texas Civil Statutes)* [~~General Laws of the State of Texas pertaining to drainage districts~~].

SECTION 2. Section 10, Chapter 349, Acts of the 57th Legislature, Regular Session, 1961, is amended to read as follows:

Sec. 10. Except as provided by this Act, the General Laws of the State of Texas relating to the commissioners of drainage districts shall apply to the Commissioners of the District. Except as provided in Sections *4a*, 10A, 10B, and 10C of this Act, Chapter 437, Acts of the Fiftieth Legislature of Texas, Regular Session, 1947 (Article 8161b, Vernon's Texas Civil Statutes), shall apply to the District and the Commissioners of the District; provided, that the Commissioners of the District shall receive for their services compensation for the time actually engaged in the work of the District, said compensation to be in any amount not to exceed Three Hundred Fifty Dollars (\$350) in any one month, which compensation shall be fixed by an order of the Commissioners Court of Jefferson County, Texas.

SECTION 3. Section 10C, Chapter 349, Acts of the 57th Legislature, Regular Session, 1961, is amended to read as follows:

Sec. 10C. (a) To obtain more favorable construction *and maintenance* contracts, the Board of Commissioners may contract for work to be paid for in partial payments as the work progresses, but the aggregate amount of the partial payments may not be more than ninety (90) percent of the total amount to be paid under the contract.

(b) If the Board of Commissioners solicits bids for supplies, equipment, improvements, or work to be done for the District, each bid shall be accompanied by a bond executed by a surety company authorized to do business in Texas, a certified check on a Texas bank, or a cashier's check in an amount of at least five (5) percent of the amount of the bid. The Board of Commissioners may waive this requirement for a bond or certified check or a cashier's check on a majority vote of the total membership of the Board of Commissioners.

(c) *Article 5160, Revised Statutes, relating to the execution of performance bonds and payment bonds applies to the District and Section 56.132, Water Code, does not apply to the District.*

SECTION 4. Section 11, Chapter 349, Acts of the 57th Legislature, Regular Session, 1961, is amended to read as follows:

Sec. 11. (a) The District may acquire, for the use and benefit of the District and for all public entities participating with it in any project or activity, by purchase or through

the exercise of the power of eminent domain, any interest, including [~~but not limited to~~] fee simple title in land, *permanent easements and temporary easements for construction work, storage, access, or similar related purposes* [easements], water, watercourses, mitigation land, *administrative offices, equipment storage and repair*, and any other property or properties both inside and outside the boundaries of the District for the purpose of constructing, maintaining, and operating canals, drains, levees, outlets, excavation material disposal sites, and such other improvements necessary for the District to carry out the purposes for which it was created, and may transfer and convey that land or those easements, watercourses, mitigation land, and properties or interests in properties or otherwise have the land or those easements, watercourses, mitigation land, and properties or interests in properties to vest in other drainage districts or public entities participating with the District in any project or activity to the extent and in the manner agreed to between the participating entities. In all cases in which a participating entity exercises the right and power of eminent domain conferred by this section, the entity is governed by the law governing the condemnation of property by incorporated cities and towns in this state, and the right and power of eminent domain conferred by this section includes the authority to take the fee title in property so condemned, except that a participating entity does not have the right or power to take by the exercise of the power of eminent domain any canals, drains, levees, watercourses, or improvements, or any outlets thereto, or interest therein, belonging to any other drainage district. Those proceedings shall be in the name of the District and under the direction of the Commissioners of the District.

*(b) Unless otherwise stated in the instrument of conveyance or proceedings in eminent domain, every easement acquired by the District shall include the right of the District to remove timber, spoil material, and other material from the easement, but only to the extent necessary to remove the timber, spoil material, and other material to complete the project for which the easement is acquired, or to the extent the timber, spoil material, or other materials are required to complete some other project of the District.*

*(c) A property interest owned by the District may be sold and conveyed to any person or entity as provided by law.*

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 23, 1987, by the following vote: Yeas 138, Nays 0, 1 present, not voting. Passed by the Senate on May 7, 1987, by the following vote: Yeas 31, Nays 0.

Approved May 19, 1987.

Effective May 19, 1987.