

CHAPTER 950

H.B. No. 2556

AN ACT

relating to the name, powers, duties, authority to annex territory, and the appointment of directors of the Denton County Reclamation and Road District, and to the validation of certain actions of the district.

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

SECTION 1. Section 1, Chapter 945, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 1. CREATION OF DISTRICT. Denton County Reclamation ~~and~~[,] Road ~~and~~[,] ~~Utility~~] District is created under Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution as a conservation, reclamation, and road district to operate as a governmental agency, a body politic and corporate, and a political subdivision of this state.

SECTION 2. Section 4, Chapter 945, Acts of the 69th Legislature, Regular Session, 1985, is amended by amending Subsections (a) and (d) and by adding Subsections (e) and (f) to read as follows:

(a) The district may exercise all of the rights, powers, privileges, authority, and functions conferred by the general law applicable to:

- (1) levee improvement districts including Chapter 57, Water Code; *and*
- (2) ~~[municipal utility districts including Chapter 54, Water Code; and~~

~~[(3)]~~ road utility districts including Chapter 13, Acts of the 68th Legislature, 2nd Called Session, 1984 (Article 6674r-1, Vernon's Texas Civil Statutes).

(d) The rights, powers, privileges, authority, and functions granted to the district under Chapter 13, Acts of the 68th Legislature, 2nd Called Session, 1984 (Article 6674r-1, Vernon's Texas Civil Statutes), are subject to the district's submitting its preliminary and final plans, *together with any revisions* ~~[and any changes and additions]~~ to those plans, *and all other information, for the approval of* ~~[to]~~ the State Highway and Public Transportation Commission *if the facilities proposed to be constructed or acquired are proposed to be conveyed to and accepted by the State of Texas* ~~[and to any governmental entity to which the district proposes to convey district facilities and receiving an approval statement from that governmental entity before beginning construction of facilities or making changes or additions to facilities].~~

(e) *If the facilities proposed to be constructed or acquired are proposed to be conveyed to and accepted by a city or county and to become a part of the roads and streets of the city or county, the district must only submit its plans and specifications for the facilities and all other information requested to the governmental entity to which the district proposes to convey the facilities. The district must obtain only the governmental entity's written approval of the plans and specifications, and any revisions to the plans or specifications, in order to construct or acquire the facilities. The governmental entity's approval must find that the facilities to be constructed or acquired are necessary, will benefit the district and the land contained in the district, and are feasible and practicable. The governmental entity must issue an approval statement agreeing to accept conveyance of the facilities on completion or acquisition of the facilities.*

(f) *When a facility is completed or acquired, the district shall submit record drawings of the facility to the governmental entity issuing the approval statement and the governmental entity shall then hold a public hearing as provided by Section 40, Chapter 13, Acts of the 68th Legislature, 2nd Called Session, 1984 (Article 6674r-1, Vernon's Texas Civil Statutes). If the governmental entity determines that the facility is complete, the entity shall adopt an order or ordinance accepting conveyance of the facility. The entity shall then file a copy of the record drawings of the facility with the State Highway and Public Transportation Commission.*

SECTION 3. Section 8, Chapter 945, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 8. ANNEXATION. (a) The district may annex additional land to the district as provided by Chapter 54, Water Code.

(b) *The district also may annex land as a separately defined area as provided by Section 26, Chapter 135, Acts of the 62nd Legislature, Regular Session, 1971, as amended by Chapter 117, Acts of the 65th Legislature, Regular Session, 1977. Land annexed as provided by that section may be annexed for all district purposes or the land may be annexed only for road utility purposes and the levy and collection of taxes is limited to only those purposes.*

SECTION 4. Sections 13(d) and (e), Chapter 945, Acts of the 69th Legislature, Regular Session, 1985, are amended to read as follows:

(d) ~~Each [Except for the initial directors, each]~~ director shall be *appointed* ~~[elected]~~ for a two-year term.

(e) *The City Council of Carrollton shall appoint directors for the district [An election shall be held]* on the first Saturday in April in each even-numbered year ~~[to elect directors of the district].~~

SECTION 5. All resolutions, orders, and other acts or attempted acts of the board of directors of the district relating to the agreement dated January 20, 1987, between the district, the city of Carrollton, and the owner of certain lands and the annexation and deannexation of those lands, and the agreement, are validated. All resolutions, orders, and other acts or attempted acts of the board of directors relating to that agreement, and the agreement, are valid as though they had originally been legally authorized and accomplished.

SECTION 6. This Act does not apply to or affect any litigation now pending in any court of competent jurisdiction in this state to which the district is a party.

SECTION 7. Directors of the district serving on the effective date of this Act continue in office until the appointment of directors on the first Saturday in April 1988.

SECTION 8. 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 May 22, 1987, by the following vote: Yeas 148, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2556 on May 30, 1987, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2556 on June 1, 1987, by a non-record vote; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 2556 was transmitted to the Governor on April 21, 1987, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on May 11, 1987. Passed by the Senate, with amendments, on May 29, 1987, by the following vote: Yeas 28, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2556 on June 1, 1987, by the following vote: Yeas 31, Nays 0.

Approved June 20, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.