SUBCHAPTER A. GENERAL PROVISIONS

Sec. 301.001. CORPORATIONS GOVERNED BY CODE. (a) Except as provided by Subsection (b), this code applies to a corporation organized by authority of either Section 2.02-b1 and 2.02-b2, Article 2.02-b, Business Corporation Act, or Section 2.02-b, Business Corporation Act, as the "Business Corporation Act" and "Business Corporation Act" existed on the authority created under general or special law, any reorganization and amendment authorized by those laws, and any reorganization and amendment, organized, or amended under the laws of this state, any reorganization and amendment described by Section 2.02-b1 and 2.02-b2, Article 2.02-b, Business Corporation Act, and any reorganization and amendment described by Section 2.02-b, Business Corporation Act, as the "Business Corporation Act" and "Business Corporation Act" existed on the authority created under general or special law.

(b) This code does not govern the personal body of a corporation.

Sec. 301.002. DEFINITIONS. (a) In this code, unless the context requires otherwise:

(1) "Water supply corporation" means a nonprofit water supply corporation organized under Section 2.02-b1, Business Corporation Act.

(2) "Water supply corporation" means a corporation or district organized under Section 2.02-b2, Business Corporation Act.

(3) "Nonprofit water supply corporation" means a corporation or district organized under Section 2.02-b2, Business Corporation Act.

(b) In this code, unless the context requires otherwise, a reference to:

(1) a provision of a statute or resolution of a governmental entity is a reference to the provision as amended.

(2) a provision of a statute or resolution of a governmental entity is a reference to the provision, the "Business Corporation Act" and "Business Corporation Act" and any other provision of a statute or resolution of a governmental entity that is a successor to the provision.

(3) "Business corporation" means a corporation or district organized under Section 2.02-b2, Business Corporation Act.

(4) "Business corporation" means a corporation or district organized under Section 2.02-b2, Business Corporation Act.

(5) "Business corporation" means a corporation or district organized under Section 2.02-b2, Business Corporation Act.

Sec. 45.[illegible]. CONFLICT INFORMATION IN NEWS BOOK. A disclosure of information in a news book or other publication of the District's activities pursuant exclusively to a statutory duty is a complete defense against any claim of violation of the conflicts of interest provisions contained in Section 45.[illegible] of this Act, provided the person or the Commission's Special Prosecutor District Attorney has given notice to the person of the conflicts of interest provisions in accordance with Section 45.[illegible] of this Act. If the person or the Special Prosecutor District Attorney, the Commission relative to enforcement of the conflicts of interest provisions of Section 45.[illegible] of this Act, or the District Attorney relative to enforcement of the conflicts of interest provisions of Section 45.[illegible] of this Act, the District Attorney shall notify the person of the conflicts of interest provisions in accordance with Section 45.[illegible] of this Act. The notice shall be given in the same manner as provided for notice of a violation of Section 45.[illegible] of this Act.

Added by Acts 1979, 66th Leg., R.S., Ch. 147, Sec. 1, eff. Jan. 1, 1980.

Sec. 45.[illegible]. CONFLICTS OF INTEREST. (a) Except as provided by Section 45.[illegible] of this Act, a person who is a member of the District's governing body, a member of the District's staff, or a member of the District's governing body or staff who is a member of a committee or other governing body of a political subdivision or political subdivision authorized by the District to perform functions for the District, or a member of the person's family, commits a conflict of interest if the person or the person's family member has a financial interest in a business entity or real property in which the District has a contract or is a party to a lease, or is reasonably likely to enter into a contract or lease, or is reasonably likely to sell, lease, or provide real property to the District.

(b) Except as provided by Section 45.[illegible] of this Act, a person who is a member of the District's governing body, a member of the District's staff, or a member of the person's family commits a conflict of interest if the person or the person's family member has a financial interest in a business entity or real property in which the District has a contract or is a party to a lease, or is reasonably likely to enter into a contract or lease, or is reasonably likely to sell, lease, or provide real property to the District, and the person or the person's family member receives or is reasonably likely to receive a benefit from the contract or lease.

(c) A person who is a member of the District's governing body or staff or who is a member of a committee or other governing body of a political subdivision or political subdivision authorized by the District to perform functions for the District, or a member of the person's family, commits a conflict of interest if the person or the person's family member is a party to a suit against the District or is reasonably likely to sue the District.

(d) A person who is a member of the District's governing body or staff or who is a member of a committee or other governing body of a political subdivision or political subdivision authorized by the District to perform functions for the District, or a member of the person's family, commits a conflict of interest if the person or the person's family member is a party to a suit against a business entity or real property in which the District has a contract or is a party to a lease, or is reasonably likely to enter into a contract or lease, or is reasonably likely to sell, lease, or provide real property to the District, and the person or the person's family member receives or is reasonably likely to receive a benefit from the suit.

(e) The provisions of this section do not prohibit or restrict the employment or other business relationship of a person who is a member of the District's staff.

(f) The provisions of this section do not prohibit or restrict the employment or other business relationship of a person who is a member of the District's governing body or staff.

Added by Acts 1979, 66th Leg., R.S., Ch. 147, Sec. 1, eff. Jan. 1, 1980.

Sec. 45.[illegible]. DISCLOSURE REQUIRED. (a) The board may provide by resolution that a person who is a member of the District's governing body or staff or who is a member of a committee or other governing body of a political subdivision or political subdivision authorized by the District to perform functions for the District, or a member of the person's family, shall file a sworn affidavit with the District if the person or the person's family member has a financial interest in a business entity or real property in which the District has a contract or is a party to a lease, or is reasonably likely to enter into a contract or lease, or is reasonably likely to sell, lease, or provide real property to the District, and the person or the person's family member receives or is reasonably likely to receive a benefit from the contract or lease.

(b) The board may establish a sixth income point for purposes of the disclosure required by Section 45.[illegible] of this Act if the board determines that the income points established by Section 45.[illegible] of this Act are not sufficient to cover the income levels of persons who are required to file an affidavit under Section 45.[illegible] of this Act.

Added by Acts 1979, 66th Leg., R.S., Ch. 147, Sec. 1, eff. Jan. 1, 1980.

Sec. 45.[illegible]. AFFIDAVIT CONTENTS. (a) Except as provided by Subsection (b) of this section, the affidavit required by Section 45.[illegible] of this Act shall contain the following information:

(1) the person's name and address;

(2) the person's occupation and job title;

(3) the name and address of the person's employer and the business entity in which the person is a partner or joint venturer;

(4) the name and address of each other business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity;

(5) the name and address of each business entity in which the person is a member of the governing body of the business entity or in which the person is employed as an officer or director;

(6) the name and address of each business entity in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(7) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director;

(8) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(9) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(10) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(11) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(12) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(13) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(14) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(15) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(16) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(17) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(18) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(19) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(20) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(21) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(22) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(23) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(24) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(25) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(26) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(27) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(28) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(29) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(30) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(31) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(32) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(33) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(34) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(35) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(36) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(37) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(38) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(39) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(40) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(41) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(42) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(43) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(44) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(45) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(46) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(47) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(48) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(49) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(50) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(51) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(52) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(53) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(54) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(55) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(56) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(57) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(58) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(59) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(60) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(61) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(62) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(63) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(64) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(65) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(66) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(67) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(68) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(69) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(70) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(71) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(72) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(73) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(74) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(75) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(76) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(77) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(78) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(79) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(80) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(81) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(82) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(83) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(84) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(85) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(86) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(87) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(88) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(89) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(90) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(91) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(92) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(93) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(94) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(95) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(96) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(97) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(98) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(99) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(100) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(101) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(102) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(103) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(104) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(105) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(106) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(107) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(108) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(109) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(110) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(111) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(112) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(113) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(114) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(115) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(116) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(117) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(118) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(119) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(120) the name and address of each business entity in which the person owns 10 percent or more of the voting stock or shares or 10 percent or more of the fair market value of the person's interest in the business entity and in which the person is employed as an officer or director and in which the person owns less than 10 percent of the voting stock or shares or less than 10 percent of the fair market value of the person's interest in the business entity;

(121) the name and address of each business entity in which the person owns 10 percent

or not required to specify the maximum amount of bonds or expenditures authorized by the resolution or ordinance of the district governing body.

(2) Notwithstanding subsection (1) of this section, a district may acquire without the consent of or at least 14 days' notice of the board of directors of the district, any property or rights in property:

(a) Through condemnation;

(b) Through the exercise of the power of eminent domain;

(c) Under a lease or other agreement with the United States, agencies or bodies thereof or political subdivisions, and located in such:

(A) Counties or cities;

(B) Counties or cities and counties;

(C) Counties or cities and counties, or any other agencies, organizations, or bodies, created exclusively to facilitate between or among counties or cities and counties, the exercise of their powers;

(D) Counties or cities and counties, or any other agencies, organizations, or bodies, created exclusively to facilitate between or among counties or cities and counties, the exercise of their powers, and the state of Oregon;

(d) Through the exercise of the power of eminent domain by the state of Oregon, or any agency or instrumentality thereof, or any political subdivision of the state of Oregon, or any agency or instrumentality thereof, and leased to the district;

(e) Under a lease or other agreement with the state of Oregon, or any agency or instrumentality thereof, or any political subdivision of the state of Oregon, or any agency or instrumentality thereof, and leased to the district;

(f) Under a lease or other agreement with any person, and leased to the district for less than the lesser of:

(A) Ten years from the date of the execution of the lease or other agreement, including any renewal or extension of the lease or other agreement; or

(B) The lifetime expected by Subsection (6) of this section for the lease or other agreement, including any renewal or extension of the lease or other agreement, if the lease or other agreement is for a lease of a leasing station that meets the accessibility requirements for persons with disabilities; or

(g) Under a lease or other agreement with any person, and leased to the district for more than the lesser of:

(A) The lifetime expected by Subsection (6) of this section for the lease or other agreement, including any renewal or extension of the lease or other agreement, if the lease or other agreement is for a lease of a leasing station that meets the accessibility requirements for persons with disabilities; or

(B) Ten years from the date of the execution of the lease or other agreement, including any renewal or extension of the lease or other agreement.

(3) The notice requested by Subsection (2) of this section shall be given by the district to the owner of the property or rights in property to be acquired by the district, in the manner provided by Section 11.020 of this chapter.

(4) The district may adopt rules and a request for an accelerated hearing under Section 11.020 of this chapter, if the district is a party to the proceeding.

Note: See section (1) of chapter 1 of Oregon Laws 2011 for the effective date of the amendments to Section 822.010 by section 2 of chapter 1 of Oregon Laws 2011.

Related to: 822.010, 822.020, 822.030, 822.040, 822.050, 822.060, 822.070, 822.080, 822.090, 822.100, 822.110, 822.120, 822.130, 822.140, 822.150, 822.160, 822.170, 822.180, 822.190, 822.200, 822.210, 822.220, 822.230, 822.240, 822.250, 822.260, 822.270, 822.280, 822.290, 822.300, 822.310, 822.320, 822.330, 822.340, 822.350, 822.360, 822.370, 822.380, 822.390, 822.400, 822.410, 822.420, 822.430, 822.440, 822.450, 822.460, 822.470, 822.480, 822.490, 822.500, 822.510, 822.520, 822.530, 822.540, 822.550, 822.560, 822.570, 822.580, 822.590, 822.600, 822.610, 822.620, 822.630, 822.640, 822.650, 822.660, 822.670, 822.680, 822.690, 822.700, 822.710, 822.720, 822.730, 822.740, 822.750, 822.760, 822.770, 822.780, 822.790, 822.800, 822.810, 822.820, 822.830, 822.840, 822.850, 822.860, 822.870, 822.880, 822.890, 822.900, 822.910, 822.920, 822.930, 822.940, 822.950, 822.960, 822.970, 822.980, 822.990, 822.995, 822.996, 822.997, 822.998, 822.999, 822.999A, 822.999B, 822.999C, 822.999D, 822.999E, 822.999F, 822.999G, 822.999H, 822.999I, 822.999J, 822.999K, 822.999L, 822.999M, 822.999N, 822.999O, 822.999P, 822.999Q, 822.999R, 822.999S, 822.999T, 822.999U, 822.999V, 822.999W, 822.999X, 822.999Y, 822.999Z, 822.999AA, 822.999AB, 822.999AC, 822.999AD, 822.999AE, 822.999AF, 822.999AG, 822.999AH, 822.999AI, 822.999AJ, 822.999AK, 822.999AL, 822.999AM, 822.999AN, 822.999AO, 822.999AP, 822.999AQ, 822.999AR, 822.999AS, 822.999AT, 822.999AU, 822.999AV, 822.999AW, 822.999AX, 822.999AY, 822.999AZ, 822.999BA, 822.999BB, 822.999BC, 822.999BD, 822.999BE, 822.999BF, 822.999BG, 822.999BH, 822.999BI, 822.999BJ, 822.999BK, 822.999BL, 822.999BM, 822.999BN, 822.999BO, 822.999BP, 822.999BQ, 822.999BR, 822.999BS, 822.999BT, 822.999BU, 822.999BV, 822.999BW, 822.999BX, 822.999BY, 822.999BZ, 822.999CA, 822.999CB, 822.999CC, 822.999CD, 822.999CE, 822.999CF, 822.999CG, 822.999CH, 822.999CI, 822.999CJ, 822.999CK, 822.999CL, 822.999CM, 822.999CN, 822.999CO, 822.999CP, 822.999CQ, 822.999CR, 822.999CS, 822.999CT, 822.999CU, 822.999CV, 822.999CW, 822.999CX, 822.999CY, 822.999CZ, 822.999DA, 822.999DB, 822.999DC, 822.999DD, 822.999DE, 822.999DF, 822.999DG, 822.999DH, 822.999DI, 822.999DJ, 822.999DK, 822.999DL, 822.999DM, 822.999DN, 822.999DO, 822.999DP, 822.999DQ, 822.999DR, 822.999DS, 822.999DT, 822.999DU, 822.999DV, 822.999DW, 822.999DX, 822.999DY, 822.999DZ, 822.999EA, 822.999EB, 822.999EC, 822.999ED, 822.999EE, 822.999EF, 822.999EG, 822.999EH, 822.999EI, 822.999EJ, 822.999EK, 822.999EL, 822.999EM, 822.999EN, 822.999EO, 822.999EP, 822.999EQ, 822.999ER, 822.999ES, 822.999ET, 822.999EU, 822.999EV, 822.999EW, 822.999EX, 822.999EY, 822.999EZ, 822.999FA, 822.999FB, 822.999FC, 822.999FD, 822.999FE, 822.999FF, 822.999FG, 822.999FH, 822.999FI, 822.999FJ, 822.999FK, 822.999FL, 822.999FM, 822.999FN, 822.999FO, 822.999FP, 822.999FQ, 822.999FR, 822.999FS, 822.999FT, 822.999FU, 822.999FV, 822.999FW, 822.999FX, 822.999FY, 822.999FZ, 822.999GA, 822.999GB, 822.999GC, 822.999GD, 822.999GE, 822.999GF, 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Added by Acts 1987, 70th Leg., ch. 1, Sec. 1, eff. Sept. 1, 1987.

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 49.001. APPLICATION. (a) The board shall have the authority granted under this chapter to districts created under Section 59, Article XVI, Texas Constitution.

(b) In all areas of conflict, the provisions of this subchapter shall prevail over those of other chapters of this code.

(c) Except as provided by Section 49.004, the provisions of this subchapter do not apply to public secondary schools a period long enough for those provisions to be applicable.

Added by Acts 1987, 70th Leg., ch. 1, Sec. 1, eff. Sept. 1, 1987.

Sec. 49.002. DEFINITIONS. (a) In this chapter:

(1) "District" means a conservation and reclamation district under Section 59, Article XVI, Texas Constitution.

(2) "Board" means the Texas Water Commission.

Sec. 49.003. FORM OF DISTRICT. The executive director may adopt a form of a district and may require that a district operate under the form adopted by the executive director.

Added by Acts 1987, 70th Leg., ch. 1, Sec. 1, eff. Sept. 1, 1987.

Sec. 49.004. FORM OF DISTRICT. (a) Except as provided by Subsection (b), the executive director may adopt a form of a district and may require that a district operate under the form adopted by the executive director.

(b) Except as provided by Subsection (d), if the board refuses to approve a form of a district adopted by the executive director, the board shall adopt a form of a district. The board may require that a form of a district adopted by the board be approved by a majority of the voters of the district's form, approved by a statement from the board, and approved by the executive director before the form of a district may be used.

(c) The executive director may approve a form of a district, notwithstanding, or annual financial report described in Section 49.191 and Section 49.192 of this code, or Section 11.1511, Water Code, if the executive director determines that the form of a district is consistent with the form of a district adopted by the executive director or approved by the board and approved by the executive director, and the executive director may require that a district operate under the form approved by the executive director.

(d) The annual filing affidavit shall be submitted with the annual financial report described in Section 49.191 and Section 49.192 of this code, or Section 11.1511, Water Code, if the executive director determines that the form of a district is consistent with the form of a district adopted by the executive director or approved by the board and approved by the executive director.

(e) Subsection (b) to the executive director required by this section shall be submitted to the board.

(f) A special board authorized shall submit a copy of the annual financial report described in Section 49.191 and Section 49.192 of this code, or Section 11.1511, Water Code, if the executive director determines that the form of a district is consistent with the form of a district adopted by the executive director or approved by the board and approved by the executive director.

Added by Acts 1987, 70th Leg., ch. 1, Sec. 1, eff. Sept. 1, 1987.

Sec. 49.005. FORM OF DISTRICT. (a) The board shall adopt a form of a district and may require that a district operate under the form adopted by the board.

(b) Except as provided by Subsection (c), if the board refuses to approve a form of a district adopted by the executive director, the board shall adopt a form of a district. The board may require that a form of a district adopted by the board be approved by a majority of the voters of the district's form, approved by a statement from the board, and approved by the executive director before the form of a district may be used.

(c) The executive director may approve a form of a district, notwithstanding, or annual financial report described in Section 49.191 and Section 49.192 of this code, or Section 11.1511, Water Code, if the executive director determines that the form of a district is consistent with the form of a district adopted by the executive director or approved by the board and approved by the executive director, and the executive director may require that a district operate under the form approved by the executive director.

(d) The annual filing affidavit shall be submitted with the annual financial report described in Section 49.191 and Section 49.192 of this code, or Section 11.1511, Water Code, if the executive director determines that the form of a district is consistent with the form of a district adopted by the executive director or approved by the board and approved by the executive director.

(e) Subsection (b) to the executive director required by this section shall be submitted to the board.

(f) A special board authorized shall submit a copy of the annual financial report described in Section 49.191 and Section 49.192 of this code, or Section 11.1511, Water Code, if the executive director determines that the form of a district is consistent with the form of a district adopted by the executive director or approved by the board and approved by the executive director.

Added by Acts 1987, 70th Leg., ch. 1, Sec. 1, eff. Sept. 1, 1987.

Sec. 49.006. FORM OF DISTRICT. (a) The board shall adopt a form of a district and may require that a district operate under the form adopted by the board.

(b) Except as provided by Subsection (c), if the board refuses to approve a form of a district adopted by the executive director, the board shall adopt a form of a district. The board may require that a form of a district adopted by the board be approved by a majority of the voters of the district's form, approved by a statement from the board, and approved by the executive director before the form of a district may be used.

(c) The executive director may approve a form of a district, notwithstanding, or annual financial report described in Section 49.191 and Section 49.192 of this code, or Section 11.1511, Water Code, if the executive director determines that the form of a district is consistent with the form of a district adopted by the executive director or approved by the board and approved by the executive director, and the executive director may require that a district operate under the form approved by the executive director.

(d) The annual filing affidavit shall be submitted with the annual financial report described in Section 49.191 and Section 49.192 of this code, or Section 11.1511, Water Code, if the executive director determines that the form of a district is consistent with the form of a district adopted by the executive director or approved by the board and approved by the executive director.

(e) Subsection (b) to the executive director required by this section shall be submitted to the board.

(f) A special board authorized shall submit a copy of the annual financial report described in Section 49.191 and Section 49.192 of this code, or Section 11.1511, Water Code, if the executive director determines that the form of a district is consistent with the form of a district adopted by the executive director or approved by the board and approved by the executive director.

Added by Acts 1987, 70th Leg., ch. 1, Sec. 1, eff. Sept. 1, 1987.

Sec. 49.007. REVIEW BY EXECUTIVE DIRECTOR. (a) The executive director may review the form of a district and may require that a district operate under the form adopted by the executive director.

(b) The executive director may review the form of a district and may require that a district operate under the form adopted by the executive director.

(c) The executive director may review the form of a district and may require that a district operate under the form adopted by the executive director.

(d) The executive director may review the form of a district and may require that a district operate under the form adopted by the executive director.

(e) The executive director may review the form of a district and may require that a district operate under the form adopted by the executive director.

(f) The executive director may review the form of a district and may require that a district operate under the form adopted by the executive director.

Added by Acts 1987, 70th Leg., ch. 1, Sec. 1, eff. Sept. 1, 1987.

Sec. 49.008. FORMALLY ADOPTED DIRECTOR. (a) A formally adopted director of a district is a person who:

(1) is a member of the board of directors of a district or a member of a board of directors of a district;

(2) is a member of a board of directors of a district or a member of a board of directors of a district;

(3) is a member of a board of directors of a district or a member of a board of directors of a district;

(4) is a member of a board of directors of a district or a member of a board of directors of a district;

(2) ENTITLEMENT TO ABATEMENT OR REFUND FOR EXPENSES.--(A) A District may purchase, construct, acquire, own, operate, repair, improve, maintain, manage, lease, or dispose of property and equipment and may charge, collect, and receive fees and charges in connection with such property and equipment to be provided by the District to owner-occupiers of residential property within the District. Such fees and charges may be imposed on a parcel or group of parcels of residential property in proportion to the governing private water and sewer utility service to benefited owner-occupiers of residential property within the District, or in such other manner as the Board of Supervisors of the District shall determine to be reasonable and to be in the interest of the District and its residents. Such fees and charges may be imposed on and collected from the District by water the same extent as the City.

(B) ABATEMENT OR REFUND.--(i) Any owner-occupier of residential property and any landlord of residential property who is billed for the water and sewer service of an business known as all leasehold property within the District shall be entitled to an abatement or refund of the portion of such fees and charges attributable to such property, if such owner-occupier or landlord shall provide the District with evidence satisfactory to the District that such owner-occupier or landlord has paid the applicable fees and charges to the District for such property and equipment.

(ii) The amount of such abatement or refund shall be equal to the sum of the fees and charges so paid to the District for such property and equipment.

(C) ELIGIBILITY.--(i) Any owner-occupier of residential property and any landlord of residential property who is billed for the water and sewer service of an business known as all leasehold property within the District shall be entitled to an abatement or refund of the portion of such fees and charges attributable to such property, if such owner-occupier or landlord shall provide the District with evidence satisfactory to the District that such owner-occupier or landlord has paid the applicable fees and charges to the District for such property and equipment.

(ii) The amount of such abatement or refund shall be equal to the sum of the fees and charges so paid to the District for such property and equipment.

(D) ELIGIBILITY.--(i) Any owner-occupier of residential property and any landlord of residential property who is billed for the water and sewer service of an business known as all leasehold property within the District shall be entitled to an abatement or refund of the portion of such fees and charges attributable to such property, if such owner-occupier or landlord shall provide the District with evidence satisfactory to the District that such owner-occupier or landlord has paid the applicable fees and charges to the District for such property and equipment.

(ii) The amount of such abatement or refund shall be equal to the sum of the fees and charges so paid to the District for such property and equipment.

(E) ELIGIBILITY.--(i) Any owner-occupier of residential property and any landlord of residential property who is billed for the water and sewer service of an business known as all leasehold property within the District shall be entitled to an abatement or refund of the portion of such fees and charges attributable to such property, if such owner-occupier or landlord shall provide the District with evidence satisfactory to the District that such owner-occupier or landlord has paid the applicable fees and charges to the District for such property and equipment.

(ii) The amount of such abatement or refund shall be equal to the sum of the fees and charges so paid to the District for such property and equipment.

(F) ELIGIBILITY.--(i) Any owner-occupier of residential property and any landlord of residential property who is billed for the water and sewer service of an business known as all leasehold property within the District shall be entitled to an abatement or refund of the portion of such fees and charges attributable to such property, if such owner-occupier or landlord shall provide the District with evidence satisfactory to the District that such owner-occupier or landlord has paid the applicable fees and charges to the District for such property and equipment.

(ii) The amount of such abatement or refund shall be equal to the sum of the fees and charges so paid to the District for such property and equipment.

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Acts 1979, 66th Leg., ch. 728 at 2024a, Sec. 11.04, eff. Sept. 1, 1979.

Sec. 49.231. ENFORCEMENT AND ENVIRONMENTAL REMEDIES. A district may enforce its rules and order and may exercise environmental remedies as provided by Subchapter D, Chapter 49, and Subchapter A, Chapter 51, Water Code, and Section 54.011, Water Code.

Added by Acts 1985, 79th Leg., ch. 728 at 2024a, Sec. 11.04, eff. Sept. 1, 1985.

Sec. 49.232. ELECTRIC GENERATION, TRANSMISSION, AND DISTRIBUTION FACILITIES. (a) A district may construct, acquire, maintain, and operate electric properties that convey surface water, groundwater, or both surface water and groundwater, including electric generating, transmission, or distribution facility properties.

(b) A district may construct, acquire, maintain, and operate electric properties that convey surface water, groundwater, or both surface water and groundwater, including electric generating, transmission, or distribution facility properties, if:

(1) the electric properties are owned by a municipal or conservation or reclamation district or by a corporation or association formed under Section 53.02(a) of this code or a corporation or association organized under Article 1396-2.01, Revised Statutes, or a corporation or association organized under Section 2.01 of the Texas Business Corporation Act or a corporation or association organized under Section 2.01 of the Texas Nonprofit Corporation Act and the water conveying properties are owned by a municipal or conservation or reclamation district or by such a corporation or association;

(2) the district or water supply corporation that produces or distributes electric power for its own operations or for sale to other districts or corporations or associations under Section 53.02(a) of this code or under Article 1396-2.01, Revised Statutes, or under Section 2.01 of the Texas Business Corporation Act or under Section 2.01 of the Texas Nonprofit Corporation Act has contracted with the owner of the electric properties for the use of the water conveying properties for electric generation, transmission, or distribution facility purposes;

(3) the electric properties are located on land owned by a municipal or conservation or reclamation district or by such a corporation or association;

(4) the electric properties are operated by a municipal or conservation or reclamation district or by such a corporation or association;

(5) the electric properties are operated in accordance with the laws of the state and the rules of the Public Utility Commission of Texas;

(6) the electric properties are not operated in violation of the rules of the Texas Department of Health;

(7) the electric properties are not operated in violation of the rules of the Texas Parks and Wildlife Department;

(8) the electric properties are not operated in violation of the rules of the Texas Commission on Environmental Quality;

(9) the electric properties are not operated in violation of the rules of the Texas Department of Transportation;

(10) the electric properties are not operated in violation of the rules of the Texas Railroad Commission;

(11) the electric properties are not operated in violation of the rules of the Texas Department of Public Safety;

(12) the electric properties are not operated in violation of the rules of the Texas Department of Agriculture;

(13) the electric properties are not operated in violation of the rules of the Texas Department of Insurance;

(14) the electric properties are not operated in violation of the rules of the Texas Department of Mental Health and Mental Retardation;

(15) the electric properties are not operated in violation of the rules of the Texas Department of Human Services;

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work covered by the contract.

(3) Not more than 10 percent, whichever is greater of the estimated cost of the work covered by the contract or $100,000 may be withheld from any contract work. However, if the board or any tribal entity 50 percent or more owned by members of a federally recognized tribe in the state of Oregon is the contracting agent, the board or tribal entity may withhold up to 25 percent. Also, if the work is substantially complete, the board, or if the board is the contracting agent, the tribal entity may withhold an amount equal to the value of any work that is not fully completed or corrected. However, the amount withheld may not be in excess of the value of the work to be completed or corrected and there shall be included in the amount withheld an amount sufficient to pay in full all claims filed against the contract or any portion of the contract. The amount withheld may be in the form of an escrow account, a bond or other security acceptable to the board or tribal entity. The contract sum to be paid to each contractor shall be the total of the amount earned less the aggregate of previous payments and the amount to be withheld as provided in this section. Payments may be made on account of materials or equipment not incorporated in the work but delivered and suitably stored at the site or some other place agreed upon by the board or tribal entity and the contractor, which payments may be in the amount of the contractor's cost for materials or equipment less the retainage provided for in this section. The contract sum to be paid to each contractor shall be the total of the amount earned less the aggregate of previous payments and the amount to be withheld as provided herein.

(4) Nothing in this section and acceptance of such separate proviso, partial or final payment by the contractor or any person shall bar a claim by the board or tribal entity against the contractor or his or her sureties.

[Amended by 1957 c.704, Sec.1; 1961 c.715, Sec.1; 1971 Spec.S., Sec.1; 1985 c.565, Sec.1]

Sec. 10.177. [Repealed by 1957 c.704]

Sec. 10.178. [Amended by 1957 c.704; 1961 c.715, Sec.2; 1971 Spec.S., Sec.2; 1985 c.565, Sec.2; 1987 c.158, Sec.1; 1989 c.1, Sec.1; 1991 c.67, Sec.1; 1993 c.18, Sec.1; 1995 c.79, Sec.1; 1995 c.78, Sec.1; 1995 c.79, Sec.2; 1995 c.78, Sec.2; 1995 c.79, Sec.3; 1995 c.78, Sec.3; 1995 c.79, Sec.4; 1995 c.78, Sec.4; 1995 c.79, Sec.5; 1995 c.78, Sec.5; 1995 c.79, Sec.6; 1995 c.78, Sec.6; 1995 c.79,

their nonirrigated property; and

(4) it is in the best interest of the district and of the described property to exclude that property from the district.

(c) The district shall follow the notice and hearing provisions and other procedural requirements for excluding territory applicable to that district as set out in Sections 49.303 through 49.307.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 2, eff. Sept. 1, 1995.

Sec. 49.311. CONSENT FROM HOLDERS OF INDEBTEDNESS. If the district has outstanding bonded indebtedness, or indebtedness under a loan from a governmental agency, a written consent from an authorized representative of the holder or holders of the indebtedness consenting to the exclusion shall be obtained and filed with the district before the hearing.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 2, eff. Sept. 1, 1995.

Sec. 49.312. RESULTS OF EXCLUSION. (a) Except as provided by Section 49.3077, on issuance of an order excluding property, that property is no longer a part of the district and is not entitled to water service from the district.

(b) Any taxes, assessments, or other charges owed to the district at the time of exclusion remain the obligation of the owner of the excluded property and continue to be secured by statutory liens on the property, if any.

(c) Except as provided by Section 49.3077, once land is excluded, the landowner has no further liability to the district for future taxes, assessments, or other charges of the district.

(d) A copy of the order excluding the property from the district certified and acknowledged by the secretary of the board shall be recorded by the district in the real property records of the county in which the excluded property is located as evidence of the exclusion.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 2, eff. Sept. 1, 1995.
Amended by:
Acts 2013, 83rd Leg., R.S., Ch. 1392 (H.B. 1324), Sec. 4, eff. September 1, 2013.

Sec. 49.313. DISTRICT FACILITIES ON EXCLUDED PROPERTY. If any canals, ditches, pipelines, pumps, or other facilities of the district are located on lands excluded by the resolution of the board, the exclusion does not affect or interfere with any rights that the district has to maintain and continue operation of the facilities as located for the purpose of servicing lands remaining in the district.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 2, eff. Sept. 1, 1995.

Sec. 49.314. WATER ALLOCATIONS. (a) After the district adopts an order excluding nonirrigated property, a city or other water supply corporation that serves the excluded land with a potable water supply may petition the district to apply to the commission to convert the proportionate irrigation water allocation of the land excluded as nonirrigated property, as determined by the district, from irrigation use to municipal use allocation.

(b) The district shall make such application to the commission within 30 days of the filing of a petition by the city or water supply corporation that serves the land with a potable water supply, provided the city or other water supply corporation pays the district the amount the district estimates will be its reasonable expenses and attorney's fees incurred in the commission conversion proceedings and enters into an agreement with the district setting forth the basis on which the water allocation shall be delivered, or made available, to the city or water supply corporation covering such terms as the entities may agree to, and in the event the parties cannot agree, such dispute shall not be subject to the jurisdiction of the commission, or its successors, under this code but subject to resolution through alternative dispute resolution. In such commission proceeding, the city or water supply corporation shall provide evidence to the commission of the current or projected need within a five year period for the municipal-use water allocation after such conversion as a condition of such conversion of use of the district's water rights from irrigation use to municipal use.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 2, eff. Sept. 1, 1995.

Sec. 49.315. ADDING AND EXCLUDING LAND BEFORE CONFIRMATION. (a) A district may add or exclude land in accordance with this subchapter:

(1) after a district is created by order of the commission or another governmental entity or by special Act of the legislature; and

(2) before a confirmation election is held as required by Section 49.102.

(b) If land is added or excluded as provided by this section, the election to confirm the district required by Section 49.102 shall be to confirm the district as modified.

Added by Acts 2001, 77th Leg., ch. 1423, Sec. 22, eff. June 17, 2001.

Sec. 49.316. DIVISION OF DISTRICT. (a) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(b) An order dividing a district may create one or more new districts and may provide for the continuation of the district.

(c) An order dividing the district shall:

(1) name any new district;

(2) include the metes and bounds description of the territory of each of the districts;

(3) appoint temporary directors for any new district; and

(4) provide for the division of assets and liabilities between the districts.

(d) The board may adopt an order dividing the district before or after the date the board holds an election to confirm the district's creation.

(e) The district may be divided only if the district:

(1) has never issued any bonds; and

(2) is not imposing ad valorem taxes.

(f) A new district created by the division of the district may not, at the time the new district is created, contain any land outside the area of the district at the time of creation.

(g) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the commission and record the order in the real property records of each county in which the district is located.

(h) A new district created by the division of the district shall hold a confirmation and directors' election.

(i) If the creation of a new district is confirmed, the new district shall provide the election date and results to the commission.

(j) A new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

(k) Municipal consent to the creation of the district and to the inclusion of land in the district acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

(l) The district may continue to rely on confirmation, directors', bond, and tax elections held before the division.

Added by Acts 2023, 88th Leg., R.S., Ch. 1009 (H.B. 2815), Sec. 20, eff. June 18, 2023.

SUBCHAPTER J-1. EXCLUSION OF URBAN PROPERTY FROM CERTAIN WATER DISTRICTS

Sec. 49.3181. DEFINITIONS. As used in this subchapter:

(1) "District" means any district or authority created under Sections 52(b)(1) and (2), Article III, or Section 59, Article XVI, Texas Constitution, the principal purpose of which is, or that is principally engaged in, supplying water for the irrigation of agricultural lands.

(2) "Urban property" means land that:

(A) has been subdivided into town lots, town lots and blocks, or small parcels of the same general nature as town lots or town lots and blocks and is designed, intended, or suitable for residential or other nonagricultural purposes, as distinguished from farm acreage, and includes streets, alleys, parkways, parks, and railroad property and rights-of-way within that subdivided land; and

(B) is in a subdivision:

(i) that is within the corporate limits or extraterritorial jurisdiction of a municipality that has subdivision approval jurisdiction under Chapter 212, Local Government Code; and

(ii) for which a plat or map has been filed and recorded in the office of the county clerk of the county in which the subdivision or any part of the subdivision is located.

Added by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 19.005(a), eff. September 1, 2015.

Sec. 49.3182. CONDITIONS FOR EXCLUSION OF URBAN PROPERTY. Urban property that is located in a district may be excluded from the district as provided by this subchapter only after the following have been paid to the district:

(1) all taxes, assessments, and other charges of the district accrued on the property to be excluded, together with all interest and penalties accrued on those taxes, assessments, and charges;

(2) the proportionate part of the outstanding bonded indebtedness or indebtedness in connection with a loan from an agency of the United States for which the property proposed to be excluded is liable, as determined under this subchapter; and

(3) agreement on a reasonable determined amount to be paid by the municipality or other supplier of potable water to compensate the district for loss of revenue occasioned by the exclusion.

Added by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 19.005(a), eff. September 1, 2015.

Sec. 49.3183. APPLICATION FOR EXCLUSION. (a) The owner or owners of urban property in a district and subject to taxation by the district, and on which all amounts due the district under Section 49.3182(1) have been paid, may file a written and sworn application with the district to exclude that property from the district.

(b) The application must:

(1) include a sworn acknowledgment by the owner or owners of the property;

(2) describe the property to be excluded by identifying the lot or block number of the subdivision and the name or designation of the subdivision as shown on the recorded plat of the subdivision, or by some other method of identification; and

(3) state that the property is used or intended to be used for the purposes for which it was subdivided and is not used or intended to be used, wholly or partly, for agricultural purposes.

(c) A copy of the recorded map or plat of the subdivision must accompany the application and must clearly delineate the part of the subdivision, if less than the whole, to be excluded from the district.

(d) The applicant must also provide the district with evidence satisfactory to, or required by, the board of the applicant's:

(1) ownership of the property proposed to be excluded; and

(2) right to have the property excluded from the district.

Added by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 19.005(a), eff. September 1, 2015.

Sec. 49.3184. CONSIDERATION OF APPLICATION. (a) As soon as practicable after an application is filed, the board shall consider the application and inquire into all the facts relating to the application that the board considers necessary for determining whether a public hearing on the application should be held.

(b) After consideration and investigation, the board shall adopt an order approving further consideration of the application if the board finds that:

(1) all amounts due the district under Section 49.3182(1) up to the date of the filing of the application have been paid;

(2) the property described in the application:

(A) is owned by the applicant;

(B) is urban property and is not used or intended to be used for agricultural purposes; and

(C) will require a source of treated potable water from the municipality in which the subdivision is located; and

(3) the exclusion of the property will not cut off the district or its facilities from ready and convenient access to other land remaining in the district for irrigation or other district purposes.

(c) If the board is unable to make any one of the findings under Subsection (b), it shall adopt a resolution rejecting the application.

(d) A resolution of the board rejecting an application is final and not subject to review by any other body, tribunal, or authority.

Added by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 19.005(a), eff. September 1, 2015.

Sec. 49.3185. DETERMINATION OF PROPORTIONATE AMOUNT OF INDEBTEDNESS. (a) If the board approves further consideration of an application, the board shall determine the proportionate amount of the bonded or contractual indebtedness for which the property to be excluded is liable as provided by this section.

(b) If the district has outstanding bonded indebtedness, the board shall obtain from the chief appraiser a certified copy of the appraised value of all the property to be excluded for the five years preceding the year in which the application is filed, as shown by the tax rolls of the district, and the appraised value of all taxable property in the district according to the most recent tax rolls of the district. The part of the district's total outstanding bonded indebtedness to be paid by the applicant as a condition precedent to the exclusion of the property is that proportion of the indebtedness, including unpaid interest computed to the date of the order, that the appraised value of the property to be excluded bears to the appraised value of all taxable property in the district according to the most recent tax rolls.

(c) If the district has contractual or other indebtedness being repaid on the benefit tax basis, the board shall obtain from the appropriate records the manner in which the tax is assessed, and from those records the district shall calculate the part of the total outstanding indebtedness of the district remaining to be paid that is attributable to the property to be excluded.

(d) The order of the board approving further consideration of the application must also state the amounts required to be paid under Section 49.3182 as a condition of the exclusion of the property.

Added by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 19.005(a), eff. September 1, 2015.

Sec. 49.3186. DEADLINE FOR PAYMENT OF AMOUNTS DUE. The order of the board approving further consideration of the application has no force or effect and no further proceeding may be held on the application unless the applicant deposits with the district the amounts due under Section 49.3182 not later than:

(1) the 20th day after the date on which the order was adopted; or

(2) the expiration of a period not to exceed 30 days after the date on which the order was adopted as ordered by the board.

Added by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 19.005(a), eff. September 1, 2015.

Sec. 49.3187. NOTICE AND HEARING. (a) If the deposit is made within the time provided by Section 49.3186, the board shall order a public hearing to be held on the application at the regular office of the district not less than 15 or more than 30 days after the date of the hearing order.

(b) The board shall have notice of the hearing posted in a conspicuous place in the office of the district and at the courthouse of the county in which the property proposed to be excluded is situated.

Added by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 19.005(a), eff. September 1, 2015.

Sec. 49.3188. RESOLUTION EXCLUDING URBAN PROPERTY OR REJECTING APPLICATION; EFFECTS OF EXCLUSION. (a) If, as a result of a hearing ordered under Section 49.3187, the board finds that the owners of a majority in acreage of the urban property do not desire irrigation of that property or that the urban property is not used or intended to be used for agricultural purposes, the board shall adopt a resolution setting forth those findings and excluding the urban property or the part of the urban property as to which the findings are made.

(b) If any canals, ditches, pipelines, pumps, or other facilities of the district are located on land excluded under the resolution, the exclusion does not affect or interfere with any district rights to maintain and continue operation of the facilities as located to service land remaining in the district.

(c) A copy of the resolution excluding urban property from the district certified to and acknowledged by the secretary of the board must be recorded by the district in the deed records of the county in which the excluded property is located as evidence of the exclusion.

(d) On the passage of the resolution:

(1) the property excluded does not constitute a part of the district; and

(2) the owner of the excluded property:

(A) has no further liability to the district or for any bonded or other indebtedness of the district; and

(B) is not subject to further taxation by the district.

(e) If the board determines from the hearing that for any reason the application should not be granted, the board shall adopt a resolution rejecting the application, and the deposit made by the applicant is subject to withdrawal by the applicant or on the board's order.

Added by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 19.005(a), eff. September 1, 2015.

Sec. 49.3189. CONVERSION OF WATER RIGHTS. After a district excludes land from the district's territory under this subchapter, the municipality or other municipal supplier that proposes to serve the land with a potable water supply may petition the district to convert the proportionate water rights previously allocated for the land from irrigation use rights to municipal use rights for the use and benefit of the municipality or other municipal supplier. The district shall compute the proportionate water rights available and shall initiate administrative proceedings to convert the irrigation use rights to municipal use rights. Before the district is obligated to initiate the administrative proceedings, the municipality or other municipal supplier must deposit with the district the amount that the district estimates the district will incur as reasonable expenses and attorney's fees in those proceedings. On approval of the conversion by the commission, the district shall deliver the water to the municipality or other municipal supplier in the manner those entities may agree to under this code.

Added by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 19.005(a), eff. September 1, 2015.

SUBCHAPTER K. DISSOLUTION

Sec. 49.321. DISSOLUTION AUTHORITY. After notice and hearing, the commission may dissolve any district that is inactive for a period of five consecutive years and has no outstanding bonded indebtedness.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 2, eff. Sept. 1, 1995.

Sec. 49.322. NOTICE OF HEARING. (a) The commission shall give notice of the dissolution hearing that briefly describes the reasons for the proceeding.

(b) The notice shall be published once each week for two consecutive weeks before the day of hearing in a newspaper having general circulation in the county or counties in which the district is located. The first publication shall be 30 days before the day of the hearing.

(c) The commission shall give notice of the hearing by first class mail addressed to the directors of the district according to the last record on file with the executive director.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 2, eff. Sept. 1, 1995.

Sec. 49.3225. ORDER WITHOUT HEARING. (a) The commission may adopt an order under Section 49.324 without conducting a hearing if it receives a petition under this section from:

(1) the owners of the majority in value of the land in the district, as shown by the most recent certified tax roll of the central appraisal district of the county or counties in which the district is located; or

(2) the board of directors of the district.

(b) Not later than the 10th day after the date a petition is submitted under Subsection (a), the petitioners shall:

(1) provide notice of the petition by certified mail:

(A) to all the landowners in the district, as shown by the most recent certified tax roll of the central appraisal district of the county or counties in which the district is located, who did not sign the petition; and

(B) if the petition was submitted by persons described by Subsection (a)(1), to the board of directors; and

(2) certify in writing to the commission that the requirements of Subdivision (1) have been met.

(c) A notice provided under Subsection (b)(1) must state that the landowner may file a written objection to the dissolution of the district not later than the 30th day after the date the notice was received.

(d) If a landowner files a written objection to the dissolution of the district with the commission within the period specified in the notice, the commission shall hold a hearing on the dissolution of the district. The commission shall mail notice of the hearing by first class mail to:

(1) the petitioners, and the board of directors if the board of directors did not submit the petition; and

(2) each landowner who timely filed a written objection to the dissolution.

(e) A district may not be dissolved under this section or any other provision of law if the district:

(1) has any outstanding bonded indebtedness unless the bonded indebtedness is assumed by a third party, or repaid or defeased in accordance with the order or resolution authorizing the issuance of the bonds;

(2) has a contractual obligation to pay money unless the obligation is assumed by a third party, fully paid in accordance with the contract, or waived by the obligee; or

(3) owns, operates, or maintains public works, facilities, or improvements, unless the ownership, operation, or maintenance is assumed by a third party.

Added by Acts 2019, 86th Leg., R.S., Ch. 539 (H.B. 2914), Sec. 1, eff. September 1, 2019.

Sec. 49.323. INVESTIGATION. The executive director shall investigate the facts and circumstances of the district to be dissolved and the result of the investigation shall be included in a written report.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 2, eff. Sept. 1, 1995.

Sec. 49.324. ORDER OF DISSOLUTION. The commission may enter an order dissolving the district at the conclusion of the hearing if it finds that the district has performed none of the functions for which it was created for a period of five consecutive years before the day of the proceeding and that the district has no outstanding bonded indebtedness.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 2, eff. Sept. 1, 1995.

Sec. 49.325. CERTIFIED COPY OF ORDER. The commission shall file a certified copy of the order of dissolution of the district in the deed records of the county or counties in which the district is located. If the particular district was created by a special Act of the legislature, the commission shall file a certified copy of the order of dissolution with the secretary of state.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 2, eff. Sept. 1, 1995.

Sec. 49.326. APPEALS. (a) Appeals from a commission order dissolving a district shall be filed and heard in the district court of any of the counties in which the land is located.

(b) The trial on appeal shall be de novo and the substantial evidence rule shall not apply.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 2, eff. Sept. 1, 1995.

Sec. 49.327. ASSETS ESCHEAT TO STATE. Upon the dissolution of a district by the commission, all assets of the district shall escheat to the State of Texas. The assets shall be administered by the comptroller and shall be disposed of in the manner provided by Chapter 74, Property Code.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 2, eff. Sept. 1, 1995.
Amended by Acts 1997, 75th Leg., ch. 1423, Sec. 20.11, eff. Sept. 1, 1997.

SUBCHAPTER L. FIRE DEPARTMENTS

Sec. 49.351. FIRE DEPARTMENTS. (a) A district providing potable water or sewer services or facilities may, separately or jointly with another district, municipality, or other political subdivision, establish, operate, and maintain, finance with ad valorem taxes, mandatory fees, or voluntary contributions, and issue bonds for a fire department to perform all fire-fighting services within the district as provided in this subchapter and may provide for the construction and purchase of necessary buildings, facilities, land, and equipment and the provision of an adequate water supply.

(b) After complying with the requirements of this section, the district or districts shall provide an adequate system and water supply for fire-fighting purposes, may purchase necessary land, may construct and purchase necessary buildings, facilities, and equipment, and may employ or contract with a fire department to employ all necessary personnel including supervisory personnel to operate the fire department.

(c) For financing a plan approved in accordance with this section, bonds and ad valorem taxes must be authorized and may be issued or imposed as provided by law for the authorization and issuance of other bonds and the authorization and imposition of other ad valorem taxes of the district.

(d) Two or more districts may contract to operate a joint fire department for their districts and shall include in the contract a system for joint administration and operation of the fire department, the extent of services to be provided, a method for funding the department from funds of each district, and any other terms and conditions the parties consider necessary.

(e) A district may contract with any other person to perform fire-fighting services within the district.

(f) Before a district imposes an ad valorem tax or issues bonds payable wholly or partly from ad valorem taxes to finance the establishment of a fire department, contracts to operate a joint fire department, or contracts with another person to perform fire-fighting services within the district, the district must comply with Subsections (g), (h), and (i).

(g) A district or districts proposing to act jointly shall develop a detailed plan for the establishment, operation, and maintenance of the proposed department, including a detailed presentation of all financial requirements. If a district is entering into a contract under Subsection (e), the district shall develop a plan that describes the contract and includes a presentation of the financial requirements under the contract. A plan required by this subsection may be included in a plan or report otherwise required by this title for the creation of a district or may be submitted to the commission for approval at any time after the creation of the district.

(h) If a plan was not approved by the commission at the time of the district's creation, after adoption of the plan and any contract by the board, the plan and financial presentation, together with any contract and a written report in a form prescribed by the executive director describing existing fire departments and fire-fighting services available within 25 miles of the boundaries of the district, shall be submitted to the executive director for consideration by the commission under rules adopted by the commission. Before the commission approves the application, it must find that it is economically feasible for the district to implement the plan and meet the provisions of any contract and shall take into consideration in giving its approval the general financial condition of the district and the economic feasibility of the district carrying out the plan or meeting the obligations of the contract. A plan approved by the commission as part of the creation of a district does not require further commission approval unless the district materially alters the plan.

(i) After approval of a plan by the commission, the district shall hold an election to approve the plan, approve bonds payable wholly or partly from ad valorem taxes, and impose ad valorem taxes for financing the plan. The election may be held in conjunction with an election required by Section 49.102.

(j) The operation of a fire department or provision of fire-fighting services is an essential public necessity, and a district may discontinue any and all services, including water and sewer service, to any person who fails to timely pay fire department service fees or any other assessment adopted by the district to support the fire department or the provision of fire-fighting services.

(k) In this section, "fire-fighting services" means all of the customary and usual services of a fire department, including fire suppression, fire prevention, training, safety education, maintenance, communications, medical emergency services, photography, and administration.

(l) A district providing potable water or sewer service to household users may, as part of its billing process, collect from its customers a voluntary contribution on behalf of organizations providing fire-fighting services to the district. A district that chooses to collect a voluntary contribution under this subsection must give reasonable notice to its customers that the contribution is voluntary. Water and sewer service may not be terminated as a result of failure to pay the voluntary contribution.

(m) If a customer makes a partial payment of a district bill for water or sewer service and includes with the payment a voluntary contribution for fire-fighting services under Subsection (l), the district shall apply the voluntary contribution first to the bill for water or sewer service, including any interest or penalties imposed. The district shall use any amount remaining for fire-fighting services.

(n) Notwithstanding any other provision of this section, a district may not charge a fee to a recreational vehicle park, as defined by Section 13.087, on the basis of connections the park provides for the park's transient customers. A fee charged to a recreational vehicle park must be based on the park's nonsubmetered master meter connection.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 2, eff. Sept. 1, 1995.
Amended by Acts 1997, 75th Leg., ch. 1070, Sec. 23, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 1423, Sec. 23, eff. June 17, 2001; Acts 2003, 78th Leg., ch. 248, Sec. 24, eff. June 18, 2003.
Amended by:
Acts 2013, 83rd Leg., R.S., Ch. 105 (S.B. 902), Sec. 20, eff. September 1, 2013.
Acts 2013, 83rd Leg., R.S., Ch. 991 (H.B. 2152), Sec. 2, eff. September 1, 2013.
Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(62), eff. September 1, 2015.
Acts 2019, 86th Leg., R.S., Ch. 1128 (H.B. 2590), Sec. 3, eff. September 1, 2019.

Sec. 49.352. MUNICIPAL SYSTEM IN UNSERVED AREA. (a) This section applies only to a home-rule municipality that:

(1) is located in a county with a population of more than 1.75 million that is adjacent to a county with a population of more than 1 million; and

(2) has within its boundaries a part of a district.

(b) If a district does not establish a fire department under this subchapter, a municipality that contains a part of the district inside its boundaries may by ordinance or resolution provide that a water system be constructed or extended into the area that is in both the municipality and the district for the delivery of potable water for fire flow that is sufficient to support the placement of fire hydrants and the connection of the water system to fire suppression equipment.

(c) For purposes of this section, a municipality may obtain single certification in the manner provided by Section 13.255, except that the municipality may file an application with the Public Utility Commission of Texas to grant single certification immediately after the municipality provides notice of intent to provide service as required by Section 13.255(b).

Added by Acts 1997, 75th Leg., ch. 1010, Sec. 6.33, eff. Sept. 1, 1997.
Amended by:
Acts 2013, 83rd Leg., R.S., Ch. 170 (H.B. 1600), Sec. 2.86, eff. September 1, 2013.
Acts 2013, 83rd Leg., R.S., Ch. 171 (S.B. 567), Sec. 86, eff. September 1, 2013.

Sec. 49.353. MUNICIPAL CONTRACT FOR FIRE-FIGHTING SERVICES IN CERTAIN COUNTIES. (a) In this section, "fire-fighting services" has the meaning assigned by Section 49.351.

(b) This section applies only to a district:

(1) located wholly or partly in a county with a population of more than 3.3 million; and

(2) in whose territory an emergency services district that provides fire-fighting services to all or part of the district is wholly or partly located.

(c) Notwithstanding Section 43.0751(f)(2)(B)(iii), Local Government Code, as part of a strategic partnership agreement entered into on or before December 31, 2006, under Section 43.0751, Local Government Code, a district may contract with a municipality whose fire department, on the date the agreement is entered into, has an Insurance Services Office (ISO) Class 1 Public Protection Classification Rating or

compacts varying recognized by the state from time to time, but the provision of this section shall not be construed to limit the power of the commission to make such rules and regulations as may be necessary to carry out the provisions of this section. Nothing in this section shall be construed to limit the power of the commission to provide flow-lighting services to the district demonstrating before the commission that such flow-lighting services are required for safety purposes.

(c) Nothing in this section shall be construed to prohibit a district with a municipality that includes the principal flow-lighting facilities of the district from providing flow-lighting services to the municipality and to the municipal utility district that is wholly within the municipality.

(d) Nothing in this section shall be construed to prohibit a municipal utility district from providing flow-lighting services to a municipality if the district demonstrates before the commission that such flow-lighting services are required for safety purposes.

(e) This section does not apply to a strategic partnership agreement under Section 65.074.

(f) Subsection (a) of this section does not apply to a district:

(1) amended after December 31, 2005, to include the provision of flow-lighting services;

(2) created after December 31, 2005, to include the provision of flow-lighting services.

Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(a), eff. Sept. 1, 1995. Amd. Acts 2005, 79th Leg., ch. 1, Sec. 3, eff. Jan. 19, 2005.

SUBCHAPTER E. NOTICE, REPORTS, AND AUDITS

Sec. 49.451. NOTICE ACROSS ZONE IN DISTRICT. (a) A district operating under a district plan approved by the commission may not at any time after the effective date of this section of the creation of the district or the approval of the district plan, whichever is later, cross a zone in the district without giving notice to the district.

(b) The notice must be given in the manner and form prescribed by the state agency determined by the executive director.

Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(a), eff. Sept. 1, 1995.

Sec. 49.452. NOTICE TO PROPERTOWNERS. (a) In this section, "property owner" means a district:

(1) internal to Chapter 275, Local Government Code, or substantially similar to a district internal to Chapter 275, Local Government Code;

(2) in providing or proposing to provide, in the discretion of the commission, a service or facility substantially similar to a service or facility provided by a municipal utility district or a water control and improvement district that is not a municipal utility district or a fresh water supply district or a fresh water supply district that is not a municipal utility district or a water control and improvement district that is not a municipal utility district or a fresh water supply district or a municipal utility district that is not a fresh water supply district or a water control and improvement district that is not a municipal utility district or a fresh water supply district;

(3) [Repealed.]

(4) [Repealed.]

(5) [Repealed.]

(6) [Repealed.]

(7) [Repealed.]

(8) [Repealed.]

(9) [Repealed.]

(10) [Repealed.]

(11) [Repealed.]

(12) [Repealed.]

(13) [Repealed.]

(14) [Repealed.]

(15) [Repealed.]

(16) [Repealed.]

(17) [Repealed.]

(18) [Repealed.]

(19) [Repealed.]

(20) [Repealed.]

(21) [Repealed.]

(22) [Repealed.]

licensed professional engineer certifies that the site is reasonably free of any hazardous or toxic substances or contaminants and shall include:

(a) The engineer may consider the following factors in determining the reasonable value of the site of a water supply or water system:

(1) The rules, regulations, and design guidelines or criteria of the appropriate state and federal regulatory agencies;

(2) Ground water quality and quantity;

(3) The impact on adjoining property;

(4) The cost of complying with the requirements for the proposed use;

(5) The requirements for sanitary control;

(6) The need for a buffer zone to mitigate noise or for aesthetic purposes;

(7) Access to storm water quality and quantity;

(8) anticipated expansions of facilities resulting from:

(a) Growth and development in the surrounding area; or

(b) changes in regulatory requirements.

Added by Acts 2005, 79th Leg., R.S., Ch. 195 (H.B. 901), Sec. 12, effective September 1, 2013.

Sec. 49.0401. DISTRICT IN CERTAIN COUNTIES: BONDS FOR RECREATIONAL FACILITIES.

Text of section effective until approved by the voters of S.J.R. 32, 85th Leg., R.S.

(a) A district all or part of which is located in Bastrop County, Bexar County, Hardin County, Harris County, Jefferson County, Liberty County, Montgomery County, Williamson County, Travis County, Williamson County, Bastrop County, Fort Bend County, Brazoria County, Galveston County, Brazoria County, Montgomery County, or Waller County may issue bonds supported by and secured by ad valorem taxes to pay for the development and maintenance of recreational facilities only if the district is located in a county with a population of more than 1,000,000 and the district is located within the area described in a petition filed with the commission by the petitioner, or, if the undersigned principal amount of bonds, or bonds, notes, and other obligations issued to finance recreational facilities supported by ad valorem taxes may not exceed an amount equal to one percent of the value of the taxable property in the district as shown by the tax roll of the central appraisal district at the time a district under this section, the undersigned principal amount of bonds, or bonds, notes, and other obligations issued to finance recreational facilities in the district may be estimated by the petitioner to be equal to one percent of the value of the taxable property in the district as shown by the tax roll of the central appraisal district at the time of the execution of the petition. The district may issue bonds supported by ad valorem taxes to pay for the development and maintenance of recreational facilities only if the principal amount of bonds, notes, and other obligations issued to finance recreational facilities supported by ad valorem taxes does not exceed an amount equal to one percent of the value of the taxable property in the district as shown by the tax roll of the central appraisal district at the time of the issuance of the bonds, notes, and other obligations issued to finance recreational facilities supported by ad valorem taxes. The principal amount of bonds, notes, and other obligations issued to finance recreational facilities supported by ad valorem taxes may be estimated by the petitioner to be equal to one percent of the value of the taxable property in the district as shown by the tax roll of the central appraisal district at the time of the execution of the petition. The district may issue bonds supported by ad valorem taxes to pay for the development and maintenance of recreational facilities only if the value of the taxable property in a district under this section, the undersigned principal amount of bonds, or bonds, notes, and other obligations issued to finance recreational facilities in the district may be estimated by the appraisal district. The district may not issue bonds supported by ad valorem taxes to pay for the development and maintenance of:

(1) indoor or outdoor swimming pools or

(2) golf courses.

Text of section effective on approval by the voters of S.J.R. 32, 85th Leg., R.S.

(a) A district all or part of which is located in Bastrop County, Bexar County, Hardin County, Harris County, Williamson County, Travis County, Williamson County, Bastrop County, Fort Bend County, Brazoria County, Galveston County, Brazoria County, Montgomery County, or Waller County may issue bonds supported by and secured by ad valorem taxes to pay for the development and maintenance of recreational facilities only if the district is located in a county with a population of more than 1,000,000 and the district is located within the area described in a petition filed with the commission by the petitioner, or, if the undersigned principal amount of bonds, or bonds, notes, and other obligations issued to finance recreational facilities supported by ad valorem taxes may not exceed an amount equal to one percent of the value of the taxable property in the district as shown by the tax roll of the central appraisal district at the time of the execution of the petition. The district may issue bonds supported by ad valorem taxes to pay for the development and maintenance of recreational facilities only if the principal amount of bonds, notes, and other obligations issued to finance recreational facilities supported by ad valorem taxes does not exceed an amount equal to one percent of the value of the taxable property in the district as shown by the tax roll of the central appraisal district at the time of the issuance of the bonds, notes, and other obligations issued to finance recreational facilities supported by ad valorem taxes. The principal amount of bonds, notes, and other obligations issued to finance recreational facilities supported by ad valorem taxes may be estimated by the petitioner to be equal to one percent of the value of the taxable property in the district as shown by the tax roll of the central appraisal district at the time of the execution of the petition. The district may issue bonds supported by ad valorem taxes to pay for the development and maintenance of recreational facilities only if the value of the taxable property in a district under this section, the undersigned principal amount of bonds, or bonds, notes, and other obligations issued to finance recreational facilities in the district may be estimated by the appraisal district. The district may not issue bonds supported by ad valorem taxes to pay for the development and maintenance of:

(1) indoor or outdoor swimming pools or

(2) golf courses.

(b) The district may issue bonds, notes, and other obligations issued to finance a recreational facility under Subsection (a) only if the district has adopted a contract authorization resolution and the value of the taxable property in the district or, if supported by ad valorem taxes, the value of the taxable property in the district taxable property in the district making payments under the contract, if the district is a:

(1) municipal utility district with a contract authorized value of 10 percent;

(2) credit rating that conforms to commission rules;

(3) credit enhanced rating on the district's proposed bond issue that conforms to commission rules;

(4) a contract with a political subdivision or an entity authorized to provide the recreational facilities under which the political subdivision or the entity agrees to provide to the district taxes or payments in an amount sufficient to pay the district's obligations under the contract for the facilities, including a contract authorized by Section 49.0401.

(b) On or before the 15th day before the first day for early voting by personal appearance in the election at which the proposition to issue bonds for the development and maintenance of recreational facilities is to be held, the petitioner shall file in the office of the secretary of state a copy of the petition with the petition filed in the office of the public park plan covering the land, improvements, facilities, and equipment to be acquired and maintained by the district, including a description of the land, improvements, facilities, and equipment, and explaining the park plan. The park plan is not part of the proposition to be voted on at the election but is intended to be a guide to the use of the bonds expected to be issued if the proposition is approved. The park plan provided under this phase. The estimated cost stated in the amended park plan shall be the amount of bonds authorized by the election at which the proposition is approved.

(c) Notice of a bond election for the development and maintenance of recreational facilities shall be given in the manner provided by Section 49.102. The notice must include a statement that the proposition to be voted on includes the construction, purchase, acquisition, and maintenance of improvements and facilities and equipment necessary for the development and maintenance of the issuance of bonds.

(d) The proposition for development and maintenance of recreational facilities may be held on the same day as another district election if the ballot for the election at which the proposition is submitted includes the proposition and another district ballot. The ballot for the multiple purposes is a single proposition at an election.

(e) The district may call a bond election for the development and maintenance of recreational facilities as a result of an agreement to create a recreational facility under Section 49.0402.

(f) This section does not apply to a district all or part of which:

(1) is located in Montgomery County; and

(2) is located in a municipality with a population of least 15,000, all of which is wholly or partially located in a municipality subject to restrictive covenants containing ad valorem assessments.

Added by Acts 2005, 79th Leg., ch. 345, Sec. 4, eff. Sept. 15, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1420 (H.B. 3121), Sec. 1, eff. Sept. 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 195 (H.B. 901), Sec. 22, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 487 (H.B. 1413), Sec. 1, eff. June 15, 2015.

Acts 2023, 88th Leg., R.S., Ch. 17 (S.B. 938), Sec. 1.

Sec. 49.405. STANDARD. The board by rule shall establish standards of recreational facilities to be developed and maintained by a district and for the allocation of a district's funds for developing and maintaining recreational facilities. The board may establish sanitary financial requirements for other purposes. To prevent duplication of recreational facilities provided by other governmental entities, rules adopted by the board under this section must require a district, before developing and maintaining a facility, to make financial and other data and location of the facilities have been established in consideration of other facilities and to provide a reasonable opportunity for the other entities, if they desire, to serve the area in which the district is located.

Added by Acts 2001, 77th Leg., ch. 1423, Sec. 24, eff. June 17, 2001.

Sec. 49.406. COMMISSION RULES. (a) The commission shall adopt rules for the development and maintenance of recreational facilities. The rules shall include standards of recreational facilities as supported by ad valorem taxes.

(b) The commission rules shall:

(1) emphasize the primary goal of financing water, sewer, and drainage facilities to serve the public;

(2) emphasize and encourage the secondary goal of financing recreational facilities;

(3) encourage the conservation of land to be used for recreational facilities.

Added by Acts 2005, 79th Leg., ch. 345, Sec. 7, eff. Sept. 15, 2001.

SUBCHAPTER D. EFFECT OF DISSOLUTION OF NONAGRICULTURAL LAND ON WATER RIGHTS

Sec. 49.501. DEFINITION. In this subchapter, "municipal water supplier" means a municipal, a water supply corporation, or special utility district converted from a water supply corporation.

Added by Acts 2007, 80th Leg., R.S., Ch. 1420 (H.B. 3), Sec. 2, eff. September 1, 2007.

Renumbered from Sec. 49.401 by Acts 2009, 81st Leg., R.S., Ch. 1420 (H.B. 3), Sec. 2, eff. September 1, 2009.

Sec. 49.502. APPLICABILITY. This subchapter applies only to a district, other than a drainage district, located wholly or partly in a municipal water supplier:

(1) that borders the Gulf of Mexico and the Texas-Mexico States; or

(2) that is adjacent to a county described by Subdivision (1).

Added by Acts 2007, 80th Leg., R.S., Ch. 1420 (H.B. 3), Sec. 2, eff. September 1, 2007.

Renumbered from Sec. 49.402 by Acts 2009, 81st Leg., R.S., Ch. 1420 (H.B. 3), Sec. 2, eff. September 1, 2009.

Sec. 49.503. PETITION BY MUNICIPAL WATER SUPPLIER TO CONVERT WATER OR SEWER SERVICE. (a) This section applies only to a district:

(1) that:

(a) subdivided into tract lots or blocks or small parcels of the general nature as town lots or blocks;

(b) dedicated streets, alleys, and parks for residential or commercial purposes, including schools, churches, cemeteries, public parks, dedicated or reserved public or quasi-public property and rights-of-way;

(c) is a subdivision created to meet the requirements of a governmental entity authorized to require a recorded plan of subdivided lands;

(d) that is in a subdivision for which a plat or map has been filed and recorded in the office of the county clerk of each county in which the district is located before the date of the petition;

(e) that is located in a municipal water supplier's service area in the municipal water supplier's certificated service area or its extraterritorial jurisdiction;

(f) a municipal water supplier that serves land described by Subdivision (1) of this section shall petition a municipal water supplier to convert the proportionate irrigation water right to the Rio Grande Regional Water Authority, if the municipal water supplier is a member of the Rio Grande Regional Water Authority, for the use and benefit of the municipal water supplier.

(2) a municipal water supplier shall file the petition with the district not later than January 1 after the expiration of ten years after the date on which the last contract with the district has ended. The district shall consider the petition not later than January 31 of the year in which the date on which the petition was filed.

(3) the petition must identify by subdivision name or other sufficient description the land to be included in the district and must state that the right to irrigation water is appurtenant to the land.

(4) This section applies only to land that is not in a municipal water supplier's service area or certificated service area or in a municipal water supplier's limited or inactive status.

(5) the official posting place for the district's board meetings at the district's office.

(6) If, not later than 90 days after the last date on which the district posted notice, a municipal water supplier in a county described by Section 49.502 has contracted with the district for the use and benefit of the use of the water, the district may contract with any other person for the use of the water on the terms of the offer to the municipal water supplier under Subsection (b).

Added by Acts 2007, 80th Leg., R.S., Ch. 1420 (H.B. 3), Sec. 2, eff. September 1, 2007.

Renumbered from Sec. 49.403 by Acts 2009, 81st Leg., R.S., Ch. 1420 (H.B. 3), Sec. 2, eff. September 1, 2009.

Sec. 49.504. EFFECT OF MUNICIPAL WATER SUPPLIER'S FAILURE TO FILE A PETITION. (a) If a municipal water supplier does not file a petition under Section 49.503, the district may petition the retail water rights for use and benefit of the municipal water supplier under the terms of the offer to sale or use of the water as determined by the district.

(b) The municipal water supplier may purchase the use of water under the terms of the offer with a proportionate irrigation water right described by Section 49.502, the district must, for 90 days:

(1) post a copy of the offer on the Rio Grande Regional Water Authority's web site;

(2) post the offer on the official posting place for the district's board meetings at the district's office.

(c) If, not later than 90 days after the last date on which the district posted notice, a municipal water supplier in a county described by Section 49.502 has contracted with the district for the use and benefit of the use of the water, the district may contract with any other person for the use of the water on the terms of the offer to the municipal water supplier under Subsection (b).

Added by Acts 2007, 80th Leg., R.S., Ch. 1420 (H.B. 3), Sec. 2, eff. September 1, 2007.

Renumbered from Sec. 49.404 by Acts 2009, 81st Leg., R.S., Ch. 1420 (H.B. 3), Sec. 2, eff. September 1, 2009.

Sec. 49.505. CALCULATION OF PROPORTIONATE WATER RIGHTS. (a) Notwithstanding Section 49.502, the board may by rule, not to impose the requirement of a proportionate irrigation water right to the Rio Grande Regional Water Authority, if the board determines that the proportionate amount of water rights is equal to the amount of irrigation access to the municipal water supplier's service area.

(1) 2.25 acre-feet per irrigable acre; or

(2) the amount of the irrigation water rights owned by the district on September 1, 2007, as of the water rights had been converted to municipal water rights under the conversion rules, divided by the total amount of irrigable acres of land in the district on September 1, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 1420 (H.B. 3), Sec. 2, eff. September 1, 2007.

Renumbered from Sec. 49.405 by Acts 2009, 81st Leg., R.S., Ch. 1420 (H.B. 3), Sec. 2, eff. September 1, 2009.

Sec. 49.506. PROVISION ON CONVERSION OF PROPORTIONATE WATER RIGHTS TO MUNICIPAL USE. (a) Notwithstanding the second sentence of Section 49.503, a municipal water supplier files a petition under Section 49.503.

(b) The board may by rule provide that the proportionate irrigation water rights described by Section 49.502 may be converted from the district's existing water rights or

(c) The district shall, if the district does not have sufficient existing water rights:

(1) provide the appropriate amendments to the district's water rights under commission rules to convert the proportionate water rights described by Section 49.502 to municipal use with appropriate priority of allocation; and

(2) provide to the municipal water supplier the converted water rights under the terms of the offer.

(b) The district may continue to use the irrigation use water for district purposes.

(c) The commission approves the amendment to the district's water rights.

(d) The water is otherwise provided to the municipal water supplier.

(e) The municipal water supplier that exercises the option under Subsection (a)(2) shall provide the municipal water supplier with an amount of water equal to the amount of water converted in the amendment proceedings. The district is not required to begin the proceedings under this section if the municipal water supplier does not enter into an agreement with the district. The municipal water supplier shall pay the district the amount of the proceeds from the sale of water rights for the amendment and refund the balance of the deposit if the actual cost is less than the deposit.

Added by Acts 2007, 80th Leg., R.S., Ch. 1420 (H.B. 3), Sec. 2, eff. September 1, 2007.

Renumbered from Sec. 49.406 by Acts 2009, 81st Leg., R.S., Ch. 1420 (H.B. 3), Sec. 2, eff. September 1, 2009.

Sec. 49.507. CONTRACT TO PURCHASE PROPORTIONATE WATER RIGHTS. (a) Municipal water supplier may enter into a contract to purchase the proportionate water rights described by Section 49.502.

(b) The purchase price may not exceed 40 percent of the current market value of the proportionate water rights.

(c) The municipal water supplier pay the contract.

(d) The municipal water supplier shall file an instrument entitled "Water Rights Sales Contract."

(e) The contract must include the purchase price for the water rights to be sold and the terms of the sale. The contract must be signed with a municipal water priority of allocation and may not exceed the sum of:

(1) an amount equal to the district's annual fixed rate charge per acre-foot of water;

(2) the district's annual rate charge for the proportionate water fixed rate acre of irrigable property in the district.

(f) The contract must include the terms of the sale and the terms of payment of the contract price.

(g) The municipal water supplier shall determine the fixed rate charge and irrigation per acre charge described by Subsection (e).

(h) The municipal water supplier may not exceed the "Water Supply Contract." The contract may contain any terms to which the parties agree.

(i) The municipal water supplier shall provide a copy of the Rio Grande water rights not later than the 15th day after the date the contract is signed.

Added by Acts 2007, 80th Leg., R.S., Ch. 1420 (H.B. 3), Sec. 2, eff. September 1, 2007.

Renumbered from Sec. 49.407 by Acts 2009, 81st Leg., R.S., Ch. 1420 (H.B. 3), Sec. 2, eff. September 1, 2009.

Sec. 49.508. DUTY OF RIO GRANDE REGIONAL WATER AUTHORITY TO CALCULATE CURRENT MARKET VALUE. (a) Subject to Subsection (d), the Rio Grande Regional Water Authority shall calculate the current market value by using the average price per acre-foot of water rights under the conversion rules and shall provide to municipal use water with a municipal priority of allocation under Subsection (b) and the fixed rate charge per acre-foot:

(1) a municipal water supplier;

(2) a party other than a municipal water supplier; and

(3) a municipal water supplier that is a member of a municipal priority of allocation.

(b) The Rio Grande Regional Water Authority shall use information from the water rights sales contracts reported to the Rio Grande Regional Water Authority under Section 49.509 to calculate:

(1) the Rio Grande Regional Water Authority shall make the calculation:

(2) using the average price per acre-foot of water rights under the conversion rules;

(3) for purposes of this subsection, "water boundaries of a district" means the boundaries of the district's water rights under the conversion rules and shall provide to municipal use water with a municipal priority of allocation under Subsection (b) and the fixed rate charge per acre-foot:

(1) a municipal water supplier;

(2) a party other than a municipal water supplier; and

(3) a municipal water supplier that is a member of a municipal priority of allocation.

(c) The Rio Grande Regional Water Authority shall use information from the water rights sales contracts reported to the Rio Grande Regional Water Authority under Section 49.509 to calculate:

(1) the Rio Grande Regional Water Authority shall make the calculation:

(2) using the average price per acre-foot of water rights under the conversion rules;

(3) for purposes of this subsection, "water boundaries of a district" means the boundaries of the district's water rights under the conversion rules and shall provide to municipal use water with a municipal priority of allocation under Subsection (b) and the fixed rate charge per acre-foot:

(1) a municipal water supplier;

(2) a party other than a municipal water supplier; and

(3) a municipal water supplier that is a member of a municipal priority of allocation.

(d) Subject to Subsection (e), the Rio Grande Regional Water Authority shall calculate the current market value by using the average price per acre-foot of water rights under the conversion rules and shall provide to municipal use water with a municipal priority of allocation under Subsection (b) and the fixed rate charge per acre-foot:

(1) a municipal water supplier;

(2) a party other than a municipal water supplier; and

(3) a municipal water supplier that is a member of a municipal priority of allocation.

(e) The Rio Grande Regional Water Authority shall use information from the water rights sales contracts reported to the Rio Grande Regional Water Authority under Section 49.509 to calculate:

(1) the Rio Grande Regional Water Authority shall make the calculation:

(2) using the average price per acre-foot of water rights under the conversion rules;

(3) for purposes of this subsection, "water boundaries of a district" means the boundaries of the district's water rights under the conversion rules and shall provide to municipal use water with a municipal priority of allocation under Subsection (b) and the fixed rate charge per acre-foot:

(1) a municipal water supplier;

(2) a party other than a municipal water supplier; and

(3) a municipal water supplier that is a member of a municipal priority of allocation.

(f) The Rio Grande Regional Water Authority shall use information from the water rights sales contracts reported to the Rio Grande Regional Water Authority under Section 49.509 to calculate:

(1) the Rio Grande Regional Water Authority shall make the calculation:

(2) using the average price per acre-foot of water rights under the conversion rules;

(3) for purposes of this subsection, "water boundaries of a district" means the boundaries of the district's water rights under the conversion rules and shall provide to municipal use water with a municipal priority of allocation under Subsection (b) and the fixed rate charge per acre-foot:

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(g) The Rio Grande Regional Water Authority shall use information from the water rights sales contracts reported to the Rio Grande Regional Water Authority under Section 49.509 to calculate:

(1) the Rio Grande Regional Water Authority shall make the calculation:

(2) using the average price per acre-foot of water rights under the conversion rules;

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(1) the Rio Grande Regional Water Authority shall make the calculation:

(2) using the average price per acre-foot of water rights under the conversion rules;

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(2) a party other than a municipal water supplier; and

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(1) the Rio Grande Regional Water Authority shall make the calculation:

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(1) the Rio Grande Regional Water Authority shall make the calculation:

(2) using the average price per acre-foot of water rights under the conversion rules;

(3) for purposes of this subsection, "water boundaries of a district" means the boundaries of the district's water rights under the conversion rules and shall provide to municipal use water with a municipal priority of allocation under Subsection (b) and the fixed rate charge per acre-foot:

(1) a municipal water supplier;

(2) a party other than a municipal water supplier; and

(3) a municipal water supplier that is a member of a municipal priority of allocation.

(ee) The Rio Grande Regional Water Authority shall use information from the water rights sales contracts reported to the Rio Grande Regional Water Authority under Section 49.509 to calculate:

(1) the Rio Grande Regional Water Authority shall make the calculation:

(2) using the average price per acre-foot of water rights under the conversion rules;

(3) for purposes of this subsection, "water boundaries of a district" means the boundaries of the district's water rights under the conversion rules and shall provide to municipal use water with a municipal priority of allocation under Subsection (b) and the fixed rate charge per acre-foot:

(1) a municipal water supplier;

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(1) a municipal water supplier;

(2) a party other than a municipal water supplier; and

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