

A NONSUBSTANTIVE REVISION
OF LOCAL LAWS RELATING TO
SPECIAL DISTRICTS

Submitted to the 84th Legislature
as part of the
Texas Legislative Council's
Statutory Revision Program

Austin, Texas

2015

FOREWORD

The Texas Legislative Council is required by Section 323.007, Government Code, to carry out a complete nonsubstantive revision of the Texas statutes. The process involves reclassifying and rearranging the statutes in a more logical order, eliminating repealed, invalid, duplicative, and other ineffective provisions while employing a format and numbering system that will accommodate future expansion of the law, and improving the draftsmanship of the statutes as practicable. The revision is intended to further the legislature's stated purpose of making the statutes "more accessible, understandable, and usable" without altering the sense, meaning, or effect of the law.

Under the new classification scheme adopted by the Texas Legislative Council, the statutes will eventually consist of 27 codes, each governing a different subject matter. To date, the council has produced and the legislature has enacted the Agriculture Code, Alcoholic Beverage Code, Business & Commerce Code, Civil Practice and Remedies Code, Education Code, Election Code (a substantive revision), Estates Code, Finance Code, Government Code, Health and Safety Code, Human Resources Code, Insurance Code, Labor Code, Local Government Code, Natural Resources Code, Occupations Code, Parks and Wildlife Code, Property Code, Tax Code (Title 1 of which was a substantive revision), Transportation Code, Utilities Code, and Water Code. The 78th Legislature, Regular Session, 2003, enacted a Special District Local Laws Code of which the following revised laws form a part. The council's staff also assisted the state bar in the Business Organizations Code, Penal Code, and Family Code projects, which were substantive revisions, and revised miscellaneous criminal procedure provisions as Title 2 of the Code of Criminal Procedure.

The revised local laws governing special districts included in this revision are placed into the Special District Local Laws Code enacted by the 78th Legislature, Regular Session, 2003, according to the structure established by that enactment. The Special District Local Laws Code is divided into titles by broad subject matter, subtitles by type of special district, chapters governing individual districts, subchapters for organization, and sections for distinct provisions of law. Sections are numbered decimally, with the number to the left of the decimal the same as the number of the chapter in which the section is contained. Because the code concerns a great number of individual special districts, the code is organized to provide a unique chapter number for each district whose governing laws have been revised. Gaps have been left in chapter and section numbering to accommodate later expansions of the law.

This revisor's report reflects the enactment of Chapter 855, Acts of the 84th Legislature, Regular Session, 2015, the Texas Legislative Council staff's revision of local laws governing various kinds of special districts in this state. The revisor's report states the Revised Law, which is the text of the new law, and then provides the Source Law, which is the text of the former law from which the new law was derived. If further explanation of either the revised law or the source law is required, a Revisor's

Note is included after the source law. All substance of the source law is revised in the revised law or the reason for its omission is explained in a revisor's note.

Note that this revision does not take effect until April 1, 2017, to provide all affected persons a complete legislative cycle to review the revision more closely.

Because of the extensive reorganization of many statutes, and even provisions within a statute, it may be helpful to refer to the source law for a given chapter as a whole, so that it may be read in its former context, and to refer to the disposition table, which shows where the former statutes, as revised, appear in this code. The disposition table is printed as Appendix C to the revisor's report.

The revision required conforming amendments to several statutes. These amendments, also enacted into law by Chapter 855, Acts of the 84th Legislature, Regular Session, 2015, are printed in Appendix A to the revisor's report. Appendix A also includes a section listing the laws repealed effective April 1, 2017, and a section stating the legislature's intent that the code be a nonsubstantive revision.

In reviewing this revisor's report, the reader should keep in mind that:

(1) Except as otherwise provided, Chapter 311, Government Code (Code Construction Act), applies to the code. That chapter sets out certain principles of statutory construction applicable to new codes and also provides some definitions. The chapter is printed as Appendix B to this report.

(2) The proposed code is written in modern American English. Where possible, the present tense is used, the active voice is used in preference to the passive voice, and the singular is used in preference to the plural.

(3) This is a nonsubstantive revision. The Texas Legislative Council staff's authority does not include improving the substance of the source law. The sole purpose of the revision is to compile all the relevant law, arrange it in a logical fashion, and rewrite it without altering its sense, meaning, or legal effect. If a particular source law statute is ambiguous and the ambiguity cannot be resolved without a potential substantive effect, the ambiguity is preserved.

The revision of municipal utility district statutes in this revision project is under the direction of Brett Ferguson, Legislative Counsel, of the Texas Legislative Council's legal division staff. The revision of water control and improvement district statutes in this revision project is under the direction of Krissie Farmer, Legislative Counsel, of the Texas Legislative Council's legal division staff. The revision of other water district statutes in this revision project is under the direction of Nelissa Conners, Legislative Counsel, of the Texas Legislative Council's legal division staff. Questions may be directed to the appropriate person at P.O. Box 12128, Capitol Station, Austin, Texas 78711-2128, or by telephone at (512) 463-1151.

1 SPECIAL DISTRICT LOCAL LAWS CODE
2 TITLE 6. WATER AND WASTEWATER
3 SUBTITLE A. DRAINAGE DISTRICTS
4 CHAPTER 6610. SAN PATRICIO COUNTY DRAINAGE DISTRICT
5 CHAPTER 6611. WILLACY COUNTY DRAINAGE DISTRICT NO. 2
6 CHAPTER 6612. CAMERON COUNTY DRAINAGE DISTRICT NO. 1
7 CHAPTER 6613. CAMERON COUNTY DRAINAGE DISTRICT NO. 3
8 CHAPTER 6614. OLD RIVER DRAINAGE DISTRICT OF LIBERTY COUNTY,
9 TEXAS, NO. 1
10 SUBTITLE B. FRESH WATER SUPPLY DISTRICTS
11 CHAPTER 6910. HULL FRESH WATER SUPPLY DISTRICT
12 CHAPTER 6912. MEMORIAL VILLAGES WATER AUTHORITY
13 CHAPTER 6914. PETTUS MUNICIPAL UTILITY DISTRICT
14 CHAPTER 6915. PORT MANSFIELD PUBLIC UTILITY DISTRICT
15 SUBTITLE C. SPECIAL UTILITY DISTRICTS
16 CHAPTER 7216. JOHNSON COUNTY SPECIAL UTILITY DISTRICT
17 SUBTITLE F. MUNICIPAL UTILITY DISTRICTS
18 CHAPTER 8228. WOOD TRACE MUNICIPAL UTILITY DISTRICT NO. 1, OF
19 MONTGOMERY COUNTY, TEXAS
20 CHAPTER 8371. SAGEMEADOW UTILITY DISTRICT
21 CHAPTER 8372. SHASLA PUBLIC UTILITY DISTRICT
22 CHAPTER 8386. SPANISH COVE PUBLIC UTILITY DISTRICT
23 CHAPTER 8392. SPENCER ROAD PUBLIC UTILITY DISTRICT
24 CHAPTER 8408. THUNDERBIRD UTILITY DISTRICT
25 CHAPTER 8409. PORT O'CONNOR IMPROVEMENT DISTRICT
26 CHAPTER 8411. SPRING MEADOWS MUNICIPAL UTILITY DISTRICT
27 CHAPTER 8412. VARNER CREEK UTILITY DISTRICT
28 CHAPTER 8415. WEST CEDAR CREEK MUNICIPAL UTILITY DISTRICT
29 CHAPTER 8440. WEST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 3
30 CHAPTER 8481. WEST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5
31 CHAPTER 8482. WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 12
32 CHAPTER 8485. WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 13
33 CHAPTER 8486. WILLIAMSON COUNTY WATER, SEWER, IRRIGATION, AND
34 DRAINAGE DISTRICT NO. 3

1 SUBTITLE G. RIVER AUTHORITIES

2 CHAPTER 8506. UPPER COLORADO RIVER AUTHORITY

3 SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS

4 CHAPTER 9020. DONAHOE CREEK WATERSHED AUTHORITY

5 CHAPTER 9023. DUVAL COUNTY CONSERVATION AND RECLAMATION DISTRICT

6 CHAPTER 9028. CHOCTAW WATERSHED WATER IMPROVEMENT DISTRICT

7 CHAPTER 9045. FALLBROOK UTILITY DISTRICT

8 CHAPTER 9049. HARRIS COUNTY WATER CONTROL AND IMPROVEMENT

9 DISTRICT-FONDREN ROAD

10 CHAPTER 9050. INVERNESS FOREST IMPROVEMENT DISTRICT

11 CHAPTER 9051. JEFFERSON COUNTY WATER CONTROL AND IMPROVEMENT

12 DISTRICT NO. 10

13 CHAPTER 9052. FLAMINGO ISLES MUNICIPAL UTILITY DISTRICT OF

14 GALVESTON COUNTY, TEXAS

15 CHAPTER 9053. LAZY RIVER IMPROVEMENT DISTRICT

16 CHAPTER 9055. WISE COUNTY WATER SUPPLY DISTRICT

17 CHAPTER 9056. WILLOW CREEK WATER CONTROL DISTRICT

18 CHAPTER 9057. MEDINA COUNTY WATER CONTROL AND IMPROVEMENT

19 DISTRICT NO. 2

20 CHAPTER 9059. RIO GRANDE PALMS WATER DISTRICT

21 CHAPTER 9060. SAN LEON MUNICIPAL UTILITY DISTRICT OF GALVESTON

22 COUNTY, TEXAS

23 CHAPTER 9061. TATTOR ROAD MUNICIPAL DISTRICT

24 CHAPTER 9062. TREASURE ISLAND MUNICIPAL UTILITY DISTRICT OF

25 BRAZORIA COUNTY, TEXAS

26 CHAPTER 9063. UPPER JASPER COUNTY WATER AUTHORITY

27 SUBTITLE X. DISTRICTS WITH COMBINED POWERS

28 CHAPTER 11005. MUENSTER WATER DISTRICT

29 CHAPTER 11006. SOUTH TEXAS WATER AUTHORITY

30 CHAPTER 11007. WEST JEFFERSON COUNTY MUNICIPAL WATER DISTRICT

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16 CHAPTER 6610. SAN PATRICIO COUNTY DRAINAGE DISTRICT

17 SUBCHAPTER A. GENERAL PROVISIONS

18 Revised Law

19 Sec. 6610.001. DEFINITIONS. In this chapter:

- 20 (1) "Board" means the board of directors of the
- 21 district.
- 22 (2) "Commissioners court" means the San Patricio
- 23 County Commissioners Court.
- 24 (3) "Director" means a member of the board.
- 25 (4) "District" means the San Patricio County Drainage
- 26 District. (Acts 61st Leg., R.S., Ch. 187, Sec. 1 (part); New.)

27 Source Law

28 Sec. 1. . . . [a . . . district] . . . to be

29 known as "San Patricio County Drainage District" of

30 San Patricio County, Texas (hereinafter referred to as

31 the "district"),

32 Revisor's Note

33 The definitions of "board," "commissioners

34 court," and "director" are added to the revised law for

35 drafting convenience and to eliminate frequent,

36 unnecessary repetition of the substance of the

1 definitions.

2 Revised Law

3 Sec. 6610.002. NATURE OF DISTRICT. The district is a
4 conservation and reclamation district created under Section 59,
5 Article XVI, Texas Constitution, to provide drainage for the
6 district and reclamation and drainage of the district's overflowed
7 lands and other lands needing drainage. (Acts 61st Leg., R.S., Ch.
8 187, Sec. 1 (part).)

9 Source Law

10 Sec. 1. That, under and pursuant to the
11 provisions of Article XVI, Section 59, Constitution of
12 Texas, there is hereby created within the State of
13 Texas, in addition to the districts into which the
14 state has heretofore been divided, a conservation and
15 reclamation district to provide drainage for all of
16 San Patricio County and Said district is hereby
17 created for the purpose of the reclamation and
18 drainage of its overflowed lands and other lands
19 needing drainage. Said district shall be a
20 governmental agency and body politic and corporate,
21

22 Revisor's Note

23 (1) Section 1, Chapter 187, Acts of the 61st
24 Legislature, Regular Session, 1969, states that the
25 district is created "within the State of Texas, in
26 addition to the districts into which the state has
27 heretofore been divided." The revised law omits the
28 quoted language because the absence of the language
29 does not imply that the legislature could create a
30 district outside this state or that the district is not
31 in addition to other districts created in this state.

32 (2) Section 1, Chapter 187, Acts of the 61st
33 Legislature, Regular Session, 1969, states that the
34 district is created to provide drainage for "all of San
35 Patricio County." The revised law substitutes
36 "district" for the quoted language because another
37 provision of that section (revised as Section
38 6610.004) provides that the boundaries of the district
39 are coterminous with the boundaries of San Patricio
40 County.

1 (3) Section 1, Chapter 187, Acts of the 61st
2 Legislature, Regular Session, 1969, refers to the
3 district as "a governmental agency and body politic
4 and corporate." The revised law omits the quoted
5 language because it duplicates a portion of Section
6 59(b), Article XVI, Texas Constitution, which provides
7 that a conservation and reclamation district is a
8 governmental agency and a body politic and corporate.

9 Revised Law

10 Sec. 6610.003. FINDINGS OF BENEFIT AND PURPOSE. (a) All
11 property in the district and in this state will benefit from the
12 district, the improvements and facilities acquired or constructed
13 under this chapter, and all the provisions of this chapter.

14 (b) The creation of the district is essential to accomplish
15 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
16 61st Leg., R.S., Ch. 187, Secs. 1 (part), 17.)

17 Source Law

18 Sec. 1. . . . the creation and establishment of
19 said district being essential to the accomplishment of
20 the purposes of Article XVI, Section 59, Constitution
21 of Texas;

22 Sec. 17. It is hereby found that all property,
23 both real and personal, within the district and within
24 the State of Texas is and will be benefited by said
25 district and by its improvements and facilities
26 acquired or constructed and to be acquired or
27 constructed under the provisions of this Act, and by
28 all of the provisions of this Act.

29 Revisor's Note

30 (1) Section 1, Chapter 187, Acts of the 61st
31 Legislature, Regular Session, 1969, states that the
32 "creation and establishment" of the district are
33 essential to accomplish the purposes of Section 59,
34 Article XVI, Texas Constitution. The revised law
35 omits "establishment" because "establishment" is
36 included in the meaning of "creation."

37 (2) Section 17, Chapter 187, Acts of the 61st
38 Legislature, Regular Session, 1969, refers to
39 "property, both real and personal." The revised law

1 omits the reference to "both real and personal"
2 because under Section 311.005(4), Government Code
3 (Code Construction Act), "property" means "real and
4 personal property."

5 Revised Law

6 Sec. 6610.004. DISTRICT TERRITORY. The district's
7 boundaries are coextensive with the boundaries of San Patricio
8 County unless the district's territory has been modified under:

- 9 (1) Subchapter J, Chapter 49, Water Code; or
10 (2) other law. (Acts 61st Leg., R.S., Ch. 187, Sec. 1
11 (part); New.)

12 Source Law

13 Sec. 1. . . . which district shall include all
14 the property and territory situated within San
15 Patricio County, Texas, the boundaries of said
16 district to be coterminous with the boundaries of said
17 county. . . .

18 Revisor's Note

19 (1) Section 1, Chapter 187, Acts of the 61st
20 Legislature, Regular Session, 1969, provides that the
21 district includes "all the property and territory
22 situated within San Patricio County, Texas," and that
23 the boundaries of the district are "coterminous with
24 the boundaries" of the county. The revised law
25 substitutes "coextensive" for "coterminous" because,
26 in context, "coterminous" and "coextensive" are
27 synonymous and "coextensive" is more commonly used.
28 The revised law also omits the statement that the
29 district includes all of the property and territory
30 situated in the county because it is redundant of the
31 statement that the boundaries of the district are
32 coextensive with the boundaries of the county.

33 (2) For the reader's convenience, the revised
34 law includes a reference to the authority to change the
35 district's territory under Subchapter J, Chapter 49,
36 Water Code, applicable to the district under Sections

1 49.001 and 49.002 of that chapter. The revised law
2 also includes a reference to the general authority of
3 the legislature to enact other laws under which the
4 district's territory may change.

5 Revised Law

6 Sec. 6610.005. LIBERAL CONSTRUCTION OF CHAPTER. This
7 chapter shall be liberally construed to effect its purposes. (Acts
8 61st Leg., R.S., Ch. 187, Sec. 16.)

9 Source Law

10 Sec. 16. This Act and all of the terms and
11 provisions hereof shall be liberally construed to
12 effectuate the purposes set forth herein.

13 Revisor's Note
14 (End of Subchapter)

15 Section 1, Chapter 187, Acts of the 61st
16 Legislature, Regular Session, 1969, provides that an
17 election must be held to confirm the creation of the
18 district, to abolish and consolidate San Patricio
19 County Conservation and Reclamation Districts Nos. 1,
20 2, and 3, and to authorize a maintenance tax for the
21 district. That section also provides procedures for
22 holding the election. Section 2, Chapter 187, Acts of
23 the 61st Legislature, Regular Session, 1969, provides
24 additional procedures for holding the election.
25 Section 3, Chapter 187, Acts of the 61st Legislature,
26 Regular Session, 1969, provides that if San Patricio
27 County Conservation and Reclamation Districts Nos. 1,
28 2, and 3 are abolished, their assets, liabilities,
29 records, and other property and facilities are
30 transferred to the district, all acquisitions of
31 property by the abolished districts are validated, and
32 title to that property is vested in the district.
33 Section 4, Chapter 187, Acts of the 61st Legislature,
34 Regular Session, 1969, provides, in part, that the
35 commissioners court must take certain actions after
36 the election is held. Because the creation of the

1 district, the abolition and consolidation of San
2 Patricio County Conservation and Reclamation
3 Districts Nos. 1, 2, and 3, and the authorization of a
4 maintenance tax were approved at an election, the
5 revised law omits the relevant provisions as executed.
6 The omitted law reads:

7 Sec. 1. . . . provided, however,
8 said district shall exercise no powers
9 unless and until its creation is confirmed
10 and San Patricio County Conservation and
11 Reclamation Districts Nos. 1, 2 and 3 are
12 abolished and consolidated into said
13 district by a majority of the duly qualified
14 resident electors of the district voting at
15 the election hereinafter provided for; and
16 provided further that said district shall
17 exercise no powers, and San Patricio County
18 Conservation and Reclamation Districts Nos.
19 1, 2 and 3 shall not be so abolished and
20 consolidated unless and until the levy of a
21 maintenance tax for said district is
22 authorized by a majority of the duly
23 qualified resident electors of the district
24 who own taxable property within said
25 district and who have duly rendered the same
26 for taxation voting at an election held for
27 such purposes. The form of ballot and other
28 matters relating to such maintenance tax
29 election shall be as provided for in Section
30 14. The election for the creation of the
31 district and abolition of said numbered
32 districts and their consolidation with said
33 district, and the election to authorize the
34 levy of a maintenance tax may be held at the
35 same time and places and by the same
36 election officials. In addition to the
37 requirements of the Texas Election Code,
38 the ballot for said confirmation, abolition
39 and consolidation election or elections
40 shall have printed thereon "For
41 Confirmation of District, Abolition of San
42 Patricio Conservation and Reclamation
43 Districts Nos. 1, 2 and 3 and their
44 Consolidation with San Patricio County
45 Drainage District," and the contrary
46 thereof.

47 Sec. 2. That as soon as practicable
48 after the effective date of this Act, the
49 Commissioners Court of San Patricio County,
50 Texas, shall order an election to be held
51 within the district on the proposition of
52 the confirmation of such district and
53 whether San Patricio County Conservation
54 and Reclamation Districts Nos. 1, 2 and 3
55 shall be abolished and consolidated into
56 said district and also on the proposition of
57 the levy of said maintenance tax. . . .

58 Sec. 3. San Patricio County
59 Conservation and Reclamation Districts Nos.
60 1, 2 and 3 have no outstanding bond
61 indebtedness, and, if a majority of the
62 qualified voters voting at said election

1 vote in favor of the confirmation of the
2 district, abolition of said three numbered
3 districts and their consolidation into the
4 district, and the authorization of a
5 maintenance tax, said numbered districts
6 shall be abolished and consolidated into
7 the district, and all of their assets,
8 liabilities, records, equipment, drainage
9 systems and ditches and canals, and other
10 properties and facilities shall thereafter
11 by operation of law be transferred to the
12 district; provided, that if any instruments
13 of transfer are required by law, the
14 governing bodies of said three numbered
15 districts are hereby directed to execute
16 the same. All acquisitions by said
17 districts of drainage systems and canals
18 and ditches, easements, rights-of-way and
19 other properties and facilities (whether
20 located on private property or public
21 property, either or both) are hereby in all
22 things validated; and upon a favorable vote
23 on the proposition hereinbefore mentioned
24 and authorization of said maintenance tax,
25 the title to same shall be vested in the
26 district.

27 Sec. 4. After such confirmation,
28 abolition and consolidation election and
29 maintenance tax election, the officials
30 conducting same shall make due returns to
31 the San Patricio County Commissioners Court
32 which shall canvass the returns thereof. If
33 a majority of the qualified electors voting
34 at the election vote in favor of such
35 confirmation, abolition and consolidation,
36 and the levy of a maintenance tax, said
37 court shall so find and declare the district
38 confirmed and the three numbered districts
39 abolished and consolidated with the
40 district and the district's authority to
41 levy said maintenance tax. . . .

42 SUBCHAPTER B. DISTRICT ADMINISTRATION

43 Revised Law

44 Sec. 6610.051. COMPOSITION OF BOARD; TERMS. (a) The board
45 consists of five directors appointed by the commissioners court as
46 follows:

47 (1) one director appointed from each county
48 commissioners precinct; and

49 (2) one director appointed from the county at large.

50 (b) Directors serve staggered two-year terms, with the
51 terms of two directors expiring on January 31 of each even-numbered
52 year and the terms of three directors expiring on January 31 of each
53 odd-numbered year.

54 (c) In January of each year, the commissioners court shall
55 appoint directors to succeed directors whose term of office will

1 expire January 31. The appointed directors' terms begin on
2 February 1 of that year. (Acts 61st Leg., R.S., Ch. 187, Sec. 4
3 (part).)

4 Source Law

5 Sec. 4. . . . Thereafter, the management and
6 control of said district is hereby and shall be vested
7 in a board of directors, which board shall be composed
8 of five persons One director shall be appointed
9 from each county commissioner's precinct and . . . one
10 director shall be appointed from the county at large.
11 Said board of directors shall be appointed by the San
12 Patricio County Commissioners Court, two to serve
13 through January 31, 1970, and three to serve through
14 January 31, 1971. Thereafter, in January of each
15 even-numbered year, beginning in 1970, the
16 commissioners court shall appoint two persons and in
17 each odd-numbered year three persons to serve as
18 directors for said district for a two year term of
19 office commencing February 1 and ending January 31.
20 . . .

21 Revisor's Note

22 (1) Section 4, Chapter 187, Acts of the 61st
23 Legislature, Regular Session, 1969, provides that "the
24 management and control of said district is hereby and
25 shall be vested" in a board of directors. The revised
26 law omits the quoted language because it duplicates,
27 in substance, parts of Sections 49.051 and 49.057,
28 Water Code. Throughout this chapter, the revised law
29 omits law that is superseded by Chapter 49, Water Code,
30 or that duplicates law contained in that chapter.
31 Chapter 49 (enacted in 1995) applies to the district
32 under Sections 49.001 and 49.002, Water Code.

33 (2) Section 4, Chapter 187, Acts of the 61st
34 Legislature, Regular Session, 1969, provides that of
35 the initial directors, two hold office for terms
36 expiring on January 31, 1970, and three for terms
37 expiring on January 31, 1971. The revised law omits as
38 executed the provision setting out the terms of the
39 initial directors, but preserves the staggering of
40 terms established by that provision.

41 Revised Law

42 Sec. 6610.052. QUALIFICATIONS FOR OFFICE. (a) A director

1 must:

2 (1) be at least 18 years of age;

3 (2) be a resident of this state; and

4 (3) own land subject to taxation in the district.

5 (b) A director appointed from a county commissioners
6 precinct must be a resident of the precinct for which the director
7 is appointed.

8 (c) A person is not eligible to serve as a director if the
9 person owes delinquent taxes to San Patricio County. (Acts 61st
10 Leg., R.S., Ch. 187, Sec. 4 (part).)

11 Source Law

12 Sec. 4. . . . [which board shall be composed of
13 five persons] each of whom must be at least 21 years of
14 age, a resident citizen of the State of Texas and the
15 owner of land subject to taxation within said
16 district. [One director shall be appointed from each
17 county commissioner's precinct and] shall be a
18 resident of the precinct for which he is appointed, and
19 No person who owes delinquent taxes to San
20 Patricio County, Texas, shall be eligible to serve as
21 director of the district.

22 Revisor's Note

23 (1) Section 4, Chapter 187, Acts of the 61st
24 Legislature, Regular Session, 1969, states that a
25 person must be "at least 21 years of age" to serve as a
26 director. The revised law substitutes "at least 18
27 years of age" for the quoted language because Section
28 129.001, Civil Practice and Remedies Code, establishes
29 18 years of age as the age of majority in this state.
30 Section 129.002, Civil Practice and Remedies Code,
31 provides that a law adopted before August 27, 1973,
32 that extends a right, privilege, or obligation to an
33 individual on the basis of a minimum age of 19, 20, or
34 21 years shall be interpreted as prescribing a minimum
35 age of 18 years. Section 4 was enacted in 1969 and has
36 not been amended.

37 (2) Section 4, Chapter 187, Acts of the 61st
38 Legislature, Regular Session, 1969, refers to a
39 "resident citizen" of the state. The revised law omits

1 "citizen" because, in the context of this section,
2 "resident citizen" and "resident" are synonymous and
3 "resident" is more commonly used.

4 Revised Law

5 Sec. 6610.053. DIRECTOR'S BOND. (a) Each director shall
6 furnish a bond for \$5,000 payable to the district and conditioned on
7 faithful performance of the director's duties.

8 (b) The bonds must be submitted to the commissioners court
9 for approval. (Acts 61st Leg., R.S., Ch. 187, Sec. 4 (part).)

10 Source Law

11 Sec. 4. . . . Each director shall . . . furnish
12 a bond for \$5,000 payable to the district and
13 conditioned upon the faithful performance of his
14 duties. Such bonds shall be submitted to the
15 commissioners court for approval. . . .

16 Revised Law

17 Sec. 6610.054. COMPENSATION OF DIRECTORS. (a) Each
18 director shall receive compensation as set by the commissioners
19 court in an amount not to exceed the sum of \$2,400 in any one
20 calendar year.

21 (b) In all areas of conflict with Subsection (a) of this
22 section, Section 49.060, Water Code, takes precedence.

23 (c) A director's compensation may be increased as
24 authorized by Section 49.060, Water Code, by resolution adopted by
25 the board in accordance with Subsection (e) of that section on or
26 after September 1, 1995. (Acts 61st Leg., R.S., Ch. 187, Sec. 8
27 (part); New.)

28 Source Law

29 Sec. 8. Each director shall receive such
30 compensation as may be fixed by the San Patricio County
31 Commissioners Court, but in no case shall such
32 compensation in any one calendar year exceed the sum of
33 \$2,400, and

34 Revisor's Note

35 (1) Section 8, Chapter 187, Acts of the 61st
36 Legislature, Regular Session, 1969, provides that
37 "[e]ach director shall receive such compensation as
38 may be fixed by the San Patricio County Commissioners

1 Court, but in no case shall such compensation in any
2 one calendar year exceed the sum of \$2,400." Section
3 49.060, Water Code, enacted in 1995 and applicable by
4 its own terms to the district, also provides for a
5 director's fees of office, computed on a rate per day
6 of certain service, and, under Subsection (a-1) of
7 that section, enacted in 2003, requires the board of
8 each district to adopt a resolution limiting a
9 director's total annual fees of office. Section
10 49.060(e) provides that, in all areas of conflict,
11 Section 49.060 takes precedence over all prior
12 statutory enactments and that, if the enactment of
13 that section would result in a fee increase, the
14 increase does not apply to a district unless the board
15 by resolution authorizes payment of the higher fees.
16 It is unclear to what extent the quoted language may be
17 in conflict with Section 49.060. To preserve the
18 ambiguity, the revised law includes the substance of
19 the quoted language and adds provisions necessary to
20 preserve the effect of Section 49.060 to the extent of
21 a conflict with that language.

22 (2) Section 8, Chapter 187, Acts of the 61st
23 Legislature, Regular Session, 1969, provides for
24 reimbursement of a director's actual traveling
25 expenses incurred in performing district business.
26 The revised law omits that provision because it is
27 expressly superseded by Section 49.060, Water Code.
28 The omitted law reads:

29 Sec. 8. . . . each director shall be
30 reimbursed for actual traveling expenses
31 incurred in performing district business.
32 . . .

33 Revised Law

34 Sec. 6610.055. BOARD VACANCY. If a vacancy occurs in the
35 office of director, the commissioners court shall appoint a
36 director for the unexpired term. (Acts 61st Leg., R.S., Ch. 187,

1 Sec. 4 (part).)

2 Source Law

3 Sec. 4. . . . Vacancies in the office of
4 director shall be filled by appointment by the San
5 Patricio County Commissioners Court for the unexpired
6 term. . . .

7 Revised Law

8 Sec. 6610.056. BOARD MEETINGS. (a) The board shall hold
9 regular meetings at least once each calendar month at times
10 prescribed by order adopted by the board.

11 (b) The board shall hold special meetings when called by the
12 board president or by any two other directors. The board secretary
13 shall give written notice of a special meeting to each director. A
14 director may waive the notice. (Acts 61st Leg., R.S., Ch. 187, Sec.
15 5 (part).)

16 Source Law

17 Sec. 5. . . . Regular meetings shall be held at
18 such times as may be prescribed by order adopted by the
19 board of directors; provided, that there shall be at
20 least one regular meeting during each calendar month.
21 Special meetings shall be held at any time as called by
22 the president or any two other members of the board of
23 directors, in which event the secretary shall give
24 written notice of any such special meeting to each
25 member of the board of directors; provided, however,
26 that any member may waive such notice. . . .

27 Revised Law

28 Sec. 6610.057. DISTRICT OFFICE. The board shall designate
29 the location of the district's principal office at any place within
30 the district. (Acts 61st Leg., R.S., Ch. 187, Sec. 6 (part).)

31 Source Law

32 Sec. 6. The board of directors shall designate
33 the location of the principal office of the district
34 which may be at any place within the district, and the
35 board may from time to time change such location. . . .

36 Revisor's Note

37 Section 6, Chapter 187, Acts of the 61st
38 Legislature, Regular Session, 1969, provides that the
39 board shall designate the location of a principal
40 office and that "the board may from time to time change
41 such location." The revised law omits the quoted
42 language because the power to designate the location

1 of the district's office implies the power to change
2 that designation at a later date.

3 Revised Law

4 Sec. 6610.058. DISTRICT EMPLOYEES. (a) The board shall set
5 the compensation of the general manager, attorneys, engineers, and
6 all other employees of the district.

7 (b) The board shall set the term and time of employment of
8 all employees of the district and the method by which an employee
9 may be discharged. (Acts 61st Leg., R.S., Ch. 187, Sec. 8 (part).)

10 Source Law

11 Sec. 8. . . . The board of directors shall fix
12 the compensation of the general manager, attorneys,
13 engineers and all other employees and laborers and
14 shall fix the term and time of employment of all
15 employees of the district and the method by which they
16 may be discharged.

17 Revisor's Note

18 Section 8, Chapter 187, Acts of the 61st
19 Legislature, Regular Session, 1969, refers to
20 "employees and laborers" of the district. The revised
21 law omits "laborers" because, in context, the term is
22 included in the meaning of "employees."

23 Revisor's Note
24 (End of Subchapter)

25 (1) Section 4, Chapter 187, Acts of the 61st
26 Legislature, Regular Session, 1969, provides that a
27 director serves until a successor is appointed and
28 qualified. The revised law omits that provision
29 because Section 17, Article XVI, Texas Constitution,
30 requires an officer in this state to continue to
31 perform the officer's duties until a successor has
32 qualified. The omitted law reads:

33 Sec. 4. . . . All directors shall
34 serve until their successors are appointed
35 and qualified. . . .

36 (2) Section 4, Chapter 187, Acts of the 61st
37 Legislature, Regular Session, 1969, requires each
38 director to subscribe to the constitutional oath of

1 office. The revised law omits that provision because
2 Section 1, Article XVI, Texas Constitution, requires
3 all elected and appointed officers to take the oath (or
4 affirmation) before assuming office. The omitted law
5 reads:

6 Sec. 4. . . . [Each director shall]
7 take the constitutional oath of office and
8

9 (3) Section 5, Chapter 187, Acts of the 61st
10 Legislature, Regular Session, 1969, provides for the
11 election of a board president, vice president, and
12 secretary. The revised law omits that provision
13 because it duplicates, in substance, parts of Section
14 49.054(a), Water Code. The omitted law reads:

15 Sec. 5. The board of directors shall
16 organize by electing a president, a vice
17 president, and a secretary. . . .

18 (4) Section 5, Chapter 187, Acts of the 61st
19 Legislature, Regular Session, 1969, provides that
20 three directors constitute a quorum. The revised law
21 omits that provision because it duplicates, in
22 substance, Section 311.013, Government Code (Code
23 Construction Act), which provides that a quorum of a
24 public body is a majority of the number of members
25 fixed by statute. The omitted law reads:

26 Sec. 5. . . . Any three directors
27 shall constitute a quorum in any meeting of
28 the board of directors. . . .

29 (5) Section 5, Chapter 187, Acts of the 61st
30 Legislature, Regular Session, 1969, provides that the
31 board of directors shall employ the persons necessary
32 for the proper operation of the district and lists
33 certain specific employees the board may employ. The
34 revised law omits the provision because it duplicates,
35 in substance, parts of Sections 49.056 and 49.057,
36 Water Code. The omitted law reads:

37 Sec. 5. . . . The board of directors
38 shall employ all necessary employees for

1 the proper handling and operation of the
2 business and affairs of the district.
3 Without limiting the generality of the
4 foregoing, it is expressly provided that
5 the board may employ a general manager,
6 attorneys, engineers, bookkeepers,
7 stenographers, clerical employees,
8 laborers and such other employees as may be
9 required in the judgment of said board.

10 (6) Section 6, Chapter 187, Acts of the 61st
11 Legislature, Regular Session, 1969, requires the board
12 to adopt a seal for the district. The revised law
13 omits that provision because it duplicates Section
14 49.061, Water Code. The omitted law reads:

15 Sec. 6. . . . Said board shall also
16 adopt a district seal.

17 SUBCHAPTER C. POWERS AND DUTIES

18 Revised Law

19 Sec. 6610.101. GENERAL POWERS. (a) The district has the
20 powers of government and may exercise the rights, privileges, and
21 functions provided under this chapter.

22 (b) The district may perform any act necessary or proper to
23 carry out a district purpose. (Acts 61st Leg., R.S., Ch. 187, Secs.
24 1 (part), 10 (part).)

25 Source Law

26 Sec. 1. . . . [Said district shall be a
27 governmental agency] . . . with the powers of
28 government and with the authority to exercise the
29 rights, privileges and functions hereinafter
30 specified and prescribed,

31 Sec. 10. In addition to the general powers
32 granted by this Act, said district shall be authorized
33 to exercise the following powers, privileges and
34 functions:

35 . . .
36 (j) To do any and all other acts or things
37 necessary or proper to carry into effect the purposes
38 for which the district is created.

39 Revisor's Note

40 Section 10, Chapter 187, Acts of the 61st
41 Legislature, Regular Session, 1969, gives the district
42 certain powers that are "[i]n addition to the general
43 powers granted by this Act." The revised law omits the
44 quoted language because the powers to which it refers
45 are expressly set forth in other sections of this

1 chapter and a general reference to them is
2 unnecessary.

3 Revised Law

4 Sec. 6610.102. GENERAL RECLAMATION AND DRAINAGE POWERS.

5 The district may:

6 (1) devise plans and construct works to lessen and
7 control floods and excess water;

8 (2) reclaim land in the district;

9 (3) provide drainage facilities and improvements for
10 the reclamation and drainage of the overflowed land and other land
11 in the district that needs drainage;

12 (4) acquire and construct properties, facilities, and
13 improvements inside or outside the district that in the judgment of
14 the board are necessary to lessen and control floods in the district
15 or to facilitate drainage and reclamation of land in the district;

16 (5) remove natural or artificial obstructions from
17 streams and watercourses; and

18 (6) clean, straighten, widen, and maintain streams,
19 watercourses, and drainage ditches. (Acts 61st Leg., R.S., Ch.
20 187, Sec. 10 (part).)

21 Source Law

22 Sec. 10. . . . said district shall be
23 authorized . . .

24 (c) To devise plans and construct works to
25 lessen and control floods and excess waters; to
26 reclaim lands in the district; to provide drainage
27 facilities and improvements for the reclamation and
28 drainage of the overflowed lands in the district and
29 other lands in the district needing drainage; to
30 acquire and construct properties and facilities and
31 improvements in and beyond the boundaries of the
32 district where, in the judgment of the board of
33 directors, such properties, facilities or
34 improvements are necessary to lessen and control
35 floods within the district or to facilitate the
36 drainage and reclamation of lands within the district;
37 and to remove obstructions, natural or artificial,
38 from streams and watercourses, and to clean,
39 straighten, widen and maintain streams, watercourses
40 and drainage ditches. . . .

41 Revised Law

42 Sec. 6610.103. ACQUISITION OF PROPERTY; EMINENT DOMAIN.

43 (a) The district, by gift, devise, purchase, lease, or

1 condemnation, may acquire an easement, right-of-way, or other
2 property needed to carry on the work of the district.

3 (b) The district may exercise the power of eminent domain.
4 Procedures with reference to condemnation, the assessment and
5 estimation of damages, payment, appeal, and entrance on property
6 pending appeal, and all other procedures prescribed by Chapter 21,
7 Property Code, apply to the district. (Acts 61st Leg., R.S., Ch.
8 187, Sec. 10 (part).)

9 Source Law

10 Sec. 10. . . . said district shall be
11 authorized . . .

12 (a) To acquire easements, rights-of-way and any
13 other property needed to carry on the work of the
14 District, by way of gift, devise, purchase, leasehold
15 or condemnation. The right of eminent domain is hereby
16 expressly conferred on said district, and the
17 procedure with reference to condemnation, the
18 assessment and estimating of damages, payment, appeal,
19 the entering upon the property pending appeal, and all
20 other procedures prescribed in Title 52 of the Revised
21 Civil Statutes of Texas, 1925, as heretofore or as may
22 hereafter be amended, shall apply to said district.
23 . . .

24 Revisor's Note

25 (1) Section 10(a), Chapter 187, Acts of the 61st
26 Legislature, Regular Session, 1969, provides that
27 "[t]he right of eminent domain is hereby expressly
28 conferred on said district." The revised law
29 substitutes for the quoted language a statement that
30 the district "may exercise the power of eminent
31 domain" because the provisions have the same meaning
32 and the reference to the exercise of the power of
33 eminent domain is consistent with modern usage in laws
34 relating to eminent domain.

35 (2) Section 10(a), Chapter 187, Acts of the 61st
36 Legislature, Regular Session, 1969, provides that
37 certain procedures prescribed in "Title 52 of the
38 Revised Civil Statutes of Texas, 1925, as heretofore
39 or as may hereafter be amended," apply to the district.
40 That statute was codified in 1983 as Chapter 21,
41 Property Code. The revised law is drafted

1 accordingly. The revised law omits the reference to
2 "as heretofore or as may hereafter be amended" because
3 under Section 311.027, Government Code (Code
4 Construction Act), a reference to a statute applies to
5 all reenactments, revisions, or amendments of that
6 statute unless expressly provided otherwise.

7 Revised Law

8 Sec. 6610.104. CONSTRUCTION ON PUBLIC LAND. (a) The
9 district may construct, acquire, own, and operate works, ditches,
10 canals, or other improvements over, across, through, under, or
11 along:

12 (1) a public stream, canal, road, or highway; or

13 (2) land belonging to this state.

14 (b) A plan for an improvement under Subsection (a) on a
15 state highway is subject to the approval of the Texas Department of
16 Transportation.

17 (c) A plan for an improvement under Subsection (a) on Texas
18 Department of Criminal Justice land is subject to the approval of
19 the Texas Board of Criminal Justice.

20 (d) A plan for an improvement of a public water supply canal
21 or public stream under Subsection (a) is subject to the approval of
22 the state or federal agency that has jurisdiction over or that owns
23 the public water supply canal or stream. (Acts 61st Leg., R.S., Ch.
24 187, Sec. 10 (part).)

25 Source Law

26 Sec. 10. . . . said district shall be
27 authorized . . .

28 (h) To construct, acquire, own and operate
29 works, ditches, canals, and other improvements over,
30 across, through, under and along any public stream,
31 canals, roads, highways or any lands belonging to the
32 State of Texas; provided that the plans for such
33 improvements on state highways shall be subject to the
34 approval of the State Highway Department and on Prison
35 System lands shall be subject to the approval of the
36 Texas Department of Corrections; and provided further
37 that the plans for such improvements on public water
38 supply canals or public streams shall be subject to the
39 approval of the agency or agencies of the state or
40 federal government having jurisdiction over or
41 ownership thereof. . . .

1 Revisor's Note

2 (1) Section 10(h), Chapter 187, Acts of the 61st
3 Legislature, Regular Session, 1969, refers to the
4 "State Highway Department." The revised law
5 substitutes "Texas Department of Transportation" for
6 "State Highway Department" to reflect the current name
7 of the agency with the relevant regulatory authority.

8 (2) Section 10(h), Chapter 187, Acts of the 61st
9 Legislature, Regular Session, 1969, refers to "Prison
10 System lands" and to the "Texas Department of
11 Corrections." The revised law substitutes "Texas
12 Department of Criminal Justice" for "Prison System"
13 and "Texas Board of Criminal Justice" for "Texas
14 Department of Corrections" because, under current law,
15 the Texas Department of Criminal Justice is the state
16 agency with primary responsibility for the development
17 of a state prison system, and the Texas Board of
18 Criminal Justice is the governing body of the
19 department.

20 Revised Law

21 Sec. 6610.105. COST OF RELOCATING OR ALTERING PROPERTY.

22 (a) In this section, "sole expense" means the actual cost of
23 relocating, raising, lowering, rerouting, changing the grade of, or
24 altering the construction of a facility described by Subsection (b)
25 in providing comparable replacement without enhancement of the
26 facility, after deducting from that cost the net salvage value of
27 the old facility.

28 (b) If the district's exercise of the power of eminent
29 domain, the power of relocation, or any other power makes necessary
30 the relocating, raising, lowering, rerouting, changing the grade
31 of, or altering the construction of a railroad, the necessary
32 action shall be accomplished at the sole expense of the district.

33 (Acts 61st Leg., R.S., Ch. 187, Sec. 10 (part).)

1 Source Law

2 Sec. 10. . . .

3 (a) . . . In the event that the district, in the
4 exercise of the power of eminent domain or power of
5 relocation, or any other power, makes necessary the
6 relocation, raising, lowering, rerouting or changing
7 the grade of, or altering the construction of any
8 railroad, all such necessary relocation, raising,
9 lowering, rerouting, or changing the grade or
10 alteration of construction shall be accomplished at
11 the sole expense of the district. The term "sole
12 expense" shall mean the actual cost of such
13 relocation, raising, lowering, rerouting, or change in
14 grade or alteration of construction in providing
15 comparable replacement without enhancement of such
16 facilities, after deducting therefrom the net salvage
17 value derived from the old facility. . . .

18 Revised Law

19 Sec. 6610.106. DISPOSAL OF DISTRICT PROPERTY. (a) The
20 district may sell, trade, or otherwise dispose of property or a
21 property right that is no longer needed for a district purpose.

22 (b) District land that adjoins privately owned land shall
23 revert to the adjoining landowner when no longer needed for a
24 district purpose. (Acts 61st Leg., R.S., Ch. 187, Sec. 10 (part).)

25 Source Law

26 Sec. 10. . . . said district shall be
27 authorized . . .

28 (b) To sell, trade or otherwise dispose of land
29 or other property or rights therein when the same are
30 no longer needed for the purpose for which the district
31 was created, provided, however, that any land of the
32 district which adjoins privately owned land shall
33 revert to the adjoining landowner or owners when no
34 longer needed for the purpose for which the district
35 was created. . . .

36 Revisor's Note

37 Section 10(b), Chapter 187, Acts of the 61st
38 Legislature, Regular Session, 1969, refers to "land or
39 other property." The revised law substitutes
40 "property" for the quoted language for the reason
41 stated in Revisor's Note (2) to Section 6610.003.

42 Revised Law

43 Sec. 6610.107. DISPOSAL OF IMPOUNDED WATER. The district
44 may sell or otherwise dispose of any water impounded by a district
45 improvement under conditions, contracts, and terms determined by
46 the board, subject to the approval of any other political

1 subdivision that has been granted rights to the water before May 13,
2 1969. (Acts 61st Leg., R.S., Ch. 187, Sec. 10 (part).)

3 Source Law

4 Sec. 10. . . . said district shall be
5 authorized . . .

6 (d) To sell or otherwise dispose of any waters
7 impounded by improvements of the district under such
8 conditions, contracts and terms as may be determined
9 by the board of directors, subject to approval of any
10 other political subdivision heretofore having been
11 granted rights in or to such waters, if any. . . .

12 Revisor's Note

13 Section 10(d), Chapter 187, Acts of the 61st
14 Legislature, Regular Session, 1969, refers to water
15 rights "heretofore" granted to a political subdivision
16 other than the district. The revised law refers to
17 rights granted "before May 13, 1969" because that was
18 the effective date of Chapter 187.

19 Revised Law

20 Sec. 6610.108. CONTRACTS AND COOPERATION WITH STATE AND
21 POLITICAL SUBDIVISIONS. The district may cooperate and contract
22 with an agency or political subdivision of this state to carry out a
23 district purpose. (Acts 61st Leg., R.S., Ch. 187, Sec. 10 (part).)

24 Source Law

25 Sec. 10. . . . said district shall be
26 authorized . . .

27 (e) To cooperate and contract with any
28 department or agency of the State of Texas, or any
29 political subdivision thereof or any municipal
30 corporation in such state, to carry out any purpose for
31 which the district is organized. . . .

32 Revisor's Note

33 (1) Section 10(e), Chapter 187, Acts of the 61st
34 Legislature, Regular Session, 1969, refers to a
35 "department or agency" of this state. The revised law
36 omits "department" because, in context, the meaning of
37 "department" is included in the meaning of "agency."

38 (2) Section 10(e), Chapter 187, Acts of the 61st
39 Legislature, Regular Session, 1969, refers to "any
40 political subdivision [of this state] or any municipal
41 corporation in such state." The revised law omits

1 "municipal corporation" because "municipal
2 corporation" is included in the meaning of "political
3 subdivision."

4 Revised Law

5 Sec. 6610.109. ARRANGEMENTS WITH UNITED STATES. (a) The
6 district may cooperate with, contract with, or receive a grant,
7 loan, or advancement from the United States to carry out a district
8 power or to further a district purpose.

9 (b) The district may contribute to the United States in
10 connection with any project that is undertaken by the United States
11 and affects or relates to a district purpose. (Acts 61st Leg.,
12 R.S., Ch. 187, Sec. 10 (part).)

13 Source Law

14 Sec. 10. . . . said district shall be
15 authorized. . . .

16 (f) To cooperate with and contract with the
17 United States of America or with any of its departments
18 or agencies now existing, or which may be created
19 hereafter, to carry out any of the powers or to further
20 any of the purposes set forth in this Act, and, for
21 such purposes, to receive grants, loans or
22 advancements therefrom; or to contribute to the United
23 States of America or any of its departments or agencies
24 in connection with any project undertaken by it
25 affecting or relating to any of the purposes for which
26 the district is organized. . . .

27 Revisor's Note

28 Section 10(f), Chapter 187, Acts of the 61st
29 Legislature, Regular Session, 1969, refers to the
30 United States of America or "any of its departments or
31 agencies now existing, or which may be created
32 hereafter." The revised law omits the quoted language
33 because under Section 311.005(9), Government Code
34 (Code Construction Act), "United States" includes a
35 department, bureau, or other agency of the United
36 States of America.

37 Revisor's Note
38 (End of Subchapter)

39 (1) Section 10(g), Chapter 187, Acts of the 61st
40 Legislature, Regular Session, 1969, provides that the
41 district may sue and be sued in the name of the

1 district and requires courts to take judicial notice
2 of the establishment and existence of the district.
3 The revised law omits that provision because it
4 duplicates, in substance, part of Section 49.066,
5 Water Code. The omitted law reads:

6 Sec. 10. . . . [said district shall
7 be authorized] . . .

8 (g) To sue and be sued in the name of
9 the district, and all courts shall take
10 judicial notice of the establishment and
11 existence of the district. . . .

12 (2) Section 10(i), Chapter 187, Acts of the 61st
13 Legislature, Regular Session, 1969, provides that the
14 district may maintain and operate the district's
15 facilities. The revised law omits that provision
16 because it duplicates, in substance, part of Section
17 49.211(b), Water Code. The omitted law reads:

18 Sec. 10. . . . [said district shall
19 be authorized] . . .

20 (i) To maintain and operate all
21 facilities of the district. . . .

22 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

23 Revised Law

24 Sec. 6610.151. DISBURSEMENT OF MONEY. The district may
25 disburse its money only by a check, draft, order, or other written
26 instrument signed by a person authorized to sign the instrument by
27 board order or resolution. (Acts 61st Leg., R.S., Ch. 187, Sec. 7
28 (part).)

29 Source Law

30 Sec. 7. . . . The moneys of the district shall
31 be disbursed only upon checks, drafts, orders or other
32 written instruments signed by such persons as shall be
33 authorized to sign the same by order or resolution
34 adopted by said board.

35 Revised Law

36 Sec. 6610.152. ACCOUNTS, CONTRACTS, AND OTHER RECORDS;
37 PUBLIC INSPECTION. (a) The board shall keep complete and accurate
38 accounts conforming to approved methods of bookkeeping.

39 (b) The accounts and all contracts, documents, and records
40 of the district shall be maintained at a place or places in the

1 district designated by the board.

2 (c) All contracts, documents, and records of the district
3 shall be open for public inspection at all reasonable times. (Acts
4 61st Leg., R.S., Ch. 187, Sec. 7 (part).)

5 Source Law

6 Sec. 7. The board of directors shall cause to be
7 kept and maintained complete and accurate accounts
8 conforming to approved methods of bookkeeping. Said
9 accounts and all contracts, documents and records of
10 the district shall be maintained at such place or
11 places in the district as may be designated by the
12 board of directors and shall be open for public
13 inspection at all reasonable times. . . .

14 Revisor's Note

15 Section 7, Chapter 187, Acts of the 61st
16 Legislature, Regular Session, 1969, provides that
17 "accounts and all contracts, documents and records of
18 the district . . . shall be open for public inspection
19 at all reasonable times." The revised law omits that
20 provision insofar as it pertains to accounts as
21 superseded by Sections 49.191(b) and 49.196(b), Water
22 Code (enacted by Section 2, Chapter 715, Acts of the
23 74th Legislature, Regular Session, 1995), which
24 provide that a district's fiscal records shall be
25 available for public inspection during regular
26 business hours.

27 Revised Law

28 Sec. 6610.153. FILING OF COPIES OF AUDIT REPORT. Copies of
29 the audit report prepared under Subchapter G, Chapter 49, Water
30 Code, shall be certified to by the accountant who performed the
31 audit and filed:

- 32 (1) as required by Section 49.194, Water Code; and
33 (2) with the state auditor. (Acts 61st Leg., R.S., Ch.
34 187, Sec. 7 (part); New.)

35 Source Law

36 Sec. 7. . . . Copies of the written report of
37 such audit, certified to by said accountant or
38 accountants, shall be sent to and kept on file with the
39 State Auditor of the State of Texas and at said
40 principal office and

1 Revisor's Note

2 (1) Section 7, Chapter 187, Acts of the 61st
3 Legislature, Regular Session, 1969, refers to various
4 audit procedures, including requirements regarding
5 filing of copies of the audit report. The revised law
6 omits certain of those procedures for the following
7 reasons. Chapter 49, Water Code, which was enacted by
8 Chapter 715, Acts of the 74th Legislature, Regular
9 Session, 1995, applies to the district by application
10 of Sections 49.001 and 49.002 of that chapter. As
11 further detailed in the revisor's notes that follow,
12 procedures that are superseded by Subchapter G,
13 Chapter 49, Water Code, have been omitted as
14 superseded by Section 49.191(b), Water Code, and the
15 specific provisions in Subchapter G that conflict with
16 Chapter 187. Section 49.191(b) provides that in all
17 areas of conflict, that subchapter takes precedence
18 over all prior statutory enactments.

19 For context and the convenience of the reader,
20 the revised law adds a reference to the audit report
21 prepared under Subchapter G, Chapter 49, Water Code,
22 and to Section 49.194 of that code, which governs the
23 filing of the report.

24 The revised law omits the requirement that a copy
25 of the audit report be filed at the principal office of
26 the district because it duplicates or is superseded by
27 Section 49.194(c), Water Code.

28 (2) Section 7, Chapter 187, Acts of the 61st
29 Legislature, Regular Session, 1969, provides that the
30 board shall cause a financial audit to be completed
31 within 90 days after the end of each calendar year.
32 The revised law omits that provision as superseded by
33 Sections 49.191(a), (b), and (d), Water Code, which
34 require an annual audit to be completed within 120 days

1 after the close of the district's fiscal year. The
2 omitted law reads:

3 Sec. 7. . . . The board shall cause
4 to be made and completed within 90 days
5 after the end of each calendar year an audit
6 of the books and accounts and financial
7 records of the district for such calendar
8 year,

9 (3) Section 7, Chapter 187, Acts of the 61st
10 Legislature, Regular Session, 1969, provides that the
11 audit shall be prepared by an independent certified
12 public accountant or firm of independent certified
13 public accountants. The revised law omits that
14 provision as superseded by Sections 49.191(b) and (c),
15 Water Code, which provide that the person who performs
16 the audit shall be a certified public accountant or
17 public accountant holding a permit from the Texas
18 State Board of Public Accountancy. The omitted law
19 reads:

20 Sec. 7. . . . such audit to be made
21 by an independent certified public
22 accountant or a firm of independent
23 certified public accountants. . . .

24 (4) Section 7, Chapter 187, Acts of the 61st
25 Legislature, Regular Session, 1969, provides that the
26 filed copies of the audit report shall be open to
27 public inspection at all reasonable times. Because
28 the audit report is a fiscal record for purposes of
29 Section 49.196(b), Water Code, the revised law omits
30 that provision for the reason stated in the revisor's
31 note to Section 6610.152. The omitted law reads:

32 Sec. 7. . . . [Copies of the written
33 report of such audit] . . . shall be open to
34 public inspection at all reasonable times.
35 . . .

36 Revised Law

37 Sec. 6610.154. DEPOSITORY. (a) The board shall designate
38 one or more banks in the district to serve as a depository for
39 district money.

40 (b) All district money shall be deposited in a depository

1 bank, except that sufficient money shall be remitted to the
2 appropriate bank of payment to pay the principal of and interest on
3 the district's outstanding bonds on or before the maturity date of
4 the principal and interest.

5 (c) To the extent that money in a depository bank is not
6 insured by the Federal Deposit Insurance Corporation, the money
7 must be secured in the manner provided by law for the security of
8 county funds.

9 (d) If the board designates a depository bank as the
10 treasurer of the district, the bank shall serve as the treasurer.
11 (Acts 61st Leg., R.S., Ch. 187, Sec. 9.)

12 Source Law

13 Sec. 9. The board of directors shall designate
14 one or more banks within the district to serve as the
15 depository for the funds of the district. All funds of
16 the district shall be deposited in such depository
17 bank or banks except sufficient funds shall be
18 remitted to the bank or banks of payment for payment of
19 principal of and interest on any outstanding bonds of
20 the district and in time that such may be received by
21 said bank or banks on or prior to the date of maturity
22 of such principal and/or interest so to be paid. To the
23 extent that funds in the depository bank or banks are
24 not insured by the Federal Deposit Insurance
25 Corporation, they shall be secured in the manner
26 provided by law for the security of county funds. Such
27 depository shall, if so designated by said board,
28 serve as the treasurer of said district.

29 Revisor's Note

30 Section 9, Chapter 187, Acts of the 61st
31 Legislature, Regular Session, 1969, refers to the
32 district's "funds." The revised law substitutes
33 "money" for "funds" because, in the context of
34 district funds, the meaning is the same and "money" is
35 the more commonly used term.

36 SUBCHAPTER E. TAXES

37 Revised Law

38 Sec. 6610.201. AD VALOREM TAX FOR MAINTENANCE AND
39 OPERATION. (a) The board may impose an annual ad valorem tax at a
40 rate not to exceed 35 cents on each \$100 valuation of taxable
41 property in the district for the maintenance, operation, upkeep,
42 and improvement of the district and the district's facilities,

1 properties, and improvements.

2 (b) The board may hold elections to increase, reduce, or
3 abate a tax imposed under this section, subject to the limitation
4 prescribed by Subsection (a).

5 (c) An election to authorize the imposition of the tax or a
6 subsequent tax election must be held as provided by Section
7 6610.202. (Acts 61st Leg., R.S., Ch. 187, Sec. 14 (part).)

8 Source Law

9 Sec. 14. In addition to taxes for bond purposes,
10 the board of directors may levy and cause to be
11 assessed and collected for the maintenance, operation,
12 upkeep and improvements of the district and its
13 facilities, properties and improvements, an annual ad
14 valorem tax at a rate not to exceed 35 cents on the \$100
15 valuation on all taxable property within the district;
16 [provided, that the proposition of levying such tax
17 shall be first submitted to the . . . voters . . . of
18 said district . . . at an election called and held for
19 such purpose,] Subsequent elections may be
20 ordered and held for the purpose of increasing (but not
21 in excess of 35 cents on the \$100 valuation of taxable
22 property in said district) reducing or abating such
23 tax. . . . the manner of holding same shall be as
24 provided in Section 2 hereof. . . .

25 Revisor's Note

26 (1) Section 14, Chapter 187, Acts of the 61st
27 Legislature, Regular Session, 1969, provides that
28 "[i]n addition to taxes for bond purposes," the board
29 may impose a tax for maintenance and operations.
30 Section 11, Chapter 187 (revised as Section 6610.251)
31 authorizes the district to impose taxes to pay for
32 bonds. Therefore, the revised law omits the quoted
33 language because an accepted general principle of
34 statutory construction requires that a statute be
35 given cumulative effect with other statutes unless the
36 statute provides otherwise or unless the statute
37 conflicts with another statute. That general
38 principle applies to the revised law.

39 (2) Section 14, Chapter 187, Acts of the 61st
40 Legislature, Regular Session, 1969, authorizes the
41 board to "levy and cause to be assessed and collected"
42 a tax. Throughout this chapter, the revised law

1 substitutes "impose" for "levy," "assess," "cause to
2 be collected," and similar terms and phrases because
3 "impose" is the term generally used in Title 1, Tax
4 Code, and includes the assessment, levying, and
5 collection of a tax.

6 (3) Section 14, Chapter 187, Acts of the 61st
7 Legislature, Regular Session, 1969, provides for the
8 imposition of a tax for maintenance and operations if
9 the tax is authorized by a majority of the voters
10 voting at an election held for that purpose. The
11 revised law omits that provision because it
12 duplicates, in substance, Section 49.107, Water Code.
13 Section 14 also refers to the "qualified voters and
14 electors of said district who own taxable property
15 within said district and who have duly rendered the
16 same for taxation." The revised law omits the quoted
17 language because Chapter 11, Election Code, governs
18 eligibility to vote in this state and allows only
19 "qualified" voters to vote in an election, and, in Hill
20 v. Stone, 421 U.S. 289 (1975), the United States
21 Supreme Court determined that property ownership as a
22 qualification for voting is an unconstitutional denial
23 of equal protection. The omitted law reads:

24 Sec. 14. . . . [the board of
25 directors may levy . . . an annual ad
26 valorem tax] . . . provided, that the
27 proposition of levying such tax shall be
28 first submitted to the qualified voters and
29 electors of said district who own taxable
30 property within said district and who have
31 duly rendered the same for taxation, at an
32 election called and held for such purpose,
33 and said proposition shall have been
34 favored by a majority vote of those voting
35 at such election. . . .

36 (4) Section 14, Chapter 187, Acts of the 61st
37 Legislature, Regular Session, 1969, provides that an
38 election shall be held as provided by "Section 2
39 hereof." The relevant provisions of Section 2,
40 Chapter 187, Acts of the 61st Legislature, Regular

1 Session, 1969, are revised as Section 6610.202. For
2 the reader's convenience, the revised law substitutes
3 a reference to Section 6610.202 for the quoted
4 language.

5 Revised Law

6 Sec. 6610.202. ELECTION FOR MAINTENANCE AND OPERATION TAX.

7 (a) The order calling an election under Section 6610.201 must
8 specify:

- 9 (1) the date of the election;
10 (2) the location of the voting places; and
11 (3) the presiding judge for each voting place.

12 (b) Notice of the election must be given by publishing a
13 substantial copy of the order calling the election in a newspaper of
14 general circulation in San Patricio County. The notice must be
15 published once each week for two consecutive weeks. The first
16 publication must be at least 14 days before the date of the
17 election.

18 (c) In addition to the requirements of the Election Code,
19 the ballots for an election for the imposition of a maintenance and
20 operation tax must have printed on them "For Maintenance tax" and
21 the contrary of that proposition.

22 (d) The failure of an election does not prohibit subsequent
23 elections for the same purpose. (Acts 61st Leg., R.S., Ch. 187,
24 Secs. 2 (part), 14 (part).)

25 Source Law

26 Sec. 2. . . . The order calling the election
27 shall specify the date and place or places of holding
28 same and the presiding judge for each voting place.
29 Notice of said election shall be given by publishing a
30 substantial copy of the election order in a newspaper
31 of general circulation in San Patricio County once a
32 week for two consecutive weeks, the first publication
33 to appear at least 14 days prior to the date set for the
34 election. The failure of any such election shall not
35 operate to prohibit the calling and holding of
36 subsequent elections for the same purposes.

37 Sec. 14. . . . [the proposition of levying such
38 tax shall be first submitted to the . . . voters . . .
39 at an election called and held for such purpose] . . .
40 In addition to the requirements of the Texas Election
41 Code, the ballot for such election or elections shall
42 have printed thereon "For Maintenance tax" and the

1 contrary thereof. [Subsequent elections may be ordered
2 and held for the purpose of increasing . . . reducing
3 or abating such tax.] Notice of such election and [the
4 manner of holding same shall be as provided in Section
5 2 hereof.] Maintenance taxes and bonds may be
6 authorized at the same election or elections. . . .

7 Revisor's Note

8 (1) Section 14, Chapter 187, Acts of the 61st
9 Legislature, Regular Session, 1969, provides that
10 "[m]aintenance taxes and bonds may be authorized at
11 the same election or elections." The revised law omits
12 that provision because it duplicates, in substance,
13 Section 49.107(c), Water Code, which provides that an
14 operation and maintenance tax election may be held at
15 the same time as any other district election.

16 (2) Section 14, Chapter 187, Acts of the 61st
17 Legislature, Regular Session, 1969, provides that the
18 Election Code applies to an election under that
19 section except as otherwise provided by that section.
20 The revised law omits the reference to the Election
21 Code because Section 1.002, Election Code, provides
22 that the Election Code applies to all elections held in
23 this state. An exception to the application of the
24 Election Code would apply by its own terms. The
25 omitted law reads:

26 Sec. 14. . . . Such election shall be
27 held in accordance with the Texas Election
28 Code, except as provided herein.

29 Revised Law

30 Sec. 6610.203. TAX ASSESSOR-COLLECTOR. The San Patricio
31 County tax assessor-collector shall assess and collect taxes
32 imposed by the board. (Acts 61st Leg., R.S., Ch. 187, Sec. 15
33 (part).)

34 Source Law

35 Sec. 15. . . . the County Tax
36 Assessor-Collector of San Patricio County, Texas, is
37 hereby named and appointed tax assessor-collector for
38 the district, and . . . taxes which said board has
39 levied [for bond and maintenance purposes, and] it
40 shall be the duty of said tax assessor-collector to
41 cause said taxes to be assessed and collected. . . .

1 Revisor's Note

2 Section 15, Chapter 187, Acts of the 61st
3 Legislature, Regular Session, 1969, provides that the
4 San Patricio County tax assessor-collector is "hereby
5 named and appointed" tax assessor-collector for the
6 district. The revised law omits the quoted language as
7 executed.

8 Revised Law

9 Sec. 6610.204. CERTIFICATION OF TAX RATE. Each year, the
10 board shall certify to the San Patricio County tax
11 assessor-collector the rate or rates of tax that the board has
12 imposed for bond and maintenance purposes. (Acts 61st Leg., R.S.,
13 Ch. 187, Sec. 15 (part).)

14 Source Law

15 Sec. 15. . . . The board of directors each year
16 shall certify to the County Tax Assessor-Collector of
17 San Patricio County the rate or rates of taxes [which
18 said board has levied] for bond and maintenance
19 purposes, and

20 Revisor's Note
21 (End of Subchapter)

22 (1) Section 15, Chapter 187, Acts of the 61st
23 Legislature, Regular Session, 1969, provides that the
24 assessed valuation of taxable property for district
25 purposes shall be the same as that for county purposes.
26 The revised law omits that provision because it
27 duplicates Section 18(b), Article VIII, Texas
28 Constitution, and Section 6.01, Tax Code. Section
29 18(b) requires the legislature by general law to
30 provide for a single appraisal in each county of all
31 property subject to ad valorem taxation by the county
32 and all other taxing units located in the county.
33 Section 6.01 establishes an appraisal district to
34 appraise property in each county and requires each
35 taxing unit that imposes ad valorem taxes on property
36 in the appraisal district to use that appraisal.
37 Section 6.01, Tax Code, applies to the district under

1 Section 1.02, Tax Code. The omitted law reads:

2 Sec. 15. The assessed valuations of
3 taxable properties for district purposes
4 shall be the same as that for county
5 purposes, and

6 (2) Section 15, Chapter 187, Acts of the 61st
7 Legislature, Regular Session, 1969, provides that the
8 Board of Equalization of San Patricio County is the
9 board of equalization for the district. The revised
10 law omits the references to a board of equalization
11 because boards of equalization were abolished and
12 their functions and duties transferred to appraisal
13 review boards by the 1979 enactment of the Property Tax
14 Code, Title 1, Tax Code (Section 1, Chapter 841, Acts
15 of the 66th Legislature, Regular Session). The
16 omitted law reads:

17 Sec. 15. . . . the Board of
18 Equalization of San Patricio County, Texas,
19 is hereby named, constituted and appointed
20 the board of equalization for such
21 district. . . .

22 (3) Section 15, Chapter 187, Acts of the 61st
23 Legislature, Regular Session, 1969, provides that the
24 state laws relating to the assessment and collection
25 of county taxes apply to the assessment and collection
26 of district taxes and authorizes the county tax
27 assessor-collector to include the amount of the
28 district tax on the annual county tax statements. The
29 revised law omits those provisions as repealed by
30 Chapter 841, Acts of the 66th Legislature, Regular
31 Session, 1979, enacting Title 1, Tax Code, a
32 comprehensive, substantive codification of the laws
33 governing the administration of ad valorem taxes, and
34 repealing all other general, local, and special laws
35 in conflict with that act, and as superseded by Section
36 1.02, Tax Code, which provides for the applicability
37 of Title 1, Tax Code, to all taxing units in this
38 state, including the district. The omitted law reads:

1 Sec. 15. . . . All laws of the State
2 of Texas relating to the assessing and
3 collecting of county taxes are by this Act
4 made available for, and shall be applied to,
5 the assessing of current taxes and to the
6 collection of both current and delinquent
7 taxes of the district. The amount of the
8 annual district tax may be included on the
9 annual county tax statements. . . .

10 (4) Section 15, Chapter 187, Acts of the 61st
11 Legislature, Regular Session, 1969, provides that the
12 county tax assessor-collector shall be paid a fee for
13 the assessment and collection of district taxes. The
14 revised law omits that provision for the reason stated
15 in Revisor's Note (3) to the end of this subchapter.
16 Section 6.27(b), Tax Code, provides for the
17 compensation of a county tax assessor-collector
18 assessing and collecting taxes for another taxing
19 unit. The omitted law reads:

20 Sec. 15. . . . The county tax
21 assessor-collector is entitled to receive
22 for assessing and collecting taxes of the
23 district the amount provided in Articles
24 3937 and 3939, Revised Civil Statutes of
25 Texas, 1925, as amended, for assessing and
26 collecting taxes for other water districts.

27 SUBCHAPTER F. BONDS

28 Revised Law

29 Sec. 6610.251. AUTHORITY TO ISSUE BONDS; TAXES FOR BONDS.

30 (a) The board may issue district bonds to acquire money to
31 accomplish any district purpose or carry out any power granted
32 under this chapter to the district.

33 (b) The board may impose continuing direct annual ad valorem
34 taxes on all taxable property in the district sufficient to:

35 (1) provide for the payment of the interest on the
36 bonds as the interest accrues; and

37 (2) create and provide for a sinking fund to pay the
38 principal of the bonds as the principal matures. (Acts 61st Leg.,
39 R.S., Ch. 187, Sec. 11 (part).)

40 Source Law

41 Sec. 11. The board of directors shall be
42 authorized from time to time, to issue the bonds of the

1 district for the purpose of acquiring funds with which
2 to accomplish and carry out any one or more of the
3 powers and purposes herein granted to the district,
4 and to provide for the payment of interest on said
5 bonds as it accrues and to create and provide a sinking
6 fund for the payment of the principal of said bonds as
7 it matures, by levying and causing to be assessed and
8 collected continuing direct annual ad valorem taxes on
9 all taxable property within the district sufficient
10 for such purposes. . . .

11 Revisor's Note

12 (1) Section 11, Chapter 187, Acts of the 61st
13 Legislature, Regular Session, 1969, authorizes the
14 board of directors to issue district bonds "from time
15 to time." The revised law omits "from time to time"
16 because the power to issue bonds implies the power to
17 do so at any time.

18 (2) Section 11, Chapter 187, Acts of the 61st
19 Legislature, Regular Session, 1969, refers to the
20 district's "funds." The revised law substitutes
21 "money" for "funds" for the reason stated in the
22 revisor's note to Section 6610.154.

23 Revised Law

24 Sec. 6610.252. FORM OF BONDS. District bonds and any
25 interest coupons appurtenant to the bonds must be signed and
26 executed as provided by the board in the order authorizing the
27 issuance of the bonds. (Acts 61st Leg., R.S., Ch. 187, Sec. 11
28 (part).)

29 Source Law

30 Sec. 11. . . . [bonds of the district] . . .
31 Said bonds and interest coupons, if any, appertaining
32 thereto . . . shall be executed, and . . . shall be
33 signed and executed, as provided by said board in the
34 order authorizing their issuance. . . .

35 Revised Law

36 Sec. 6610.253. MATURITY. District bonds must mature not
37 later than 40 years after their date of issuance. (Acts 61st Leg.,
38 R.S., Ch. 187, Sec. 11 (part).)

39 Source Law

40 Sec. 11. . . . [bonds of the district] . . .
41 Said bonds shall mature serially or otherwise not more
42 than 40 years from their date or dates and . . . all as
43 shall be determined by the district's board of

1 directors. . . .

2 Revisor's Note

3 Section 11, Chapter 187, Acts of the 61st
4 Legislature, Regular Session, 1969, provides that
5 district bonds shall mature "serially or otherwise
6 . . . all as shall be determined by the district's
7 board of directors." The revised law omits the quoted
8 language because it is superseded by Section 1201.021,
9 Government Code (enacted as Section 3, Bond Procedures
10 Act of 1981 (Article 717k-6, Vernon's Texas Civil
11 Statutes)), which provides that the governing body of
12 an issuer may determine the time of payment of public
13 securities it issues, and by Section 1201.022,
14 Government Code (enacted as Section 5(a), Bond
15 Procedures Act of 1981 (Article 717k-6, Vernon's Texas
16 Civil Statutes)), which provides that a public
17 security may be issued with specified characteristics,
18 on specified terms, or in a specified manner. Sections
19 1201.021 and 1201.022 apply to district bonds under
20 Sections 1201.002 and 1201.003, Government Code.

21 Revised Law

22 Sec. 6610.254. ELECTION REQUIRED. (a) Bonds, other than
23 refunding bonds, may not be issued under Section 6610.251 unless
24 first authorized by a majority of the voters voting at an election
25 held to determine whether the bonds should be issued and whether a
26 tax should be imposed to pay the principal of and interest on the
27 bonds.

28 (b) If a majority of the voters voting at a district bond
29 election vote in favor of the issuance of bonds and the imposition
30 of taxes, the board may:

31 (1) issue, sell, and deliver the bonds;

32 (2) receive and use the proceeds for district
33 purposes; and

34 (3) impose taxes on all taxable property in the
35 district sufficient to pay the interest on and principal of the

1 bonds.

2 (c) Notice of the election shall be given in the manner
3 provided by Section 6610.202.

4 (d) In addition to the requirements of the Election Code,
5 the ballots must have printed on them "For the bonds and levy of
6 taxes in payment thereof" and the contrary of that proposition.
7 (Acts 61st Leg., R.S., Ch. 187, Sec. 11 (part); New.)

8 Source Law

9 Sec. 11. [The board of directors shall be
10 authorized . . . to issue the bonds of the district]
11 . . . No such bonds (except refunding bonds) shall be
12 issued until they have first been authorized by a
13 majority vote of the voters qualified to vote on bond
14 issues under the Constitution of Texas, voting at an
15 election called and held for the purpose of
16 determining whether or not said bonds shall be issued
17 and whether or not taxes shall be levied to pay the
18 principal of and interest on such bonds. If a majority
19 of the qualified voters voting at such election shall
20 vote in favor of the issuance of bonds and the levy of
21 taxes, the board of directors shall be authorized to
22 issue, sell and deliver said bonds and to receive and
23 use the proceeds for the aforesaid purposes, and to
24 levy and cause to be assessed and collected taxes upon
25 all taxable property within the district sufficient to
26 pay the interest on and principal of said bonds. Notice
27 of such election shall be given as provided in Section
28 2 hereof. In addition to the requirements of the Texas
29 Election Code, the ballots for such election shall
30 have printed thereon "For the bonds and levy of taxes
31 in payment thereof," and the contrary thereof. . . .

32 Revisor's Note

33 (1) Section 11, Chapter 187, Acts of the 61st
34 Legislature, Regular Session, 1969, refers to a
35 majority vote of the voters "qualified to vote on bond
36 issues under the Constitution of Texas" and to a
37 majority of the "qualified" voters voting at an
38 election. The revised law omits the quoted language
39 for the reason stated in Revisor's Note (3) to Section
40 6610.201.

41 (2) Section 11, Chapter 187, Acts of the 61st
42 Legislature, Regular Session, 1969, refers to an
43 "election called and held" for the purpose of
44 authorizing the issuance of bonds. The revised law
45 omits "called" because under Chapter 3, Election Code,

1 all elections must be ordered (called) before they may
2 be held.

3 (3) Section 11, Chapter 187, Acts of the 61st
4 Legislature, Regular Session, 1969, provides that
5 notice of a bond election "shall be given as provided
6 in Section 2 hereof." The revised law substitutes a
7 reference to Section 6610.202 because the relevant
8 provisions of Section 2 are revised in that section of
9 this chapter.

10 (4) Section 11, Chapter 187, Acts of the 61st
11 Legislature, Regular Session, 1969, provides that a
12 bond election shall be held in accordance with the
13 Texas Election Code, except as otherwise provided by
14 the act. The revised law omits that provision for the
15 reason stated in Revisor's Note (2) to Section
16 6610.202. The omitted law reads:

17 Sec. 11. . . . Said election shall be
18 held in accordance with the Texas Election
19 Code, except as provided herein.

20 Revised Law

21 Sec. 6610.255. USE OF BOND PROCEEDS. (a) The board may
22 appropriate or set aside out of proceeds from the sale of district
23 bonds an amount for:

24 (1) the payment of interest expected to accrue during
25 the period of construction of improvements or facilities; and

26 (2) the payment of all expenses incurred and to be
27 incurred in the issuance, sale, and delivery of the bonds.

28 (b) For purposes of this section, the period of construction
29 may not exceed three years. (Acts 61st Leg., R.S., Ch. 187, Sec.
30 13(a).)

31 Source Law

32 Sec. 13. (a) From the proceeds of sale of any
33 bonds, the board may appropriate or set aside out of
34 the bond proceeds, an amount for the payment of
35 interest expected to accrue during the period of
36 construction of improvements or facilities, such
37 period not to exceed three years, and an amount
38 necessary to pay all expenses incurred and to be
39 incurred in the issuance, sale and delivery of the

1 bonds.

2 Revisor's Note
3 (End of Subchapter)

4 (1) Section 11, Chapter 187, Acts of the 61st
5 Legislature, Regular Session, 1969, provides that
6 district bonds may be issued in various series or
7 issues. The revised law omits that provision because
8 it duplicates, in substance, a provision of Section
9 1201.022, Government Code, which applies to district
10 bonds under Sections 1201.002 and 1201.003, Government
11 Code. The omitted law reads:

12 Sec. 11. . . . Said bonds may be
13 issued in various series or issues. . . .

14 (2) Sections 11 and 12, Chapter 187, Acts of the
15 61st Legislature, Regular Session, 1969, provide that
16 district bonds and refunding bonds, respectively,
17 shall bear interest at any rate determined by the board
18 that does not exceed six and a half percent per year.
19 Section 12 also provides that district refunding bonds
20 may not bear interest at a rate higher than the voted
21 maximum rate of the bonds being refunded. The revised
22 law omits those provisions because they are superseded
23 by other law. Chapter 3, Acts of the 61st Legislature,
24 Regular Session, 1969 (Article 717k-2, Vernon's Texas
25 Civil Statutes), now Chapter 1204, Government Code,
26 established a maximum interest rate for public
27 securities. Section 1204.006, Government Code,
28 reflecting the 1981 amendment of Article 717k-2 by
29 Section 1, Chapter 61, Acts of the 67th Legislature,
30 Regular Session, 1981, permits a public agency to
31 issue public securities at any net effective interest
32 rate of 15 percent or less as determined by the
33 governing body. Section 1204.006, Government Code,
34 applies to district bonds under Sections 1204.001 and
35 1204.002, Government Code. The omitted law reads:

36 Sec. 11. . . . [Said bonds] . . .

1 shall bear interest at any rate or rates,
2 not to exceed six and one half percent per
3 annum, [all as shall be determined by the
4 district's board of directors.] . . .

5 Sec. 12. . . . Said refunding bonds
6 . . . shall bear interest at any rate or
7 rates, not to exceed six and one half
8 percent per annum, all as shall be
9 determined by said board. Said refunding
10 bonds shall not bear interest at a rate or
11 rates higher than the voted maximum rate on
12 the bonds being refunded. . . .

13 (3) Sections 11 and 12, Chapter 187, Acts of the
14 61st Legislature, Regular Session, 1969, provide that
15 district bonds and refunding bonds, respectively, and
16 their interest coupons are negotiable instruments.
17 The revised law omits those provisions because Section
18 1201.041, Government Code, provides that a public
19 security is a negotiable instrument. Section 1201.041
20 applies to all district bonds under Sections 1201.002
21 and 1201.003, Government Code. The omitted law reads:

22 Sec. 11. . . . [Said bonds and
23 interest coupons, if any, appertaining
24 thereto] shall be negotiable instruments
25 and

26 Sec. 12. . . . Refunding bonds and
27 the interest coupons appurtenant thereto,
28 shall be negotiable instruments and

29 (4) Section 11, Chapter 187, Acts of the 61st
30 Legislature, Regular Session, 1969, provides that
31 district bonds and interest coupons may be registered
32 as to principal and interest. The revised law omits
33 that provision because it duplicates, in substance,
34 Section 1201.024, Government Code, which applies to
35 district bonds under Sections 1201.002 and 1201.003,
36 Government Code. The omitted law reads:

37 Sec. 11. . . . [Said bonds and
38 interest coupons] . . . may be issued
39 registrable as to principal and interest
40 and

41 (5) Section 11, Chapter 187, Acts of the 61st
42 Legislature, Regular Session, 1969, provides that
43 district bonds and interest coupons may be redeemed
44 before maturity. The revised law omits that provision
45 because it duplicates, in substance, Section

1 1201.021(4), Government Code, which applies to
2 district bonds under Sections 1201.002 and 1201.003,
3 Government Code. The omitted law reads:

4 Sec. 11. . . . [Said bonds and
5 interest coupons] . . . may be made
6 redeemable prior to maturity, and

7 (6) Section 11, Chapter 187, Acts of the 61st
8 Legislature, Regular Session, 1969, provides that
9 district bonds and interest coupons may be issued in
10 "such form, denominations and manner and under such
11 terms, conditions and details" as provided by the
12 board. The revised law omits that provision because it
13 duplicates general law applicable to the district.
14 Section 1201.024, Government Code, provides that an
15 issuer may specify the form of the bond that it issues.
16 Section 1201.021, Government Code, provides that the
17 governing body of an issuer may issue bonds in any
18 denomination. Section 1201.022, Government Code,
19 provides that a governmental entity may specify the
20 terms under which a bond is issued. "Conditions" and
21 "details" are included in the meaning of "terms."
22 Sections 1201.021, 1201.022, and 1201.024, Government
23 Code, apply to district bonds under Sections 1201.002
24 and 1201.003, Government Code. The omitted law reads:

25 Sec. 11. . . . [Said bonds and
26 interest coupons] . . . may be issued in
27 such form, denominations and manner and
28 under such terms, conditions and details,
29 and . . . [as provided by said board in the
30 order authorizing their issuance.] . . .

31 (7) Section 12, Chapter 187, Acts of the 61st
32 Legislature, Regular Session, 1969, requires the
33 district to submit bonds, including refunding bonds,
34 issued by the district to the attorney general for
35 examination and approval. The revised law omits those
36 provisions because they duplicate, in substance, parts
37 of Section 1202.003, Government Code, which applies to
38 the issuance of district bonds under Section 1202.001,

1 Government Code, and requires compliance with Chapter
2 1202, Government Code. The omitted law reads:

3 Sec. 12. All bonds issued by said
4 district shall be submitted to the Attorney
5 General of the State of Texas for
6 examination. If he finds that such bonds
7 have been authorized in accordance with
8 law, he shall approve them, and
9 Such refunding bonds, and the appropriate
10 proceedings relating thereto, shall be
11 submitted to the Attorney General of Texas
12 for examination. If he finds that such bonds
13 have been authorized in accordance with
14 law, he shall approve them and

15 (8) Section 12, Chapter 187, Acts of the 61st
16 Legislature, Regular Session, 1969, provides that
17 after approval, district bonds, including refunding
18 bonds, shall be registered by the comptroller. The
19 revised law omits those provisions as superseded by
20 Section 1202.005, Government Code (enacted in 1987 as
21 Section 3.002(c), Chapter 53, Acts of the 70th
22 Legislature, 2nd Called Session). Section 1202.005,
23 Government Code, applies to district bonds under
24 Sections 1202.001 and 1202.003, Government Code. The
25 omitted law reads:

26 Sec. 12. . . . [If he finds that such
27 bonds have been authorized in accordance
28 with law, he shall approve them, and]
29 thereupon they shall be registered by the
30 Comptroller of Public Accounts of the State
31 of Texas. . . . [refunding bonds . . .
32 shall be submitted to the Attorney General
33 If he finds that such bonds have
34 been authorized in accordance with law, he
35 shall approve them and] thereupon they
36 shall be registered by the Comptroller of
37 Public Accounts of the State of
38 Texas. . . .

39 (9) Section 12, Chapter 187, Acts of the 61st
40 Legislature, Regular Session, 1969, provides that
41 after approval and registration, district bonds,
42 including refunding bonds, are incontestable for any
43 reason. The revised law omits those provisions
44 because they duplicate, in substance, Section
45 1202.006, Government Code. Section 1202.006,
46 Government Code, applies to district bonds under

1 Sections 1202.001 and 1202.003, Government Code. The
2 omitted law reads:

3 Sec. 12. . . . After such approval
4 and registration such bonds shall be
5 incontestable in any court or other forum
6 for any reason, and shall be valid and
7 binding obligations in accordance with
8 their terms for all purposes. . . .
9 [refunding bonds . . . shall be registered]
10 After such approval and
11 registration such bonds shall be
12 incontestable in any court, or other forum,
13 for any reason, and shall be valid and
14 binding obligations in accordance with
15 their terms for all purposes.

16 (10) Section 12, Chapter 187, Acts of the 61st
17 Legislature, Regular Session, 1969, authorizes the
18 district to issue refunding bonds that mature serially
19 or otherwise to refund or refinance bonds issued by the
20 district, provides procedures applicable to refunding
21 bonds, and provides that refunding bonds shall be
22 issued as determined by the board. The revised law
23 omits the provisions authorizing the district to issue
24 refunding bonds, specifying the procedures applicable
25 to refunding bonds, and requiring that refunding bonds
26 be issued as determined by the board because they
27 duplicate, in substance, provisions of Chapter 1207,
28 Government Code, which provide general authority for
29 an issuer, including the district, to issue refunding
30 bonds, prescribe procedures applicable to those
31 refunding bonds, and provide that the issue of
32 refunding bonds is conducted by the governing body of
33 the issuer. Chapter 1207 applies to the district by
34 application of Section 1207.001, Government Code. The
35 revised law omits the provision specifying that the
36 bonds shall mature serially or otherwise for the
37 reason stated in the revisor's note to Section
38 6610.253. The omitted law reads:

39 Sec. 12. . . . Said board shall also
40 be authorized to refund or refinance all or
41 any part of its outstanding bonds and
42 matured but unpaid interest by the issuance

1 of refunding bonds. [Said refunding bonds]
2 shall mature serially or otherwise not more
3 than 40 years from their date, and . . .
4 [all as shall be determined by said board.
5 . . . Refunding bonds and . . . interest
6 coupons] . . . shall be issued as provided
7 in Section 11. Refunding bonds shall be
8 issued in lieu of, and upon surrender to the
9 Comptroller of Public Accounts of the State
10 of Texas, and cancellation of, the
11 obligations being refunded thereby, and the
12 comptroller of public accounts shall
13 register the refunding bonds and deliver
14 the same in accordance with the provisions
15 of the order authorizing refunding bonds.
16 Such refunding may be accomplished in one or
17 in several installment deliveries. . . .

18 (11) Section 13(b), Chapter 187, Acts of the
19 61st Legislature, Regular Session, 1969, lists the
20 entities for which district bonds are legal and
21 authorized investments and provides that district
22 bonds may secure deposits of public funds of the state
23 or political subdivisions. The revised law omits
24 those provisions because they duplicate, in substance,
25 Section 49.186, Water Code. While Section 13(b) lists
26 "guardians" and Section 49.186, Water Code, does not,
27 Section 49.186(a) includes "fiduciaries," and a
28 guardian is a fiduciary. The omitted law reads:

29 (b) All bonds issued by said district
30 shall be legal and authorized investments
31 for all banks, trust companies, building
32 and loan associations, savings and loan
33 associations, insurance companies of all
34 kinds and types, fiduciaries, trustees,
35 guardians, and for all interest and sinking
36 funds and other public funds of the State of
37 Texas, and all agencies, subdivisions, and
38 instrumentalities thereof, including all
39 counties, cities, towns, villages, school
40 districts, and all other kinds and types of
41 districts, public agencies and bodies
42 politic. Said bonds shall also be eligible
43 and lawful security for all deposits of
44 public funds of the State of Texas, and all
45 agencies, subdivisions and
46 instrumentalities thereof, including all
47 counties, cities, towns, villages, school
48 districts, and all other kinds and types of
49 districts, public agencies, and bodies
50 politic to the extent of the market value of
51 said bonds, when accompanied by any
52 unmatured interest coupons appurtenant
53 thereto.

1 Revisor's Note
2 (End of Chapter)

3 (1) Section 18, Chapter 187, Acts of the 61st
4 Legislature, Regular Session, 1969, contains
5 legislative findings relating to the performance of
6 the requirements of Section 59(d), Article XVI, Texas
7 Constitution, and to the authority of the legislature
8 to enact that chapter. The revised law omits the
9 provision as executed. The omitted law reads:

10 Sec. 18. The Legislature
11 specifically finds and declares that the
12 requirements of Article XVI, Section 59(d),
13 Constitution of Texas, have been met and
14 accomplished in due course and time, and in
15 due order, and that the Legislature has the
16 power and authority to enact this Act.

17 (2) Section 19, Chapter 187, Acts of the 61st
18 Legislature, Regular Session, 1969, provides that the
19 provisions of the act are severable. The revised law
20 omits that provision because the same result is
21 produced by the application of Section 311.032(c),
22 Government Code (Code Construction Act), which
23 provides that a provision of a statute is severable
24 from each other provision of the statute that can be
25 given effect. The omitted law reads:

26 Sec. 19. If any section, paragraph,
27 sentence, clause, phrase or word or other
28 part of this Act or the application thereof
29 to any person or circumstance shall be held
30 to be invalid or unconstitutional, the same
31 shall not affect any other section,
32 paragraph, sentence, clause, phrase, word,
33 or other part hereof or the application
34 thereof to other persons or circumstances.

35 CHAPTER 6611. WILLACY COUNTY DRAINAGE DISTRICT NO. 2

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20 CHAPTER 6611. WILLACY COUNTY DRAINAGE DISTRICT NO. 2

21 SUBCHAPTER A. GENERAL PROVISIONS

22 Revised Law

23 Sec. 6611.001. DEFINITIONS. In this chapter:

24 (1) "Board" means the board of directors of the
25 district.

26 (2) "Director" means a member of the board.

27 (3) "District" means the Willacy County Drainage
28 District No. 2. (Acts 61st Leg., R.S., Ch. 11, Sec. 1 (part); New.)

29 Source Law

30 Sec. 1. . . . a . . . district to be known as
31 "Willacy County Drainage District No. 2," hereinafter
32 called the "district,"

33 Revisor's Note

34 The definitions of "board" and "director" are
35 added to the revised law for drafting convenience and

1 to eliminate frequent, unnecessary repetition of the
2 substance of the definitions.

3 Revised Law

4 Sec. 6611.002. NATURE OF DISTRICT. The district is a
5 conservation and reclamation district created under Section 59,
6 Article XVI, Texas Constitution, for the sole purpose of the
7 reclamation and drainage of the district's overflowed lands and
8 other lands needing drainage. (Acts 61st Leg., R.S., Ch. 11, Secs.
9 1 (part), 3 (part).)

10 Source Law

11 Sec. 1. That, pursuant to authority conferred
12 by Article XVI, Section 59, of the Texas Constitution,
13 there is hereby created within the State of Texas, in
14 addition to the districts into which the state has
15 heretofore been divided, a conservation and
16 reclamation district [to be known as "Willacy County
17 Drainage District No. 2,"] . . . which shall be a
18 governmental agency and a body politic and corporate.

19 Sec. 3. Said district shall be considered to be
20 organized and existing for the sole purpose of the
21 reclamation and drainage of its overflowed lands and
22 other lands needing drainage, and

23 Revisor's Note

24 (1) Section 1, Chapter 11, Acts of the 61st
25 Legislature, Regular Session, 1969, states that the
26 district is created "within the State of Texas, in
27 addition to the districts into which the state has
28 heretofore been divided." The revised law omits the
29 quoted language because the absence of the language
30 does not imply that the legislature could create a
31 district outside this state or that the district is not
32 in addition to other districts created in this state.

33 (2) Section 1, Chapter 11, Acts of the 61st
34 Legislature, Regular Session, 1969, refers to the
35 district as "a governmental agency and a body politic
36 and corporate." The revised law omits the quoted
37 language because it duplicates a portion of Section
38 59(b), Article XVI, Texas Constitution, which provides
39 that a conservation and reclamation district is a

1 governmental agency and a body politic and corporate.

2 Revised Law

3 Sec. 6611.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)

4 The district is created to serve a public use and benefit.

5 (b) All land and other property included in the district
6 will benefit from the creation of the district and the improvements
7 the district will purchase, construct, or otherwise acquire.

8 (c) The district is essential to accomplish the purposes of
9 Section 59, Article XVI, Texas Constitution. (Acts 61st Leg.,
10 R.S., Ch. 11, Secs. 11, 13.)

11 Source Law

12 Sec. 11. It is hereby found and determined that
13 all of the lands and other property included within the
14 district are and will be benefited by the creation of
15 the district and by the improvements that the district
16 will purchase, construct, or otherwise acquire, and
17 that the district is created to serve a public use and
18 benefit.

19 Sec. 13. The Legislature hereby exercises the
20 authority conferred upon it by Article XVI, Section
21 59, of the Texas Constitution, and declares that the
22 district created by this Act is essential to the
23 accomplishment of the purposes of said constitutional
24 provision; finds that all of the land and other
25 property included therein are, and will be, benefited
26 thereby and by the improvements that the district will
27 purchase, construct, or otherwise acquire.

28 Revisor's Note

29 Section 13, Chapter 11, Acts of the 61st
30 Legislature, Regular Session, 1969, states that the
31 legislature "hereby exercises the authority conferred
32 upon it by Article XVI, Section 59, of the Texas
33 Constitution, and declares that" the district "created
34 by this Act" is essential to accomplish the purposes of
35 that constitutional provision. The revised law omits
36 the quoted language as executed.

37 Revised Law

38 Sec. 6611.004. DISTRICT TERRITORY. The district is
39 composed of the territory described by Section 2, Chapter 11, Acts
40 of the 61st Legislature, Regular Session, 1969, as that territory
41 may have been modified under:

1 (1) Subchapter G, Chapter 53, Water Code, before
2 September 1, 1995;

3 (2) Subchapter J, Chapter 49, Water Code; or

4 (3) other law. (New.)

5 Revisor's Note

6 The revised law does not revise the statutory
7 language describing the territory of the district to
8 avoid the lengthy recitation of the description and
9 because that description may not be accurate on the
10 effective date of the revision or at the time of a
11 later reading. For the reader's convenience, the
12 revised law includes references to the statutory
13 description of the district's territory and to the
14 statutory authority to change the district's territory
15 under Subchapter G, Chapter 53, Water Code, which
16 applied to the district under Section 3, Chapter 11,
17 Acts of the 61st Legislature, Regular Session, 1969
18 (see Section 6611.101 of this chapter), until that
19 subchapter was repealed in 1995, and under Subchapter
20 J, Chapter 49, Water Code, applicable to the district
21 under Sections 49.001 and 49.002 of that chapter. The
22 revised law also includes a reference to the general
23 authority of the legislature to enact other laws to
24 change the district's territory.

25 Revisor's Note
26 (End of Subchapter)

27 Section 6, Chapter 11, Acts of the 61st
28 Legislature, Regular Session, 1969, provides
29 procedures for holding an election to confirm the
30 creation of the district. Section 8(c), Chapter 11,
31 Acts of the 61st Legislature, Regular Session, 1969,
32 provides procedures for holding a bond election at a
33 confirmation election. Because the creation of the
34 district was approved at the confirmation election,
35 the revised law omits the relevant provisions as

1 executed. The omitted law reads:

2 Sec. 6. Within 90 days after this Act
3 becomes effective, the board of supervisors
4 shall call an election for the purpose of
5 submitting to a vote of the duly qualified
6 electors of the district the question of
7 whether or not the creation of the district
8 shall be confirmed. The cost of such an
9 election shall be paid by Willacy County out
10 of the county general fund. If a majority
11 of the qualified electors voting at such
12 election vote against the confirmation of
13 the district, the district hereby created
14 shall be abolished and this Act shall be of
15 no further force or effect. If a majority
16 vote in favor of the confirmation, said
17 district shall be permanently created.

18 [Sec. 8]

19 (c) . . . If the proposition of
20 issuing bonds is submitted at the
21 confirmation election, the form of ballot
22 at such first election shall be
23 substantially as follows: "For the
24 confirmation of the district, the issuance
25 of bonds and the levy of taxes in payment
26 thereof," and the contrary of such
27 proposition. . . .

28 SUBCHAPTER B. DISTRICT ADMINISTRATION

29 Revised Law

30 Sec. 6611.051. COMPOSITION OF BOARD. The board consists of
31 five elected directors. (Acts 61st Leg., R.S., Ch. 11, Sec. 5
32 (part).)

33 Source Law

34 Sec. 5. (a) The management and control of the
35 district is hereby vested in a board of five
36 supervisors
37 (b) . . . elections for supervisors shall be
38 held

39 Revisor's Note

40 (1) Section 5, Chapter 11, Acts of the 61st
41 Legislature, Regular Session, 1969, refers to a board
42 of "supervisors." Throughout this chapter, the
43 revised law substitutes "director" for "supervisor" to
44 conform to the terminology of the Water Code.

45 (2) Section 5(a), Chapter 11, Acts of the 61st
46 Legislature, Regular Session, 1969, provides that
47 "[t]he management and control of the district is
48 hereby vested" in the board of supervisors. The

1 revised law omits the quoted language because it
2 duplicates, in substance, parts of Sections 49.051 and
3 49.057, Water Code. Throughout this chapter, the
4 revised law omits law that is superseded by Chapter 49,
5 Water Code, or that duplicates law contained in that
6 chapter. Chapter 49 (enacted in 1995) applies to the
7 district under Sections 49.001 and 49.002, Water Code.

8 Revised Law

9 Sec. 6611.052. DUTIES OF COUNTY OFFICIALS IN CONNECTION
10 WITH DISTRICT; DISTRICT OFFICERS, EMPLOYEES, AND AGENTS. (a) The
11 county tax assessor-collector, county treasurer, and county
12 depository of Willacy County shall perform all duties in connection
13 with the district that they are required to perform by law in
14 connection with official matters for Willacy County.

15 (b) The board may employ a general manager for the district
16 and any other agents, attorneys, engineers, and employees
17 considered necessary in connection with the purposes of this
18 chapter. All compensation for a person employed under this
19 subsection may be payable from funds created under this chapter for
20 the maintenance and operation of the district. (Acts 61st Leg.,
21 R.S., Ch. 11, Sec. 7.)

22 Source Law

23 Sec. 7. The assessor and collector of taxes, the
24 county treasurer, and the county depository of Willacy
25 County are authorized to, and shall be required to,
26 perform all duties in connection with the district
27 required of them by law in connection with official
28 matters for Willacy County. Said board of supervisors
29 may employ a general manager for said district and such
30 other agents, attorneys, engineers, and employees as
31 may be considered necessary in connection with the
32 purposes of this Act, and all compensation for such
33 persons may be payable from funds herein created for
34 the maintenance and operation of the district.

35 Revisor's Note

36 Section 7, Chapter 11, Acts of the 61st
37 Legislature, Regular Session, 1969, provides that the
38 county tax assessor-collector, county treasurer, and
39 county depository "are authorized to, and shall be
40 required to" perform their county duties for the

1 district. The revised law substitutes "shall" for the
2 quoted language because under Section 311.016(2),
3 Government Code (Code Construction Act), the word
4 "shall" imposes a duty on the actor, and it is not
5 necessary to authorize a person to perform an act that
6 the person is required to perform.

7 Revisor's Note
8 (End of Subchapter)

9 (1) Section 5(a), Chapter 11, Acts of the 61st
10 Legislature, Regular Session, 1969, provides that the
11 board has the powers and duties provided to a board of
12 supervisors of a fresh water supply district organized
13 under Chapter 4, Title 128, Revised Civil Statutes of
14 Texas, 1925. The relevant provisions of Chapter 4,
15 Title 128, Revised Statutes, were codified as part of
16 Chapter 53, Water Code, by Chapter 58, Acts of the 62nd
17 Legislature, Regular Session, 1971. Chapter 715, Acts
18 of the 74th Legislature, Regular Session, 1995,
19 repealed many of the provisions in Chapter 53 relating
20 to the powers and duties of the board and enacted
21 similar provisions in Chapter 49, Water Code. Because
22 both Chapter 49 (through Sections 49.001 and 49.002,
23 Water Code) and Chapter 53 (through Section 3, Chapter
24 11, Acts of the 61st Legislature, Regular Session,
25 1969, codified in pertinent part as Section 6611.101)
26 already apply to the district, the revised law omits
27 that provision as unnecessary. The omitted law reads:

28 (a) [The management and control of
29 the district is hereby vested in a board of
30 five supervisors] which shall have all of
31 the powers and authority and duties
32 conferred and imposed upon boards of
33 supervisors of fresh water supply districts
34 organized under the provisions of Chapter
35 4, Title 128, Revised Civil Statutes of
36 Texas, 1925, together with all amendments
37 thereof and additions thereto.

38 (2) Section 5(b), Chapter 11, Acts of the 61st
39 Legislature, Regular Session, 1969, requires an

1 election of supervisors to be held on the second
2 Tuesday in January 1972 and requires subsequent
3 supervisor elections to be held on the second Tuesday
4 of each succeeding year. The revised law omits the
5 provision relating to the 1972 supervisor election as
6 executed. The revised law omits the provision
7 requiring elections on the second Tuesday of each year
8 as superseded by Section 49.103(b), Water Code,
9 enacted in 1995. Section 49.103(b) requires board
10 elections to be held on the uniform election date
11 established by the Election Code in May of each
12 even-numbered year. The omitted law reads:

13 (b) The next election for supervisors
14 shall be held on the second Tuesday in
15 January, 1972. . . . Thereafter, on the
16 second Tuesday in each year an election
17 shall be held to elect the appropriate
18 number of supervisors to the board, and
19

20 (3) Section 5(b), Chapter 11, Acts of the 61st
21 Legislature, Regular Session, 1969, provides the
22 procedures by which two-year terms of office are
23 established for district supervisors. The revised law
24 omits those procedures as superseded by Section
25 49.103(a), Water Code, enacted in 1995, which provides
26 for staggered four-year terms of office for members of
27 the board of a district. The omitted law reads:

28 (b) [The next election for
29 supervisors shall be held on the second
30 Tuesday in January, 1972.] At that election
31 the three persons receiving the largest
32 number of votes shall serve for terms of two
33 years and the two other persons elected to
34 the board shall serve for a term of one
35 year. [Thereafter, on the second Tuesday in
36 each year an election shall be held to elect
37 the appropriate number of supervisors to
38 the board, and] these supervisors shall
39 serve for two-year terms. . . .

40 (4) Section 5(b), Chapter 11, Acts of the 61st
41 Legislature, Regular Session, 1969, provides that
42 board elections shall be held in the manner provided
43 for the election of supervisors of fresh water supply

1 districts. The revised law omits that provision
2 because Subchapter D, Chapter 49, Water Code, governs
3 those board elections. That subchapter applies to the
4 district under Sections 49.001 and 49.002, Water Code.
5 The omitted law reads:

6 (b) . . . Except as provided in this
7 subsection, [elections for supervisors
8 shall be held] in the manner provided for
9 election of supervisors of fresh water
10 supply districts.

11 SUBCHAPTER C. POWERS AND DUTIES

12 Revised Law

13 Sec. 6611.101. GENERAL POWERS AND DUTIES. To accomplish
14 the purpose of reclaiming and draining the district's overflowed
15 lands and other lands needing drainage, the district has all the
16 rights, powers, privileges, and duties provided by general law
17 applicable to a fresh water supply district created under Section
18 59, Article XVI, Texas Constitution, including the power to
19 conserve, transport, and distribute fresh water. (Acts 61st Leg.,
20 R.S., Ch. 11, Sec. 3 (part).)

21 Source Law

22 Sec. 3. [Said district shall be considered to be
23 organized and existing for the sole purpose of the
24 reclamation and drainage of its overflowed lands and
25 other lands needing drainage, and] to accomplish such
26 purpose the district shall have, and is hereby vested
27 with, all of the rights, powers, privileges, and
28 duties conferred and imposed by the general laws of the
29 State of Texas, now in force or hereafter enacted,
30 applicable to fresh water supply districts created
31 under authority of Article XVI, Section 59, of the
32 Texas Constitution, but . . . Without limiting the
33 generalization of the foregoing, it is expressly
34 provided that all said powers now or hereafter
35 conferred by such general laws upon fresh water supply
36 districts for the purpose of conserving, transporting,
37 and distributing fresh water are hereby specifically
38 conferred upon this district for the purpose of
39 reclaiming and draining its overflowed lands and other
40 lands needing drainage; and, in addition,

41 Revisor's Note

42 (1) Section 3, Chapter 11, Acts of the 61st
43 Legislature, Regular Session, 1969, states that the
44 district "shall have, and is hereby vested with,"
45 certain rights, powers, privileges, and duties. The

1 revised law substitutes "has" for the quoted language
2 because, in context, the terms are synonymous and
3 "has" is more commonly used.

4 (2) Section 3, Chapter 11, Acts of the 61st
5 Legislature, Regular Session, 1969, states that the
6 district has the rights, powers, privileges, and
7 duties "conferred and imposed" by general law. The
8 revised law substitutes "provided" for the quoted
9 language because regardless of whether a right, power,
10 privilege, or duty is "conferred" by general law or
11 "imposed" by general law, it is not necessary to
12 characterize in the revised law the nature of the
13 granting of that authority. In context, "provided" is
14 synonymous with "conferred and imposed" and
15 "provided" is more commonly used.

16 (3) Section 3, Chapter 11, Acts of the 61st
17 Legislature, Regular Session, 1969, refers to the
18 general laws of this state "now in force or hereafter
19 enacted." The revised law omits the quoted language as
20 unnecessary under accepted general principles of
21 statutory construction. The "general laws of the
22 State of Texas" means those laws "in force" at the time
23 the provision was adopted. It is unnecessary to state
24 that the district may be granted additional powers by
25 later enacted laws because those laws apply on their
26 own terms.

27 (4) Section 3, Chapter 11, Acts of the 61st
28 Legislature, Regular Session, 1969, provides that
29 Chapter 11 prevails over the general laws applicable
30 to fresh water supply districts in case of a conflict
31 and that those general laws are incorporated by
32 reference. The revised law omits the portion of the
33 provision relating to the chapter prevailing over
34 those general laws because it duplicates, in

1 substance, Section 311.026(b), Government Code (Code
2 Construction Act). The revised law omits the portion
3 of the provision relating to the incorporation of
4 those general laws by reference because Section 3 of
5 Chapter 11 (revised in part as this section) provides
6 that those laws apply to the district, and it is
7 unnecessary to repeat that authority. The omitted law
8 reads:

9 Sec. 3. . . . [the district shall
10 have, and is hereby vested with, all of the
11 rights, powers, privileges, and duties
12 conferred and imposed by the general laws of
13 the State of Texas, now in force or
14 hereafter enacted, applicable to fresh
15 water supply districts created under
16 authority of Article XVI, Section 59, of the
17 Texas Constitution, but] to the extent that
18 the provisions of such general laws may be
19 in conflict with the provisions of this Act,
20 the provisions of this Act shall prevail.
21 All such general laws are hereby
22 incorporated by reference with the same
23 effect as if incorporated in full in this
24 Act. . . .

25 (5) Section 3, Chapter 11, Acts of the 61st
26 Legislature, Regular Session, 1969, provides that
27 "[w]ithout limiting the generalization of the
28 foregoing" powers and duties provided by general law
29 applicable to fresh water supply districts, the
30 district has certain express powers. The revised law
31 omits the quoted language as unnecessary because an
32 accepted principle of statutory construction requires
33 a statute to be given cumulative effect with other
34 statutes unless it provides otherwise or unless the
35 statutes are in conflict. The general principle
36 applies to this revision.

37 Revised Law

38 Sec. 6611.102. DISTRICT POWERS. (a) The district may
39 construct, acquire, improve, enlarge, extend, repair, maintain, or
40 replace any wall, dam, dike, levee, embankment, canal, drain, tank,
41 lateral, or pump that the board considers necessary to carry out the
42 district's purpose.

1 (b) The district may make, construct, or otherwise acquire
2 an improvement inside or outside the district's boundaries as
3 necessary to carry out the powers granted by this chapter or general
4 law. (Acts 61st Leg., R.S., Ch. 11, Sec. 3 (part).)

5 Source Law

6 Sec. 3. . . . said district shall be authorized
7 to build, construct, purchase, acquire, improve,
8 enlarge, extend, repair, maintain, or replace all
9 walls, dams, dikes, levees, embankments, canals,
10 drains, tanks, laterals, and pumps which its board of
11 supervisors deems necessary to carry out the purpose
12 of such district's creation. . . . Said district shall
13 also have the power to make, construct, or otherwise
14 acquire improvements either within or without the
15 boundaries thereof necessary to carry out the powers
16 and authority granted by this Act and said general
17 laws. . . .

18 Revisor's Note

19 (1) Section 3, Chapter 11, Acts of the 61st
20 Legislature, Regular Session, 1969, refers to the
21 district's authority to "build, construct, purchase,
22 acquire, improve, enlarge, extend, repair, maintain,
23 or replace" certain items. The revised law omits
24 "build" because it is included in the meaning of
25 "construct" and omits "purchase" because it is
26 included in the meaning of "acquire."

27 (2) Section 3, Chapter 11, Acts of the 61st
28 Legislature, Regular Session, 1969, refers to the
29 "powers and authority" granted by the Act. The revised
30 law omits "authority" as included in the meaning of
31 "powers."

32 Revised Law

33 Sec. 6611.103. EMINENT DOMAIN. The district's power of
34 eminent domain is confined to Willacy County. (Acts 61st Leg.,
35 R.S., Ch. 11, Sec. 4.)

36 Source Law

37 Sec. 4. The power of eminent domain of the
38 district shall be confined to the boundaries of
39 Willacy County, Texas.

40 Revised Law

41 Sec. 6611.104. COST OF RELOCATING OR ALTERING

1 PROPERTY. (a) In this section, "sole expense" means the actual
2 cost of relocating, raising, lowering, rerouting, changing the
3 grade of, or altering the construction of a facility described by
4 Subsection (b) in providing comparable replacement without
5 enhancement of the facility, after deducting from that cost the net
6 salvage value of the old facility.

7 (b) If the district's exercise of the power of eminent
8 domain, the power of relocation, or any other power granted under
9 this chapter makes necessary relocating, raising, rerouting,
10 changing the grade of, or altering the construction of a highway,
11 railroad, electric transmission line, telephone or telegraph
12 property or facility, or pipeline, the necessary action shall be
13 accomplished at the sole expense of the district. (Acts 61st Leg.,
14 R.S., Ch. 11, Sec. 3 (part).)

15 Source Law

16 Sec. 3. . . . In the event that the district, in
17 the exercise of the power of eminent domain or power of
18 relocation, or any other power granted hereunder,
19 makes necessary the relocation, raising, rerouting, or
20 changing the grade of or altering the construction of
21 any highway, railroad, electric transmission line,
22 telephone or telegraph properties and facilities, or
23 pipeline, all such necessary relocation, raising,
24 rerouting, or changing of grade or alteration of
25 construction shall be accomplished at the sole expense
26 of the district. The term "sole expense" shall mean the
27 actual cost of such relocation, raising, lowering,
28 rerouting, or change in grade or alteration of
29 construction in providing comparable replacement
30 without enhancement of such facilities, after
31 deducting therefrom the net salvage value derived from
32 the old facility.

33 Revised Law

34 Sec. 6611.105. ADDITION OF TERRITORY TO DISTRICT. (a) In
35 addition to adding land as provided by Subchapter J, Chapter 49,
36 Water Code, the district may add land as provided by this section.
37 Land added to the district need not be contiguous to the district.

38 (b) The owner or owners of land may request by petition that
39 the board include the land in the district.

40 (c) A petition under Subsection (b) must be filed with the
41 board and describe the land to be added to the district. The
42 description may be by metes and bounds or by lot and block number.

1 The petition must be signed and executed in the manner provided by
2 law for the conveyance of real estate.

3 (d) The board shall hear and consider a petition filed under
4 this section. The board may grant the petition and add the land to
5 the district if the board considers the addition to be to the
6 advantage of the district.

7 (e) A petition granted under this section shall be filed and
8 recorded in the deed records of Willacy County. (Acts 61st Leg.,
9 R.S., Ch. 11, Sec. 12.)

10 Source Law

11 Sec. 12. Land, contiguous to said district or
12 otherwise, may be added to said district not only in
13 the manner now provided by Chapter 4, Title 128,
14 Revised Civil Statutes of Texas, 1925, as amended, but
15 also land may be added to such district and become a
16 part thereof upon petition of the owner or owners
17 thereof in the following manner: the owner or owners of
18 the land shall file with the board of supervisors a
19 petition praying that the lands described be added to
20 and become a part of said district, and said petition
21 may describe said land by metes and bounds or by lot
22 and block number and shall be signed and executed in
23 the same manner provided by law for the conveyance of
24 real estate. Such petition shall be heard and
25 considered by the board of supervisors and may be
26 granted and said land added to the district if same is
27 considered to be to the advantage of the district. Any
28 such petition which may be granted so adding lands to
29 the district shall be filed for record and be recorded
30 in the Willacy County deed records.

31 Revisor's Note

32 Section 12, Chapter 11, Acts of the 61st
33 Legislature, Regular Session, 1969, refers to the
34 district's authority to add land to the district in the
35 manner provided by "Chapter 4, Title 128, Revised
36 Civil Statutes of Texas, 1925, as amended." Chapter
37 58, Acts of the 62nd Legislature, Regular Session,
38 1971, codified the relevant provisions of Chapter 4,
39 Title 128, in Subchapter G, Chapter 53, Water Code.
40 Chapter 715, Acts of the 74th Legislature, Regular
41 Session, 1995, repealed the Chapter 53 provisions
42 relating to the addition of land and enacted similar
43 provisions as part of Subchapter J, Chapter 49, Water
44 Code. Therefore, the revised law substitutes

1 "Subchapter J, Chapter 49, Water Code," as the
2 successor to the relevant provisions of Chapter 4,
3 Title 128. The revised law omits the reference to "as
4 amended" because under Section 311.027, Government
5 Code (Code Construction Act), a reference to a statute
6 applies to all reenactments, revisions, or amendments
7 of that statute unless expressly provided otherwise.

8 Revisor's Note
9 (End of Subchapter)

10 Section 3, Chapter 11, Acts of the 61st
11 Legislature, Regular Session, 1969, refers to the
12 district's authority to act jointly with other
13 entities. The revised law omits the provision because
14 it duplicates, in substance, provisions in Section
15 49.227, Water Code, that provide the district with
16 authority to act jointly. The omitted law reads:

17 Sec. 3. . . . Said district shall
18 have authority to act jointly with
19 individuals, with firms, with corporations,
20 with partnerships, with other districts,
21 with any department or agency of the State
22 of Texas and with any political
23 subdivisions thereof, with other states,
24 with cities and towns, and with the federal
25 government in the performance and
26 accomplishment of any of the things
27 permitted hereunder upon such terms and
28 conditions as may be deemed advisable by
29 said district's board of supervisors. . . .

30 SUBCHAPTER D. TAXES

31 Revised Law

32 Sec. 6611.151. AD VALOREM TAX FOR MAINTENANCE AND
33 OPERATIONS. (a) The board may impose a tax at a rate not to exceed
34 25 cents on each \$100 valuation of taxable property in the district
35 to pay the cost of maintaining district property and operating the
36 district.

37 (b) An election to authorize the imposition of the tax must
38 be called by the board in the manner provided by Section 6611.204.
39 (Acts 61st Leg., R.S., Ch. 11, Sec. 10 (part).)

40 Source Law

41 Sec. 10. In addition to the levy and collection

1 of taxes to pay bonds, as heretofore provided, said
2 board of supervisors may levy and cause to be collected
3 a tax not exceeding 25 cents on each \$100 valuation of
4 taxable property within the district for the purpose
5 of paying the cost of operating the district and
6 maintaining its properties; [provided, however, that
7 no such tax shall be levied or assessed, until
8 authorized at] an election called for such purpose by
9 said board of supervisors in the manner provided by
10 Section 8 hereof,

11 Revisor's Note

12 (1) Section 10, Chapter 11, Acts of the 61st
13 Legislature, Regular Session, 1969, provides that
14 "[i]n addition to the levy and collection of taxes to
15 pay bonds, as heretofore provided," the board of
16 supervisors may impose a tax for maintenance and
17 operations. Section 8 of Chapter 11 (revised as
18 Section 6611.201) authorizes the district to impose
19 taxes to pay for bonds. Therefore, the revised law
20 omits the quoted language because an accepted general
21 principle of statutory construction requires that a
22 statute be given cumulative effect with other statutes
23 unless the statute provides otherwise or unless the
24 statute conflicts with another statute. That general
25 principle applies to the revised law.

26 (2) Section 10, Chapter 11, Acts of the 61st
27 Legislature, Regular Session, 1969, authorizes the
28 board of supervisors to "levy and cause to be
29 collected" a tax. Throughout this chapter, the
30 revised law substitutes "impose" for "assess," "levy,"
31 "cause to be collected," and similar terms because
32 "impose" is the term generally used in Title 1, Tax
33 Code, and includes the assessment, levying, and
34 collection of a tax.

35 (3) Section 10, Chapter 11, Acts of the 61st
36 Legislature, Regular Session, 1969, provides for the
37 imposition of a tax for maintenance and operations if
38 the tax is authorized by a majority of the voters
39 voting at an election held for that purpose. The

1 revised law omits that provision because it
2 duplicates, in substance, Section 49.107, Water Code.
3 Section 10 also refers to "qualified property
4 taxpaying" voters. The revised law omits the quoted
5 language because Chapter 11, Election Code, governs
6 eligibility to vote in an election in this state and
7 allows only "qualified" voters to vote in an election,
8 and, in Hill v. Stone, 421 U.S. 289 (1975), the United
9 States Supreme Court determined that property
10 ownership as a qualification for voting is an
11 unconstitutional denial of equal protection. The
12 omitted law reads:

13 Sec. 10. . . . provided, however,
14 that no such tax shall be levied or
15 assessed, until authorized at [an election]
16 . . . at which a majority of the qualified
17 property taxpaying electors voting at such
18 election, vote in favor of the levy and
19 collection of such tax. . . .

20 (4) Section 10, Chapter 11, Acts of the 61st
21 Legislature, Regular Session, 1969, provides that an
22 election must be called as provided by "Section 8
23 hereof." The relevant provisions of Section 8,
24 Chapter 11, Acts of the 61st Legislature, Regular
25 Session, 1969, are revised as Section 6611.204 of this
26 chapter. For the reader's convenience, the revised law
27 substitutes a reference to Section 6611.204 for the
28 quoted language.

29 Revised Law

30 Sec. 6611.152. TAX ASSESSOR-COLLECTOR. The Willacy County
31 tax assessor-collector is the tax assessor-collector for the
32 district. (Acts 61st Leg., R.S., Ch. 11, Sec. 10 (part); New.)

33 Source Law

34 Sec. 10. . . . the county tax
35 assessor-collector is hereby named and appointed tax
36 assessor-collector for said district; and . . .

37 Revisor's Note

38 (1) Section 10, Chapter 11, Acts of the 61st

1 Legislature, Regular Session, 1969, refers to the
2 "county tax assessor-collector." The revised law adds
3 a reference to "Willacy County" because Willacy County
4 is the county in which the district is located.

5 (2) Section 10, Chapter 11, Acts of the 61st
6 Legislature, Regular Session, 1969, provides that the
7 district's tax assessor-collector is "hereby named and
8 appointed." The revised law omits the quoted language
9 as executed.

10 Revisor's Note
11 (End of Subchapter)

12 (1) Section 10, Chapter 11, Acts of the 61st
13 Legislature, Regular Session, 1969, provides that the
14 assessed valuation of taxable property for district
15 purposes shall be the same as that for state and county
16 purposes. The revised law omits the provision because
17 it duplicates Section 18(b), Article VIII, Texas
18 Constitution, and Section 6.01, Tax Code. Section
19 18(b) requires the legislature by general law to
20 provide for a single appraisal in each county of all
21 property subject to ad valorem taxation by the county
22 and all other taxing units located in the county.
23 Section 6.01 establishes an appraisal district to
24 appraise property in each county and requires each
25 taxing unit that imposes ad valorem taxes on property
26 in the appraisal district to use that appraisal.
27 Section 6.01, Tax Code, applies to the district under
28 Section 1.02, Tax Code. The omitted law reads:

29 Sec. 10. . . . The assessed
30 valuation of taxable property for district
31 purposes shall be the same as that for state
32 and county purposes; and

33 (2) Section 10, Chapter 11, Acts of the 61st
34 Legislature, Regular Session, 1969, provides that the
35 board of equalization of the county is the board of
36 equalization for the district. The revised law omits

1 the references to a board of equalization because
2 boards of equalization were abolished and their
3 functions and duties transferred to appraisal review
4 boards by the 1979 enactment of the Property Tax Code,
5 Title 1, Tax Code (Section 1, Chapter 841, Acts of the
6 66th Legislature, Regular Session). The omitted law
7 reads:

8 Sec. 10. . . . the board of
9 equalization of the county is hereby named,
10 constituted, and appointed the board of
11 equalization for said district. . . .

12 (3) Section 10, Chapter 11, Acts of the 61st
13 Legislature, Regular Session, 1969, provides that the
14 state laws relating to the assessment and collection
15 of state and county taxes apply to the assessment and
16 collection of taxes of the district except where they
17 conflict with that chapter. The revised law omits that
18 provision as repealed by Chapter 841, Acts of the 66th
19 Legislature, Regular Session, 1979, enacting Title 1,
20 Tax Code, a comprehensive, substantive codification of
21 the laws governing the administration of ad valorem
22 taxes, and repealing all other general, local, and
23 special laws in conflict with that act and as
24 superseded by Section 1.02, Tax Code, which provides
25 for the applicability of Title 1, Tax Code, to all
26 taxing units in this state, including the district.
27 The omitted law reads:

28 Sec. 10. . . . All laws of the State
29 of Texas relating to the assessing and
30 collecting of state and county taxes are by
31 this Act made available for, and shall be
32 applied to, the assessing of current taxes
33 and to the collection of both current and
34 delinquent taxes of said district, except
35 where same are in conflict with the
36 provision of this Act. . . .

37 (4) Section 10, Chapter 11, Acts of the 61st
38 Legislature, Regular Session, 1969, provides that the
39 county tax assessor-collector shall be paid a fee for
40 the assessment and collection of current and

1 delinquent taxes. The revised law omits that
2 provision for the reason stated in Revisor's Note (3)
3 to the end of this subchapter. Section 6.27(b), Tax
4 Code, provides for the compensation of a county tax
5 assessor-collector assessing and collecting taxes for
6 another taxing unit, and Chapter 33, Tax Code, governs
7 the collection of delinquent taxes, including the fees
8 the county tax assessor-collector may charge. The
9 omitted law reads:

10 Sec. 10. . . . The tax
11 assessor-collector is entitled to a fee as
12 compensation for his services of not more
13 than three-fifths of one percent of the
14 taxes collected for assessing, and not to
15 exceed one-half of one percent for
16 collecting, said compensation for
17 collecting and assessing taxes not to
18 exceed \$5,000 in any one fiscal year. The
19 tax assessor-collector shall be paid not to
20 exceed five percent for collecting
21 delinquent taxes. The board of supervisors
22 shall fix the exact amount of compensation
23 by contract or agreement with the tax
24 assessor-collector. The assessor-collector
25 shall deduct this fee from the payments made
26 to the district of the taxes collected, and
27 deposit that amount in the general fund of
28 the county as a fee of office of the tax
29 assessor-collector.

30 SUBCHAPTER E. BONDS

31 Revised Law

32 Sec. 6611.201. AUTHORITY TO ISSUE BONDS; TAXES FOR BONDS.

33 (a) The board may issue district bonds to acquire money to
34 accomplish any district purpose or carry out any power granted
35 under this chapter to the district.

36 (b) The board may impose a tax on all taxable property in the
37 district, as shown by the most recent certified appraisal roll of
38 the district, sufficient to:

39 (1) provide for the payment of the interest on the
40 bonds as the interest accrues; and

41 (2) create a sinking fund for the redemption of the
42 bonds as the bonds mature. (Acts 61st Leg., R.S., Ch. 11, Sec. 8(a)
43 (part).)

1 Source Law

2 Sec. 8. (a) The board of supervisors shall be
3 authorized, from time to time, in behalf of said
4 drainage district, to issue the bonds of said
5 district, within the limitations hereinafter stated,
6 for the purpose of acquiring funds with which to
7 accomplish and carry out any one or more of the powers
8 and purposes herein granted to the district, and to
9 provide for the payment of the interest on such bonds
10 as it accrues and to create a sinking fund for the
11 redemption of said bonds as they mature, by levying and
12 causing to be collected a tax on all taxable property
13 within the district, as shown by the then current
14 approved county assessment rolls, sufficient for such
15 purposes. . . .

16 Revisor's Note

17 (1) Section 8(a), Chapter 11, Acts of the 61st
18 Legislature, Regular Session, 1969, authorizes the
19 board of supervisors to issue district bonds "from
20 time to time." The revised law omits "from time to
21 time" because the power to issue bonds implies the
22 power to do so at any time.

23 (2) Section 8(a), Chapter 11, Acts of the 61st
24 Legislature, Regular Session, 1969, authorizes the
25 board of supervisors to issue district bonds "within
26 the limitations hereinafter stated." The revised law
27 omits the quoted language because the limitations
28 contained in that chapter apply to the issuance of
29 district bonds on their own terms without an express
30 reference to those limitations in this section.

31 (3) Section 8(a), Chapter 11, Acts of the 61st
32 Legislature, Regular Session, 1969, refers to the
33 district's "funds." The revised law substitutes
34 "money" for "funds" because, in the context of
35 district funds, the meaning is the same and "money" is
36 the more commonly used term.

37 (4) Section 8(a), Chapter 11, Acts of the 61st
38 Legislature, Regular Session, 1969, refers to the
39 "then current approved county assessment rolls." The
40 revised law substitutes a reference to the "most
41 recent certified appraisal roll of the district" to

1 conform to the terminology of Title 1, Tax Code,
2 including Section 26.01 of that code, requiring the
3 chief appraiser of an appraisal district to certify to
4 the assessor for each taxing unit participating in the
5 district an appraisal roll that lists the properties
6 taxable by that taxing unit and the values of those
7 properties.

8 (5) Section 8(b), Chapter 11, Acts of the 61st
9 Legislature, Regular Session, 1969, authorizes the
10 district to issue additional bonds in the same manner
11 as the initially issued bonds. The revised law omits
12 that provision because the power to issue bonds
13 implies the power to do so at more than one time, and
14 the provisions specifying the manner for issuing bonds
15 impliedly apply to any issuance of district bonds. The
16 omitted law reads:

17 (b) . . . Subject to the limitations
18 contained in this Act, additional bonds may
19 be issued, from time to time, in like
20 manner, and under the same procedure.

21 Revised Law

22 Sec. 6611.202. LIMITATION ON DEBT. The total principal
23 amount of bonds issued under Section 6611.201 that the district may
24 have outstanding at any time may not exceed 15 percent of the
25 assessed value of all taxable property in the district as shown by
26 the most recent appraisal roll of the district. (Acts 61st Leg.,
27 R.S., Ch. 11, Sec. 8(a) (part).)

28 Source Law

29 (a) . . . It is expressly provided, however,
30 that the total principal amount of bonds issued by the
31 district at any one time, together with all previously
32 issued bonds then outstanding, shall never exceed a
33 sum equal to 15 percent of the assessed valuation of
34 all taxable property within the district, as shown by
35 the then current county assessment rolls.

36 Revisor's Note

37 (1) Section 8(a), Chapter 11, Acts of the 61st
38 Legislature, Regular Session, 1969, refers to bonds
39 that are "issued" and "outstanding." The revised law

1 omits the reference to "issued" as unnecessary because
2 for a bond to be "outstanding" it must have been
3 issued.

4 (2) Section 8(a), Chapter 11, Acts of the 61st
5 Legislature, Regular Session, 1969, refers to the
6 "then current county assessment rolls." For the
7 reason stated in Revisor's Note (4) to Section
8 6611.201, the revised law substitutes "most recent
9 appraisal roll of the district" for the quoted
10 language.

11 Revised Law

12 Sec. 6611.203. MATURITY. District bonds issued under
13 Section 6611.201 must mature not later than 30 years after their
14 date of issuance. (Acts 61st Leg., R.S., Ch. 11, Sec. 8(e) (part).)

15 Source Law

16 (e) Such bonds shall mature serially or
17 otherwise over a period of not to exceed 30 years from
18 their date or dates. . . .

19 Revisor's Note

20 Section 8(e), Chapter 11, Acts of the 61st
21 Legislature, Regular Session, 1969, provides that
22 district bonds shall mature "serially or otherwise."
23 The revised law omits the quoted language because it is
24 superseded by Section 1201.021, Government Code
25 (enacted as Section 3, Bond Procedures Act of 1981
26 (Article 717k-6, Vernon's Texas Civil Statutes)),
27 which provides that the governing body of an issuer may
28 determine the time of payment of public securities it
29 issues, and by Section 1201.022, Government Code
30 (enacted as Section 5(a), Bond Procedures Act of 1981
31 (Article 717k-6, Vernon's Texas Civil Statutes)),
32 which provides that a public security may be issued
33 with specified characteristics, on specified terms, or
34 in a specified manner. Sections 1201.021 and
35 1201.022, Government Code, apply to district bonds

1 under Sections 1201.002 and 1201.003, Government Code.

2 Revised Law

3 Sec. 6611.204. BOND ELECTION. (a) The board may submit a
4 proposition for the issuance of district bonds under Section
5 6611.201 at an election called for that purpose at any time the
6 board considers proper.

7 (b) Chapter 1251, Government Code, applies to a district
8 bond election except to the extent of any conflict with this
9 chapter.

10 (c) If a majority of the voters voting at a district bond
11 election vote in favor of the issuance of bonds and the imposition
12 of taxes, the board may:

13 (1) issue, sell, and deliver the bonds;

14 (2) receive, use, and apply the proceeds for district
15 purposes; and

16 (3) impose taxes on all property subject to taxation
17 in the district. (Acts 61st Leg., R.S., Ch. 11, Secs. 8(b) (part),
18 (c) (part).)

19 Source Law

20 (b) . . . In the event a majority of the
21 qualified electors voting at such election shall vote
22 in favor of the issuance of bonds and the levy of
23 taxes, the board of supervisors shall be authorized to
24 issue, sell, and deliver said drainage district bonds
25 and to receive, use and apply the proceeds for the
26 aforesaid purposes of said district, and to levy and
27 assess taxes upon all property subject to taxation in
28 said district and to arrange for the collection of such
29 taxes. . . .

30 (c) The proposition of the issuance of bonds may
31 be submitted at the election called for confirmation
32 of the creation of said district under Section 6 of
33 this Act or at such later times as the board of
34 supervisors shall deem proper. . . . The provisions of
35 Chapter 1, Title 22, Revised Civil Statutes of Texas,
36 1925, as amended, shall apply to all bond elections in
37 said district except where in conflict with this Act.

38 Revisor's Note

39 (1) Section 8(b), Chapter 11, Acts of the 61st
40 Legislature, Regular Session, 1969, provides that
41 district bonds may not be issued until the issuance of
42 the bonds and the imposition of taxes to pay the
43 principal of and interest on the bonds are authorized

1 by a majority of the voters voting at an election held
2 for that purpose. The revised law omits that provision
3 because it duplicates, in substance, Section
4 53.171(b), Water Code, which applies to the district
5 under Section 3 of Chapter 11, revised in part in this
6 chapter as Section 6611.101. The omitted law reads:

7 (b) No such bonds shall be issued
8 until first authorized by a majority of the
9 qualified property taxpaying electors
10 voting at an election called for the purpose
11 of determining whether or not such bonds
12 shall be issued and whether or not taxes
13 shall be levied to pay principal and
14 interest thereon when due. . . .

15 (2) Section 8(b), Chapter 11, Acts of the 61st
16 Legislature, Regular Session, 1969, refers to a
17 majority of the "qualified electors" voting at an
18 election. The revised law omits "qualified" for the
19 reason stated in Revisor's Note (3) to Section
20 6611.151. The revised law also substitutes "voters"
21 for "electors" because "voters" is the term used in the
22 Election Code.

23 (3) Section 8(c), Chapter 11, Acts of the 61st
24 Legislature, Regular Session, 1969, provides that the
25 proposition for the issuance of district bonds may be
26 submitted "at the election called for confirmation of
27 the creation of said district under Section 6 of this
28 Act" or at any time the board of supervisors considers
29 proper. Because the creation of the district was
30 approved at the confirmation election, the revised law
31 omits the quoted language as executed.

32 (4) Section 8(c), Chapter 11, Acts of the 61st
33 Legislature, Regular Session, 1969, provides that the
34 levy of maintenance taxes may be submitted as a
35 proposition at "such" election. It is unclear whether
36 the reference to "such" election means the
37 confirmation election or any district bond election.
38 If the reference is to the confirmation election, the

1 provision may be omitted as executed because the
2 confirmation election has been held. Regardless of
3 whether the reference is specifically to the
4 confirmation election, however, the provision may be
5 omitted because it duplicates, in substance, Section
6 49.107(c), Water Code. The omitted law reads:

7 (c) . . . The levy of maintenance
8 taxes may be submitted as a further
9 proposition at such election. . . .

10 (5) Section 8(c), Chapter 11, Acts of the 61st
11 Legislature, Regular Session, 1969, provides that
12 "Chapter 1, Title 22, Revised Civil Statutes of Texas,
13 1925, as amended," applies to a district bond
14 election. The election provisions of Chapter 1, Title
15 22, Revised Statutes, are revised as Chapter 1251,
16 Government Code, and the revised law is drafted
17 accordingly. The revised law omits the reference to
18 "as amended" for the reason stated in the revisor's
19 note to Section 6611.105.

20 Revisor's Note
21 (End of Subchapter)

22 (1) Section 3, Chapter 11, Acts of the 61st
23 Legislature, Regular Session, 1969, provides that,
24 before issuing any construction bonds, the district
25 shall submit plans to the Texas Water Rights
26 Commission for approval in accordance with Article
27 7880-139, Vernon's Texas Civil Statutes, and that the
28 district's project is subject to inspection during
29 construction as provided by that article. Article
30 7880-139 was codified by Chapter 58, Acts of the 62nd
31 Legislature, Regular Session, 1971, as Sections 51.421
32 and 51.422, Water Code. Chapter 715, Acts of the 74th
33 Legislature, Regular Session, 1995, repealed Sections
34 51.421 and 51.422, Water Code, and enacted Sections
35 49.181 and 49.182, Water Code, to govern the authority
36 of the Texas Commission on Environmental Quality over

1 the issuance of district bonds and supervision by the
2 commission of projects and improvements,
3 respectively. The revised law therefore omits the
4 provision because Sections 49.181 and 49.182, Water
5 Code, apply to the district on their own terms. The
6 omitted law reads:

7 Sec. 3. . . . Provided, however,
8 that before issuing any construction bonds
9 said district shall submit plans and
10 specifications therefor to the Texas Water
11 Rights Commission for approval in the
12 manner required by Chapter 336, Acts of the
13 57th Legislature, Regular Session, 1961
14 (Article 7880-139, Vernon's Texas Civil
15 Statutes), and said district's project and
16 improvements during the course of
17 construction shall be subject to inspection
18 in the manner provided by said Act. . . .

19 (2) Section 8(d), Chapter 11, Acts of the 61st
20 Legislature, Regular Session, 1969, provides that
21 district bonds may not be delivered to the purchasers
22 until they have been approved by the attorney general
23 and registered by the comptroller. Section 8(e),
24 Chapter 11, Acts of the 61st Legislature, Regular
25 Session, 1969, provides that after approval,
26 registration, and sale the bonds are valid and binding
27 obligations of the district. The revised law omits
28 those provisions as duplicative of or superseded by
29 Chapter 1202, Government Code (enacted as Article 3,
30 Chapter 53, Acts of the 70th Legislature, 2nd Called
31 Session, 1987). Section 1202.003(a), Government Code,
32 requires bonds to be submitted to the attorney
33 general. Section 1202.003(b), Government Code,
34 provides for approval of the bonds by the attorney
35 general and requires the attorney general to submit
36 the approved bonds to the comptroller for
37 registration. Section 1202.005, Government Code,
38 requires registration of the bonds by the comptroller.
39 Section 1202.006, Government Code, provides that after
40 approval and registration the bonds are incontestable

1 and binding obligations. Chapter 1202, Government
2 Code, applies to district bonds under Sections
3 1202.001 and 1202.003, Government Code. The omitted
4 law reads:

5 (d) Such bonds shall not be delivered
6 to the purchasers until they have been
7 approved as to legality by the Attorney
8 General of Texas and registered by the
9 Comptroller of Public Accounts of Texas.

10 . . .
11 (e) . . . after having been approved
12 by the attorney general and registered by
13 the comptroller of public accounts and sold
14 . . . such bonds shall be held in any suit
15 or proceeding in which their validity may be
16 questioned to be valid, binding obligations
17 on such district, subject only to the
18 defense of fraud, forgery, or
19 constitutional violation. No suit shall be
20 brought attacking the validity of such
21 bonds, except upon the ground stated, after
22 such bonds have been delivered and the
23 proceeds of sale have been received by the
24 district.

25 (3) Section 8(d), Chapter 11, Acts of the 61st
26 Legislature, Regular Session, 1969, provides that the
27 cost of issuing, selling, and delivering district
28 bonds may be paid out of the proceeds of sale of the
29 bonds. The revised law omits that provision because it
30 duplicates, in substance, part of Section 49.155(a),
31 Water Code. The omitted law reads:

32 (d) . . . The cost of issuing,
33 selling, and delivering such bonds may be
34 paid out of the proceeds of sale thereof.

35 (4) Section 8(e), Chapter 11, Acts of the 61st
36 Legislature, Regular Session, 1969, provides that
37 district bonds shall be sold for not less than par and
38 accrued interest. The revised law omits that
39 provision because it is superseded by provisions of
40 general law. Section 1204.006(b), Government Code
41 (enacted as Section 2, Chapter 3, Acts of the 61st
42 Legislature, Regular Session, 1969 (Article 717k-2,
43 Vernon's Texas Civil Statutes)), provides that an
44 issuer may sell public securities at any price.
45 Section 1204.006(b) applies to district bonds under

1 Sections 1204.001 and 1204.002, Government Code.
2 Section 1201.022, Government Code, as amended in 2001,
3 provides that an issuer may sell public securities
4 "under the terms determined by the governing body of
5 the issuer to be in the issuer's best interests."
6 Section 1201.022 applies to district bonds under
7 Sections 1201.002 and 1201.003, Government Code. The
8 omitted law reads:

9 (e) . . . They shall be sold for not
10 less than par and accrued interest and,
11 [after having been approved by the attorney
12 general and registered by the comptroller
13 of public accounts and sold] for not less
14 than par and accrued interest, [such bonds
15 shall be held in any suit or proceeding in
16 which their validity may be questioned to be
17 valid, binding obligations on such
18 district]

19 (5) Section 9, Chapter 11, Acts of the 61st
20 Legislature, Regular Session, 1969, lists the entities
21 for which district bonds are legal investments and
22 provides that district bonds may secure deposits of
23 public funds of the state or political subdivisions.
24 The revised law omits the provision relating to the
25 eligibility of district bonds to be considered as
26 investments for various entities because it
27 duplicates, in substance, Section 49.186(a), Water
28 Code. The revised law omits the provision relating to
29 the use of district bonds as security for deposits of
30 state funds as impliedly repealed by Section 404.0221,
31 Government Code (enacted in 1995), which lists
32 eligible collateral for deposits of state funds by the
33 comptroller, and by Section 404.031, Government Code
34 (enacted in 1985 as Section 3.001, Article 4393-1,
35 Vernon's Texas Civil Statutes), which provides for the
36 valuation of that collateral. As to securing deposits
37 of other funds, the provision is impliedly repealed by
38 Chapter 2257, Government Code (enacted in 1989 as
39 Article 2529d, Vernon's Texas Civil Statutes), which

1 governs eligible collateral for deposits of funds of
2 other public agencies, including political
3 subdivisions, and permits those deposits to be secured
4 by obligations issued by conservation and reclamation
5 districts. The omitted law reads:

6 Sec. 9. All bonds issued under this
7 Act shall be legal and authorized
8 investments for banks, savings banks, trust
9 companies, building and loan associations,
10 insurance companies, fiduciaries,
11 trustees, and for any sinking funds of
12 cities, towns, villages, counties, school
13 districts, and other political corporations
14 or subdivisions of the State of Texas. The
15 bonds shall be eligible to secure the
16 deposit of any and all public funds of the
17 State of Texas and any and all public funds
18 of cities, towns, villages, counties,
19 school districts, and other political
20 corporations or subdivisions of the State
21 of Texas, and the bonds shall be lawful and
22 sufficient security for the deposits at
23 their face value when accompanied by all
24 unmatured coupons appurtenant thereto.

25 Revisor's Note
26 (End of Chapter)

27 (1) Section 14, Chapter 11, Acts of the 61st
28 Legislature, Regular Session, 1969, provides that the
29 act is severable. The revised law omits that provision
30 because the same result is produced by the application
31 of Section 311.032(c), Government Code (Code
32 Construction Act), which provides that a provision of
33 a statute is severable from each other provision of the
34 statute that can be given effect. The omitted law
35 reads:

36 Sec. 14. If any word, phrase, clause,
37 sentence, paragraph, section, or other part
38 of this Act or the application thereof to
39 any person or circumstance shall ever be
40 held by a court of competent jurisdiction to
41 be invalid or unconstitutional, the
42 remainder of the Act and the application of
43 such word, phrase, clause, sentence,
44 paragraph, section, or other part of this
45 Act to other persons or circumstances shall
46 not be affected thereby.

47 (2) Section 15, Chapter 11, Acts of the 61st
48 Legislature, Regular Session, 1969, and Section 3,
49 Chapter 280, Acts of the 62nd Legislature, Regular

1 Session, 1971, contain legislative findings relating
 2 to the performance of the requirements of Section
 3 59(d), Article XVI, Texas Constitution, and to the
 4 authority of the legislature to enact those chapters.
 5 The revised law omits those provisions as executed.
 6 The omitted law reads:

7 [Acts 61st Leg., R.S., Ch. 11]

8 Sec. 15. It is determined and found
 9 that a proper and legal notice of intention
 10 to introduce this Act, setting forth the
 11 general substance of this Act, has been
 12 published at least 30 days and not more than
 13 90 days prior to the introduction of this
 14 Act in the Legislature of Texas, in a
 15 newspaper having general circulation in
 16 Willacy County, and a copy of such notice
 17 and copy of this Act have been delivered to
 18 the Governor of Texas who has submitted such
 19 notice and Act to the Texas Water Rights
 20 Commission, and said Texas Water Rights
 21 Commission has filed its recommendation as
 22 to such Act with the governor, lieutenant
 23 governor, and Speaker of the House of
 24 Representatives of Texas within 30 days
 25 from the date such notice and Act were
 26 received by the Texas Water Rights
 27 Commission; and it is further determined
 28 and found that all the requirements and
 29 provisions of Article XVI, Section 59(d),
 30 of the Texas Constitution have been
 31 fulfilled and accomplished as therein
 32 provided.

33 [Acts 62nd Leg., R.S., Ch. 280]

34 Sec. 3. The proof of publication of
 35 the constitutional notice required in
 36 Subsection (d) of Article XVI, Section 59,
 37 of the Texas Constitution, has been made in
 38 the manner provided and a copy of the notice
 39 and the bill as originally introduced have
 40 been delivered to the Governor of the State
 41 of Texas. The notice and delivery are found
 42 and declared to be proper and sufficient to
 43 satisfy constitutional requirements.

44 CHAPTER 6612. CAMERON COUNTY DRAINAGE DISTRICT NO. 1

45 SUBCHAPTER A. GENERAL PROVISIONS

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3 CHAPTER 6612. CAMERON COUNTY DRAINAGE DISTRICT NO. 1

4 SUBCHAPTER A. GENERAL PROVISIONS

5 Revised Law

6 Sec. 6612.001. DEFINITIONS. In this chapter:

7 (1) "Board" means the board of directors of the
8 district.

9 (2) "Commissioners court" means the Cameron County
10 Commissioners Court.

11 (3) "Director" means a member of the board.

12 (4) "District" means the Cameron County Drainage
13 District No. 1. (Acts 41st Leg., R.S., Ch. 145, Sec. 5 (part);
14 New.)

15 Source Law

16 Sec. 5. . . . the said district shall be
17 hereafter known as Cameron County Drainage District
18 One, and

19 Revisor's Note

20 (1) The definitions of "board," "commissioners
21 court," "director," and "district" are added to the
22 revised law for drafting convenience and to eliminate
23 frequent, unnecessary repetition of the substance of
24 the definitions.

25 (2) Section 5, Chapter 145, Acts of the 41st
26 Legislature, Regular Session, 1929, provides that the
27 district shall be known as "Cameron County Drainage
28 District One." The omission of "Number" from the
29 district's name is a typographical error since it is
30 clear from a reading of the act that the legislature
31 intended for the district to be known as "Cameron
32 County Drainage District Number One." The revised law
33 is drafted accordingly.

34 Revised Law

35 Sec. 6612.002. NATURE OF DISTRICT. The district is a

1 conservation and reclamation district in Cameron County created
2 under Section 59, Article XVI, Texas Constitution, for all purposes
3 of that section, including the reclamation and drainage of its
4 seeped, salty, waterlogged, and overflowed land and other land
5 needing drainage. (Acts 41st Leg., R.S., Ch. 145, Secs. 1 (part), 2
6 (part), 5 (part).)

7 Source Law

8 Sec. 1. Cameron County Drainage District Number
9 One of Cameron County, Texas, . . . is hereby created
10 and established as a Conservation District in said
11 county under authority of Section 59 of Article 16 of
12 the Constitution of the State of Texas, for the purpose
13 of the reclamation and drainage of its seeped, salty,
14 waterlogged and over flowed lands, and other lands
15 needing drainage, and all other purposes as
16 contemplated by section 59 of Article 16 of the
17 Constitution of this State, and said district shall be
18 a governmental agency and body politic

19 Sec. 2. . . . said District is hereby
20 converted, without change of name, to a Conservation
21 and Reclamation District, under Article 16, Section 59
22 of the Constitution;

23 Sec. 5. . . . it being the intent hereof to
24 convert said Cameron County Drainage District Number
25 One into a Conservation and Reclamation District,
26 without change of name, or impairment to any of its
27 obligations, and the same shall be a Conservation and
28 Reclamation District under the provisions of Section
29 59 of Article 16 of the State Constitution and

30 Revisor's Note

31 (1) Section 1, Chapter 145, Acts of the 41st
32 Legislature, Regular Session, 1929, provides that the
33 district "is hereby . . . established as a
34 Conservation District" under Section 59, Article XVI,
35 Texas Constitution. Section 2, Chapter 145, Acts of
36 the 41st Legislature, Regular Session, 1929, provides
37 that the district is "hereby converted, without change
38 of name," to a conservation and reclamation district
39 under Section 59, Article XVI, Texas Constitution.
40 Section 5, Chapter 145, Acts of the 41st Legislature,
41 Regular Session, 1929, provides that it is the intent
42 of that act "to convert" the district into a
43 conservation and reclamation district "without change
44 of name, or impairment to any of its obligations." The

1 revised law omits the quoted language as executed.

2 (2) Section 1, Chapter 145, Acts of the 41st
3 Legislature, Regular Session, 1929, refers to the
4 district as "a governmental agency and body politic."
5 The revised law omits the quoted language because it
6 duplicates a portion of Section 59(b), Article XVI,
7 Texas Constitution, which provides that a conservation
8 and reclamation district is a governmental agency and
9 a body politic and corporate.

10 Revised Law

11 Sec. 6612.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
12 The conversion of the district into a conservation and reclamation
13 district under Section 59, Article XVI, Texas Constitution, and the
14 provision to the district of the powers conferred by that section:

15 (1) will benefit the residents and property in the
16 district; and

17 (2) benefit all property included in the district.

18 (b) No property which is benefitted is not included in the
19 district.

20 (c) The district is essential to accomplish the purposes of
21 Section 59, Article XVI, Texas Constitution. (Acts 41st Leg.,
22 R.S., Ch. 145, Secs. 2 (part), 11 (part).)

23 Source Law

24 Sec. 2. . . . [said District is . . . converted
25 . . . to a Conservation and Reclamation District,
26 under Article 16, Section 59 of the Constitution;] it
27 being determined by the Legislature that the
28 conversion of said district so as to vest it with the
29 enlarged powers as conferred by Article 16, Section
30 59, will benefit the citizens and property within said
31 district, and that all property included within the
32 boundaries of said District is benefitted, and that no
33 property which is benefitted is not included within
34 the boundaries of said District as hereinabove set
35 forth.

36 Sec. 11. The Legislature hereby exercises the
37 authority upon it conferred by Section 59 of Article 16
38 of the constitution of Texas and declares that said
39 conservation district as above described to be
40 essential to the accomplishment of the purposes of
41 said constitutional provision, to be a governmental
42 agency and body politic and corporate

1 Revisor's Note

2 (1) Section 2, Chapter 145, Acts of the 41st
3 Legislature, Regular Session, 1929, refers to
4 "citizens" within the district. The revised law
5 substitutes "residents" for "citizens" because, in the
6 context of this section, the terms are synonymous and
7 "residents" is more commonly used.

8 (2) Section 11, Chapter 145, Acts of the 41st
9 Legislature, Regular Session, 1929, provides that the
10 legislature "hereby exercises the authority upon it
11 conferred by" Section 59, Article XVI, Texas
12 Constitution. The revised law omits the quoted
13 language as executed.

14 (3) Section 11, Chapter 145, Acts of the 41st
15 Legislature, Regular Session, 1929, provides that the
16 legislature declares the district "to be a
17 governmental agency and body politic and corporate."
18 The revised law omits the quoted language for the
19 reason stated in Revisor's Note (2) to Section
20 6612.002.

21 Revised Law

22 Sec. 6612.004. DISTRICT TERRITORY. The district is
23 composed of the territory described by Section 1, Chapter 145, Acts
24 of the 41st Legislature, Regular Session, 1929, as that territory
25 may have been modified under:

26 (1) Subchapter I, Chapter 56, Water Code, before
27 September 1, 1995;

28 (2) Subchapter J, Chapter 56, Water Code;

29 (3) Subchapter J, Chapter 49, Water Code; or

30 (4) other law. (New.)

31 Revisor's Note

32 The revised law does not revise the statutory
33 language describing the territory of the district to
34 avoid the lengthy recitation of the description and

1 because that description may not be accurate on the
2 effective date of the revision or at the time of a
3 later reading. For the reader's convenience, the
4 revised law includes references to the statutory
5 description of the district's territory and to the
6 statutory authority to change the district's
7 territory. Subchapter I, Chapter 56, Water Code,
8 which was enacted in 1981 and repealed in 1995,
9 provided for addition or annexation of territory by a
10 drainage district. Subchapter J, Chapter 56, Water
11 Code, enacted in 1995, provides procedures for
12 annexation of territory by an existing district.
13 Subchapters I and J, Chapter 56, apply to the district
14 under Section 7, Chapter 145, Acts of the 41st
15 Legislature, Regular Session, 1929 (revised as part of
16 Section 6612.101 of this chapter). Subchapter J,
17 Chapter 49, Water Code, relates to the addition or
18 removal of territory. Chapter 49, Water Code, applies
19 to the district under Sections 49.001 and 49.002 of
20 that chapter. The revised law also includes a
21 reference to the general authority of the legislature
22 to enact other laws to change the district's territory.

23 SUBCHAPTER B. BOARD OF DIRECTORS

24 Revised Law

25 Sec. 6612.051. COMPOSITION OF BOARD. The board consists of
26 three directors appointed by the commissioners court. (Acts 41st
27 Leg., R.S., Ch. 145, Sec. 4 (part).)

28 Source Law

29 Sec. 4. The management and control of the said
30 Drainage District Number One is hereby vested in a
31 Board of Commissioners, which board shall be composed
32 of three persons and . . . successors are appointed by
33 the Commissioners' Court of Cameron County, Texas, and
34

35 Revisor's Note

36 (1) Section 4, Chapter 145, Acts of the 41st
37 Legislature, Regular Session, 1929, refers to a board

1 of "Commissioners." Throughout this chapter, the
2 revised law substitutes "director" for "commissioner"
3 to conform to the terminology of the Water Code.

4 (2) Section 4, Chapter 145, Acts of the 41st
5 Legislature, Regular Session, 1929, provides that
6 "[t]he management and control of the said Drainage
7 District Number One is hereby vested" in a board of
8 commissioners. The revised law omits the quoted
9 language because it duplicates, in substance, parts of
10 Sections 49.051 and 49.057, Water Code. Throughout
11 this chapter, the revised law omits law that is
12 superseded by Chapter 49, Water Code, or that
13 duplicates law contained in that chapter. Chapter 49
14 (enacted in 1995) applies to the district under
15 Sections 49.001 and 49.002, Water Code.

16 Revisor's Note
17 (End of Subchapter)

18 (1) Section 4, Chapter 145, Acts of the 41st
19 Legislature, Regular Session, 1929, provides that the
20 qualifications and powers of the district's
21 commissioners are the same as the qualifications and
22 powers of a board of commissioners of a drainage
23 district organized under Chapter 7, Title 128, Revised
24 Civil Statutes, 1925. The relevant provisions of
25 Chapter 7 were codified in 1971 as part of Chapter 56,
26 Water Code, by Chapter 58, Acts of the 62nd
27 Legislature, Regular Session. Chapter 715, Acts of
28 the 74th Legislature, Regular Session, 1995, repealed
29 some of the provisions in Chapter 56 relating to the
30 qualifications and powers of the board and enacted
31 similar provisions in Chapter 49, Water Code. Because
32 both Chapter 49 (through Sections 49.001 and 49.002,
33 Water Code) and Chapter 56 (through Section 7, Chapter
34 145, Acts of the 41st Legislature, Regular Session,
35 1929, codified in pertinent part as Section 6612.101)

1 already apply to the district, the revised law omits
2 that provision as unnecessary. The omitted law reads:

3 Sec. 4. . . . [which board shall be
4 composed of three persons] . . . who shall
5 possess the same qualifications and who
6 shall have the same powers and authority
7 conferred upon the boards of Commissioners
8 of Drainage Districts organized under
9 provisions of Chapter 7, Title 128 of the
10 Revised Civil Statutes, 1925. . . .

11 (2) Section 4, Chapter 145, Acts of the 41st
12 Legislature, Regular Session, 1929, provides that the
13 directors serving on the date the legislation is
14 enacted shall continue to serve on the board until
15 their successors have been appointed by the
16 commissioners court and have qualified. The revised
17 law omits the provision as executed. The omitted law
18 reads:

19 Sec. 4. . . . The three
20 Commissioners of said district, now in
21 office, to-wit: J. C. Bennett, M. C. Myrtle
22 and J. H. Downs, shall discharge the duties
23 of Commissioners of said Cameron County
24 Drainage District Number One during the
25 year 1929 and until their [successors are
26 appointed by the Commissioners' Court of
27 Cameron County, Texas, and] have qualified
28 in the time and manner provided by said
29 Chapter.

30 SUBCHAPTER C. POWERS AND DUTIES

31 Revised Law

32 Sec. 6612.101. GENERAL POWERS AND DUTIES. (a) The district
33 has the:

34 (1) rights, powers, functions, and privileges
35 provided to a conservation and reclamation district by the Texas
36 Constitution and general law;

37 (2) rights, powers, privileges, and duties provided to
38 a drainage district created under Section 59, Article XVI, Texas
39 Constitution, and organized under general law, including Chapters
40 49 and 56, Water Code; and

41 (3) powers of government and the authority to exercise
42 the rights, privileges, and functions conferred by this chapter.

43 (b) The district has the right and power of a drainage

1 district organized under Chapter 56, Water Code, to impose taxes
2 and issue bonds. (Acts 41st Leg., R.S., Ch. 145, Secs. 1 (part), 5
3 (part), 7 (part), 11 (part); New.)

4 Source Law

5 Sec. 1. . . . [a . . . district] . . . with all
6 powers as are granted to such conservation districts
7 in the Constitution and in the General Laws of the
8 State of Texas.

9 Sec. 5. . . . [said district] . . . shall have
10 and may exercise all the powers, authority, functions
11 and privileges provided in constitutional and
12 statutory provisions herinabove mentioned.

13 Sec. 7. The said Cameron County Drainage
14 District Number One shall have and exercise and is
15 hereby vested with all the rights, powers and
16 privileges and duties of a Drainage District,
17 organized under the provisions of and conferred by the
18 General Laws of this State, now in force or to be
19 hereafter enacted, upon drainage districts created
20 under authority of Section 59 of Article 16 of the
21 Constitution, and known as conservation and
22 reclamation districts, including the right and power
23 to levy taxes and issue bonds of said Districts,
24

25 Sec. 11. [The Legislature hereby . . . declares
26 . . . said conservation district . . . to be a
27 governmental agency] . . . with such powers of
28 Government and with the authority to exercise such
29 rights, privileges and functions as are conferred in
30 this Act, the General Laws referred to above and all
31 amendments thereto, and

32 Revisor's Note

33 (1) Section 5, Chapter 145, Acts of the 41st
34 Legislature, Regular Session, 1929, provides that the
35 district "shall have and may exercise" certain powers,
36 authority, functions, and privileges. Similarly,
37 Section 7, Chapter 145, Acts of the 41st Legislature,
38 Regular Session, 1929, provides that the district
39 "shall have and exercise and is hereby vested with"
40 certain rights, powers, privileges, and duties. The
41 revised law substitutes "has" for the quoted language
42 because, in context, the terms are synonymous and
43 "has" is more commonly used. The revised law also
44 omits the reference to "authority" in Section 5 as
45 included in the meaning of "powers."

46 (2) Section 7, Chapter 145, Acts of the 41st

1 Legislature, Regular Session, 1929, refers to the
2 rights, powers, privileges, and duties of a drainage
3 district "organized under the provisions of and
4 conferred by the General Laws of this State." For the
5 reader's convenience, the revised law includes a
6 reference to Chapters 49 and 56, Water Code, because
7 those are the principal chapters applicable to a
8 drainage district organized under general law.

9 (3) Section 7, Chapter 145, Acts of the 41st
10 Legislature, Regular Session, 1929, refers to certain
11 general laws of this state "now in force or to be
12 hereafter enacted." The revised law omits the quoted
13 language as unnecessary under accepted general
14 principles of statutory construction. The "General
15 Laws of this State" means those laws "in force" at the
16 time the provision was adopted. It is unnecessary to
17 state that the district may be granted additional
18 powers by later enacted laws because those laws apply
19 on their own terms.

20 (4) Section 7, Chapter 145, Acts of the 41st
21 Legislature, Regular Session, 1929, refers to the
22 district's power to "levy" taxes. The revised law
23 substitutes "impose" for "levy" because "impose" is
24 the term generally used in Title 1, Tax Code, and
25 includes the levy of a tax.

26 (5) Section 7, Chapter 145, Acts of the 41st
27 Legislature, Regular Session, 1929, provides that the
28 powers granted to the district may be limited by other
29 general laws of the state. The revised law omits that
30 provision because the grant of powers to the district
31 is always subject to the limitations imposed in the
32 laws granting those powers or other general laws
33 applicable to the district. The omitted law reads:

34 Sec. 7. . . . to the extent, for the
35 purposes, and subject to the provisions,

1 limitations, and conditions under which
2 said powers may be exercised, or may
3 hereafter be exercised under the General
4 Laws of this State, by the Commissioners'
5 Court or Drainage Commissioners.

6 (6) Section 11, Chapter 145, Acts of the 41st
7 Legislature, Regular Session, 1929, refers to certain
8 general laws "and all amendments thereto." The
9 revised law omits the quoted language because under
10 Section 311.027, Government Code (Code Construction
11 Act), a reference to a statute applies to all
12 reenactments, revisions, or amendments of that statute
13 unless expressly provided otherwise.

14 Revisor's Note
15 (End of Chapter)

16 (1) Sections 2, 3, 9, 10, and 11, Chapter 145,
17 Acts of the 41st Legislature, Regular Session, 1929,
18 contain provisions that approve, ratify, confirm,
19 legalize, or validate the establishment, the purpose,
20 or certain acts of the district. Those provisions are
21 omitted from the revised law because they served their
22 purpose on the day they took effect and are executed
23 law. Section 311.031(a)(2), Government Code (Code
24 Construction Act), provides that the repeal of a
25 statute does not affect any validation previously made
26 under the statute. Therefore, the omission of the
27 executed validation provisions does not affect those
28 validations. The omitted law reads:

29 Sec. 2. That the original
30 organization and establishment of Cameron
31 County Drainage District Number One of
32 Cameron County, Texas, by the
33 Commissioners, Court of said county is
34 hereby approved, ratified and confirmed,
35 and the power and authority of said
36 Commissioners' Court to create said
37 territory into a Drainage District for the
38 purpose of the reclamation and drainage of
39 its seeped, salty, waterlogged and
40 overflowed lands and other lands needing
41 drainage, under the provisions of Article
42 5, Section 52, is hereby expressly
43 approved, ratified and confirmed, and
44

45 Sec. 3. The order of the Board of
46 County Commissioners of Cameron County,

1 made on the 22nd day of January, A. D. 1910,
2 wherein a resolution was passed canvassing
3 the returns of an election, and
4 establishing said district, as recorded in
5 Vol. "J," pages 538 to 540 of the Minutes of
6 the Commissioners' Court is hereby
7 expressly ratified, approved and confirmed;
8 that the recording of the minutes of said
9 proceedings in the Records of the
10 Commissioners' Court in the office of the
11 County Clerk and Ex-Officio Clerk of the
12 Commissioners' Court of Cameron County,
13 Texas, in said Vol. "J," on pages 538 to 540
14 aforesaid, is expressly legalized,
15 ratified, approved, confirmed and
16 validated; and certified copies of all said
17 proceedings where taken from the original
18 minutes of said Commissioners Court, are
19 hereby declared to be legal evidence in any
20 court of this State or of the United States.

21 Sec. 9. That the action of the
22 Commissioners' Court in originally creating
23 and establishing said District as
24 aforesaid, the action of the Boards of
25 Equalization in examining and correcting,
26 equalizing and approving the assessment
27 rolls, the action of the Board of County
28 Commissioners and Drainage Commissioners in
29 levying and providing for the collection of
30 taxes, all have constituted an equitable
31 imposition of taxes against the property in
32 said district, and each and every of said
33 respective actions is hereby validated,
34 confirmed and legalized.

35 Sec. 10. That the orders of the
36 Commissioners' Court of Cameron County
37 above cited, the orders of the Board of
38 Drainage Commissioners of said District
39 above cited, and all other orders adopted by
40 the Commissioners' Court and by the Board of
41 Drainage Commissioners in respect to the
42 creation and organization of said district
43 and the authorization, issuance and sale of
44 said bonds and the levying and assessing of
45 taxes as the same appear upon the records of
46 said board, or copies thereof duly
47 certified, are hereby constituted legal
48 evidence of such orders and shall be
49 authority for said board of Drainage
50 Commissioners or County Commissioners to
51 annually levy, assess and collect taxes in
52 an amount sufficient to pay the principal
53 and interest upon said bonds as the same
54 matures and becomes due, as well as taxes
55 for the maintenance of the District, taxes
56 to be levied and assessed based upon the
57 assessed value of taxable property in said
58 district as fixed by the Board of
59 Equalization thereof in accordance with
60 existing laws; that any and all acts and
61 proceedings had and taken by said board in
62 the construction and purchase of
63 improvements with the proceeds of said
64 bonds are hereby validated, approved and
65 legalized.

66 Sec. 11. . . . it is and has been
67 legal and valid from the date it was created
68 by the Commissioners' Court; that it is now

1 created as a legal and valid Conservation
2 and Reclamation District, and the sale of
3 said bonds, the levy of taxes to pay the
4 principal thereof and interest thereon, the
5 actual purchase and construction of said
6 improvements with the proceeds thereof,
7 with like effect as though at the time or
8 times said acts and proceedings were done or
9 had, there existed statutory authority for
10 the doing thereof.

11 (2) Section 5, Chapter 145, Acts of the 41st
12 Legislature, Regular Session, 1929, requires the
13 converted district to assume all obligations,
14 contracts, and indebtedness of the initial district
15 and to pay off and discharge all outstanding bonds.
16 The revised law omits that provision as executed. The
17 omitted law reads:

18 Sec. 5. All obligations, contracts
19 and indebtedness heretofore legally created
20 by and on behalf of Cameron County Drainage
21 District Number One prior to its conversion
22 by this Act, and all obligations, contracts
23 and indebtedness heretofore legally created
24 by and on behalf of said Cameron County
25 Drainage District Number One, embracing the
26 territory hereinabove described in Section
27 1, are hereby expressly imposed upon said
28 Cameron County Drainage District Number One
29 hereby created, and shall be executed and
30 discharged by the said Cameron County
31 Drainage District Number One, and the said
32 Drainage District hereby created as a
33 Conservation and Reclamation District shall
34 be held to have assumed the discharge of all
35 such obligations, contracts and
36 indebtedness, and the same shall be
37 enforceable, collectable from, paid and
38 discharged, by said Cameron County Drainage
39 District Number One, as here now created as
40 a Conservation and Reclamation District,
41 particularly \$204,500.00 of bonds issued by
42 order of the Commissioners' Court of Cameron
43 County, November 18, 1911, recorded in
44 Volume "K," pages 371 et seq. of the Minutes
45 thereof, said bonds dated December 1, 1911,
46 maturing serially from December 1, 1916, to
47 December 1, 1936, both inclusive, said
48 bonds numbered from 1 to 205, both
49 inclusive; said \$204,500.00 bonds or such
50 part thereof as are now outstanding are
51 hereby ratified, validated, approved,
52 confirmed and assumed by the said Cameron
53 County Drainage District Number One, as
54 herein converted as a Conservation and
55 Reclamation District, and the said bonds,
56 both principal and interest, now remaining
57 unpaid shall be paid off and discharged by
58 the said Cameron County Drainage District
59 Number One, as here created,

60 (3) Section 6, Chapter 145, Acts of the 41st

1 Legislature, Regular Session, 1929, requires the
2 converted district to take over all property and
3 rights in property, including current and delinquent
4 taxes, owned by the initial district. The revised law
5 omits that provision as executed. The omitted law
6 reads:

7 Sec. 6. The said Cameron County
8 Drainage District Number One shall own all
9 property and rights in property, especially
10 including current and delinquent taxes,
11 heretofore owned and used under the
12 provisions of Section 59 of Article 16 of
13 the State Constitution and the provisions
14 of the general laws enacted in pursuance
15 thereof.

16 (4) Section 8, Chapter 145, Acts of the 41st
17 Legislature, Regular Session, 1929, contains various
18 provisions relating to taxes. The revised law omits
19 the provisions ratifying, legalizing, and validating
20 the taxes imposed for 1928 and prior years and the
21 assessed value of property for those years as executed
22 law for the reason stated in Revisor's Note (1) at the
23 end of this chapter. Section 8 also requires the
24 district's board of equalization or the commissioners
25 court to levy and assess a property tax on the value of
26 taxable property in the district as determined by the
27 board of equalization, and delegates the power to levy
28 taxes to the district's board or the commissioners
29 court. The revised law omits those provisions as
30 repealed by Title 1, Tax Code, enacted by Chapter 841,
31 Acts of the 66th Legislature, Regular Session, 1979,
32 which was intended as a comprehensive, substantive
33 codification of all property tax law and its
34 administration. Section 1 of that act repealed the
35 functions and duties of boards of equalization, and
36 Section 6(b) of that act repealed all "general, local,
37 and special laws" that conflicted with that act. Title
38 1, Tax Code, provides the exclusive procedures for the

1 assessment and collection of ad valorem taxes by a
2 taxing unit, including the district. To the extent
3 that Chapters 49 and 56, Water Code, establish
4 procedures for the imposition of taxes by a drainage
5 district, the district is bound by those procedures.
6 The omitted law reads:

7 Sec. 8. That taxes sufficient to pay
8 the principal of and interest upon said
9 bonds, as well as for the maintenance and
10 operation, and other taxes and charges
11 heretofore levied upon the taxable property
12 in said district, both before and after its
13 conversion as aforesaid, on the assessed
14 value of said taxable property determined
15 by the Board of Equalization of said
16 District, are hereby in all respects
17 legalized and validated; that the action of
18 the Boards of Equalization of the District
19 and the action of the Board of Commissioners
20 of Cameron County, in preparing the tax
21 rolls of the District are hereby ratified,
22 legalized and validated; that the values
23 placed upon said property for the purposes
24 of taxation by said District, and the taxes
25 collected thereon and levied against the
26 property within said District are hereby
27 found and fixed as proper amounts and are
28 constituted the basis for such taxation,
29 and the assessment and levy of such taxes
30 for the year 1928 and all previous years, is
31 hereby legalized, and said taxes in an
32 amount sufficient to pay the principal and
33 the interest of the said bonds outstanding,
34 as well as for the maintenance and operation
35 of said District, shall, beginning with the
36 Calendar year 1929, be annually levied and
37 assessed by the Board of Equalization of
38 said District, or the Commissioners' Court
39 of Cameron County, calculated upon the
40 value of taxable property in said district
41 as fixed by the Board of Equalization, and
42 the power to levy such annual, general
43 advalorem taxes is hereby expressly
44 delegated to the Commissioners of said
45 District or the Commissioners' Court of
46 Cameron County, and the Commissioners of
47 said District or the Commissioners' Court of
48 Cameron County are expressly authorized to
49 take all proper steps necessary to collect
50 any delinquent taxes heretofore accruing
51 before the conversion of said district, the
52 same as if said district had been originally
53 created as a Drainage District under
54 Article 16, Section 59 of the Constitution.

55 (5) Section 12, Chapter 145, Acts of the 41st
56 Legislature, Regular Session, 1929, provides that
57 public notice of enactment of the statute was provided
58 in a manner that satisfies the requirements of the

1 Texas Constitution. The revised law omits that
2 provision as executed. The omitted law reads:

3 Sec. 12. Proof of publication of the
4 constitutional notice required in the
5 enactment of Local or Special laws has been
6 made in the manner and form provided by law.

7 CHAPTER 6613. CAMERON COUNTY DRAINAGE DISTRICT NO. 3

8 SUBCHAPTER A. GENERAL PROVISIONS

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18 Sec. 6613.102. CONTROL, CONSTRUCTION, AND REPAIR OF
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24 CHAPTER 6613. CAMERON COUNTY DRAINAGE DISTRICT NO. 3

25 SUBCHAPTER A. GENERAL PROVISIONS

26 Revised Law

27 Sec. 6613.001. DEFINITIONS. In this chapter:

28 (1) "Board" means the board of directors of the
29 district.

30 (2) "Director" means a member of the board.

31 (3) "District" means the Cameron County Drainage
32 District No. 3. (Acts 41st Leg., R.S., Ch. 45, Secs. 3 (part), 10
33 (part); New.)

34 Source Law

35 Sec. 3. [That said . . . District] . . . shall
36 be known as San Benito Cameron County Drainage
37 District Number Three. . . .

1 Sec. 10. . . . the said district shall be
2 hereafter known as San Benito Cameron County Drainage
3 District Three, and

4 Revisor's Note

5 (1) The definitions of "board," "director," and
6 "district" are added to the revised law for drafting
7 convenience and to eliminate frequent, unnecessary
8 repetition of the substance of the definitions.

9 (2) Section 3, Chapter 45, Acts of the 41st
10 Legislature, Regular Session, 1929, provides that the
11 district shall be known as "San Benito Cameron County
12 Drainage District Number Three." In May 1998, the
13 Texas Natural Resource Conservation Commission, the
14 state agency with the relevant regulatory authority at
15 that time, approved an application by the San Benito
16 Cameron County Drainage District No. 3 to change its
17 name under Section 49.071, Water Code, to "Cameron
18 County Drainage District No. 3." The revised law is
19 drafted accordingly.

20 Revised Law

21 Sec. 6613.002. NATURE OF DISTRICT. The district is a
22 drainage district created as a conservation and reclamation
23 district under Section 59, Article XVI, Texas Constitution. (Acts
24 41st Leg., R.S., Ch. 45, Secs. 3 (part), 10 (part).)

25 Source Law

26 Sec. 3. That said San Benito Cameron County
27 Drainage District Number Three be and the same is
28 hereby converted and created into a Conservation and
29 Reclamation District under the provisions of Section
30 59 of Article 16, of the Constitution of the State of
31 Texas, and the General Laws not inconsistent with this
32 Act, and

33 Sec. 10. . . . the said drainage district
34 hereby created as a Conservation and Reclamation
35 District . . . it being the intent hereof to convert
36 said San Benito Cameron County Drainage District
37 Number Three into a Conservation and Reclamation
38 District, without change of name, or impairment of any
39 of its obligations, and the same shall be a
40 Conservation and Reclamation District under the
41 provisions of Section 59 of Article 16 of the State
42 Constitution and

1 Revisor's Note

2 (1) Section 3, Chapter 45, Acts of the 41st
3 Legislature, Regular Session, 1929, provides that the
4 district is "hereby converted and created into" a
5 conservation and reclamation district under Section
6 59, Article XVI, Texas Constitution. Section 10,
7 Chapter 45, Acts of the 41st Legislature, Regular
8 Session, 1929, provides that it is the intent of that
9 act "to convert" the district into a conservation and
10 reclamation district "without change of name, or
11 impairment of any of its obligations." The revised law
12 omits the quoted language as executed.

13 (2) Section 3, Chapter 45, Acts of the 41st
14 Legislature, Regular Session, 1929, provides that the
15 district is a conservation and reclamation district
16 under Section 59, Article XVI, Texas Constitution, and
17 "the General Laws not inconsistent with this Act." The
18 revised law omits the quoted language because general
19 laws apply on their own terms, and Section 311.026,
20 Government Code (Code Construction Act), provides for
21 the construction of conflicting statutes.

22 Revised Law

23 Sec. 6613.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
24 The conversion of the district into a conservation and reclamation
25 district under Section 59, Article XVI, Texas Constitution:

- 26 (1) is feasible, practicable, and needed;
27 (2) will be a public benefit and a public utility; and
28 (3) will benefit all land and property included in the
29 district.

30 (b) All property in the district is benefited, and no
31 property benefited is not included in the district.

32 (c) No land is included in the district except land that
33 will be benefited. (Acts 41st Leg., R.S., Ch. 45, Secs. 2 (part), 3
34 (part).)

1 Source Law

2 Sec. 2. . . . it is hereby determined and
3 declared that all property within the boundaries of
4 said District as herein set forth is benefited, and
5 that no property benefited is not included within said
6 District.

7 Sec. 3. [That said San Benito Cameron County
8 Drainage District Number Three . . . is . . .
9 converted . . . into a Conservation and Reclamation
10 District under the provisions of Section 59 of Article
11 16, of the Constitution of the State of Texas] . . .
12 The conversion of said district, as herein provided,
13 is feasible, practicable and is needed, and will be a
14 public benefit and a public utility, and no land is
15 included within said boundaries except such as will be
16 benefited, and that the conversion of said district
17 into a Conservation and Reclamation District will be a
18 benefit to all the land and property included in said
19 district.

20 Revised Law

21 Sec. 6613.004. DISTRICT TERRITORY. The district is
22 composed of the territory described by Section 2, Chapter 45, Acts
23 of the 41st Legislature, Regular Session, 1929, as that territory
24 may have been modified under:

- 25 (1) Subchapter J, Chapter 49, Water Code; or
26 (2) other law. (New.)

27 Revisor's Note

28 The revised law does not revise the statutory
29 language describing the territory of the district to
30 avoid the lengthy recitation of the description and
31 because that description may not be accurate on the
32 effective date of the revision or at the time of a
33 later reading. For the reader's convenience, the
34 revised law includes references to the statutory
35 description of the district's territory and to the
36 statutory authority to change the district's territory
37 under Subchapter J, Chapter 49, Water Code, applicable
38 to the district under Sections 49.001 and 49.002 of
39 that chapter. The revised law also includes a
40 reference to the general authority of the legislature
41 to enact other laws to change the district's territory.

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Revised Law

3 Sec. 6613.051. COMPOSITION OF BOARD. The board consists of
4 three directors. (Acts 41st Leg., R.S., Ch. 45, Sec. 6 (part);
5 New.)

6 Source Law

7 Sec. 6. The three Drainage Commissioners

8 Revisor's Note

9 Section 6, Chapter 45, Acts of the 41st
10 Legislature, Regular Session, 1929, refers to
11 "Drainage Commissioners." Throughout this chapter,
12 the revised law substitutes "director" for "Drainage
13 Commissioner" and "board" for "Drainage
14 Commissioners" to conform to the terminology of the
15 Water Code.

16 Revised Law

17 Sec. 6613.052. COMPENSATION OF DIRECTORS. (a) A director
18 shall receive for the director's services not more than \$5 per day
19 for the time the director is actually engaged in the work of the
20 district, which shall be set by order of the commissioners court.

21 (b) In all areas of conflict with Subsection (a) of this
22 section, Section 49.060, Water Code, takes precedence.

23 (c) A director's compensation may be increased as
24 authorized by Section 49.060, Water Code, by resolution adopted by
25 the board in accordance with Subsection (e) of that section on or
26 after September 1, 1995. (Acts 41st Leg., R.S., Ch. 45, Sec. 6
27 (part); New.)

28 Source Law

29 Sec. 6. . . . Drainage Commissioners of the
30 District shall receive for their services not more
31 than five dollars per day for the time actually engaged
32 in the work, which shall be fixed by order of the
33 County Commissioners' Court.

34 Revisor's Note

35 Section 6, Chapter 45, Acts of the 41st
36 Legislature, Regular Session, 1929, provides that

1 "Drainage Commissioners of the District shall receive
2 for their services not more than five dollars per day
3 for the time actually engaged in the work, which shall
4 be fixed by order of the County Commissioners' Court."
5 Section 49.060, Water Code, enacted in 1995 and
6 applicable by its own terms to the district, also
7 provides for a director's fees of office, computed on a
8 rate per day of certain service, and, under Subsection
9 (a-1) of that section, enacted in 2003, requires the
10 board of each district to adopt a resolution limiting a
11 director's total annual fees of office. Section
12 49.060(e) provides that, in all areas of conflict,
13 Section 49.060 takes precedence over all prior
14 statutory enactments and that, if the enactment of
15 that section would result in a fee increase, the
16 increase does not apply to a district unless the board
17 by resolution authorizes payment of the higher fees.
18 It is unclear to what extent the quoted language may be
19 in conflict with Section 49.060. To preserve the
20 ambiguity, the revised law includes the substance of
21 the quoted language and adds provisions necessary to
22 preserve the effect of Section 49.060 to the extent of
23 a conflict with that language.

24 Revisor's Note
25 (End of Subchapter)

26 Section 6, Chapter 45, Acts of the 41st
27 Legislature, Regular Session, 1929, provides a
28 transition for the drainage commissioners serving at
29 that time to continue to serve the district after its
30 conversion by the legislature. The revised law omits
31 the provision as executed. The omitted law reads:

32 Sec. 6. [The three Drainage
33 Commissioners] now serving shall be
34 Drainage Commissioners of the District,
35 created by this Act until their successors
36 have been appointed and qualified in the
37 manner provided by law. . . .

1 SUBCHAPTER C. POWERS AND DUTIES

2 Revised Law

3 Sec. 6613.101. GENERAL POWERS. The district has the
4 powers, functions, and privileges provided under Section 59,
5 Article XVI, Texas Constitution, and the general laws governing
6 drainage districts. (Acts 41st Leg., R.S., Ch. 45, Secs. 9 (part),
7 10 (part).)

8 Source Law

9 Sec. 9. [The district hereby created shall own
10 all property and rights in property . . . and the title
11 to same is . . . to be held and used] under the
12 provisions of Section 59, of Article 16, of the
13 Constitution, and the provisions of General Laws
14 enacted and to be enacted for the government of
15 drainage districts.

16 Sec. 10. . . . [San Benito Cameron County
17 Drainage District Number Three . . . shall be a
18 Conservation and Reclamation District under the
19 provisions of Section 59 of Article 16 of the State
20 Constitution] . . . shall have and may exercise all
21 the powers, authority, functions and privileges
22 provided in Constitutional and statutory provisions
23 hereinabove mentioned.

24 Revisor's Note

25 (1) Section 10, Chapter 45, Acts of the 41st
26 Legislature, Regular Session, 1929, refers to the
27 "powers, authority, functions and privileges" of the
28 district. The revised law omits the reference to
29 "authority" because, in context, "authority" is
30 included in the meaning of "powers."

31 (2) Section 10, Chapter 45, Acts of the 41st
32 Legislature, Regular Session, 1929, provides that the
33 district has certain powers, functions, and privileges
34 provided in the "statutory provisions hereinabove
35 mentioned." The revised law substitutes a reference
36 to the general laws governing drainage districts for
37 the quoted language because the only specific
38 statutory provisions that are mentioned in Chapter 45
39 are in Section 9, which provides that the district
40 shall own and use property under "the provisions of
41 General Laws enacted and to be enacted for the

1 government of drainage districts." The revised law
2 omits "enacted and to be enacted" as unnecessary under
3 accepted general principles of statutory
4 construction. "General Laws" means those laws
5 "enacted" at the time the provision was adopted. It is
6 unnecessary to state that the district may be granted
7 additional powers by later enacted laws because those
8 laws apply on their own terms.

9 Revised Law

10 Sec. 6613.102. CONTROL, CONSTRUCTION, AND REPAIR OF
11 DISTRICT IMPROVEMENTS; CONTRACTS FOR NEW CONSTRUCTION. (a) The
12 board may control and supervise the construction and maintenance of
13 canals, drains, ditches, levees, and other improvements of the
14 district and shall keep them in repair.

15 (b) The board may construct new improvements necessary for
16 the drainage of land in the district.

17 (c) A contract for new construction may or may not be let on
18 bids and contracts as provided by law, within the discretion of the
19 board as may seem for the best interest of the district. (Acts 41st
20 Leg., R.S., Ch. 45, Sec. 4.)

21 Source Law

22 Sec. 4. The Drainage Commissioners shall keep
23 the canals, drains, ditches, levees and other
24 improvements heretofore made, and to be made
25 hereunder, in repair, and shall have general authority
26 to supervise and control the construction and
27 maintenance of the same, and shall have power to
28 construct new improvements necessary to the drainage
29 of said land, and contracts for such new construction
30 may or may not be let upon bids and contracts as now
31 provided by law, as within the discretion of the
32 Draniage Commissioners may seem for the best interest
33 of the district.

34 Revisor's Note

35 Section 4, Chapter 45, Acts of the 41st
36 Legislature, Regular Session, 1929, refers to
37 contracts let on bids and contracts as "now" provided
38 by law. The revised law omits as unnecessary and
39 potentially misleading the term "now," which referred
40 to the laws existing at the time of the enactment of

1 the provision in 1929. To the extent the term means
2 the provision prevails over future enactments of the
3 legislature that may conflict with that provision, the
4 term is misleading in that one session of the
5 legislature may not bind a future session of the
6 legislature. Including the term "now" in the revised
7 law may also imply that the provision is limited to
8 laws in existence at the time of the enactment of the
9 revised law.

10 SUBCHAPTER D. FINANCIAL PROVISIONS

11 Revised Law

12 Sec. 6613.151. TAXES. The board shall annually impose
13 taxes on all taxable property in the district:

14 (1) in an amount sufficient to pay the interest as it
15 becomes due on district bonds and to create a sinking fund for the
16 payment of the bonds at maturity; and

17 (2) to pay for the maintenance and operation of the
18 district and necessary improvements to be made for the district.

19 (Acts 41st Leg., R.S., Ch. 45, Sec. 5.)

20 Source Law

21 Sec. 5. The County Commissioners' Court of
22 Cameron County, Texas, shall annually levy and cause
23 to be assessed and collected taxes upon all taxable
24 property within the district, sufficient in amount to
25 pay the interest on the bonds now outstanding, and
26 which hereafter may be executed, as it falls due, and
27 to create a sinking fund for the payment of such bonds
28 at maturity; and shall also annually levy, and cause to
29 be assessed and collected, taxes upon such property to
30 pay for the maintenance and operation of such district
31 and for the necessary improvements to be made for such
32 district.

33 Revisor's Note

34 (1) Section 5, Chapter 45, Acts of the 41st
35 Legislature, Regular Session, 1929, requires the
36 commissioners court of Cameron County to levy taxes on
37 district property. The revised law substitutes the
38 "board" for the "County Commissioners' Court of
39 Cameron County" because the provision conflicts with
40 Section 26.05, Tax Code. Section 6(b), Chapter 841,

1 Acts of the 66th Legislature, Regular Session, 1979,
2 repealed the conflicting provisions of all general,
3 local, and special laws to the extent of a conflict
4 with that act. The 1979 act enacted the Property Tax
5 Code (Title 1, Tax Code), a comprehensive, substantive
6 codification of the laws governing the administration
7 of ad valorem taxes. Section 26.05, Tax Code,
8 provides, in substance, that the governing body of a
9 taxing unit, not the county commissioners court for
10 the county in which the unit is located, is responsible
11 for adopting a tax rate for the taxing unit.

12 (2) Section 5, Chapter 45, Acts of the 41st
13 Legislature, Regular Session, 1929, requires the
14 commissioners court of Cameron County to "levy" and
15 cause taxes "to be assessed and collected."
16 Throughout this chapter, the revised law substitutes
17 "impose" for "assess," "levy," "collect," and similar
18 terms because "impose" is the term generally used in
19 Title 1, Tax Code, and includes the assessment,
20 levying, and collection of a tax.

21 Revised Law

22 Sec. 6613.152. DISTRICT FUNDS. (a) The interest and
23 sinking fund consists of taxes collected for the fund. Money in the
24 interest and sinking fund may be paid out only to:

25 (1) pay district bonds and satisfy and discharge
26 interest on the bonds; and

27 (2) defray the expense of imposing a tax for the fund.

28 (b) The maintenance and improvement fund consists of money
29 collected by assessment or other sources for:

30 (1) the maintenance of property owned or acquired by
31 the district;

32 (2) necessary improvements to be made by the district;
33 and

34 (3) the general purposes of the district. (Acts 41st

1 Leg., R.S., Ch. 45, Secs. 7, 8.)

2 Source Law

3 Sec. 7. There is hereby created what shall be
4 termed an interest and sinking fund for such district,
5 and all of the taxes collected under the provisions of
6 this Act for such fund shall be credited to such fund
7 and shall never be paid out except for the purpose of
8 satisfying and discharging the interest on said bonds
9 and the payment of such bonds, and to defray the
10 expense of assessing and collecting such tax.

11 Sec. 8. There is also hereby created a fund to
12 be known as maintenance and improvement fund, and such
13 fund shall consist of all moneys collected by
14 assessment, or otherwise, for the maintenance of the
15 properties owned or acquired by such district and for
16 the necessary improvements to be made by it, and shall
17 be paid out for the general purposes of the district.

18 Revisor's Note
19 (End of Chapter)

20 (1) Section 1, Chapter 45, Acts of the 41st
21 Legislature, Regular Session, 1929, validates the
22 establishment of the district and certain district
23 actions. That provision is omitted from the revised
24 law because it served its purpose on the day it took
25 effect and is executed law. Section 311.031(a)(2),
26 Government Code (Code Construction Act), provides that
27 the repeal of a statute does not affect any validation
28 previously made under the statute. Therefore, the
29 omission of the executed validation provision does not
30 affect the validation. The omitted law reads:

31 Sec. 1. That San Benito Cameron
32 County Drainage District Number Three,
33 heretofore formed and organized under
34 Article 3, Section 52, of the Constitution
35 of Texas and the laws enacted pursuant
36 thereto, be and the same is hereby
37 validated, and the bonds heretofore issued
38 by said district, and the contracts made and
39 indebtedness incurred by it, are hereby
40 validated.

41 (2) Section 9, Chapter 45, Acts of the 41st
42 Legislature, Regular Session, 1929, requires the
43 re-created district to take over all property and
44 rights in property, including current and delinquent
45 taxes, owned by the initial district. The revised law
46 omits that provision as executed. The omitted law

1 reads:

2 Sec. 9. The district hereby created
3 shall own all property and rights in
4 property now owned by the said San Benito
5 Cameron County Drainage District Number
6 Three, including current and delinquent
7 taxes, before its conversion hereby, and
8 the title to same is hereby vested in the
9 district hereby created, to be held and used
10

11 (3) Section 10, Chapter 45, Acts of the 41st
12 Legislature, Regular Session, 1929, requires the
13 re-created district to assume all obligations,
14 contracts, and indebtedness of the initial district
15 and to pay off and discharge all outstanding bonds.
16 The revised law omits that provision as executed. The
17 omitted law reads:

18 Sec. 10. All obligations, contracts
19 and indebtedness heretofore legally created
20 by and on behalf of San Benito Cameron
21 County Drainage District Number Three prior
22 to its conversion by this Act, and all
23 obligations, contracts and indebtedness
24 heretofore legally created by and on behalf
25 of San Benito Cameron County Drainage
26 District Number Three, embracing the
27 territory hereinabove described in Section
28 2, are hereby expressly imposed upon said
29 San Benito Cameron County Drainage District
30 Number Three hereby created, and shall be
31 executed and discharged by the said San
32 Benito Cameron County Drainage District
33 Number Three, and [the said drainage
34 district hereby created as a Conservation
35 and Reclamation District] shall be held to
36 have assumed the discharge of all such
37 obligations, contracts and indebtedness,
38 and the same shall be enforceable,
39 collectible from, paid and discharged, by
40 the San Benito Cameron County Drainage
41 District Number Three, as here now created
42 as a Conservation and Reclamation District,
43 specifically \$450,000.00 of bonds issued by
44 order of the Commissioners' Court of Cameron
45 County, September 23, 1912, recorded in
46 Volume "L" pages 35 to 42 of the Minutes
47 thereof as amended by order of said court of
48 date October 21, 1912, entered in the
49 Minutes of said court in Volume "L" pages 66
50 et seq. said bonds dated July 10, 1912,
51 maturing serially from April 10, 1915, to
52 April 10, 1939, both inclusive, with option
53 of redemption in ten years, said bonds in
54 the denomination of \$500.00 each, and
55 numbered from 1 to 900, both inclusive; said
56 \$450,000.00 bonds or such part thereof as
57 are now outstanding are hereby ratified,
58 validated, approved, confirmed and assumed
59 by the said San Benito Cameron County

1 Drainage District Number Three, as herein
2 converted to a Conservation and Reclamation
3 District, and the said bonds, both
4 principal and interest, now remaining
5 unpaid shall be paid off and discharged by
6 the said San Benito Cameron County Drainage
7 District Number Three, as here created,
8

9 (4) Section 11, Chapter 45, Acts of the 41st
10 Legislature, Regular Session, 1929, provides that
11 public notice of enactment of the statute was provided
12 within the time and in a manner provided by law. The
13 revised law omits that provision as executed. The
14 omitted law reads:

15 Sec. 11. Proof of the publication of
16 the notice required for the enactment of
17 this bill has been made for the time and in
18 the manner and form provided by law.

19 CHAPTER 6614. OLD RIVER DRAINAGE DISTRICT OF LIBERTY COUNTY,
20 TEXAS, NO. 1

21 SUBCHAPTER A. GENERAL PROVISIONS

22 Sec. 6614.001. DEFINITION 106
23 Sec. 6614.002. NATURE OF DISTRICT 107
24 Sec. 6614.003. FINDINGS OF BENEFIT 107
25 Sec. 6614.004. GOVERNING LAW 108

26 SUBCHAPTER B. POWERS

27 Sec. 6614.051. GENERAL POWERS 108

28 CHAPTER 6614. OLD RIVER DRAINAGE DISTRICT OF LIBERTY COUNTY,
29 TEXAS, NO. 1

30 SUBCHAPTER A. GENERAL PROVISIONS

31 Revised Law

32 Sec. 6614.001. DEFINITION. In this chapter, "district"
33 means the Old River Drainage District of Liberty County, Texas, No.
34 1. (New.)

35 Revisor's Note

36 The definition of "district" is added to the
37 revised law for drafting convenience and to eliminate
38 frequent, unnecessary repetition of the substance of
39 the definition.

1 Revised Law

2 Sec. 6614.002. NATURE OF DISTRICT. The district is a
3 conservation and reclamation district under Section 59, Article
4 XVI, Texas Constitution. (Acts 41st Leg., 4th C.S., Ch. 4, S.L.,
5 Sec. 2 (part).)

6 Source Law

7 Sec. 2. That said District is hereby converted
8 into a Conservation and Reclamation District, without
9 change of name and without impairment of its
10 obligations, under Section 59 of Article 16, of the
11 Constitution of Texas, and

12 Revisor's Note

13 Section 2, Chapter 4, Special Laws, Acts of the
14 41st Legislature, 4th Called Session, 1930, provides
15 that the district is "hereby converted . . . without
16 change of name and without impairment of its
17 obligations" into a conservation and reclamation
18 district under Section 59, Article XVI, Texas
19 Constitution. The revised law omits the quoted
20 language as executed.

21 Revised Law

22 Sec. 6614.003. FINDINGS OF BENEFIT. The conversion of the
23 district into a conservation and reclamation district under Section
24 59, Article XVI, Texas Constitution, and the provision to the
25 district of the powers conferred by that section will benefit the
26 residents of and property in the district. (Acts 41st Leg., 4th
27 C.S., Ch. 4, S.L., Sec. 2 (part).)

28 Source Law

29 Sec. 2. . . . it being determined by the
30 Legislature that the conversion of said district into
31 a Conservation and Reclamation District under Section
32 59 of Article 16, of the Constitution, so as to vest it
33 with the enlarged powers conferred by said Section 59,
34 of Article 16 of the Constitution, will benefit the
35 citizens and property within said District.

36 Revisor's Note

37 Section 2, Chapter 4, Special Laws, Acts of the
38 41st Legislature, 4th Called Session, 1930, refers to
39 "citizens" within the district. The revised law

1 substitutes "residents" for "citizens" because, in the
2 context of this section, the terms are synonymous, and
3 "residents" is more commonly used.

4 Revised Law

5 Sec. 6614.004. GOVERNING LAW. The general laws applicable
6 to conservation and reclamation districts govern the district.
7 (Acts 41st Leg., 4th C.S., Ch. 4, S.L., Sec. 4.)

8 Source Law

9 Sec. 4. Except as herein otherwise provided,
10 said District shall be governed by the General Laws
11 applicable to such districts.

12 Revisor's Note

13 Section 4, Chapter 4, Special Laws, Acts of the
14 41st Legislature, 4th Called Session, 1930, states
15 that "[e]xcept as herein otherwise provided," the
16 district is governed by the general laws applicable to
17 a conservation and reclamation district. Because
18 Chapter 4 does not include any exceptions to the
19 general laws that are applicable to the district, the
20 revised law omits the quoted language as unnecessary.

21 SUBCHAPTER B. POWERS

22 Revised Law

23 Sec. 6614.051. GENERAL POWERS. The district has the powers
24 conferred by Section 59, Article XVI, Texas Constitution, to a
25 conservation and reclamation district. (Acts 41st Leg., 4th C.S.,
26 Ch. 4, S.L., Sec. 2 (part).)

27 Source Law

28 Sec. 2. [That said District is hereby converted
29 into a Conservation and Reclamation District,] . . .
30 it shall henceforth be entitled to the benefits of the
31 enlarged powers conferred by Article 16, Section 59,
32 of the Constitution of Texas;

33 Revisor's Note

34 Section 2, Chapter 4, Special Laws, Acts of the
35 41st Legislature, 4th Called Session, 1930, provides
36 that the district "shall henceforth be entitled to the
37 benefits of the enlarged powers" conferred by Section

1 59, Article XVI, Texas Constitution. The revised law
2 substitutes "has the powers" for the quoted language
3 because, in this context, the phrases have the same
4 meaning and the latter phrase is more consistent with
5 modern usage.

6 Revisor's Note
7 (End of Chapter)

8 (1) Section 1, Chapter 4, Special Laws, Acts of
9 the 41st Legislature, 4th Called Session, 1930,
10 ratifies and validates the establishment of the
11 district. That provision is omitted from the revised
12 law because it served its purpose on the day it took
13 effect and is executed law. Section 311.031(a)(2),
14 Government Code (Code Construction Act), provides that
15 the repeal of a statute does not affect any validation
16 previously made under the statute. Therefore, the
17 omission of the executed validation provision does not
18 affect the validation. The omitted law reads:

19 Sec. 1. That Old River Drainage
20 District of Liberty County, Texas No. 1,
21 District No. 1, in Liberty County, Texas, as
22 defined in that certain order of the
23 Commissioners' Court of Liberty County,
24 Texas, passed on the 6th day of July, 1909,
25 and recorded in Book "C" at pages 298 et
26 seq/, of the Minutes of said Court, is
27 hereby ratified and validated.

28 (2) Section 3, Chapter 4, Special Laws, Acts of
29 the 41st Legislature, 4th Called Session, 1930,
30 provides that all limitations of indebtedness
31 authorized to be incurred and taxes imposed under
32 Section 52, Article III, Texas Constitution, and other
33 laws under which the district was initially organized
34 are no longer applicable to the district and that
35 Section 59, Article XVI, Texas Constitution, and
36 related laws apply to the district's debt and taxes
37 imposed by the district to pay that debt. Because the
38 district has converted to a conservation and
39 reclamation district under Section 59, Article XVI,

1 Texas Constitution, the revised law omits that
2 provision as executed. The omitted law reads:

3 Sec. 3. All limitations of
4 indebtedness authorized to be incurred and
5 taxes to be levied, imposed by Section 52,
6 of Article 3 of the Constitution, and all
7 laws under which said district was
8 organized are hereby removed, and
9 henceforth all indebtedness against said
10 District, and property included therein,
11 and all taxes levied in payment thereof,
12 shall be under Section 59 of Article 16 of
13 the Constitution of Texas and laws enacted
14 pursuant thereto.

15 (3) Section 5, Chapter 4, Special Laws, Acts of
16 the 41st Legislature, 4th Called Session, 1930,
17 provides that public notice of enactment of the
18 statute was provided in a manner that satisfies the
19 requirements of the Texas Constitution. The revised
20 law omits that provision as executed. The omitted law
21 reads:

22 Sec. 5. Proof of publication of the
23 Constitutional notice required in the
24 enactment of local or special laws has been
25 made in the manner and form required by law.

26 SUBTITLE B. FRESH WATER SUPPLY DISTRICTS

27 CHAPTER 6910. HULL FRESH WATER SUPPLY DISTRICT

28 SUBCHAPTER A. GENERAL PROVISIONS

29 Sec. 6910.001. DEFINITIONS 111

30 Sec. 6910.002. NATURE OF DISTRICT 111

31 Sec. 6910.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE . . . 112

32 Sec. 6910.004. DISTRICT TERRITORY 113

33 SUBCHAPTER B. BOARD OF SUPERVISORS

34 Sec. 6910.051. COMPOSITION OF BOARD 114

35 SUBCHAPTER C. POWERS AND DUTIES

36 Sec. 6910.101. GENERAL POWERS AND DUTIES 116

37 Sec. 6910.102. ACQUISITION OF IMPROVEMENTS 120

38 Sec. 6910.103. LIMIT ON EMINENT DOMAIN POWER 120

39 Sec. 6910.104. COST OF RELOCATING OR ALTERING PROPERTY . . . 120

40 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

41 Sec. 6910.151. DISTRICT TAX ASSESSOR-COLLECTOR 121

1 CHAPTER 6910. HULL FRESH WATER SUPPLY DISTRICT

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Revised Law

4 Sec. 6910.001. DEFINITIONS. In this chapter:

5 (1) "Board" means the board of supervisors of the
6 district.

7 (2) "District" means the Hull Fresh Water Supply
8 District.

9 (3) "Supervisor" means a member of the board. (Acts
10 57th Leg., R.S., Ch. 533, Sec. 1 (part); New.)

11 Source Law

12 Sec. 1. . . . [a . . . district . . .] to be
13 known as "Hull Fresh Water Supply District," hereafter
14 referred to as the "District," and

15 Revisor's Note

16 The definitions of "board" and "supervisor" are
17 added to the revised law for drafting convenience and
18 to eliminate frequent, unnecessary repetition of the
19 substance of the definitions.

20 Revised Law

21 Sec. 6910.002. NATURE OF DISTRICT. The district is:

22 (1) a conservation and reclamation district in Liberty
23 County under Section 59, Article XVI, Texas Constitution;

24 (2) a fresh water supply district; and

25 (3) a municipal corporation. (Acts 57th Leg., R.S.,
26 Ch. 533, Secs. 1 (part), 5 (part), 6 (part).)

27 Source Law

28 Sec. 1. Under and pursuant to the provisions of
29 Section 59 of Article XVI, Constitution of Texas, a
30 conservation and reclamation district is hereby
31 created and incorporated in Liberty County, Texas,
32

33 Sec. 5. . . . Upon the adoption of this Act,
34 said District shall be a fully created and established
35 fresh water supply district.

36 Sec. 6. [The Legislature] . . . declares the
37 District to be a governmental agency, a body politic
38 and corporate and a municipal corporation.

39 Revisor's Note

40 (1) Sections 1 and 5, Chapter 533, Acts of the

1 57th Legislature, Regular Session, 1961, refer to the
2 creation, incorporation, and establishment of the
3 district. The revised law omits "hereby created and
4 incorporated" and "[u]pon the adoption of this Act,
5 [said District shall be a] fully created and
6 established [fresh water supply district]" as
7 executed.

8 (2) Section 6, Chapter 533, Acts of the 57th
9 Legislature, Regular Session, 1961, refers to the
10 district as "a governmental agency, a body politic and
11 corporate." The revised law omits the quoted language
12 because it duplicates a portion of Section 59(b),
13 Article XVI, Texas Constitution, which provides that a
14 conservation and reclamation district is a
15 governmental agency and a body politic and corporate.

16 Revised Law

17 Sec. 6910.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
18 The district is created to serve a public use and benefit.

19 (b) All land and other property included in the district
20 will benefit from the creation of the district and the improvements
21 that the district will purchase, construct, or otherwise acquire.

22 (c) The district is essential to accomplish the purposes of
23 Section 59, Article XVI, Texas Constitution. (Acts 57th Leg.,
24 R.S., Ch. 533, Secs. 5 (part), 6 (part).)

25 Source Law

26 Sec. 5. It is hereby found and determined that
27 all of the lands and other property included within the
28 District are, and will be, benefited by the creation of
29 the District and by the improvements that the District
30 will purchase, construct, or otherwise acquire, and
31 that the District is created to serve a public use and
32 benefit. . . .

33 Sec. 6. The Legislature hereby exercises the
34 authority conferred upon it by Section 59 of Article
35 XVI, Constitution of Texas, and declares that the
36 District created by this Act is essential to the
37 accomplishment of the purposes of said Constitutional
38 provisions; finds that all of the lands and other
39 property included therein are, and will be, benefited
40 thereby and by the improvements the District will
41 purchase, construct, or otherwise acquire; and

1 Revisor's Note

2 Section 6, Chapter 533, Acts of the 57th
3 Legislature, Regular Session, 1961, states that the
4 legislature "hereby exercises the authority conferred
5 upon it by Section 59 of Article XVI, Constitution of
6 Texas, and declares that" the district "created by
7 this Act" is essential to accomplish the purposes of
8 that constitutional provision. The revised law omits
9 the quoted language as executed.

10 Revised Law

11 Sec. 6910.004. DISTRICT TERRITORY. The district is
12 composed of the territory described by Section 1, Chapter 533, Acts
13 of the 57th Legislature, Regular Session, 1961, as that territory
14 may have been modified under:

15 (1) Subchapter G, Chapter 53, Water Code, before
16 September 1, 1995;

17 (2) Subchapter J, Chapter 49, Water Code; or

18 (3) other law. (New.)

19 Revisor's Note

20 The revised law does not revise the statutory
21 language describing the territory of the district to
22 avoid the lengthy recitation of the description and
23 because that description may not be accurate on the
24 effective date of the revision or at the time of a
25 later reading. For the reader's convenience, the
26 revised law includes references to the statutory
27 description of the district's territory and to the
28 statutory authority to change the district's territory
29 under Subchapter G, Chapter 53, Water Code, which
30 applied to the district under Section 2, Chapter 533,
31 Acts of the 57th Legislature, Regular Session, 1961
32 (see Section 6910.101 of this chapter), until that
33 subchapter was repealed in 1995, and under Subchapter
34 J, Chapter 49, Water Code, applicable to the district

1 under Sections 49.001 and 49.002 of that chapter. The
2 revised law also includes a reference to the general
3 authority of the legislature to enact other laws to
4 change the district's territory.

5 SUBCHAPTER B. BOARD OF SUPERVISORS

6 Revised Law

7 Sec. 6910.051. COMPOSITION OF BOARD. The board consists of
8 five elected supervisors. (Acts 57th Leg., R.S., Ch. 533, Sec. 3
9 (part).)

10 Source Law

11 Sec. 3. The management and control of the
12 District is hereby vested in a Board of five (5)
13 supervisors . . . elections for Supervisors shall be
14 held

15 Revisor's Note

16 Section 3, Chapter 533, Acts of the 57th
17 Legislature, Regular Session, 1961, provides that
18 "[t]he management and control of the District is
19 hereby vested" in the board of supervisors. The
20 revised law omits the quoted language because it
21 duplicates, in substance, parts of Sections 49.051 and
22 49.057, Water Code. Throughout this chapter, the
23 revised law omits law that is superseded by Chapter 49,
24 Water Code, or that duplicates law contained in that
25 chapter. Chapter 49 (enacted in 1995) applies to the
26 district under Sections 49.001 and 49.002, Water Code.

27 Revisor's Note

28 (End of Subchapter)

29 (1) Section 3, Chapter 533, Acts of the 57th
30 Legislature, Regular Session, 1961, provides that the
31 board has the powers and duties provided to a board of
32 supervisors of a fresh water supply district organized
33 under Chapter 4, Title 128, Revised Civil Statutes of
34 Texas, 1925. The relevant provisions of Chapter 4,
35 Title 128, Revised Statutes, were codified as part of
36 Chapter 53, Water Code, by Chapter 58, Acts of the 62nd

1 Legislature, Regular Session, 1971. Chapter 715, Acts
2 of the 74th Legislature, Regular Session, 1995,
3 repealed many of the provisions in Chapter 53 relating
4 to the powers and duties of the board and enacted
5 similar provisions in Chapter 49, Water Code. Since
6 both Chapter 49 (through Sections 49.001 and 49.002,
7 Water Code) and Chapter 53 (through Section 2, Chapter
8 533, Acts of the 57th Legislature, Regular Session,
9 1961, codified in pertinent part as Section 6910.101)
10 already apply to the district, the revised law omits
11 that provision as unnecessary. The omitted law reads:

12 Sec. 3. [The management and control
13 of the District is hereby vested in a Board
14 of five (5) supervisors] which shall have
15 all of the powers and authority and duties
16 conferred and imposed upon boards of
17 supervisors of fresh water supply districts
18 organized under the provisions of Chapter 4
19 of Title 128, Revised Civil Statutes of
20 Texas, 1925, together with all amendments
21 thereto and additions thereto. . . .

22 (2) Section 3, Chapter 533, Acts of the 57th
23 Legislature, Regular Session, 1961, provides for the
24 election of the board of supervisors of the district.
25 The revised law omits as executed those provisions
26 that relate to the establishment of the first board,
27 that board's vacancy procedures, and the 1963
28 supervisor election. The omitted law reads:

29 Sec. 3. . . . The members of the
30 first Board of Supervisors shall be: George
31 Richards, E. A. Hendrick, Douglas Emanuel,
32 Floyd Finklea, and Jimmy Best, Sr. Said
33 members shall become supervisors
34 immediately after this Act becomes
35 effective, and said first Board of
36 Supervisors shall meet and organize as soon
37 as practicable after the effective date of
38 this Act, and shall file their official
39 bonds. If any of the aforementioned members
40 of said first Board of Supervisors shall
41 die, become incapacitated, or otherwise not
42 qualify to assume their duties under this
43 Act, the County Judge of Liberty County,
44 Texas, shall appoint his or their
45 successors. . . . The first election of
46 supervisors of such District shall be held
47 on the first Tuesday in January, 1963, and
48 in accordance with Article 7897, Revised
49 Civil Statutes of Texas, 1925. . . .

1 (3) Section 3, Chapter 533, Acts of the 57th
2 Legislature, Regular Session, 1961, provides that the
3 board of supervisors must be selected by general law
4 for fresh water supply districts and that elections
5 for supervisors must be held in accordance with the
6 provisions of general laws relating to fresh water
7 supply districts. The revised law omits these
8 provisions because Subchapter D, Chapter 49, Water
9 Code, governs those board elections. That subchapter
10 applies to the district under Sections 49.001 and
11 49.002, Water Code. Any other general law relating to
12 board elections applies by its own terms. The omitted
13 law reads:

14 Sec. 3. . . . With the exception of
15 said first Board of Supervisors, the Board
16 of Supervisors shall be selected by General
17 Law for fresh water supply districts. . . .
18 Thereafter, Supervisors of the District
19 shall be chosen, and [elections for
20 Supervisors shall be held] in accordance
21 with the provisions of General Laws
22 relating to fresh water supply districts.

23 SUBCHAPTER C. POWERS AND DUTIES

24 Revised Law

25 Sec. 6910.101. GENERAL POWERS AND DUTIES. The district has
26 all the rights, powers, privileges, and duties provided by general
27 law applicable to a fresh water supply district created under
28 Section 59, Article XVI, Texas Constitution, including Chapters 49
29 and 53, Water Code. (Acts 57th Leg., R.S., Ch. 533, Sec. 2 (part).)

30 Source Law

31 Sec. 2. The District shall have and exercise,
32 and is hereby vested with, all of the rights, powers,
33 privileges and duties conferred and imposed by the
34 General Laws of the State of Texas now in force or
35 hereafter enacted, applicable to fresh water supply
36 districts created under authority of Section 59 of
37 Article XVI, Constitution of Texas, but
38 Without in any way limiting the generalization of the
39 foregoing, it is expressly provided the District shall
40 have and exercise, and is hereby vested with, all of
41 the rights, powers, privileges and duties conferred
42 and imposed by Chapter 4 of Title 128, Revised Civil
43 Statutes of Texas, 1925, together with all amendments
44 thereto and additions thereto,

1 Revisor's Note

2 (1) Section 2, Chapter 533, Acts of the 57th
3 Legislature, Regular Session, 1961, states that the
4 district "shall have and exercise, and is hereby
5 vested with," certain rights, powers, privileges, and
6 duties. The revised law substitutes "has" for the
7 quoted language because, in context, the terms are
8 synonymous and "has" is more commonly used.

9 (2) Section 2, Chapter 533, Acts of the 57th
10 Legislature, Regular Session, 1961, states that the
11 district has the rights, powers, privileges, and
12 duties "conferred and imposed" by general law. The
13 revised law substitutes "provided" for the quoted
14 language because regardless of whether a right, power,
15 privilege, or duty is "conferred" by general law or
16 "imposed" by general law, it is not necessary to
17 characterize in the revised law the nature of the
18 granting of that authority. In context, "provided" is
19 synonymous with "conferred and imposed" and "provided"
20 is more commonly used.

21 (3) Section 2, Chapter 533, Acts of the 57th
22 Legislature, Regular Session, 1961, refers to the
23 general laws of this state "now in force or hereafter
24 enacted." The revised law omits the quoted language as
25 unnecessary under accepted general principles of
26 statutory construction. The "General Laws of the
27 State of Texas" means those laws "in force" at the time
28 the provision was adopted. It is unnecessary to state
29 that the district may be granted additional powers by
30 later enacted laws because those laws apply on their
31 own terms.

32 (4) Section 2, Chapter 533, Acts of the 57th
33 Legislature, Regular Session, 1961, provides that
34 Chapter 533 prevails over the general laws applicable

1 to fresh water supply districts in case of a conflict
2 and that those general laws are incorporated by
3 reference. The revised law omits the portion of the
4 provision relating to the chapter prevailing over
5 those general laws because it duplicates, in
6 substance, Section 311.026(b), Government Code (Code
7 Construction Act). The revised law omits the portion
8 of the provision relating to the incorporation of
9 those general laws by reference because Section 2 of
10 Chapter 533 (revised in part as this section) provides
11 that those laws apply to the district, and it is
12 unnecessary to repeat that authority. The omitted law
13 reads:

14 Sec. 2. [The District shall have and
15 exercise, and is hereby vested with, all of
16 the rights, powers, privileges and duties
17 conferred and imposed by the General Laws of
18 the State of Texas now in force or hereafter
19 enacted, applicable to fresh water supply
20 districts created under authority of
21 Section 59 of Article XVI, Constitution of
22 Texas, but] to the extent that the
23 provisions of such General Laws may be in
24 conflict or inconsistent with provisions of
25 this Act, the provisions of this Act shall
26 prevail. All such General Laws are hereby
27 incorporated by reference with the same
28 effect as if incorporated in full in this
29 Act. . . .

30 (5) Section 2, Chapter 533, Acts of the 57th
31 Legislature, Regular Session, 1961, provides that
32 "[w]ithout in any way limiting the generalization of
33 the foregoing" rights, powers, privileges, and duties
34 provided by general law applicable to fresh water
35 supply districts, the district has certain express
36 rights, powers, privileges, and duties. The revised
37 law omits the quoted language as unnecessary because
38 an accepted principle of statutory construction
39 requires a statute to be given cumulative effect with
40 other statutes unless it provides otherwise or unless
41 the statutes are in conflict. The general principle
42 applies to this revision.

1 (6) Section 2, Chapter 533, Acts of the 57th
2 Legislature, Regular Session, 1961, refers to "Chapter
3 4 of Title 128, Revised Civil Statutes of Texas, 1925,
4 together with all amendments thereto and additions
5 thereto." The revised law substitutes a reference to
6 Chapter 53, Water Code, for the quoted language
7 because Chapter 4 was codified in 1971 as part of
8 Chapter 53, Water Code, a general law applicable to
9 fresh water supply districts. For the reader's
10 convenience, the revised law includes a reference to
11 Chapter 49, Water Code, because Chapter 715, Acts of
12 the 74th Legislature, Regular Session, 1995, repealed
13 many provisions of Chapter 53 and enacted similar
14 provisions in Chapter 49, Water Code. The revised law
15 omits the phrase "together with all amendments thereto
16 and additions thereto" because under Section 311.027,
17 Government Code (Code Construction Act), a reference
18 to a statute applies to all reenactments, revisions,
19 or amendments of that statute unless expressly
20 provided otherwise.

21 (7) Section 2, Chapter 533, Acts of the 57th
22 Legislature, Regular Session, 1961, refers to certain
23 powers granted by Articles 7930-4 and 7941-c, Vernon's
24 Texas Civil Statutes. The revised law omits those
25 references because the provisions, under which the
26 powers were granted, were included in the 1971
27 codification of Chapter 53, Water Code, and now are
28 contained in Chapter 53, Water Code (applicable to the
29 district under Section 2, Chapter 533, revised in
30 pertinent part as this section), or have been replaced
31 by provisions of Chapter 49, Water Code (applicable to
32 the district under Sections 49.001 and 49.002, Water
33 Code). The omitted law reads:

34 Sec. 2. . . . [the District shall
35 have . . . all of the rights, powers,

1 privileges and duties] . . . including all
2 powers and authority relating to sanitary
3 sewer systems and the issuance of bonds
4 therefor as authorized by and provided in
5 Chapter 129, Acts of the Forty-seventh
6 Legislature of Texas, Regular Session, 1941
7 (Article 7930-4, Vernon's Texas Civil
8 Statutes, 1925, as amended), even though
9 said District is located within a county of
10 less than five hundred thousand (500,000)
11 inhabitants, and including the power and
12 authority to issue tax bonds, revenue bonds
13 or tax-revenue bonds as authorized by and
14 provided in Chapter 233, Acts of the
15 Fifty-second Legislature of Texas, Regular
16 Session, 1951 (Article 7941-c, Vernon's
17 Texas Civil Statutes, as amended). . . .

18 Revised Law

19 Sec. 6910.102. ACQUISITION OF IMPROVEMENTS. The district
20 may make, construct, or otherwise acquire improvements inside or
21 outside the district that are necessary to carry out a power granted
22 to the district under this chapter or a general law described by
23 Section 6910.101. (Acts 57th Leg., R.S., Ch. 533, Sec. 2 (part).)

24 Source Law

25 Sec. 2. . . . Said District shall have the power
26 to make, construct, or otherwise acquire improvements
27 either within or without the boundaries thereof
28 necessary to carry out the powers and authority
29 created by this Act and said General Laws;

30 Revisor's Note

31 Section 2, Chapter 533, Acts of the 57th
32 Legislature, Regular Session, 1961, refers to the
33 district's "powers and authority." The revised law
34 omits "authority" as included in the meaning of
35 "powers."

36 Revised Law

37 Sec. 6910.103. LIMIT ON EMINENT DOMAIN POWER. The district
38 may not exercise the power of eminent domain outside the district.
39 (Acts 57th Leg., R.S., Ch. 533, Sec. 2 (part).)

40 Source Law

41 Sec. 2. . . . provided, however, that the
42 exercise of the power of eminent domain shall not
43 extend beyond the boundaries of the District, as
44 defined herein. . . .

45 Revised Law

46 Sec. 6910.104. COST OF RELOCATING OR ALTERING PROPERTY.

1 (a) In this section, "sole expense" means the actual cost of
2 relocating, raising, lowering, rerouting, changing the grade of, or
3 altering the construction of a facility described by Subsection (b)
4 in providing comparable replacement without enhancement of the
5 facility, after deducting from that cost the net salvage value of
6 the old facility.

7 (b) If the district's exercise of the power of eminent
8 domain, the power of relocation, or any other power granted under
9 this chapter makes necessary relocating, raising, rerouting,
10 changing the grade of, or altering the construction of a highway,
11 railroad, electric transmission line, telephone or telegraph
12 property or facility, or pipeline, the necessary action shall be
13 accomplished at the sole expense of the district. (Acts 57th Leg.,
14 R.S., Ch. 533, Sec. 2 (part).)

15 Source Law

16 Sec. 2. . . . In the event that the District in
17 the exercise of the power of eminent domain or power of
18 relocation, or any other power created hereunder,
19 makes necessary the relocation, raising, rerouting or
20 changing the grade of, altering the construction of,
21 any highway, railroad, electric transmission line,
22 telephone or telegraph properties or facilities, or
23 pipeline, all such necessary relocation, raising,
24 rerouting, changing of grade or alteration of
25 construction shall be accomplished at the sole expense
26 of the District. The term "sole expense" shall mean
27 the actual cost of such relocation, raising, lowering,
28 rerouting, or change in grade or alteration of
29 construction in providing comparable replacement
30 without enhancement of such facilities, after
31 deducting therefrom the net salvage value derived from
32 the old facilities.

33 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

34 Revised Law

35 Sec. 6910.151. DISTRICT TAX ASSESSOR-COLLECTOR. (a) The
36 board shall appoint a tax assessor-collector for the district for a
37 term not to exceed the term of office of the supervisors making the
38 appointment.

39 (b) The district's tax assessor-collector is not required
40 to be a resident or voter of the district. (Acts 57th Leg., R.S.,
41 Ch. 533, Sec. 4 (part).)

1 Source Law

2 Sec. 4. . . . the District's Tax
3 Assessor-Collector shall be appointed by the Board of
4 Supervisors for a term not to exceed the term of office
5 of the members of the Board making such appointment,
6 and, further, that said Tax Assessor-Collector need
7 not be a resident or voter of the District.

8 Revisor's Note
9 (End of Subchapter)

10 Section 4, Chapter 533, Acts of the 57th
11 Legislature, Regular Session, 1961, provides that all
12 laws relative to the assessment, levy, and collection
13 of ad valorem taxes apply to the district. Because
14 Section 2 of Chapter 533 (revised in pertinent part as
15 Section 6910.101 of this chapter) provides that the
16 district has all of the powers and duties provided by
17 the general laws applicable to fresh water supply
18 districts, it is unnecessary to provide in this
19 chapter that the levying of taxes by the district is
20 governed by the general laws applicable to such
21 districts. In addition, because Section 1.02, Tax
22 Code, requires all taxing units of government,
23 including fresh water supply districts, to administer
24 the assessment and collection of ad valorem taxes in
25 conformity with Title 1, Tax Code, it is unnecessary to
26 provide in this chapter that the assessment and
27 collection of taxes by the district is governed by the
28 general laws applicable to such districts. The
29 omitted law reads:

30 Sec. 4. All provisions of the General
31 Laws relative to the assessment, levy, and
32 collection of ad valorem taxes shall apply
33 to the District, except that

34 Revisor's Note
35 (End of Chapter)

36 Section 7, Chapter 533, Acts of the 57th
37 Legislature, Regular Session, 1961, provides that the
38 act is severable. The revised law omits that provision
39 because the same result is produced by the application

1 of Section 311.032(c), Government Code (Code
 2 Construction Act), which provides that a provision of
 3 a statute is severable from each other provision of the
 4 statute that can be given effect. The omitted law
 5 reads:

6 Sec. 7. If any word, phrase, clause,
 7 sentence, paragraph, or other part of this
 8 Act or the application thereof shall ever be
 9 held by a court of competent jurisdiction to
 10 be invalid or unconstitutional, the
 11 remainder of the Act and the application of
 12 such word, phrase, clause, sentence, part,
 13 section, paragraph, or other part of this
 14 Act to other persons or circumstances shall
 15 not be affected thereby.

16 CHAPTER 6912. MEMORIAL VILLAGES WATER AUTHORITY

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8 CHAPTER 6912. MEMORIAL VILLAGES WATER AUTHORITY

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Revised Law

11 Sec. 6912.001. DEFINITIONS. In this chapter:

12 (1) "Authority" means the Memorial Villages Water
13 Authority.

14 (2) "Board" means the board of supervisors of the
15 authority.

16 (3) "Supervisor" means a member of the board. (Acts
17 57th Leg., 3rd C.S., Ch. 20, Sec. 1 (part); New.)

18 Source Law

19 Sec. 1. . . . a . . . district to be known as
20 "Memorial Villages Water Authority" (hereinafter
21 referred to as the Authority),

22 Revisor's Note

23 The definitions of "board" and "supervisor" are
24 added to the revised law for drafting convenience and
25 to eliminate frequent, unnecessary repetition of the
26 substance of the definitions.

27 Revised Law

28 Sec. 6912.002. NATURE OF AUTHORITY. The authority is a
29 conservation and reclamation district created under Section 59,
30 Article XVI, Texas Constitution, and a political subdivision of
31 this state. (Acts 57th Leg., 3rd C.S., Ch. 20, Sec. 1 (part).)

32 Source Law

33 Sec. 1. Pursuant to, and as expressly
34 authorized by Section 59, Article XVI of the
35 Constitution of the State of Texas, and in addition to
36 all other districts into which the State has been
37 divided heretofore, there is hereby created a
38 conservation and reclamation district . . . which

1 shall be recognized to be a governmental agency, a body
2 politic and corporate, and a political subdivision of
3 this State. . . .

4 Revisor's Note

5 (1) Section 1, Chapter 20, Acts of the 57th
6 Legislature, 3rd Called Session, 1962, states that the
7 authority is created "in addition to all other
8 districts into which the State has been divided
9 heretofore." The revised law omits the quoted
10 language because the absence of the language does not
11 imply that the district is not in addition to other
12 districts created in this state.

13 (2) Section 1, Chapter 20, Acts of the 57th
14 Legislature, 3rd Called Session, 1962, refers to the
15 authority as "a governmental agency, a body politic
16 and corporate." The revised law omits the quoted
17 language because it duplicates a portion of Section
18 59(b), Article XVI, Texas Constitution, which provides
19 that a conservation and reclamation district is a
20 governmental agency and a body politic and corporate.

21 Revised Law

22 Sec. 6912.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
23 The authority is created to serve a public use and benefit.

24 (b) All land included in the boundaries of the authority
25 will benefit from the authority.

26 (c) The authority is essential to the accomplishment of the
27 preservation and conservation of the natural resources of this
28 state.

29 (d) This chapter addresses a subject in which the state and
30 general public are interested.

31 (e) Because the accomplishment of the purposes stated in
32 this chapter is for the benefit of the people of this state and for
33 the improvement of their property and industries, the authority in
34 carrying out the purposes of this chapter will be performing an
35 essential public function under the Texas Constitution. (Acts 57th
36 Leg., 3rd C.S., Ch. 20, Secs. 2 (part), 9 (part), 11 (part).)

1 Source Law

2 Sec. 2. It being hereby found and determined
3 that all of the land included within the boundaries of
4 the Authority will be benefited and that the Authority
5 is created to serve a public use and benefit,

6 Sec. 9. The accomplishment of the purposes
7 stated in this Act being for the benefit of the people
8 of this State and for the improvement of their
9 properties and the industries, the Authority in
10 carrying out the purposes of this Act will be
11 performing an essential public function under the
12 Constitution and

13 Sec. 11. [The Legislature hereby declares that
14 . . . it is required to pass such laws as may be
15 appropriate in the preservation and conservation of
16 the natural resources of the State;] that the
17 Authority herein created is essential to the
18 accomplishment of such purposes and that this Act
19 therefore operates on a subject in which the State and
20 the public at large are interested. . . .

21 Revisor's Note

22 Section 11, Chapter 20, Acts of the 57th
23 Legislature, 3rd Called Session, 1962, contains a
24 legislative declaration of a constitutional "duty" to
25 enact Chapter 20 as law. The revised law omits the
26 declaration by the legislature as executed and because
27 it has no substantive effect. The omitted law reads:

28 Sec. 11. The Legislature hereby
29 declares that the enactment hereof is in
30 fulfillment of a duty conferred upon it by
31 Section 59 of Article XVI of the
32 Constitution of the State of Texas wherein
33 it is required to pass such laws as may be
34 appropriate in the preservation and
35 conservation of the natural resources of
36 the State;

37 Revised Law

38 Sec. 6912.004. AUTHORITY TERRITORY. The authority is
39 composed of the territory described by Section 1, Chapter 20, Acts
40 of the 57th Legislature, 3rd Called Session, 1962, as that
41 territory may have been modified under:

- 42 (1) Subchapter G, Chapter 53, Water Code, before
43 September 1, 1995;
- 44 (2) Subchapter J, Chapter 49, Water Code; or
- 45 (3) other law. (New.)

1 Revisor's Note

2 The revised law does not revise the statutory
3 language describing the territory of the authority to
4 avoid the lengthy recitation of the description and
5 because that description may not be accurate on the
6 effective date of the revision or at the time of a
7 later reading. For the reader's convenience, the
8 revised law includes references to the statutory
9 description of the authority's territory and to the
10 statutory authority to change the authority's
11 territory under Subchapter G, Chapter 53, Water Code,
12 which applied to the authority under Section 4,
13 Chapter 20, Acts of the 57th Legislature, 3rd Called
14 Session, 1962 (see Section 6912.101 of this chapter),
15 until that subchapter was repealed in 1995, and under
16 Subchapter J, Chapter 49, Water Code, applicable to
17 the authority under Sections 49.001 and 49.002 of that
18 chapter. The revised law also includes a reference to
19 the general authority of the legislature to enact
20 other laws to change the authority's territory.

21 Revised Law

22 Sec. 6912.005. CORRECTION OF INVALID PROCEDURES. If a
23 court holds that any procedure under this chapter violates the
24 constitution of this state or of the United States, the authority by
25 resolution may provide an alternative procedure that conforms with
26 the constitution. (Acts 57th Leg., 3rd C.S., Ch. 20, Sec. 12
27 (part).)

28 Source Law

29 Sec. 12. . . . [Federal or State Constitutions]
30 Where any procedure hereunder may be held by
31 any court to be violative of either of such
32 constitutions the Authority shall have the power by
33 resolution to provide an alternative procedure
34 conformable to such constitutions. . . .

35 Revisor's Note

36 Section 12, Chapter 20, Acts of the 57th
37 Legislature, 3rd Called Session, 1962, provides that

1 the act may not be construed to violate the federal or
2 state constitution and requires that action under the
3 act comply with the constitutions. The revised law
4 omits the reference to the federal constitution
5 because, under the Supremacy Clause of the United
6 States Constitution (Clause 2, Article VI), the
7 federal constitution always takes precedence over a
8 state statute. The revised law omits the reference to
9 the state constitution because the state legislature
10 cannot modify constitutional provisions by statute.
11 The omitted law reads:

12 Sec. 12. Nothing in this Act shall be
13 construed to violate any provision of the
14 Federal or State Constitutions and all acts
15 done hereunder shall be done in such manner
16 as may conform thereto whether herein
17 expressly provided or not. . . .

18 Revised Law

19 Sec. 6912.006. LIBERAL CONSTRUCTION OF CHAPTER. This
20 chapter shall be liberally construed to effect its purposes. (Acts
21 57th Leg., 3rd C.S., Ch. 20, Sec. 11 (part).)

22 Source Law

23 Sec. 11. . . . All the terms and provisions of
24 this Act are to be liberally construed to effectuate
25 the purposes herein set forth.

26 SUBCHAPTER B. BOARD OF SUPERVISORS

27 Revised Law

28 Sec. 6912.051. COMPOSITION OF BOARD. The board consists of
29 seven elected supervisors. (Acts 57th Leg., 3rd C.S., Ch. 20, Secs.
30 3(a) (part), (b) (part).)

31 Source Law

32 Sec. 3. (a) The rights, powers and duties of
33 the Authority shall be exercised by a Board of
34 Supervisors composed of seven (7) members. . . .
35 (b) . . . Succeeding Supervisors shall be
36 elected or

37 Revisor's Note

38 (1) Section 3(a), Chapter 20, Acts of the 57th
39 Legislature, 3rd Called Session, 1962, provides that
40 "[t]he rights, powers and duties of the Authority

1 shall be exercised by" the board. The revised law
2 omits the quoted language because it duplicates, in
3 substance, parts of Sections 49.051 and 49.057, Water
4 Code. Throughout this chapter, the revised law omits
5 law that is superseded by Chapter 49, Water Code, or
6 that duplicates law contained in that chapter.
7 Chapter 49 (enacted in 1995) applies to the authority
8 under Sections 49.001 and 49.002 of that chapter.

9 (2) Section 3(b), Chapter 20, Acts of the 57th
10 Legislature, 3rd Called Session, 1962, refers to
11 "[s]ucceeding [s]upervisors" to distinguish the
12 succeeding supervisors from the initial supervisors
13 named in that section. The revised law omits
14 "succeeding" because all provisions referring to
15 initial supervisors are omitted as executed and the
16 distinction is no longer required.

17 Revised Law

18 Sec. 6912.052. QUALIFICATIONS FOR OFFICE. A supervisor
19 must:

20 (1) be at least 18 years of age; and

21 (2) reside in and own land in the authority. (Acts
22 57th Leg., 3rd C.S., Ch. 20, Sec. 3(a) (part).)

23 Source Law

24 (a) . . . No person shall be a Supervisor unless
25 he is at least twenty-one (21) years of age, and
26 resides in and owns land in the territorial limits of
27 the Authority. . . .

28 Revisor's Note

29 Section 3(a), Chapter 20, Acts of the 57th
30 Legislature, 3rd Called Session, 1962, states that a
31 person must be "at least twenty-one (21) years of age"
32 to serve as a supervisor. The revised law substitutes
33 "at least 18 years of age" for the quoted language
34 because Section 129.001, Civil Practice and Remedies
35 Code, establishes 18 years of age as the age of
36 majority in this state. Section 129.002, Civil

1 Practice and Remedies Code, provides that a law
2 adopted before August 27, 1973, that extends a right,
3 privilege, or obligation to an individual on the basis
4 of a minimum age of 19, 20, or 21 years shall be
5 interpreted as prescribing a minimum age of 18 years.
6 Section 3(a) was enacted in 1962 and has not been
7 amended.

8 Revised Law

9 Sec. 6912.053. ELIGIBILITY FOR CANDIDACY FOR BOARD
10 POSITIONS. (a) To be eligible as a candidate for Position 1 or
11 Position 2, a person must at the time be a resident of the City of
12 Hedwig Village, Texas.

13 (b) To be eligible as a candidate for Position 3 or Position
14 4, a person must at the time be a resident of the City of Hunters
15 Creek Village, Texas.

16 (c) To be eligible as a candidate for Position 5 or Position
17 6, a person must at the time be a resident of the City of Piney Point
18 Village, Texas.

19 (d) Position 7 is an at-large position. (Acts 57th Leg.,
20 3rd C.S., Ch. 20, Sec. 3(c) (part).)

21 Source Law

22 (c) No person shall be eligible as a candidate
23 for Position 1 or Position 2 unless he is at the time a
24 bona fide resident of the City of Hedwig Village,
25 Texas.

26 No person shall be eligible as a candidate for
27 Position 3 or Position 4 unless he is at the time a bona
28 fide resident of the City of Hunter's Creek Village,
29 Texas.

30 No person shall be eligible as a candidate for
31 Position 5 or Position 6 unless he is at the time a bona
32 fide resident of the City of Piney Point Village,
33 Texas.

34 Position 7 shall be classed as an "at large"
35 position, and

36 Revisor's Note

37 (1) Section 3(c), Chapter 20, Acts of the 57th
38 Legislature, 3rd Called Session, 1962, provides that
39 any person who meets the other requirements for
40 supervisor and who resides in the authority is
41 eligible as a candidate for Position 7. The revised

1 law omits that provision because the requirements for
2 supervisor apply on their own terms, including Section
3 6912.052 of this chapter, which requires a supervisor
4 to reside in the authority. The omitted law reads:

5 (c) . . . [Position 7 shall be
6 classed as an "at large" position, and] any
7 person meeting the other requirements for
8 Supervisor who resides within the
9 territorial limits of the Authority shall
10 be eligible for the office.

11 (2) Section 3(c), Chapter 20, Acts of the 57th
12 Legislature, 3rd Called Session, 1962, provides that
13 only a "bona fide resident" of a certain municipality
14 is eligible as a candidate for certain supervisor
15 positions. The revised law omits "bona fide" as
16 unnecessary because the phrase does not add to the
17 clear meaning of the law. A person who does not
18 actually reside in a certain municipality is not a
19 resident of that municipality.

20 Revised Law

21 Sec. 6912.054. SUPERVISORS' ELECTION. (a) Notice of a
22 supervisors' election must be published once in a newspaper of
23 general circulation in Harris County at least 30 days before the
24 date of the election.

25 (b) The election order must state the time, place, and
26 purpose of the election. (Acts 57th Leg., 3rd C.S., Ch. 20, Sec.
27 3(e) (part).)

28 Source Law

29 (e) . . . Notice of any such election for
30 Supervisors shall be published in a newspaper of
31 general circulation in Harris County one time at least
32 thirty (30) days before the election. The election
33 order shall state the time, the place or places and the
34 purpose of the election, and

35 Revised Law

36 Sec. 6912.055. BALLOT PROCEDURE FOR CANDIDATES. (a) A
37 person who wants the person's name printed on the ballot as a
38 candidate for supervisor must submit a petition to the board's
39 secretary requesting that action.

1 (b) The petition must be signed by at least 10 residents of
2 the authority who are qualified to vote at the election. (Acts 57th
3 Leg., 3rd C.S., Ch. 20, Sec. 3(f) (part).)

4 Source Law

5 (f) Any candidate for Supervisor desiring to
6 have his name printed on the ballot may do so by a
7 petition so requesting signed by not less than ten (10)
8 residents of the Authority who are qualified to vote at
9 the election. . . .

10 Revisor's Note

11 Section 3(f), Chapter 20, Acts of the 57th
12 Legislature, 3rd Called Session, 1962, provides that a
13 petition to be on the ballot as a candidate for
14 supervisor must be presented to the secretary of the
15 board not less than 20 days before the election. The
16 revised law omits that provision as superseded by
17 Section 144.005, Election Code, which was enacted in
18 1985. Section 144.005 provides the deadlines for
19 filing an application for candidacy for the governing
20 body of a political subdivision. Under Section
21 141.032, Election Code, a petition is considered part
22 of the application for filing for candidacy. The
23 omitted law reads:

24 (f) . . . Such petition shall be
25 presented to the Secretary of the Board of
26 Supervisors not less than twenty (20) full
27 days prior to the date of the election.

28 Revised Law

29 Sec. 6912.056. SUPERVISOR'S BOND. Each supervisor shall
30 give a bond in the amount of \$5,000 for the faithful performance of
31 the supervisor's duties. (Acts 57th Leg., 3rd C.S., Ch. 20, Sec.
32 3(a) (part).)

33 Source Law

34 (a) . . . [Each Supervisor shall . . . and]
35 each shall give bond in the amount of Five Thousand
36 Dollars (\$5,000) for the faithful performance of his
37 duties,

38 Revisor's Note

39 Section 3(a), Chapter 20, Acts of the 57th

1 Legislature, 3rd Called Session, 1962, provides that
2 the authority shall pay the cost of a supervisor's
3 bond. The revised law omits that provision because it
4 duplicates, in substance, Section 49.055(c), Water
5 Code. The omitted law reads:

6 (a) . . . [Each Supervisor . . .
7 shall give bond] . . . the cost of which
8 shall be paid by the Authority. . . .

9 Revised Law

10 Sec. 6912.057. VACANCIES. A vacancy on the board shall be
11 filled by appointment by the remaining supervisors until the next
12 election of supervisors for the authority. If the position is not
13 scheduled to be filled at the election, the person elected to fill
14 the position shall serve only for the remainder of the unexpired
15 term. (Acts 57th Leg., 3rd C.S., Ch. 20, Secs. 3(b) (part), (d)
16 (part).)

17 Source Law

18 (b) . . . [Succeeding supervisors shall be
19 elected or] appointed as hereinafter provided.

20 (d) . . . All vacancies shall be filled by
21 appointment by the remaining members until the next
22 election of supervisors for the Authority. If that
23 position is not scheduled to be filled at that
24 election, the person elected to fill the position
25 shall serve only for the remainder of the unexpired
26 term.

27 Revisor's Note
28 (End of Subchapter)

29 (1) Section 3(a), Chapter 20, Acts of the 57th
30 Legislature, 3rd Called Session, 1962, provides that
31 each supervisor shall serve until the supervisor's
32 successor is elected or appointed and qualified. The
33 revised law omits that provision because Section 17,
34 Article XVI, Texas Constitution, requires an officer
35 to continue to perform the officer's duties until a
36 successor has qualified. The omitted law reads:

37 (a) . . . Each Supervisor shall serve
38 a term of office as herein provided, and
39 thereafter until his successor shall be
40 elected or appointed and have
41 qualified. . . .

1 (2) Section 3(a), Chapter 20, Acts of the 57th
2 Legislature, 3rd Called Session, 1962, provides that a
3 supervisor shall subscribe to the constitutional oath
4 of office. The revised law omits that provision
5 because Section 1, Article XVI, Texas Constitution,
6 requires all elected and appointed officers to take
7 the oath (or affirmation) before assuming office. The
8 omitted law reads:

9 (a) . . . Each Supervisor shall
10 subscribe to the constitutional oath of
11 office and

12 (3) Section 3(a), Chapter 20, Acts of the 57th
13 Legislature, 3rd Called Session, 1962, provides that a
14 majority of the supervisors constitutes a quorum. The
15 revised law omits that provision because it
16 duplicates, in substance, Section 49.053, Water Code.
17 The omitted law reads:

18 (a) . . . A majority of said Board
19 shall constitute a quorum for the
20 transaction of any and all business.

21 (4) Section 3(b), Chapter 20, Acts of the 57th
22 Legislature, 3rd Called Session, 1962, refers to the
23 initial board of supervisors and to vacancy procedures
24 for the initial board. The revised law omits the
25 language relating to the creation of the initial board
26 as executed. The omitted law reads:

27 (b) Immediately after this Act
28 becomes effective, the following named
29 persons, all of whom are found to be
30 qualified, shall be the Supervisors of the
31 Authority and shall constitute the Board of
32 Supervisors of the Authority:

- 33 Position 1 - Jack M. Snowden
- 34 Position 2 - Tom H. Tennent
- 35 Position 3 - George A. Daniels
- 36 Position 4 - N. Hall McCord
- 37 Position 5 - J. M. Lebeaux
- 38 Position 6 - Frank A. DeWalch
- 39 Position 7 - Glen Wood Bruner

40 If any of the aforementioned persons
41 shall become incapacitated or otherwise not
42 be qualified to assume his duties under this
43 Act, the remaining Supervisors shall
44 appoint his successor. . . .

45 (5) Section 3(d), Chapter 20, Acts of the 57th

1 Legislature, 3rd Called Session, 1962, states that a
2 supervisor holds office for a four-year term. The
3 revised law omits the provision because it duplicates,
4 in substance, Section 49.103(a), Water Code. The
5 omitted law reads:

6 (d) A member of the board of
7 supervisors shall hold office for a
8 four-year term and

9 (6) Section 3(d), Chapter 20, Acts of the 57th
10 Legislature, 3rd Called Session, 1962, provides that a
11 supervisor shall serve until the supervisor's
12 successor is elected and has qualified. The revised
13 law omits that provision for the reason stated in
14 Revisor's Note (1). The omitted law reads:

15 (d) [A member of the board of
16 supervisors] . . . shall serve until his
17 successor is elected and has
18 qualified. . . .

19 (7) Section 3(d), Chapter 20, Acts of the 57th
20 Legislature, 3rd Called Session, 1962, requires an
21 election of supervisors to be held on the first
22 Saturday in May of even-numbered years or at whatever
23 other date is established by law for election of
24 officials of general law cities. The revised law omits
25 the provision as superseded by Section 49.103(b),
26 Water Code, enacted in 1995. Section 49.103(b)
27 requires board elections to be held on the uniform
28 election date established by the Election Code in May
29 of each even-numbered year. The omitted law reads:

30 (d) . . . It is specifically provided
31 that there shall be a General Election
32 within the Authority for election of
33 supervisors on the first Saturday in May of
34 even-numbered years or at whatever other
35 date is established by law for election of
36 officials of General Law cities. . . .

37 (8) Section 3(e), Chapter 20, Acts of the 57th
38 Legislature, 3rd Called Session, 1962, provides that
39 the board shall order "[a]ll elections," meaning
40 elections of supervisors. The revised law omits that

1 provision because it duplicates, in substance, Section
2 3.004, Election Code, applicable to the authority
3 under Sections 1.002 and 3.001, Election Code.
4 Section 3.004 requires the governing body of a
5 political subdivision that has elective offices to
6 order the general election for those officers. The
7 omitted law reads:

8 (e) All elections shall be ordered by
9 the Board of Supervisors and

10 (9) Section 3(e), Chapter 20, Acts of the 57th
11 Legislature, 3rd Called Session, 1962, provides that
12 authority elections "shall be held in accordance with
13 the Texas Election Code." The revised law omits the
14 quoted language because Section 1.002, Election Code,
15 provides that the Election Code applies to all
16 elections held in this state. The omitted law reads:

17 (e) [All elections] . . . shall be
18 held in accordance with the Texas Election
19 Code. . . .

20 (10) Section 3(e), Chapter 20, Acts of the 57th
21 Legislature, 3rd Called Session, 1962, provides for
22 the appointment of presiding judges, assistant judges,
23 and clerks for each voting place. The revised law
24 omits that provision as superseded by the 1985
25 enactment of the Election Code, applicable to the
26 authority under Section 1.002, Election Code. Chapter
27 32, Election Code, governs the selection of election
28 judges and clerks. The omitted law reads:

29 (e) . . . the Board of Supervisors
30 shall appoint a presiding judge for each
31 polling place who shall appoint one
32 assistant judge and at least two (2) clerks
33 to assist in holding such election. . . .

34 (11) Section 3(e), Chapter 20, Acts of the 57th
35 Legislature, 3rd Called Session, 1962, provides that
36 only qualified electors who reside in the authority
37 are entitled to vote at an election for the board. The
38 revised law omits that provision because it

1 duplicates, in substance, Sections 11.001(a)(1) and
2 (2), Election Code, which provide that to be eligible
3 to vote in an election a person must be a qualified
4 voter as defined by Section 11.002, Election Code, and
5 be a resident of the territory covered by the election.
6 The omitted law reads:

7 (e) . . . Only qualified electors
8 residing in the Authority shall be entitled
9 to vote at an election on the Board of
10 Supervisors. . . .

11 (12) Section 3(e), Chapter 20, Acts of the 57th
12 Legislature, 3rd Called Session, 1962, provides that
13 the candidate receiving the highest number of votes
14 for each position is elected. The revised law omits
15 that provision because it duplicates, in substance,
16 Section 2.001, Election Code, which provides that,
17 except as otherwise provided by law, to be elected to a
18 public office, a candidate must receive more votes
19 than any other candidate for the office. The omitted
20 law reads:

21 (e) . . . The candidates receiving
22 the highest number of votes shall be
23 declared elected. . . .

24 (13) Section 3(e), Chapter 20, Acts of the 57th
25 Legislature, 3rd Called Session, 1962, provides that
26 the board shall receive and canvass the election
27 returns and enter an order declaring the results. The
28 revised law omits that provision as superseded by the
29 1985 enactment of the Election Code, applicable to the
30 authority under Section 1.002, Election Code. Chapter
31 67, Election Code, provides for the canvass of
32 elections. The omitted law reads:

33 (e) . . . Returns of the election
34 shall be made to and canvassed by the Board
35 of Supervisors of said Authority, which
36 shall enter its order declaring the results
37 of the election.

38 (14) Section 2, Chapter 520, Acts of the 71st
39 Legislature, Regular Session, 1989, contains

1 transition language regarding supervisors' elections
2 for the years 1990, 1991, and 1992, and the terms of
3 office of the supervisors elected at those elections.
4 Section 2 also establishes a pattern under which four
5 specific positions on the board are elected in 1990 and
6 every fourth year thereafter, and the remaining three
7 specific positions are elected in 1992 and every
8 fourth year thereafter. The revised law omits the
9 language relating to the 1990, 1991, and 1992
10 elections as executed because the terms of office of
11 those supervisors have expired and the elections have
12 been held. To the extent the omitted language
13 establishes a pattern under which specific positions
14 are on the ballot, retaining the language is
15 unnecessary because Section 49.103, Water Code,
16 requires that the supervisors serve staggered
17 four-year terms; accordingly, the authority must hold
18 elections following that established pattern. The
19 omitted law reads:

20 Sec. 2. (a) On the first Saturday in
21 May 1990, an election shall be held in the
22 Memorial Villages Water Authority to elect
23 supervisors to supervisor positions
24 designated 2, 4, 6, and 7, and the persons
25 elected shall serve four-year terms.

26 (b) On the first Saturday in May
27 1991, an election shall be held in the
28 authority to elect supervisors to
29 supervisor positions 1, 3, and 5, and the
30 persons elected shall serve one-year terms.

31 (c) On the first Saturday in May
32 1992, an election shall be held in the
33 authority to elect supervisors to
34 supervisor positions 1, 3, and 5, and the
35 persons elected shall serve four-year
36 terms.

37 SUBCHAPTER C. POWERS AND DUTIES

38 Revised Law

39 Sec. 6912.101. GENERAL POWERS. The authority has all the
40 rights, powers, and privileges provided by general law applicable
41 to a fresh water supply district created under Section 59, Article
42 XVI, Texas Constitution, including Chapters 49 and 53, Water Code,

1 and by all other laws that are helpful in carrying out the purposes
2 for which the authority is created. (Acts 57th Leg., 3rd C.S., Ch.
3 20, Sec. 4 (part).)

4 Source Law

5 Sec. 4. The Authority shall have and exercise,
6 and is hereby vested with, all of the rights, powers,
7 and privileges conferred by the General Laws of the
8 State of Texas now in force or hereafter enacted,
9 applicable to fresh-water supply districts created
10 under authority of Section 59 of Article XVI,
11 Constitution of Texas; but

12 Without in any way eliminating the generalization
13 of the foregoing, it is expressly provided that the
14 Authority shall have and exercise, and is hereby
15 vested with, all of the rights, powers and privileges
16 conferred and imposed by Chapter 4 of Title 128,
17 Revised Civil Statutes of Texas, 1925, together with
18 all amendments thereto and additions thereto, . . .
19 together with any and all other laws which are in any
20 wise helpful in carrying out the purposes for which the
21 Authority is created.

22 Revisor's Note

23 (1) Section 4, Chapter 20, Acts of the 57th
24 Legislature, 3rd Called Session, 1962, states that the
25 authority "shall have and exercise, and is hereby
26 vested with," certain rights, powers, and privileges.
27 The revised law substitutes "has" for the quoted
28 language because, in context, the terms are synonymous
29 and "has" is more commonly used.

30 (2) Section 4, Chapter 20, Acts of the 57th
31 Legislature, 3rd Called Session, 1962, states that the
32 authority has the rights, powers, and privileges
33 "conferred" by general law and the rights, powers, and
34 privileges "conferred and imposed" by Chapter 4, Title
35 128, Revised Civil Statutes of Texas, 1925. The
36 revised law substitutes "provided" for the quoted
37 language because regardless of whether a right, power,
38 or privilege is "conferred" or "imposed," it is not
39 necessary to characterize in the revised law the
40 nature of the granting of that authority. In context,
41 "provided" is synonymous with "conferred" and
42 "conferred and imposed" and "provided" is more

1 commonly used.

2 (3) Section 4, Chapter 20, Acts of the 57th
3 Legislature, 3rd Called Session, 1962, refers to the
4 general laws of this state "now in force or hereafter
5 enacted." The revised law omits the quoted language as
6 unnecessary under accepted general principles of
7 statutory construction. The "General Laws of the
8 State of Texas" means those laws "in force" at the time
9 the provision was adopted. It is unnecessary to state
10 that the authority may be granted additional powers by
11 later enacted laws because those laws apply on their
12 own terms.

13 (4) Section 4, Chapter 20, Acts of the 57th
14 Legislature, 3rd Called Session, 1962, provides that
15 Chapter 20 prevails over the general laws applicable
16 to fresh water supply districts in case of a conflict
17 and that those general laws are incorporated by
18 reference. The revised law omits the portion of the
19 provision relating to the chapter prevailing over
20 those general laws because it duplicates, in
21 substance, Section 311.026(b), Government Code (Code
22 Construction Act). The revised law omits the portion
23 of the provision relating to the incorporation of
24 those general laws by reference because Section 4 of
25 Chapter 20 (revised in part as this section) provides
26 that those laws apply to the authority, and it is
27 unnecessary to repeat that authority. The omitted law
28 reads:

29 Sec. 4. [The Authority shall have and
30 exercise, and is hereby vested with, all of
31 the rights, powers, and privileges
32 conferred by the General Laws of the State
33 of Texas now in force or hereafter enacted,
34 applicable to fresh-water supply districts
35 created under authority of Section 59 of
36 Article XVI, Constitution of Texas; but] to
37 the extent that the provisions of such
38 General Laws may be in conflict or
39 inconsistent with the provisions of this
40 Act, the provisions of this Act shall

1 prevail. All such General Laws are hereby
2 incorporated by reference with the same
3 effect as if written in full in this Act.
4 . . .

5 (5) Section 4, Chapter 20, Acts of the 57th
6 Legislature, 3rd Called Session, 1962, provides that
7 "[w]ithout in any way eliminating the generalization
8 of the foregoing" rights, powers, and privileges
9 provided by general law applicable to fresh water
10 supply districts, the authority has certain express
11 rights, powers, and privileges. The revised law omits
12 the quoted language as unnecessary because an accepted
13 principle of statutory construction requires a statute
14 to be given cumulative effect with other statutes
15 unless it provides otherwise or unless the statutes
16 are in conflict. The general principle applies to this
17 revision.

18 (6) Section 4, Chapter 20, Acts of the 57th
19 Legislature, 3rd Called Session, 1962, refers to
20 "Chapter 4 of Title 128, Revised Civil Statutes of
21 Texas, 1925, together with all amendments thereto and
22 additions thereto." The revised law substitutes a
23 reference to Chapter 53, Water Code, for the quoted
24 language because Chapter 4 was codified in 1971 as part
25 of Chapter 53, Water Code, a general law applicable to
26 fresh water supply districts. For the reader's
27 convenience, the revised law includes a reference to
28 Chapter 49, Water Code, because Chapter 715, Acts of
29 the 74th Legislature, Regular Session, 1995, repealed
30 many provisions of Chapter 53 and enacted similar
31 provisions in Chapter 49, Water Code. The revised law
32 omits the phrase "together with all amendments thereto
33 and additions thereto" because under Section 311.027,
34 Government Code (Code Construction Act), a reference
35 to a statute applies to all reenactments, revisions,
36 or amendments of that statute unless expressly

1 provided otherwise.

2 (7) Section 4, Chapter 20, Acts of the 57th
3 Legislature, 3rd Called Session, 1962, refers to
4 certain powers granted by Articles 7930-4 and 7941c,
5 Vernon's Texas Civil Statutes. The revised law omits
6 those references because the provisions, under which
7 the powers were granted, were included in the 1971
8 codification of Chapter 53, Water Code, and now are
9 contained in Chapter 53, Water Code (applicable to the
10 authority under Section 4, Chapter 20, revised in
11 pertinent part as this section), or have been replaced
12 by provisions of Chapter 49, Water Code (applicable to
13 the authority under Sections 49.001 and 49.002, Water
14 Code). The omitted law reads:

15 Sec. 4. [The Authority shall have and
16 exercise, and is hereby vested with, all of
17 the rights, powers, and privileges] . . .
18 including all powers and authority relating
19 to sanitary sewer systems and the issuance
20 of bonds therefor as authorized by and
21 provided in Article 7930-4, Revised Civil
22 Statutes of Texas, as amended, and
23 including the power and authority to issue
24 tax bonds, revenue bonds or combination tax
25 and revenue bonds as authorized by and
26 provided in Article 7941c, as amended,
27

28 Revised Law

29 Sec. 6912.102. CONTRACTS TO SUPPLY WATER OR SEWAGE
30 SERVICES. (a) The authority may contract with a municipality or
31 other entity to supply to the entity water or sewage services. A
32 municipality or other entity may contract with the authority to
33 supply to the authority water or sewage services.

34 (b) The authority may contract with a municipality for the
35 rental or leasing of or for the operation of the municipality's
36 water production, water supply, water filtration, or purification
37 and water supply facilities or sewerage system or facilities. A
38 municipality may contract with the authority for the rental or
39 leasing of or for the operation of the authority's water
40 production, water supply, water filtration, or purification and

1 water supply facilities or sewerage system or facilities.

2 (c) A contract may be:

3 (1) on the terms and for the consideration agreed to by
4 the parties; and

5 (2) for any period not to exceed 50 years.

6 (d) An election is not required by a municipality for
7 approval of a water, sewer, or water and sewer contract. A contract
8 may be entered into without the necessity of an election. (Acts
9 57th Leg., 3rd C.S., Ch. 20, Sec. 10.)

10 Source Law

11 Sec. 10. The Authority is authorized to enter
12 into contracts with cities and others for supplying
13 water and sewer services to them, and cities and others
14 are authorized to enter into contracts with the
15 Authority for supplying water and sewer services to
16 the Authority. The Authority may also contract with
17 any city for the rental or leasing, or for the
18 operation of such city's water production, water
19 supply, water filtration, or purification and water
20 supply facilities or sewerage system or facilities,
21 and any city may contract with the Authority for the
22 rental or leasing, or for the operation of the
23 Authority's water production, water supply, water
24 filtration, or purification and water supply
25 facilities or sewerage system or facilities. Any such
26 contract may be upon such terms and for such
27 consideration as the parties may agree, and may be for
28 any period of time not to exceed 50 years. No election
29 shall be required of any city or town for approval of
30 water, sewer, or water and sewer contracts, but such
31 contracts may be entered into without the necessity of
32 an election.

33 Revisor's Note

34 Section 10, Chapter 20, Acts of the 57th
35 Legislature, 3rd Called Session, 1962, refers to any
36 "city" and any "city or town." The revised law
37 substitutes "municipality" for "city" and "city or
38 town" because the meaning of "municipality" includes
39 both cities and towns, and "municipality" is the term
40 used in the Local Government Code.

41 Revised Law

42 Sec. 6912.103. COST OF RELOCATING OR ALTERING PROPERTY.
43 (a) In this section, "sole expense" means the actual cost of
44 relocating, raising, lowering, rerouting, changing the grade of, or
45 altering the construction of a facility described by Subsection (b)

1 in providing comparable replacement without enhancement of the
2 facility, after deducting from that cost the net salvage value of
3 the old facility.

4 (b) If the authority's exercise of the power of eminent
5 domain, the power of relocation, or any other power makes necessary
6 relocating, raising, rerouting, changing the grade of, or altering
7 the construction of a highway, railroad, electric transmission
8 line, telephone or telegraph property or facility, or pipeline, the
9 necessary action shall be accomplished at the sole expense of the
10 authority. (Acts 57th Leg., 3rd C.S., Ch. 20, Sec. 5.)

11 Source Law

12 Sec. 5. In the event that the Authority, in the
13 exercise of the power of eminent domain or power of
14 relocation, or any other power, makes necessary the
15 relocation, raising, re-routing or changing the grade
16 of, or altering the construction of any highway,
17 railroad, electric transmission line, telephone or
18 telegraph properties and facilities, or pipeline, all
19 such necessary relocation, raising, re-routing,
20 changing of grade or alteration of construction shall
21 be accomplished at the sole expense of the Authority.
22 The term "sole expense" shall mean the actual cost of
23 such relocation, raising, lowering, re-routing or
24 change in grade or alteration of construction in
25 providing comparable replacement without enhancement
26 of such facilities, after deducting therefrom the net
27 salvage value derived from the old facility.

28 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

29 Revised Law

30 Sec. 6912.151. TAX METHOD. (a) The authority shall use the
31 ad valorem plan of taxation.

32 (b) The board is not required to hold a hearing on the
33 adoption of a plan of taxation. (Acts 57th Leg., 3rd C.S., Ch. 20,
34 Sec. 2 (part).)

35 Source Law

36 Sec. 2. . . . it shall not be necessary for the
37 Board of Supervisors . . . to hold . . . a hearing on
38 the adoption of a plan of taxation, but the ad valorem
39 plan of taxation shall be used by the Authority.

40 Revised Law

41 Sec. 6912.152. IMPOSITION OF TAXES; TAX
42 ASSESSOR-COLLECTOR. (a) Except as provided by this section, all
43 provisions of the general laws governing fresh water supply

1 districts that relate to the imposition of ad valorem taxes apply to
2 the authority.

3 (b) The board shall appoint a tax assessor-collector for the
4 authority.

5 (c) The tax assessor-collector:

6 (1) shall serve at the pleasure of the board; and

7 (2) is not required to be a resident or voter of the
8 authority. (Acts 57th Leg., 3rd C.S., Ch. 20, Sec. 6 (part).)

9 Source Law

10 Sec. 6. All provisions of the General Laws
11 governing fresh-water supply districts relating to the
12 assessment, levy, and collection of ad valorem taxes
13 shall apply to the Authority, provided that the tax
14 assessor and collector shall be appointed by the
15 Board, shall serve at the pleasure of the Board, and
16 need not be a resident or a voter of the Authority, and
17

18 Revisor's Note

19 Section 6, Chapter 20, Acts of the 57th
20 Legislature, 3rd Called Session, 1962, refers to laws
21 governing fresh water supply districts that relate to
22 the "assessment, levy, and collection" of ad valorem
23 taxes. The revised law substitutes "imposition" for
24 "assessment, levy, and collection" because "impose" is
25 the term generally used in Title 1, Tax Code, and
26 includes the assessment, levy, and collection of a
27 tax.

28 Revised Law

29 Sec. 6912.153. DEPOSITORY. (a) The board shall designate
30 one or more banks inside or outside the authority to serve as a
31 depository for authority money.

32 (b) All authority money shall be deposited in a depository
33 bank, except that sufficient money shall be remitted to the
34 appropriate bank of payment to pay the principal of and interest on
35 the authority's outstanding bonds on or before the maturity date of
36 the principal and interest.

37 (c) To the extent that money in a depository bank is not
38 insured by the Federal Deposit Insurance Corporation, the money

1 must be secured in the manner provided by law for the security of
2 county funds.

3 (d) Membership on the board of an officer or director of a
4 bank does not disqualify the bank from being designated as a
5 depository. (Acts 57th Leg., 3rd C.S., Ch. 20, Sec. 8.)

6 Source Law

7 Sec. 8. The Board of Supervisors shall
8 designate one or more banks within or without the
9 Authority to serve as depository for the funds of the
10 Authority. All funds of the Authority shall be
11 deposited in such depository bank or banks except that
12 sufficient funds shall be remitted to the bank or banks
13 of payment of principal of and interest on the
14 outstanding bonds of the Authority and in time that
15 such may be received by the said bank or banks of
16 payment on or prior to the date of the maturity of such
17 principal and interest so to be paid. To the extent
18 that funds in the depository bank or banks are not
19 insured by the Federal Deposit Insurance Corporation,
20 they shall be secured in the manner provided by law for
21 the security of county funds. Membership on the Board
22 of Supervisors of an officer or director of a bank
23 shall not disqualify such bank from being designated
24 as depository.

25 Revisor's Note

26 Section 8, Chapter 20, Acts of the 57th
27 Legislature, 3rd Called Session, 1962, refers to the
28 authority's "funds." The revised law substitutes
29 "money" for "funds" because, in the context of
30 authority funds, the meaning is the same and "money" is
31 the more commonly used term.

32 Revised Law

33 Sec. 6912.154. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED.
34 The authority is not required to pay a tax or assessment on an
35 authority project or any part of the project. (Acts 57th Leg., 3rd
36 C.S., Ch. 20, Sec. 9 (part).)

37 Source Law

38 Sec. 9. . . . [the Authority] . . . shall not be
39 required to pay any tax or assessment on the project or
40 any part thereof, and

41 Revisor's Note
42 (End of Subchapter)

43 (1) Section 6, Chapter 20, Acts of the 57th
44 Legislature, 3rd Called Session, 1962, provides that

1 the board may contract with certain entities for the
2 assessment and collection of taxes levied by and on
3 behalf of the authority. The revised law omits that
4 provision as repealed by Section 6(b), Chapter 841,
5 Acts of the 66th Legislature, Regular Session, 1979,
6 which repealed all general, local, and special laws
7 that conflicted with that act. The 1979 act enacted
8 the Property Tax Code (Title 1, Tax Code), a
9 comprehensive, substantive codification of the laws
10 governing the administration of ad valorem taxes.
11 Section 6.24(a), Tax Code, provides that the governing
12 body of a taxing unit other than a county may contract
13 as provided by the Interlocal Cooperation Act with the
14 governing body of another unit or with the board of
15 directors of an appraisal district for the other unit
16 or the district to perform duties relating to the
17 assessment or collection of taxes. Section 6.24(a),
18 Tax Code, applies to the authority under Section 1.02,
19 Tax Code. The omitted law reads:

20 Sec. 6. . . . provided that the Board
21 may contract with Harris County, or any
22 city, town, village or school district in
23 whole or in part within the Authority with
24 regard to the assessment and collection of
25 all taxes levied by and on behalf of the
26 Authority. . . .

27 (2) Section 6, Chapter 20, Acts of the 57th
28 Legislature, 3rd Called Session, 1962, provides that
29 the bond of the tax assessor-collector is not required
30 when certain entities contract with the authority for
31 the assessment and collection of taxes, except as may
32 be fixed by the board in its discretion. The revised
33 law omits that provision because it duplicates, in
34 substance, Section 6.29(b), Tax Code. Section 6.29(b),
35 Tax Code, authorizes a taxing unit whose taxes are
36 collected by the collector for another taxing unit to
37 require that collector to post an additional bond.

1 Section 6.29(b), Tax Code, applies to the authority
2 under Section 1.02, Tax Code. The omitted law reads:

3 Sec. 6. . . . In the event that the
4 taxes are assessed and collected under the
5 terms of a contract as referred to, then the
6 bond of the tax assessor and collector shall
7 not be required, except as may be fixed by
8 the Board in its discretion.

9 SUBCHAPTER E. BONDS

10 Revised Law

11 Sec. 6912.201. BONDS EXEMPT FROM TAXATION. An authority
12 bond, the transfer of the bond, and income from the bond, including
13 profits made on the sale of the bond, are exempt from taxation in
14 this state. (Acts 57th Leg., 3rd C.S., Ch. 20, Sec. 9 (part).)

15 Source Law

16 Sec. 9. . . . the bonds issued hereunder and
17 their transfer and the income therefrom, including the
18 profits made on the sale thereof, shall at all times be
19 free from taxation within this State.

20 Revisor's Note
21 (End of Subchapter)

22 Section 7, Chapter 20, Acts of the 57th
23 Legislature, 3rd Called Session, 1962, lists the
24 entities for which authority bonds are legal
25 investments and provides that authority bonds may
26 secure deposits of public funds of the state or
27 political subdivisions. The revised law omits the
28 provision relating to the eligibility of authority
29 bonds to be considered as investments for various
30 entities because it duplicates, in substance, Section
31 49.186(a), Water Code. While Section 7 lists
32 "guardians" and Section 49.186(a), Water Code, does
33 not, Section 49.186(a) includes "fiduciaries," and a
34 guardian is a fiduciary. The revised law omits the
35 provision relating to the use of authority bonds as
36 security for deposits of state funds as impliedly
37 repealed by Section 404.0221, Government Code (enacted
38 in 1995), which lists eligible collateral for deposits
39 of state funds by the comptroller, and by Section

1 404.031, Government Code (enacted in 1985 as Section
2 3.001, Article 4393-1, Vernon's Texas Civil Statutes),
3 which provides for the valuation of that collateral.
4 As to securing deposits of other funds, the provision
5 is impliedly repealed by Chapter 2257, Government Code
6 (enacted in 1989 as Article 2529d, Vernon's Texas Civil
7 Statutes), which governs eligible collateral for
8 deposits of funds of other public agencies, including
9 political subdivisions, and permits those deposits to
10 be secured by obligations issued by conservation and
11 reclamation districts. The omitted law reads:

12 Sec. 7. All bonds of the Authority
13 shall be and are hereby declared to be legal
14 and authorized investments for banks,
15 savings banks, trust companies, building
16 and loan associations, savings and loan
17 associations, insurance companies,
18 fiduciaries, trustees, guardians, and
19 sinking funds of cities, towns and
20 villages, counties, school districts, or
21 other political subdivisions of the State
22 of Texas, and for all public funds of the
23 State of Texas or its agencies, including
24 the State Permanent School Fund. Such bonds
25 shall be eligible to secure deposit of any
26 and all public funds of the State of Texas,
27 and any and all public funds of cities,
28 towns, villages, counties, school
29 districts, or other political subdivisions
30 or corporations of the State of Texas; and
31 such bonds shall be lawful and sufficient
32 security for said deposits to the extent of
33 their value, when accompanied by all
34 unmatured coupons appurtenant thereto.

35 Revisor's Note
36 (End of Chapter)

37 (1) Section 2, Chapter 20, Acts of the 57th
38 Legislature, 3rd Called Session, 1962, provides that
39 the district is not required to hold a hearing for the
40 exclusion of land or an election for the confirmation
41 of the organization of the district. The revised law
42 omits the provision as executed. The provision is a
43 transition provision addressing the applicability of
44 provisions of the general law in effect at the time of
45 the district's creation that governed the creation of
46 fresh water supply districts. A district created

1 under the general law in effect at that time would have
2 been required at the time of its creation to hold both
3 a confirmation election and a hearing on the exclusion
4 of land from the district. The omitted provision
5 negates those general law requirements as inapplicable
6 to this legislatively created district. The power or
7 duty to hold a hearing to exclude land subsequent to
8 the creation of the district is governed by Subchapter
9 J, Chapter 49, Water Code, which applies to the
10 district under Sections 49.001 and 49.002 of that
11 code. The omitted law reads:

12 Sec. 2. . . . [it shall not be
13 necessary for the Board of Supervisors] to
14 call a confirmation election or [to hold] a
15 hearing on the exclusion of lands or

16 (2) Section 2a, Chapter 20, Acts of the 57th
17 Legislature, 3rd Called Session, 1962, provides for
18 the dissolution of the authority and expiration of the
19 act if the issuance of bonds is not approved at the
20 first bond election. The revised law omits the
21 provision as executed because the issuance of bonds
22 has been approved. The omitted law reads:

23 Sec. 2a. In the event, but only in
24 the event, that a majority of the qualified
25 voters voting at the first bond election
26 called for that purpose fail to approve the
27 issuance of bonds, then the Authority
28 shall, without further action, terminate
29 and be dissolved, and this Act shall be of
30 no further force and effect.

31 (3) Section 12, Chapter 20, Acts of the 57th
32 Legislature, 3rd Called Session, 1962, provides that
33 the act is severable. The revised law omits that
34 provision because the same result is produced by the
35 application of Section 311.032(c), Government Code
36 (Code Construction Act), which provides that a
37 provision of a statute is severable from each other
38 provision of the statute that can be given effect. The
39 omitted law reads:

1 Sec. 12. . . . If any provision of
2 the Act shall be invalid, such fact shall
3 not affect the creation of the Authority or
4 the validity of any other provision of this
5 Act, and the Legislature hereby declares
6 that it would have created the Authority and
7 enacted the valid provisions of this Act
8 notwithstanding the invalidity of any other
9 provision or provisions hereof.

10 CHAPTER 6914. PETTUS MUNICIPAL UTILITY DISTRICT

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25 CHAPTER 6914. PETTUS MUNICIPAL UTILITY DISTRICT

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Revised Law

28 Sec. 6914.001. DEFINITIONS. In this chapter:

29 (1) "Board" means the board of supervisors of the
30 district.

31 (2) "District" means the Pettus Municipal Utility
32 District.

33 (3) "Supervisor" means a member of the board. (Acts
34 57th Leg., 3rd C.S., Ch. 38, Sec. 1 (part); New.)

35 Source Law

36 Sec. 1. . . . [a . . . district] . . . to be
37 known as "Pettus Municipal Utility District,"
38 hereinafter referred to as the "District," and

39 Revisor's Note

40 The definitions of "board" and "supervisor" are

1 added to the revised law for drafting convenience and
2 to eliminate frequent, unnecessary repetition of the
3 substance of the definitions.

4 Revised Law

5 Sec. 6914.002. NATURE OF DISTRICT. The district is:

6 (1) a conservation and reclamation district in Bee
7 County under Section 59, Article XVI, Texas Constitution;

8 (2) a fresh water supply district; and

9 (3) a municipal corporation. (Acts 57th Leg., 3rd
10 C.S., Ch. 38, Secs. 1 (part), 5 (part), 7 (part).)

11 Source Law

12 Sec. 1. Under and pursuant to the provisions of
13 Section 59 of Article XVI, Constitution of Texas, a
14 conservation and reclamation district is hereby
15 created and incorporated in Bee County, Texas,

16 Sec. 5. . . . Upon the adoption of this Act,
17 said District shall be a fully created and established
18 fresh water supply district.

19 Sec. 7. [The Legislature] . . . declares the
20 District to be a governmental agency, a body politic
21 and corporate, and a municipal corporation.

22 Revisor's Note

23 (1) Sections 1 and 5, Chapter 38, Acts of the
24 57th Legislature, 3rd Called Session, 1962, refer to
25 the creation, incorporation, and establishment of the
26 district. The revised law omits "hereby created and
27 incorporated" and "[u]pon the adoption of this Act,
28 [said District shall be a] fully created and
29 established [fresh water supply district]" as
30 executed.

31 (2) Section 7, Chapter 38, Acts of the 57th
32 Legislature, 3rd Called Session, 1962, refers to the
33 district as "a governmental agency, a body politic and
34 corporate." The revised law omits the quoted language
35 because it duplicates a portion of Section 59(b),
36 Article XVI, Texas Constitution, which provides that a
37 conservation and reclamation district is a
38 governmental agency and a body politic and corporate.

1 Revised Law

2 Sec. 6914.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
3 The district is created to serve a public use and benefit.

4 (b) All land and other property included in the district
5 will benefit from the creation of the district and the improvements
6 that the district will purchase, construct, or otherwise acquire.

7 (c) The district is essential to accomplish the purposes of
8 Section 59, Article XVI, Texas Constitution. (Acts 57th Leg., 3rd
9 C.S., Ch. 38, Secs. 5 (part), 7 (part).)

10 Source Law

11 Sec. 5. It is hereby found and determined that
12 all of the lands and other property included within the
13 District are, and will be, benefited by the creation of
14 the District and by the improvements that the District
15 will purchase, construct, or otherwise acquire, and
16 that the District is created to serve a public use and
17 benefit. . . .

18 Sec. 7. The Legislature hereby exercises the
19 authority conferred upon it by Section 59 of Article
20 XVI, Constitution of Texas, and declares that the
21 District created by this Act is essential to the
22 accomplishment of the purposes of said constitutional
23 provision; finds that all of the land and other
24 property included therein are, and will be, benefited
25 thereby and by the improvements that the District will
26 purchase, construct or otherwise acquire; and

27 Revisor's Note

28 Section 7, Chapter 38, Acts of the 57th
29 Legislature, 3rd Called Session, 1962, states that the
30 legislature "hereby exercises the authority conferred
31 upon it by Section 59 of Article XVI, Constitution of
32 Texas, and declares that" the district "created by
33 this Act" is essential to accomplish the purposes of
34 that constitutional provision. The revised law omits
35 the quoted language as executed.

36 Revised Law

37 Sec. 6914.004. DISTRICT TERRITORY. The district is
38 composed of the territory described by Section 1, Chapter 38, Acts
39 of the 57th Legislature, 3rd Called Session, 1962, as that
40 territory may have been modified under:

41 (1) Subchapter G, Chapter 53, Water Code, before

1 September 1, 1995;

2 (2) Subchapter J, Chapter 49, Water Code; or

3 (3) other law. (New.)

4 Revisor's Note

5 The revised law does not revise the statutory
6 language describing the territory of the district to
7 avoid the lengthy recitation of the description and
8 because that description may not be accurate on the
9 effective date of the revision or at the time of a
10 later reading. For the reader's convenience, the
11 revised law includes references to the statutory
12 description of the district's territory and to the
13 statutory authority to change the district's territory
14 under Subchapter G, Chapter 53, Water Code, which
15 applied to the district under Section 2, Chapter 38,
16 Acts of the 57th Legislature, 3rd Called Session, 1962
17 (see Section 6914.101 of this chapter), until that
18 subchapter was repealed in 1995, and under Subchapter
19 J, Chapter 49, Water Code, applicable to the district
20 under Sections 49.001 and 49.002 of that chapter. The
21 revised law also includes a reference to the general
22 authority of the legislature to enact other laws to
23 change the district's territory.

24 SUBCHAPTER B. BOARD OF SUPERVISORS

25 Revised Law

26 Sec. 6914.051. COMPOSITION OF BOARD. The board consists of
27 five elected supervisors. (Acts 57th Leg., 3rd C.S., Ch. 38, Sec. 3
28 (part).)

29 Source Law

30 Sec. 3. The management and control of the
31 District is hereby vested in a Board of five (5)
32 supervisors . . . elections for Supervisors shall be
33 held

34 Revisor's Note

35 Section 3, Chapter 38, Acts of the 57th
36 Legislature, 3rd Called Session, 1962, provides that

1 "[t]he management and control of the District is
2 hereby vested" in the board of supervisors. The
3 revised law omits the quoted language because it
4 duplicates, in substance, parts of Sections 49.051 and
5 49.057, Water Code. Throughout this chapter, the
6 revised law omits law that is superseded by Chapter 49,
7 Water Code, or that duplicates law contained in that
8 chapter. Chapter 49 (enacted in 1995) applies to the
9 district under Sections 49.001 and 49.002, Water Code.

10 Revisor's Note
11 (End of Subchapter)

12 (1) Section 3, Chapter 38, Acts of the 57th
13 Legislature, 3rd Called Session, 1962, provides that
14 the board has the powers and duties provided to a board
15 of supervisors of a fresh water supply district
16 organized under Chapter 4, Title 128, Revised Civil
17 Statutes of Texas, 1925. The relevant provisions of
18 Chapter 4, Title 128, Revised Statutes, were codified
19 as part of Chapter 53, Water Code, by Chapter 58, Acts
20 of the 62nd Legislature, Regular Session, 1971.
21 Chapter 715, Acts of the 74th Legislature, Regular
22 Session, 1995, repealed many of the provisions in
23 Chapter 53 relating to the powers and duties of the
24 board and enacted similar provisions in Chapter 49,
25 Water Code. Because both Chapter 49 (through Sections
26 49.001 and 49.002, Water Code) and Chapter 53 (through
27 Section 2, Chapter 38, Acts of the 57th Legislature,
28 3rd Called Session, 1962, codified in pertinent part
29 as Section 6914.101) already apply to the district,
30 the revised law omits that provision as unnecessary.
31 The omitted law reads:

32 Sec. 3. [The management and control
33 of the District is hereby vested in a Board
34 of five (5) supervisors] which shall have
35 all of the powers and authority and duties
36 conferred and imposed upon boards of
37 supervisors of fresh water supply districts
38 organized under the provisions of Chapter 4

1 of Title 128, Revised Civil Statutes of
2 Texas, 1925, together with all amendments
3 thereof and additions thereto. . . .

4 (2) Section 3, Chapter 38, Acts of the 57th
5 Legislature, 3rd Called Session, 1962, provides for
6 the election of the board of supervisors of the
7 district. The revised law omits as executed those
8 provisions that relate to the establishment of the
9 first board, that board's vacancy procedures, and the
10 1964 supervisor election. The omitted law reads:

11 Sec. 3. . . . The members of the
12 first Board of Supervisors shall be: R. F.
13 Harris, Paul Avery, Fred Hoffer, Jesse L.
14 Johnson and John B. Shaw. Said members shall
15 become Supervisors immediately after this
16 Act becomes effective, and said first Board
17 of Supervisors shall meet and organize as
18 soon as practicable after the effective
19 date of this Act, and shall file their
20 official bonds. If any of the
21 aforementioned members of said first Board
22 of Supervisors shall die, become
23 incapacitated, or otherwise not qualify to
24 assume their duties under this Act, the
25 County Judge of Bee County, Texas, shall
26 appoint his or their successors. . . . The
27 first election of Supervisors of such
28 District shall be held on the first Tuesday
29 in January, 1964, and in accordance with
30 Article 7897, Revised Civil Statutes of
31 Texas, 1925. . . .

32 (3) Section 3, Chapter 38, Acts of the 57th
33 Legislature, 3rd Called Session, 1962, provides that
34 the board of supervisors must be selected by general
35 law for fresh water supply districts and that
36 elections for supervisors must be held in accordance
37 with the provisions of general laws relating to fresh
38 water supply districts. The revised law omits those
39 provisions because Subchapter D, Chapter 49, Water
40 Code, governs those board elections. That subchapter
41 applies to the district under Sections 49.001 and
42 49.002, Water Code. Any other general law relating to
43 board elections applies by its own terms. The omitted
44 law reads:

45 Sec. 3. . . . With the exception of
46 said first Board of Supervisors, the Board
47 of Supervisors shall be selected by General

1 Law for fresh water supply districts. . . .
2 Thereafter, Supervisors of the District
3 shall be chosen, and [elections for
4 Supervisors shall be held] in accordance
5 with the provisions of General Laws
6 relating to fresh water supply districts.

7 SUBCHAPTER C. POWERS AND DUTIES

8 Revised Law

9 Sec. 6914.101. GENERAL POWERS AND DUTIES. The district has
10 all the rights, powers, privileges, and duties provided by general
11 law applicable to a fresh water supply district created under
12 Section 59, Article XVI, Texas Constitution, including Chapters 49
13 and 53, Water Code. (Acts 57th Leg., 3rd C.S., Ch. 38, Sec. 2
14 (part).)

15 Source Law

16 Sec. 2. The District shall have and exercise,
17 and is hereby vested with, all of the rights, powers,
18 privileges, and duties conferred and imposed by the
19 General Laws of the State of Texas now in force or
20 hereafter enacted, applicable to fresh water supply
21 districts created under authority of Section 59 of
22 Article XVI, Constitution of Texas, but
23 Without in any way limiting the generalization of the
24 foregoing, it is expressly provided that the District
25 shall have and exercise, and is hereby vested with, all
26 of the rights, powers, privileges, and duties
27 conferred and imposed by Chapter 4 of Title 128,
28 Revised Civil Statutes of Texas, 1925, together with
29 all amendments thereto and additions thereto,

30 Revisor's Note

31 (1) Section 2, Chapter 38, Acts of the 57th
32 Legislature, 3rd Called Session, 1962, states that the
33 district "shall have and exercise, and is hereby
34 vested with," certain rights, powers, privileges, and
35 duties. The revised law substitutes "has" for the
36 quoted language because, in context, the terms are
37 synonymous and "has" is more commonly used.

38 (2) Section 2, Chapter 38, Acts of the 57th
39 Legislature, 3rd Called Session, 1962, states that the
40 district has the rights, powers, privileges, and
41 duties "conferred and imposed" by general law. The
42 revised law substitutes "provided" for the quoted
43 language because regardless of whether a right, power,
44 privilege, or duty is "conferred" by general law or

1 "imposed" by general law, it is not necessary to
2 characterize in the revised law the nature of the
3 granting of that authority. In context, "provided" is
4 synonymous with "conferred and imposed" and "provided"
5 is more commonly used.

6 (3) Section 2, Chapter 38, Acts of the 57th
7 Legislature, 3rd Called Session, 1962, refers to the
8 general laws of this state "now in force or hereafter
9 enacted." The revised law omits the quoted language as
10 unnecessary under accepted general principles of
11 statutory construction. The "General Laws of the
12 State of Texas" means those laws "in force" at the time
13 the provision was adopted. It is unnecessary to state
14 that the district may be granted additional powers by
15 later enacted laws because those laws apply on their
16 own terms.

17 (4) Section 2, Chapter 38, Acts of the 57th
18 Legislature, 3rd Called Session, 1962, provides that
19 Chapter 38 prevails over the general laws applicable
20 to fresh water supply districts in case of a conflict
21 and that those general laws are incorporated by
22 reference. The revised law omits the portion of the
23 provision relating to the chapter prevailing over
24 those general laws because it duplicates, in
25 substance, Section 311.026(b), Government Code (Code
26 Construction Act). The revised law omits the portion
27 of the provision relating to the incorporation of
28 those general laws by reference because Section 2 of
29 Chapter 38 (revised in part as this section) provides
30 that those laws apply to the district, and it is
31 unnecessary to repeat that authority. The omitted law
32 reads:

33 Sec. 2. [The District shall have and
34 exercise, and is hereby vested with, all of
35 the rights, powers, privileges, and duties
36 conferred and imposed by the General Laws of

1 the State of Texas now in force or hereafter
2 enacted, applicable to fresh water supply
3 districts created under authority of
4 Section 59 of Article XVI, Constitution of
5 Texas, but] to the extent that the
6 provisions of such General Laws may be in
7 conflict or inconsistent with the
8 provisions of this Act, the provisions of
9 this Act shall prevail. All such General
10 Laws are hereby incorporated by reference
11 with the same effect as if incorporated in
12 full in this Act. . . .

13 (5) Section 2, Chapter 38, Acts of the 57th
14 Legislature, 3rd Called Session, 1962, provides that
15 "[w]ithout in any way limiting the generalization of
16 the foregoing" rights, powers, privileges, and duties
17 provided by general law applicable to fresh water
18 supply districts, the district has certain express
19 rights, powers, privileges, and duties. The revised
20 law omits the quoted language as unnecessary because
21 an accepted principle of statutory construction
22 requires a statute to be given cumulative effect with
23 other statutes unless it provides otherwise or unless
24 the statutes are in conflict. The general principle
25 applies to this revision.

26 (6) Section 2, Chapter 38, Acts of the 57th
27 Legislature, 3rd Called Session, 1962, refers to
28 "Chapter 4 of Title 128, Revised Civil Statutes of
29 Texas, 1925, together with all amendments thereto and
30 additions thereto." The revised law substitutes a
31 reference to Chapter 53, Water Code, for the quoted
32 language because Chapter 4 was codified in 1971 as part
33 of Chapter 53, Water Code, a general law applicable to
34 fresh water supply districts. For the reader's
35 convenience, the revised law includes a reference to
36 Chapter 49, Water Code, because Chapter 715, Acts of
37 the 74th Legislature, Regular Session, 1995, repealed
38 many provisions of Chapter 53 and enacted similar
39 provisions in Chapter 49, Water Code. The revised law
40 omits the phrase "together with all amendments thereto

1 and additions thereto" because under Section 311.027,
2 Government Code (Code Construction Act), a reference
3 to a statute applies to all reenactments, revisions,
4 or amendments of that statute unless expressly
5 provided otherwise.

6 (7) Section 2, Chapter 38, Acts of the 57th
7 Legislature, 3rd Called Session, 1962, refers to
8 certain powers granted by Articles 7930-4 and 7941c,
9 Vernon's Texas Civil Statutes. The revised law omits
10 those references because the provisions, under which
11 the powers were granted, were included in the 1971
12 codification of Chapter 53, Water Code, and now are
13 contained in Chapter 53, Water Code (applicable to the
14 district under Section 2, Chapter 38, revised in
15 pertinent part as this section), or have been replaced
16 by provisions of Chapter 49, Water Code (applicable to
17 the district under Sections 49.001 and 49.002, Water
18 Code). The omitted law reads:

19 Sec. 2. . . . [the District shall
20 have . . . all of the rights, powers,
21 privileges, and duties] . . . including all
22 powers and authority relating to sanitary
23 sewer systems and the issuance of bonds
24 therefor as authorized by and provided in
25 Chapter 129, Acts of the 47th Legislature of
26 Texas, Regular Session, 1941 (Article
27 7930-4, Vernon's Texas Civil Statutes,
28 1925, as amended), including the power and
29 authority to issue tax bonds, revenue bonds
30 or tax-revenue bonds as authorized by and
31 provided in Chapter 233, Acts of the 52nd
32 Legislature of Texas, Regular Session, 1951
33 (Article 7941c, Vernon's Texas Civil
34 Statutes, as amended). . . .

35 Revised Law

36 Sec. 6914.102. ACQUISITION OF IMPROVEMENTS. (a) The
37 district may make, construct, or otherwise acquire improvements
38 inside or outside the district but wholly in Bee County, that are
39 necessary to carry out a power granted to the district under this
40 chapter or a general law described by Section 6914.101.

41 (b) Before awarding a contract for the construction of an
42 improvement, the district must submit a plan and specifications for

1 the improvement to the Texas Commission on Environmental Quality
2 for approval. Any substantial change made to the plan after
3 submission must also be submitted to the commission for approval.
4 (Acts 57th Leg., 3rd C.S., Ch. 38, Sec. 2 (part).)

5 Source Law

6 Sec. 2. . . . Said District shall have the power
7 to make, construct, or otherwise acquire improvements
8 either within or without the boundaries thereof but
9 wholly within Bee County necessary to carry out the
10 powers and authority granted by this Act and said
11 General Laws; and further provided, that before said
12 District shall award contracts for the construction of
13 its improvements it shall submit the plans and
14 specifications for same to the Board of Water
15 Engineers of Texas for approval, and, if any
16 substantial changes are thereafter made in such plans,
17 such changes shall also be submitted to said Board for
18 approval. . . .

19 Revisor's Note

20 (1) Section 2, Chapter 38, Acts of the 57th
21 Legislature, 3rd Called Session, 1962, refers to the
22 district's "powers and authority." The revised law
23 omits the reference to "authority" as included in the
24 meaning of "powers."

25 (2) Section 2, Chapter 38, Acts of the 57th
26 Legislature, 3rd Called Session, 1962, refers to the
27 Board of Water Engineers of Texas. The Texas
28 Commission on Environmental Quality has succeeded to
29 the relevant functions of the board of water
30 engineers, and the revised law is drafted accordingly.

31 Revised Law

32 Sec. 6914.103. COST OF RELOCATING OR ALTERING PROPERTY.

33 (a) In this section, "sole expense" means the actual cost of
34 relocating, raising, lowering, rerouting, changing the grade of, or
35 altering the construction of a facility described by Subsection (b)
36 in providing comparable replacement without enhancement of the
37 facility, after deducting from that cost the net salvage value of
38 the old facility.

39 (b) If the district's exercise of the power of eminent
40 domain, the power of relocation, or any other power granted under

1 this chapter makes necessary relocating, raising, rerouting,
2 changing the grade of, or altering the construction of a highway,
3 railroad, electric transmission line, telephone or telegraph
4 property or facility, or pipeline, the necessary action shall be
5 accomplished at the sole expense of the district. (Acts 57th Leg.,
6 3rd C.S., Ch. 38, Sec. 2 (part).)

7 Source Law

8 Sec. 2. . . . In the event that the District in
9 the exercise of the power of eminent domain or power of
10 relocation, or any other power granted hereunder,
11 makes necessary the relocation, raising, rerouting or
12 changing the grade of, or altering the construction
13 of, any highway, railroad, electric transmission line,
14 telephone or telegraph properties and facilities, or
15 pipeline, all such necessary relocation, raising,
16 rerouting, changing of grade or alteration of
17 construction shall be accomplished at the sole expense
18 of the District. The term "sole expense" shall mean the
19 actual cost of such relocation, raising, lowering,
20 rerouting, or change in grade or alteration of
21 construction in providing comparable replacement
22 without enhancement of such facilities, after
23 deducting therefrom the net salvage value derived from
24 the old facility.

25 Revised Law

26 Sec. 6914.104. ADDITION OF TERRITORY TO DISTRICT. (a) The
27 district may be composed of noncontiguous territory.

28 (b) In addition to adding land as provided by Subchapter J,
29 Chapter 49, Water Code, the district may add land as provided by
30 this section. Land added to the district need not be contiguous to
31 the district.

32 (c) The owner of land may request by petition that the board
33 include the land in the district.

34 (d) A petition under Subsection (c) must be filed with the
35 board and describe the land to be added to the district. The
36 description may be by metes and bounds or by lot and block number.
37 The petition must be signed and executed in the manner provided by
38 law for the conveyance of real estate.

39 (e) The board shall hear and consider a petition filed under
40 this section. The board may grant the petition and add the land to
41 the district if the board considers the addition to be to the
42 advantage of the district.

1 (f) A petition granted under this section shall be filed and
2 recorded in the office of the Bee County Clerk. (Acts 57th Leg.,
3 3rd C.S., Ch. 38, Sec. 6.)

4 Source Law

5 Sec. 6. It is specifically provided that said
6 District may hereafter consist of separate bodies of
7 land separated by land not embraced in the District.
8 Land, contiguous or otherwise, may be added to said
9 District not only in the manner now provided by Chapter
10 4, Title 128, Revised Civil Statutes of Texas, 1925, as
11 amended, but also land may be added to such District
12 and become a part thereof upon petition of the owner
13 thereof in the following manner: the owner of the land
14 shall file with the Board of Supervisors a petition
15 praying that the lands described be added to and become
16 a part of said District, and said petition may describe
17 said land by metes and bounds or by lot and block
18 number and shall be signed and executed in the same
19 manner provided by law for the conveyance of real
20 estate. Such petition shall be heard and considered by
21 the Board of Supervisors and may be granted and said
22 land added to the District if same is considered to be
23 to the advantage of the District. Any such petition
24 which may be granted so adding lands to a District
25 shall be filed for record and be recorded in the office
26 of the Bee County Clerk.

27 Revisor's Note

28 Section 6, Chapter 38, Acts of the 57th
29 Legislature, 3rd Called Session, 1962, refers to the
30 district's authority to add land to the district in the
31 manner provided by "Chapter 4, Title 128, Revised
32 Civil Statutes of Texas, 1925, as amended." Chapter
33 58, Acts of the 62nd Legislature, Regular Session,
34 1971, codified the relevant provisions of Chapter 4,
35 Title 128, in Subchapter G, Chapter 53, Water Code.
36 Chapter 715, Acts of the 74th Legislature, Regular
37 Session, 1995, repealed the Chapter 53 provisions
38 relating to the addition of land and enacted similar
39 provisions as part of Subchapter J, Chapter 49, Water
40 Code. Therefore, the revised law substitutes
41 "Subchapter J, Chapter 49, Water Code," as the
42 successor to the relevant provisions of Chapter 4,
43 Title 128. The revised law also omits the phrase "as
44 amended" for the reason stated in Revisor's Note (6) to
45 Section 6914.101.

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Revised Law

3 Sec. 6914.151. DISTRICT TAX ASSESSOR-COLLECTOR. (a) The
4 board shall appoint a tax assessor-collector for the district for a
5 term not to exceed the term of office of the supervisors making the
6 appointment.

7 (b) The district's tax assessor-collector is not required
8 to be a resident or voter of the district. (Acts 57th Leg., 3rd
9 C.S., Ch. 38, Sec. 4 (part).)

10 Source Law

11 Sec. 4. . . . the District's Tax
12 Assessor-Collector shall be appointed by the Board of
13 Supervisors for a term not to exceed the term of office
14 of the members of the Board making such appointment,
15 and further, that said Tax Assessor-Collector need not
16 be a resident or voter of the District.

17 Revisor's Note
18 (End of Subchapter)

19 Section 4, Chapter 38, Acts of the 57th
20 Legislature, 3rd Called Session, 1962, provides that
21 all laws relative to the assessment, levy, and
22 collection of ad valorem taxes apply to the district.
23 Because Section 2 of Chapter 38 (revised in pertinent
24 part as Section 6914.101 of this chapter) provides
25 that the district has all of the powers and duties
26 provided by the general laws applicable to fresh water
27 supply districts, it is unnecessary to provide in this
28 chapter that the levying of taxes by the district is
29 governed by the general laws applicable to such
30 districts. In addition, because Section 1.02, Tax
31 Code, requires all taxing units of government,
32 including fresh water supply districts, to administer
33 the assessment and collection of ad valorem taxes in
34 conformity with Title 1, Tax Code, it is unnecessary to
35 provide in this chapter that the assessment and
36 collection of taxes by the district is governed by the
37 general laws applicable to such districts. The

1 omitted law reads:

2 Sec. 4. All provisions of the General
3 Laws relative to the assessment, levy, and
4 collection of ad valorem taxes shall apply
5 to the District, except that

6 Revisor's Note
7 (End of Chapter)

8 Section 8, Chapter 38, Acts of the 57th
9 Legislature, 3rd Called Session, 1962, provides that
10 the act is severable. The revised law omits that
11 provision because the same result is produced by the
12 application of Section 311.032(c), Government Code
13 (Code Construction Act), which provides that a
14 provision of a statute is severable from each other
15 provision of the statute that can be given effect. The
16 omitted law reads:

17 Sec. 8. If any word, phrase, clause,
18 sentence, paragraph, Section or other part
19 of this Act, or the application thereof to
20 any person or circumstance, shall ever be
21 held by a court of competent jurisdiction to
22 be invalid or unconstitutional, the
23 remainder of this Act and the application of
24 such word, phrase, clause, sentence,
25 paragraph, Section, or other part of this
26 Act to other persons or circumstances shall
27 not be affected thereby.

28 CHAPTER 6915. PORT MANSFIELD PUBLIC UTILITY DISTRICT

29 SUBCHAPTER A. GENERAL PROVISIONS

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10 CHAPTER 6915. PORT MANSFIELD PUBLIC UTILITY DISTRICT

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Revised Law

13 Sec. 6915.001. DEFINITIONS. In this chapter:

- 14 (1) "Board" means the board of supervisors of the
- 15 district.
- 16 (2) "District" means the Port Mansfield Public Utility
- 17 District.
- 18 (3) "Supervisor" means a member of the board. (Acts
- 19 58th Leg., R.S., Ch. 4, Sec. 1 (part); New.)

20 Source Law

21 Sec. 1. . . . [a . . . District] . . . to be
22 known as "Port Mansfield Public Utility District,"
23 hereinafter referred to as the "District," and

24 Revisor's Note

25 The definitions of "board" and "supervisor" are
26 added to the revised law for drafting convenience and
27 to eliminate frequent, unnecessary repetition of the
28 substance of the definitions.

29 Revised Law

30 Sec. 6915.002. NATURE OF DISTRICT. The district is:

- 31 (1) a conservation and reclamation district in Willacy
- 32 County under Section 59, Article XVI, Texas Constitution;
- 33 (2) a fresh water supply district; and
- 34 (3) a municipal corporation. (Acts 58th Leg., R.S.,
- 35 Ch. 4, Secs. 1 (part), 7 (part), 8 (part).)

1 Source Law

2 Sec. 1. Under and pursuant to the provisions of
3 Section 59 of Article XVI, Constitution of Texas, a
4 Conservation and Reclamation District is hereby
5 created and incorporated in Willacy County, Texas,
6

7 Sec. 7. . . . Upon the adoption of this Act,
8 said District shall be a fully created and established
9 fresh water supply district.

10 Sec. 8. [The Legislature] . . . declares the
11 District to be a governmental agency, a body politic
12 and corporate, and a municipal corporation.

13 Revisor's Note

14 (1) Sections 1 and 7, Chapter 4, Acts of the 58th
15 Legislature, Regular Session, 1963, refer to the
16 creation, incorporation, and establishment of the
17 district. The revised law omits "hereby created and
18 incorporated" and "[u]pon the adoption of this Act,
19 [said District shall be a] fully created and
20 established [fresh water supply district]" as
21 executed.

22 (2) Section 8, Chapter 4, Acts of the 58th
23 Legislature, Regular Session, 1963, refers to the
24 district as "a governmental agency, a body politic and
25 corporate." The revised law omits the quoted language
26 because it duplicates a portion of Section 59(b),
27 Article XVI, Texas Constitution, which provides that a
28 conservation and reclamation district is a
29 governmental agency and a body politic and corporate.

30 Revised Law

31 Sec. 6915.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
32 The district is created to serve a public use and benefit.

33 (b) All land and other property included in the district
34 will benefit from the creation of the district and the improvements
35 that the district will purchase, construct, or otherwise acquire.

36 (c) The district is essential to accomplish the purposes of
37 Section 59, Article XVI, Texas Constitution. (Acts 58th Leg.,
38 R.S., Ch. 4, Secs. 7 (part), 8 (part).)

1 Source Law

2 Sec. 7. It is hereby found and determined that
3 all of the lands and other property included within the
4 District are, and will be, benefited by the creation of
5 the District and by the improvements that the District
6 will purchase, construct, or otherwise acquire, and
7 that the District is created to serve a public use and
8 benefit. . . .

9 Sec. 8. The Legislature hereby exercises the
10 authority conferred upon it by Section 59 of Article
11 XVI, Constitution of Texas, and declares that the
12 District created by this Act is essential to the
13 accomplishment of the purposes of said constitutional
14 provision; finds that all of the land and other
15 property included therein are, and will be, benefited
16 thereby and by the improvements that the District will
17 purchase, construct, or otherwise acquire; and

18 Revisor's Note

19 Section 8, Chapter 4, Acts of the 58th
20 Legislature, Regular Session, 1963, states that the
21 legislature "hereby exercises the authority conferred
22 upon it by Section 59 of Article XVI, Constitution of
23 Texas, and declares that" the district "created by
24 this Act" is essential to accomplish the purposes of
25 that constitutional provision. The revised law omits
26 the quoted language as executed.

27 Revised Law

28 Sec. 6915.004. DISTRICT TERRITORY. The district is
29 composed of the territory described by Section 1, Chapter 4, Acts of
30 the 58th Legislature, Regular Session, 1963, as that territory may
31 have been modified under:

32 (1) Subchapter G, Chapter 53, Water Code, before
33 September 1, 1995;

34 (2) Subchapter J, Chapter 49, Water Code; or

35 (3) other law. (New.)

36 Revisor's Note

37 The revised law does not revise the statutory
38 language describing the territory of the district to
39 avoid the lengthy recitation of the description and
40 because that description may not be accurate on the
41 effective date of the revision or at the time of a
42 later reading. For the reader's convenience, the

1 revised law includes references to the statutory
2 description of the district's territory and to the
3 statutory authority to change the district's territory
4 under Subchapter G, Chapter 53, Water Code, which
5 applied to the district under Section 2, Chapter 4,
6 Acts of the 58th Legislature, Regular Session, 1963
7 (see Section 6915.101 of this chapter), until that
8 subchapter was repealed in 1995, and under Subchapter
9 J, Chapter 49, Water Code, applicable to the district
10 under Sections 49.001 and 49.002 of that chapter. The
11 revised law also includes a reference to the general
12 authority of the legislature to enact other laws to
13 change the district's territory.

14 SUBCHAPTER B. DISTRICT ADMINISTRATION

15 Revised Law

16 Sec. 6915.051. COMPOSITION OF BOARD. (a) The board
17 consists of five supervisors, appointed by the board of navigation
18 and canal commissioners of the Willacy County Navigation District,
19 and the port director of the Willacy County Navigation District.

20 (b) The port director of the Willacy County Navigation
21 District:

- 22 (1) serves as an ex officio member of the board;
23 (2) does not have voting rights at board meetings; and
24 (3) is not counted for purposes of establishing a
25 quorum. (Acts 58th Leg., R.S., Ch. 4, Sec. 3 (part).)

26 Source Law

27 Sec. 3. The management and control of the
28 District is hereby vested in a Board of five (5)
29 supervisors and the Port Director of Willacy County
30 Navigation District, who shall serve as an ex officio
31 member of said Board of Supervisors. Said Port
32 Director shall have no voting rights at meetings of
33 said Board; and [any three (3) supervisors,] exclusive
34 of said Port Director, [shall constitute a quorum]
35 With the exception of the first Board of
36 Supervisors, said Board shall be appointed, as herein
37 provided, by the Board of Navigation and Canal
38 Commissioners of Willacy County Navigation District.
39 . . .

1 Revisor's Note

2 (1) Section 3, Chapter 4, Acts of the 58th
3 Legislature, Regular Session, 1963, provides that
4 "[t]he management and control of the District is
5 hereby vested" in the board of supervisors. The
6 revised law omits the quoted language because it
7 duplicates, in substance, parts of Sections 49.051 and
8 49.057, Water Code. Throughout this chapter, the
9 revised law omits law that is superseded by Chapter 49,
10 Water Code, or that duplicates law contained in that
11 chapter. Chapter 49 (enacted in 1995) applies to the
12 district under Sections 49.001 and 49.002, Water Code.

13 (2) Section 3, Chapter 4, Acts of the 58th
14 Legislature, Regular Session, 1963, provides that
15 three supervisors constitute a quorum and that a
16 concurrence of three supervisors is sufficient in all
17 business matters of the district. The revised law
18 omits that provision because it duplicates, in
19 substance, Section 49.053, Water Code. The omitted
20 law reads:

21 Sec. 3. . . . any three (3)
22 supervisors, . . . shall constitute a
23 quorum, and a concurrence of any three (3)
24 supervisors shall be sufficient in all said
25 District's business matters, as provided by
26 the General Laws relating to fresh water
27 supply districts. . . .

28 Revised Law

29 Sec. 6915.052. TERMS. Supervisors serve staggered two-year
30 terms, with the terms of three supervisors expiring on January 15 of
31 each odd-numbered year and the terms of two supervisors expiring on
32 January 15 of each even-numbered year. (Acts 58th Leg., R.S., Ch.
33 4, Sec. 3 (part).)

34 Source Law

35 Sec. 3. . . . In January, 1965, the Board of
36 Navigation and Canal Commissioners of Willacy County
37 Navigation District shall appoint three (3)
38 supervisors to serve for a term of two (2) years and
39 two (2) supervisors to serve for a term of one year. In
40 January, 1966, two (2) supervisors shall be appointed

1 to serve for a term of two (2) years, and thereafter
2 three (3) supervisors shall be appointed (for a
3 two-year term) in one year and two (2) supervisors
4 shall be appointed (for a two-year term) in the next
5 year in continuing sequence. The terms of the
6 supervisors shall expire on the 15th day of January of
7 the year in which their respective terms would
8 terminate under the provisions of this Act. . . .

9 Revisor's Note

10 Section 3, Chapter 4, Acts of the 58th
11 Legislature, Regular Session, 1963, provides for the
12 terms of the initial supervisors appointed in January
13 of 1965 and 1966. The revised law omits those
14 provisions as executed but revises the establishment
15 of a board consisting of five supervisors appointed by
16 the commissioners of the Willacy County Navigation
17 District for two-year terms. Section 3 establishes
18 staggered terms for the succeeding appointed
19 supervisors on expiration of the terms of the initial
20 supervisors. The revised law preserves the
21 establishment of staggered terms.

22 Revised Law

23 Sec. 6915.053. QUALIFICATIONS FOR OFFICE. A supervisor
24 must be a resident of Willacy County. A supervisor is not required
25 to reside in or own land in the district. (Acts 58th Leg., R.S., Ch.
26 4, Sec. 3 (part).)

27 Source Law

28 Sec. 3. . . . A supervisor need not be a
29 resident or landowner of the District, but must be a
30 resident of Willacy County, Texas.

31 Revised Law

32 Sec. 6915.054. EMPLOYEES. The board shall employ all
33 necessary employees for the proper handling and operation of the
34 district, and may employ a general manager, attorney, bookkeeper,
35 and engineer and assistants and laborers as may be required, on the
36 terms and for the compensation set by the board. (Acts 58th Leg.,
37 R.S., Ch. 4, Sec. 6.)

38 Source Law

39 Sec. 6. The Board of Supervisors shall employ
40 all necessary employees for the proper handling and

1 operation of the District, and especially may employ a
2 general manager, attorneys, bookkeeper and an engineer
3 and such assistants and laborers as may be required,
4 upon such terms and for such compensation as shall be
5 fixed by said Board of Supervisors.

6 Revisor's Note

7 Section 6, Chapter 4, Acts of the 58th
8 Legislature, Regular Session, 1963, provides that
9 compensation of employees shall be "fixed" by the
10 board. The revised law substitutes "set" for "fixed"
11 because the terms are synonymous in this context and
12 "set" is more commonly used.

13 Revisor's Note
14 (End of Subchapter)

15 (1) Section 3, Chapter 4, Acts of the 58th
16 Legislature, Regular Session, 1963, provides that the
17 board has the powers, authority, and duties conferred
18 and imposed on a board of supervisors of a fresh water
19 supply district organized under Chapter 4, Title 128,
20 Revised Civil Statutes of Texas, 1925. The relevant
21 provisions of Chapter 4, Title 128, Revised Statutes,
22 were codified as part of Chapter 53, Water Code, by
23 Chapter 58, Acts of the 62nd Legislature, Regular
24 Session, 1971. Chapter 715, Acts of the 74th
25 Legislature, Regular Session, 1995, repealed many of
26 the provisions in Chapter 53 relating to the powers and
27 duties of the board and enacted similar provisions in
28 Chapter 49, Water Code. Because both Chapter 49
29 (through Sections 49.001 and 49.002, Water Code) and
30 Chapter 53 (through Section 2, Chapter 4, Acts of the
31 58th Legislature, Regular Session, 1963, codified in
32 pertinent part as Section 6915.101) already apply to
33 the district, the revised law omits that provision as
34 unnecessary. The omitted law reads:

35 Sec. 3. . . . Said Board of
36 Supervisors shall have all of the powers and
37 authority and duties conferred and imposed
38 upon boards of supervisors of fresh water
39 supply districts organized under the
40 provisions of Chapter 4 of Title 128,

1 Revised Civil Statutes of Texas, 1925,
2 together with all amendments thereof and
3 additions thereto. . . .

4 (2) Section 3, Chapter 4, Acts of the 58th
5 Legislature, Regular Session, 1963, names the initial
6 board members, provides for filling a vacancy on that
7 board, and provides for their terms of office. Because
8 the initial board members' terms have expired, the
9 revised law omits the language as executed. The
10 omitted law reads:

11 Sec. 3. . . . The members of the
12 first Board of Supervisors shall be John
13 Hudson, D. M. Monsees, J. A. Liles,
14 J. H. Todd and Clifton A. Bradford. Said
15 members shall become supervisors
16 immediately after this Act becomes
17 effective, and said first Board of
18 Supervisors shall meet and organize as soon
19 as practicable after the effective date of
20 this Act, and shall file their official
21 bonds. If any of the aforementioned members
22 of said first Board of Supervisors shall
23 die, become incapacitated or otherwise not
24 qualify to assume their duties under this
25 Act, the Board of Navigation and Canal
26 Commissioners of the Willacy County
27 Navigation District shall appoint his or
28 their successors. The term of office of each
29 member of the first Board of Supervisors
30 shall expire on January 15, 1965. . . .

31 SUBCHAPTER C. POWERS AND DUTIES

32 Revised Law

33 Sec. 6915.101. GENERAL POWERS AND DUTIES. The district has
34 all the rights, powers, privileges, and duties provided by general
35 law applicable to a fresh water supply district created under
36 Section 59, Article XVI, Texas Constitution, including Chapters 49
37 and 53, Water Code. (Acts 58th Leg., R.S., Ch. 4, Sec. 2 (part).)

38 Source Law

39 Sec. 2. The District shall have and exercise,
40 and is hereby vested with, all of the rights, powers,
41 privileges and duties conferred and imposed by the
42 General Laws of the State of Texas now in force or
43 hereafter enacted, applicable to fresh water supply
44 districts created under authority of Section 59 of
45 Article XVI, Constitution of Texas, but
46 Without in any way limiting the generalization of the
47 foregoing, it is expressly provided the District shall
48 have and exercise, and is hereby vested with, all of
49 the rights, powers, privileges and duties conferred
50 and imposed by Chapter 4 of Title 128, Revised Civil
51 Statutes of Texas, 1925, together with all amendments
52 thereof and additions thereto,

1 Revisor's Note

2 (1) Section 2, Chapter 4, Acts of the 58th
3 Legislature, Regular Session, 1963, states that the
4 district "shall have and exercise, and is hereby
5 vested with," certain rights, powers, privileges, and
6 duties. The revised law substitutes "has" for the
7 quoted language because, in context, the terms are
8 synonymous and "has" is more commonly used.

9 (2) Section 2, Chapter 4, Acts of the 58th
10 Legislature, Regular Session, 1963, states that the
11 district has the rights, powers, privileges, and
12 duties "conferred and imposed" by general law. The
13 revised law substitutes "provided" for the quoted
14 language because regardless of whether a right, power,
15 privilege, or duty is "conferred" by general law or
16 "imposed" by general law, it is not necessary to
17 characterize in the revised law the nature of the
18 granting of that authority. In context, "provided" is
19 synonymous with "conferred and imposed" and "provided"
20 is more commonly used.

21 (3) Section 2, Chapter 4, Acts of the 58th
22 Legislature, Regular Session, 1963, refers to the
23 general laws of this state "now in force or hereafter
24 enacted." The revised law omits the quoted language as
25 unnecessary under accepted general principles of
26 statutory construction. The "General Laws of the
27 State of Texas" means those laws "in force" at the time
28 the provision was adopted. It is unnecessary to state
29 that the district may be granted additional powers by
30 later enacted laws because those laws apply on their
31 own terms.

32 (4) Section 2, Chapter 4, Acts of the 58th
33 Legislature, Regular Session, 1963, provides that
34 Chapter 4 prevails over the general laws applicable to

1 fresh water supply districts in case of a conflict and
2 that those general laws are incorporated by reference.
3 The revised law omits the portion of the provision
4 relating to the chapter prevailing over those general
5 laws because it duplicates, in substance, Section
6 311.026(b), Government Code (Code Construction Act).
7 The revised law omits the portion of the provision
8 relating to the incorporation of those general laws by
9 reference because Section 2 of Chapter 4 (revised in
10 part as this section) provides that those laws apply to
11 the district, and it is unnecessary to repeat that
12 authority. The omitted law reads:

13 Sec. 2. [The District shall have and
14 exercise, and is hereby vested with, all of
15 the rights, powers, privileges and duties
16 conferred and imposed by the General Laws of
17 the State of Texas now in force or hereafter
18 enacted, applicable to fresh water supply
19 districts created under authority of
20 Section 59 of Article XVI, Constitution of
21 Texas, but] to the extent that the
22 provisions of such General Laws may be in
23 conflict or inconsistent with the
24 provisions of this Act, the provisions of
25 this Act shall prevail. All such General
26 Laws are hereby incorporated by reference
27 with the same effect as if incorporated in
28 full in this Act. . . .

29 (5) Section 2, Chapter 4, Acts of the 58th
30 Legislature, Regular Session, 1963, provides that
31 "[w]ithout in any way limiting the generalization of
32 the foregoing" rights, powers, privileges, and duties
33 provided by general law applicable to fresh water
34 supply districts, the district has certain express
35 rights, powers, privileges, and duties. The revised
36 law omits the quoted language as unnecessary because
37 an accepted principle of statutory construction
38 requires a statute to be given cumulative effect with
39 other statutes unless it provides otherwise or unless
40 the statutes are in conflict. The general principle
41 applies to this revision.

42 (6) Section 2, Chapter 4, Acts of the 58th

1 Legislature, Regular Session, 1963, refers to "Chapter
2 4 of Title 128, Revised Civil Statutes of Texas, 1925,
3 together with all amendments thereof and additions
4 thereto." The revised law substitutes a reference to
5 Chapter 53, Water Code, for the quoted language
6 because Chapter 4 was codified in 1971 as part of
7 Chapter 53, Water Code, a general law applicable to
8 fresh water supply districts. For the reader's
9 convenience, the revised law includes a reference to
10 Chapter 49, Water Code, because Chapter 715, Acts of
11 the 74th Legislature, Regular Session, 1995, repealed
12 many provisions of Chapter 53 and enacted similar
13 provisions in Chapter 49, Water Code. The revised law
14 omits the phrase "together with all amendments thereof
15 and additions thereto" because under Section 311.027,
16 Government Code (Code Construction Act), a reference
17 to a statute applies to all reenactments, revisions,
18 or amendments of the statute unless expressly provided
19 otherwise.

20 (7) Section 2, Chapter 4, Acts of the 58th
21 Legislature, Regular Session, 1963, refers to certain
22 powers granted by Articles 7930-4 and 7941c, Vernon's
23 Texas Civil Statutes. The revised law omits those
24 references because the provisions, under which the
25 powers were granted, were included in the 1971
26 codification of Chapter 53, Water Code, and now are
27 contained in Chapter 53, Water Code (applicable to the
28 district under Section 2, Chapter 4, revised in
29 pertinent part as this section), or have been replaced
30 by provisions of Chapter 49, Water Code (applicable to
31 the district under Sections 49.001 and 49.002, Water
32 Code). The omitted law reads:

33 Sec. 2. . . . [the District shall
34 have . . . all of the rights, powers,
35 privileges and duties] . . . including all
36 powers and authority relating to sanitary

1 sewer systems and the issuance of bonds
2 therefor as authorized by and provided in
3 Chapter 129, Acts of the Forty-seventh
4 Legislature of Texas, Regular Session, 1941
5 (Article 7930-4, Vernon's Texas Civil
6 Statutes, 1925, as amended), including the
7 power and authority to issue tax bonds,
8 revenue bonds or tax-revenue bonds as
9 authorized by and provided in Chapter 233,
10 Acts of the Fifty-second Legislature of
11 Texas, Regular Session, 1951 (Article
12 7941c, Vernon's Texas Civil Statutes, as
13 amended);

14 Revised Law

15 Sec. 6915.102. ACQUISITION OF IMPROVEMENTS. The district
16 may make, construct, or otherwise acquire improvements inside or
17 outside the district that are necessary to carry out a power granted
18 to the district under this chapter or a general law described by
19 Section 6915.101. (Acts 58th Leg., R.S., Ch. 4, Sec. 2 (part).)

20 Source Law

21 Sec. 2. . . . Said District shall have the
22 power to make, construct, or otherwise acquire
23 improvements either within or without the boundaries
24 thereof necessary to carry out the powers and
25 authority granted by this Act and said General
26 Laws. . . .

27 Revisor's Note

28 Section 2, Chapter 4, Acts of the 58th
29 Legislature, Regular Session, 1963, refers to the
30 district's "powers and authority." The revised law
31 omits "authority" as included in the meaning of
32 "powers."

33 Revised Law

34 Sec. 6915.103. LIMIT ON EMINENT DOMAIN POWER.
35 Notwithstanding any other provision of this chapter, the district
36 may not exercise the power of eminent domain outside Willacy
37 County. (Acts 58th Leg., R.S., Ch. 4, Sec. 2A.)

38 Source Law

39 Sec. 2A. Notwithstanding any other provisions
40 of this Act, the provisions of eminent domain herein
41 provided for shall be limited to Willacy County.

42 Revised Law

43 Sec. 6915.104. COST OF RELOCATING OR ALTERING PROPERTY.
44 (a) In this section, "sole expense" means the actual cost of

1 relocating, raising, lowering, rerouting, changing the grade of, or
2 altering the construction of a facility described by Subsection (b)
3 in providing comparable replacement without enhancement of the
4 facility, after deducting from that cost the net salvage value of
5 the old facility.

6 (b) If the district's exercise of the power of eminent
7 domain, the power of relocation, or any other power granted under
8 this chapter makes necessary relocating, raising, rerouting,
9 changing the grade of, or altering the construction of a highway,
10 railroad, electric transmission line, telephone or telegraph
11 property or facility, or pipeline, the necessary action shall be
12 accomplished at the sole expense of the district. (Acts 58th Leg.,
13 R.S., Ch. 4, Sec. 2 (part).)

14 Source Law

15 Sec. 2. . . . In the event that the District in
16 the exercise of the power of eminent domain or power of
17 relocation, or any other power granted hereunder,
18 makes necessary the relocation, raising, rerouting or
19 changing the grade of, or altering the construction
20 of, any highway, railroad, electric transmission line,
21 telephone or telegraph properties and facilities, or
22 pipeline, all such necessary relocation, raising,
23 rerouting, changing of grade or alteration of
24 construction shall be accomplished at the sole expense
25 of the District. The term "sole expense" shall mean the
26 actual cost of such relocation, raising, lowering,
27 rerouting, or change in grade or alteration of
28 construction in providing comparable replacement
29 without enhancement of such facilities, after
30 deducting therefrom the net salvage value derived from
31 the old facility.

32 Revised Law

33 Sec. 6915.105. DURATION OF CONTRACT FOR WATER PURCHASE OR
34 SALE. A district contract for the purchase or sale of water may not
35 exceed 40 years. (Acts 58th Leg., R.S., Ch. 4, Sec. 2 (part).)

36 Source Law

37 Sec. 2. . . . Such authority of said Board shall
38 include, but not be limited to, the right to make and
39 execute District contracts for the purchase and sale
40 (or either) of water for such periods of time, not
41 exceeding forty (40) years, as said Board may deem
42 advisable. . . .

43 Revisor's Note

44 (1) Section 2, Chapter 4, Acts of the 58th
45 Legislature, Regular Session, 1963, provides that

1 "[s]uch authority of said Board shall include . . .
2 the right to make and execute" contracts for the
3 purchase or sale of water as the "Board may deem
4 advisable." The revised law omits the quoted language
5 because it duplicates, in substance, Sections
6 49.213(c) and 49.2261, Water Code.

7 (2) Section 2, Chapter 4, Acts of the 58th
8 Legislature, Regular Session, 1963, provides that the
9 authority of the board "shall include, but not be
10 limited to," the right to make and execute certain
11 contracts. The revised law omits "but not be limited
12 to" because under Section 311.005(13), Government Code
13 (Code Construction Act), "includes" and "including"
14 are terms of enlargement and not limitation and do not
15 create a presumption that components not expressed are
16 excluded.

17 Revised Law

18 Sec. 6915.106. ADDITION OF TERRITORY TO DISTRICT. (a) In
19 addition to the procedures provided by Subchapter J, Chapter 49,
20 Water Code, the district may add land that is contiguous to the
21 district as provided by this section.

22 (b) The owner or owners of land may request by petition that
23 the board include the land in the district.

24 (c) A petition under Subsection (b) must be filed with the
25 board and describe the land to be added to the district. The
26 description may be by metes and bounds or by lot and block number.
27 The petition must be signed and executed in the manner provided by
28 law for the conveyance of real estate.

29 (d) The board shall hear and consider a petition filed under
30 this section. The board may grant the petition and add the land to
31 the district if the board considers the addition to be to the
32 advantage of the district.

33 (e) A petition granted under this section shall be filed and
34 recorded in the deed records of Willacy County. (Acts 58th Leg.,

1 R.S., Ch. 4, Sec. 5.)

2 Source Law

3 Sec. 5. Land, contiguous to said District, may
4 be added to said District not only in the manner now
5 provided by Chapter 4, Title 128, Revised Civil
6 Statutes of Texas, 1925, as amended, but also land may
7 be added to such District and become a part thereof
8 upon petition of the owner or owners thereof in the
9 following manner: the owner or owners of the land shall
10 file with the Board of Supervisors a petition praying
11 that the lands described be added to and become a part
12 of said District, and said petition may describe said
13 land by metes and bounds or by lot and block number and
14 shall be signed and executed in the same manner
15 provided by law for the conveyance of real estate. Such
16 petition shall be heard and considered by the Board of
17 Supervisors and may be granted and said land added to
18 the District if same is considered to be to the
19 advantage of the District. Any such petition which may
20 be granted so adding lands to the District shall be
21 filed for record and be recorded in the Willacy County
22 Deed Records.

23 Revisor's Note

24 Section 5, Chapter 4, Acts of the 58th
25 Legislature, Regular Session, 1963, refers to the
26 district's authority to add land to the district in the
27 manner provided by "Chapter 4, Title 128, Revised
28 Civil Statutes of Texas, 1925, as amended." Chapter
29 58, Acts of the 62nd Legislature, Regular Session,
30 1971, codified the relevant provisions of Chapter 4,
31 Title 128, in Subchapter G, Chapter 53, Water Code.
32 Chapter 715, Acts of the 74th Legislature, Regular
33 Session, 1995, repealed the Chapter 53 provisions
34 relating to the addition of land and enacted similar
35 provisions as part of Subchapter J, Chapter 49, Water
36 Code. Therefore, the revised law substitutes
37 "Subchapter J, Chapter 49, Water Code," as the
38 successor to the relevant provisions of Chapter 4,
39 Title 128. The revised law also omits the phrase "as
40 amended" for the reason stated in Revisor's Note (6) to
41 Section 6915.101.

42 Revisor's Note
43 (End of Subchapter)

44 Section 2, Chapter 4, Acts of the 58th

1 Legislature, Regular Session, 1963, refers to the
2 district's authority to act jointly with other
3 entities. The revised law omits the provision because
4 it duplicates, in substance, provisions in Section
5 49.227, Water Code, that provide the district with
6 authority to act jointly. The omitted law reads:

7 Sec. 2. . . . Said District shall
8 also have authority to act jointly with
9 individuals, with firms, with partnerships,
10 with corporations, with other districts,
11 with political subdivisions of the State,
12 with other states, with cities and towns and
13 with the Federal Government in the
14 performance and accomplishment of any of
15 the things permitted hereunder upon such
16 terms and conditions as may be deemed
17 advisable by said District's Board of
18 Supervisors. . . .

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20 Revised Law

21 Sec. 6915.151. AUTHORIZATION OF CERTAIN DISTRICT
22 OBLIGATIONS. It is not necessary to have an election to authorize a
23 district obligation that is payable from any source other than ad
24 valorem taxation. (Acts 58th Leg., R.S., Ch. 4, Sec. 2 (part).)

25 Source Law

26 Sec. 2. . . . [it is expressly provided the
27 District shall have and exercise, and is hereby vested
28 with, all of the rights, powers, privileges and duties
29 conferred and imposed by Chapter 4 of Title 128,
30 Revised Civil Statutes of Texas, 1925, . . . including
31 all powers and authority relating to sanitary sewer
32 systems and the issuance of bonds . . . including the
33 power and authority to issue tax bonds, revenue bonds
34 or tax-revenue bonds] . . . provided, however, it
35 shall not be necessary to have an election to authorize
36 any District obligations payable from any source other
37 than ad valorem taxation. . . .

38 Revised Law

39 Sec. 6915.152. DISTRICT TAX ASSESSOR-COLLECTOR. The tax
40 assessor-collector for Willacy County is, ex officio, the tax
41 assessor-collector for the district. (Acts 58th Leg., R.S., Ch. 4,
42 Sec. 4 (part).)

43 Source Law

44 Sec. 4. The assessor and collector of taxes in
45 Willacy County shall, ex officio, be the assessor and
46 collector of taxes for the District, and

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Revisor's Note
(End of Subchapter)

(1) Section 4, Chapter 4, Acts of the 58th Legislature, Regular Session, 1963, provides that the levying and collection of taxes by the district are governed by the general laws applicable to fresh water supply districts. Because Section 2 of Chapter 4 (revised in pertinent part as Section 6915.101 of this chapter) provides that the district has all of the powers and duties provided by the general laws applicable to fresh water supply districts, it is unnecessary to provide in this chapter that the levying of taxes by the district is governed by the general laws applicable to such districts. In addition, because Section 1.02, Tax Code, requires all taxing units of government, including fresh water supply districts, to administer the assessment and collection of ad valorem taxes in conformity with Title 1, Tax Code, it is unnecessary to provide in this chapter that the collection of taxes by the district is governed by the general laws applicable to such districts. The omitted law reads:

Sec. 4. . . . except as herein provided, taxes shall be levied and collected under the provisions of the General Laws applicable to fresh water supply districts. . . .

(2) Section 4, Chapter 4, Acts of the 58th Legislature, Regular Session, 1963, includes various provisions relating to procedures for the assessment and collection of property taxes. The revised law omits those provisions because they were repealed by Section 6(b), Chapter 841, Acts of the 66th Legislature, Regular Session, 1979, which repealed all "general, local, and special laws" that conflicted with that act. The 1979 act enacted the Property Tax Code (Title 1, Tax Code), a comprehensive, substantive

1 codification of the laws governing the administration
2 of property taxes. Title 1, Tax Code, applies to the
3 district under Section 1.02, Tax Code. The omitted law
4 reads:

5 Sec. 4. . . . The blanks used by the
6 assessor and collector to accept rendition
7 of property for taxation by Willacy County
8 shall be printed so as to show that the
9 rendition of property situated in the
10 District is also made for the benefit of the
11 District. The property which is situated in
12 the District shall be clearly indicated on
13 the approved tax rolls in the office of the
14 assessor and collector. The value of
15 property situated in the District as
16 equalized by the Board of Equalization of
17 Willacy County, finally approved by the
18 Commissioners Court of Willacy County and
19 as extended on the approved tax rolls of
20 Willacy County, shall constitute the
21 assessed values of such property for
22 purposes of District taxation. Within five
23 (5) days after the approval of the report of
24 the Board of Equalization by the
25 Commissioners Court of Willacy County, said
26 assessor and collector of taxes shall
27 certify to the District the total assessed
28 valuation of property situated in the
29 District according to such approved rolls.
30 . . .

31 (3) Section 4, Chapter 4, Acts of the 58th
32 Legislature, Regular Session, 1963, provides for
33 payment of a fee to the Willacy County tax
34 assessor-collector for the assessment and collection
35 of current and delinquent taxes. The revised law omits
36 that provision for the reason stated in Revisor's Note
37 (2) to the end of this subchapter. Section 6.27(b),
38 Tax Code, provides for the compensation of a county tax
39 assessor-collector assessing and collecting taxes for
40 another taxing unit, and Chapter 33, Tax Code, governs
41 the collection of delinquent taxes, including the fees
42 the county tax assessor-collector may charge. The
43 omitted law reads:

44 Sec. 4. . . . For his services
45 rendered to the District in assessing and
46 collecting taxes for the District, the
47 Willacy County Tax Assessor and Collector
48 shall be entitled to deduct from all taxes
49 thus collected on the current year's tax
50 rolls a sum as agreed upon by the Board of

1 Supervisors, not to exceed the amount
2 provided by the General Laws relative to the
3 assessment, levy and collection of ad
4 valorem taxes, and for the collection of
5 delinquent taxes compensation in like
6 manner to that which he receives in
7 collecting delinquent state and county
8 taxes, provided that no duplicated charge
9 shall be made for costs of suit where a
10 charge is made in reference to enforcement
11 of state and county taxes.

12 Revisor's Note
13 (End of Chapter)

14 Section 9, Chapter 4, Acts of the 58th
15 Legislature, Regular Session, 1963, provides that the
16 act is severable. The revised law omits that provision
17 because the same result is produced by the application
18 of Section 311.032(c), Government Code (Code
19 Construction Act), which provides that a provision of
20 a statute is severable from each other provision of the
21 statute that can be given effect. The omitted law
22 reads:

23 Sec. 9. If any word, phrase, clause,
24 sentence, paragraph, section, or other part
25 of this Act or the application thereof to
26 any person or circumstance, shall ever be
27 held by a court of competent jurisdiction to
28 be invalid or unconstitutional, the
29 remainder of the Act and the application of
30 such word, phrase, clause, sentence,
31 paragraph, section, or other part of this
32 Act to other persons or circumstances shall
33 not be affected thereby.

34 SUBTITLE C. SPECIAL UTILITY DISTRICTS

35 CHAPTER 7216. JOHNSON COUNTY SPECIAL UTILITY DISTRICT

36 SUBCHAPTER A. GENERAL PROVISIONS

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6 CHAPTER 7216. JOHNSON COUNTY SPECIAL UTILITY DISTRICT

7 SUBCHAPTER A. GENERAL PROVISIONS

8 Revised Law

9 Sec. 7216.001. DEFINITIONS. In this chapter:

- 10 (1) "Board" means the board of directors of the
11 district.
12 (2) "Director" means a member of the board.
13 (3) "District" means the Johnson County Special
14 Utility District. (Acts 78th Leg., R.S., Ch. 780, Secs. 1(a)
15 (part), 2; New.)

16 Source Law

17 Sec. 1. (a) [A . . . district] . . . to be
18 known as the Johnson County Special Utility District.
19 . . .

20 Sec. 2. In this Act, "district" means the
21 Johnson County Special Utility District.

22 Revisor's Note

23 The definitions of "board" and "director" are
24 added to the revised law for drafting convenience and
25 to eliminate frequent, unnecessary repetition of the
26 substance of the definitions.

27 Revised Law

28 Sec. 7216.002. NATURE OF DISTRICT. The district is a
29 conservation and reclamation district in Johnson, Hill, Ellis, and
30 Tarrant Counties created under Section 59, Article XVI, Texas
31 Constitution. (Acts 78th Leg., R.S., Ch. 780, Secs. 1(a) (part),
32 (b) (part).)

33 Source Law

34 Sec. 1. (a) A conservation and reclamation
35 district is created in Johnson, Hill, Ellis, and
36 Tarrant counties

37 (b) The district is created under and . . .
38 Section 59, Article XVI, Texas Constitution.

1 Revisor's Note

2 Section 1(a), Chapter 780, Acts of the 78th
3 Legislature, Regular Session, 2003, refers to the
4 district as "a governmental agency and a body politic
5 and corporate." The revised law omits the quoted
6 language because it duplicates a portion of Section
7 59(b), Article XVI, Texas Constitution, which provides
8 that a conservation and reclamation district is a
9 governmental agency and a body politic and corporate.
10 The omitted law reads:

11 (a) . . . The district is a
12 governmental agency and a body politic and
13 corporate.

14 Revised Law

15 Sec. 7216.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
16 The district is created to serve a public use and benefit.

17 (b) All land and other property included in the district
18 will benefit from the works and projects accomplished by the
19 district under the powers conferred by Section 59, Article XVI,
20 Texas Constitution.

21 (c) The district is essential to accomplish the purposes of
22 Section 59, Article XVI, Texas Constitution. (Acts 78th Leg.,
23 R.S., Ch. 780, Secs. 1(b) (part), 5.)

24 Source Law

25 [Sec. 1]
26 (b) [The district] . . . is essential to
27 accomplish the purposes of Section 59, Article XVI,
28 Texas Constitution.

29 Sec. 5. The legislature finds that all of the
30 land and other property included within the boundaries
31 of the district will be benefited by the works and
32 projects that are to be accomplished by the district
33 under powers conferred by Section 59, Article XVI,
34 Texas Constitution, and that the district is created
35 to serve a public use and benefit.

36 Revised Law

37 Sec. 7216.004. DISTRICT TERRITORY. (a) The district is
38 composed of the territory described by Section 3, Chapter 780, Acts
39 of the 78th Legislature, Regular Session, 2003, as that territory
40 may have been modified under:

- 1 (1) Subchapter J, Chapter 49, Water Code;
- 2 (2) Subchapter H, Chapter 65, Water Code; or
- 3 (3) other law.

4 (b) The boundaries and field notes of the district form a
5 closure. A mistake in the field notes or in copying the field notes
6 in the legislative process does not affect:

7 (1) the district's organization, existence, or
8 validity;

9 (2) the district's right to issue bonds or refunding
10 bonds or to pay the principal of and interest on the bonds; or

11 (3) the legality or operation of the district or the
12 board. (Acts 78th Leg., R.S., Ch. 780, Sec. 4; New.)

13 Source Law

14 Sec. 4. The legislature finds that the
15 boundaries and field notes of the district form a
16 closure. A mistake in the field notes or in copying
17 the field notes in the legislative process does not
18 affect the organization, existence, or validity of the
19 district, the right of the district to issue bonds or
20 refunding bonds or pay the principal and interest on
21 bonds, or the legality or operation of the district or
22 its governing body.

23 Revisor's Note

24 The revision of the law governing the district
25 does not revise the statutory language describing the
26 territory of the district to avoid the lengthy
27 recitation of the description and because that
28 description may not be accurate on the effective date
29 of the revision or at the time of a later reading. For
30 the reader's convenience, the revised law includes
31 references to the statutory description of the
32 district's territory and to the authority to change the
33 district's territory under Subchapter H, Chapter 65,
34 Water Code, applicable to the district under Section
35 6, Chapter 780, Acts of the 78th Legislature, Regular
36 Session, 2003 (revised in this chapter as Section
37 7216.101), and under Subchapter J, Chapter 49, Water
38 Code, applicable to the district under Sections 49.001

1 and 49.002 of that chapter. The revised law also
2 includes a reference to the general authority of the
3 legislature to enact other laws to change the
4 district's territory.

5 SUBCHAPTER B. BOARD OF DIRECTORS

6 Revised Law

7 Sec. 7216.051. COMPOSITION OF BOARD. The district is
8 governed by a board of not fewer than 5 or more than 11 elected
9 directors. (Acts 78th Leg., R.S., Ch. 780, Secs. 8(a) (part), (c)
10 (part).)

11 Source Law

12 Sec. 8. (a) The district is governed by a board
13 of not less than five and not more than 11
14 directors. . . .

15 (c) [Initial directors serve until] permanent
16 directors are elected under Chapters 49 and 65, Water
17 Code.

18 Revisor's Note

19 (1) Section 8(c), Chapter 780, Acts of the 78th
20 Legislature, Regular Session, 2003, provides that
21 directors are elected "under Chapters 49 and 65, Water
22 Code." The revised law omits that provision as
23 unnecessary because Chapter 49, Water Code, applies to
24 the district on its own terms, and Chapter 65, Water
25 Code, applies to the district under Section 6, Chapter
26 780, Acts of the 78th Legislature, Regular Session,
27 2003 (revised in this chapter as Section 7216.101).

28 (2) Section 8(c), Chapter 780, Acts of the 78th
29 Legislature, Regular Session, 2003, refers to
30 permanent directors to distinguish between the initial
31 directors and the subsequently serving permanent
32 directors. Because the terms of the initial directors
33 have expired, it is no longer necessary to distinguish
34 between initial and permanent directors, and the
35 revised law is drafted accordingly.

1 Revisor's Note
2 (End of Subchapter)

3 (1) Section 8, Chapter 780, Acts of the 78th
4 Legislature, Regular Session, 2003, provides for the
5 number of initial directors of the district and for the
6 terms of office of temporary and initial directors of
7 the district. Because the terms of the temporary and
8 initial directors have expired, the revised law omits
9 those provisions as executed. The omitted law reads:

10 (a) . . . There shall be nine initial
11 directors.

12 (b) Temporary directors serve until
13 initial directors are elected under
14 Chapters 49 and 65, Water Code.

15 (c) Initial directors serve until
16 [permanent directors are elected under
17 Chapters 49 and 65, Water Code.]

18 (2) Section 9, Chapter 780, Acts of the 78th
19 Legislature, Regular Session, 2003, provides for the
20 appointment of temporary directors and for certain
21 procedures relating to their service. The revised law
22 omits those provisions as executed. The omitted law
23 reads:

24 Sec. 9. (a) The temporary board of
25 directors is composed of:

26 W. J. Dickens III;
27 Kay Day;
28 Harry Shaffer;
29 Al Slimp;
30 Diane H. Johnson;
31 Gene Petross;
32 Bobby C. Shuler;
33 Ken Barnes; and
34 Lonnie Richburg.

35 (b) The temporary directors shall
36 execute their official bonds and take their
37 official oath of office. The bonds shall be
38 approved by the board of directors of the
39 district and each bond and oath shall be
40 filed with the district and retained in its
41 records.

42 (c) If a temporary director fails to
43 qualify for office, the temporary directors
44 who have qualified shall appoint a person to
45 fill the vacancy. If at any time there are
46 fewer than five qualified temporary
47 directors for any reason, the Texas
48 Commission on Environmental Quality shall
49 appoint the necessary number of directors
50 to fill all vacancies on the board.

51 (3) Section 10, Chapter 780, Acts of the 78th
52 Legislature, Regular Session, 2003, provides

1 procedures for holding an election to confirm the
2 district's creation and to elect the district's initial
3 board. Because the creation of the district has been
4 confirmed in a confirmation election held in 2003 and
5 the initial directors have been elected, the revised
6 law omits the relevant law as executed. The omitted
7 law reads:

8 Sec. 10. (a) The temporary board of
9 directors shall call and hold an election to
10 confirm establishment of the district and
11 to elect the initial directors as provided
12 by Chapters 49 and 65, Water Code, on or
13 before January 1, 2005.

14 (b) Section 41.001(a), Election
15 Code, does not apply to an election held
16 under this section.

17 (c) The temporary board of directors
18 shall determine the method for determining
19 the initial term of each person on the
20 initial board of directors. The terms must
21 be clearly stated on the ballot for the
22 confirmation and directors' election.

23 (d) The initial board of directors
24 shall file with the Texas Commission on
25 Environmental Quality an order canvassing
26 the confirmation election returns not later
27 than 30 days after the election.

28 (g) If the establishment of the
29 district has not been confirmed at an
30 election held under this section before the
31 second anniversary of the effective date of
32 this Act, this Act expires on that date.

33 SUBCHAPTER C. POWERS AND DUTIES

34 Revised Law

35 Sec. 7216.101. SPECIAL UTILITY DISTRICT POWERS. Except as
36 specifically limited by Section 7216.102, the district has all of
37 the rights, powers, privileges, authority, functions, and duties
38 provided by general law applicable to a special utility district
39 created under Section 59, Article XVI, Texas Constitution,
40 including those provided by Chapters 49 and 65, Water Code. (Acts
41 78th Leg., R.S., Ch. 780, Sec. 6(a) (part).)

42 Source Law

43 Sec. 6. (a) The district has all of the rights,
44 powers, privileges, authority, functions, and duties
45 provided by the general law of this state, including
46 Chapters 49 and 65, Water Code, applicable to special
47 utility districts created under Section 59, Article
48 XVI, Texas Constitution, except as specifically
49 limited by this Act, [as follows:

1 [(1) for six years from the effective date
2 of this Act, the district shall limit the exercise of
3 its powers related to the provision of public water
4 utility service to territory located within the
5 boundaries of the district or as authorized by
6 Certificate of Convenience and Necessity No. 10081;

7 [(2) for six years from the effective date
8 of this Act the district may not provide wastewater
9 service, solid waste service, fire-fighting service,
10 or stormwater, flood control, and drainage services
11 and may not convert to or otherwise become a municipal
12 utility district, absent the express written consent
13 of any city with extraterritorial jurisdiction that
14 overlaps the district's boundaries.]

15 Revisor's Note

16 Section 6(a), Chapter 780, Acts of the 78th
17 Legislature, Regular Session, 2003, refers to the
18 powers and duties applicable to special utility
19 districts "except as specifically limited by this Act,
20 as follows" The revised law substitutes a
21 reference to Section 7216.102 because the relevant
22 provisions are revised in that section.

23 Revised Law

24 Sec. 7216.102. LIMITATION OF CERTAIN POWERS. (a) Before
25 June 20, 2009, the district:

26 (1) shall limit the exercise of its powers related to
27 the provision of public water utility service to territory that is
28 located within the boundaries of the district or as authorized by
29 Certificate of Convenience and Necessity No. 10081; and

30 (2) may not provide wastewater service, solid waste
31 service, firefighting service, or stormwater, flood control, and
32 drainage services and may not convert to or otherwise become a
33 municipal utility district, absent the express written consent of
34 any municipality with extraterritorial jurisdiction that overlaps
35 the district's boundaries.

36 (b) On or after June 20, 2009, to exercise a power
37 restricted by this section, the district must file an application
38 with the Texas Commission on Environmental Quality, if allowed by
39 the law in existence at that time, to exercise that additional
40 power. In addition to filing an application seeking expansion of
41 the district's powers, the district must apply for a sewer

1 certificate of convenience and necessity for the district to
2 provide retail wastewater service. The district shall provide
3 notice and a copy of an application for expansion of powers to each
4 municipality whose jurisdiction, including extraterritorial
5 jurisdiction, overlaps the district's boundaries, in addition to
6 complying with any other applicable notice requirements.

7 (c) If a municipality that is entitled to the notice
8 required by Subsection (b) files a request for a contested case
9 hearing within 60 days after receipt of the notice, the Texas
10 Commission on Environmental Quality shall directly refer the
11 application to the State Office of Administrative Hearings for a
12 contested case hearing. (Acts 78th Leg., R.S., Ch. 780, Secs. 6(a)
13 (part), (c).)

14 Source Law

15 Sec. 6. [(a) The district has all of the rights,
16 powers, privileges, authority, functions, and duties
17 . . . applicable to special utility districts . . .
18 except as specifically limited by this Act,] as
19 follows:

20 (1) for six years from the effective date
21 of this Act, the district shall limit the exercise of
22 its powers related to the provision of public water
23 utility service to territory located within the
24 boundaries of the district or as authorized by
25 Certificate of Convenience and Necessity No. 10081;

26 (2) for six years from the effective date
27 of this Act the district may not provide wastewater
28 service, solid waste service, fire-fighting service,
29 or stormwater, flood control, and drainage services
30 and may not convert to or otherwise become a municipal
31 utility district, absent the express written consent
32 of any city with extraterritorial jurisdiction that
33 overlaps the district's boundaries.

34 (c) On or after six years from the effective
35 date of this Act, if the district desires to exercise
36 any of the powers restricted by this Act, the district
37 must file an application with the Texas Commission on
38 Environmental Quality, if allowed by the law in
39 existence at that time, to exercise those additional
40 powers. In addition to filing an application seeking
41 expansion of its powers, the district must apply for a
42 Sewer Certificate of Convenience and Necessity if the
43 district desires to provide retail wastewater service.
44 Notice and a copy of an application for expansion of
45 powers shall be provided to each municipality whose
46 jurisdiction, including extraterritorial
47 jurisdiction, overlaps the district's boundaries, in
48 addition to complying with any other applicable notice
49 requirements. If a municipality that is entitled to
50 the notice required by this section timely files a
51 request for a contested case hearing within 60 days
52 after receipt of the notice, the Texas Commission on
53 Environmental Quality shall directly refer the

1 application to the State Office of Administrative
2 Hearings for a contested case hearing.

3 Revisor's Note

4 (1) Sections 6(a) and (c), Chapter 780, Acts of
5 the 78th Legislature, Regular Session, 2003, limit the
6 authority of the district to exercise certain powers
7 for "six years from the effective date of this Act" and
8 prescribe requirements for exercising those powers
9 after that period. Chapter 780 took effect on June 20,
10 2003, and the sixth anniversary of that date was June
11 20, 2009. Therefore, the revised law substitutes June
12 20, 2009, for the quoted language.

13 (2) Section 6(a), Chapter 780, Acts of the 78th
14 Legislature, Regular Session, 2003, refers to a
15 "city." The revised law substitutes "municipality"
16 for "city" because that is the term used in the Local
17 Government Code.

18 (3) Section 6(d), Chapter 780, Acts of the 78th
19 Legislature, Regular Session, 2003, provides that the
20 act prevails over conflicting or inconsistent general
21 law. The revised law omits that provision because it
22 duplicates, in substance, Section 311.026, Government
23 Code (Code Construction Act). The omitted law reads:

24 (d) This Act prevails over any
25 provision of general law that is in conflict
26 with or inconsistent with this Act.

27 (4) Section 6(e), Chapter 780, Acts of the 78th
28 Legislature, Regular Session, 2003, refers to the
29 continuing right of the state to supervise the
30 district through the Texas Commission on Environmental
31 Quality. The revised law omits the provision because
32 it duplicates, in substance, part of Section 12.081,
33 Water Code, which applies to the district. The omitted
34 law reads:

35 (e) The rights, powers, privileges,
36 authority, functions, and duties of the
37 district are subject to the continuing
38 right of supervision of the state to be

1 exercised by and through the Texas
2 Commission on Environmental Quality.

3 Revised Law

4 Sec. 7216.103. DISTRICT RULES. The district may adopt and
5 enforce reasonable rules. (Acts 78th Leg., R.S., Ch. 780, Sec. 11.)

6 Source Law

7 Sec. 11. The district may adopt and enforce
8 reasonable rules that fall within the district's
9 statutory authority.

10 Revisor's Note

11 Section 11, Chapter 780, Acts of the 78th
12 Legislature, Regular Session, 2003, provides that the
13 district may adopt and enforce reasonable rules "that
14 fall within the district's statutory authority." The
15 revised law omits the quoted language because, under
16 established principles of law, the district is not
17 authorized to take any action contrary to the laws of
18 this state.

19 Revised Law

20 Sec. 7216.104. CONFLICT WITH MUNICIPAL REGULATION. (a) If
21 a municipality asserts regulatory authority, including water
22 quality standards, over a geographic area located within the
23 district's jurisdiction, the municipality's regulation controls
24 over the district's regulation if there is a regulatory conflict.

25 (b) This section does not apply to:

- 26 (1) potable water quality standards; or
27 (2) a dispute relating to retail water utility service
28 areas. (Acts 78th Leg., R.S., Ch. 780, Sec. 7.)

29 Source Law

30 Sec. 7. If a municipality asserts regulatory
31 authority, including water quality standards, over any
32 geographic area lying within the jurisdiction of the
33 district, the regulation of the municipality shall
34 control over that of the district in the event of a
35 regulatory conflict with the district. This section
36 does not apply to potable water quality standards or to
37 disputes relating to retail water utility service
38 areas.

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Revised Law

3 Sec. 7216.151. TAX-EXEMPT BOND FINANCING; SALES TAX
4 EXEMPTION. This chapter may not be construed to impair the
5 district's ability or right to obtain tax-exempt bond financing or
6 a state sales tax exemption. (Acts 78th Leg., R.S., Ch. 780, Sec.
7 6(b) (part).)

8 Source Law

9 (b) Nothing in this Act shall be construed to
10 impair the district's ability or right to obtain
11 tax-exempt bond financing or a state sales tax
12 exemption, or

13 Revisor's Note

14 Section 6(b), Chapter 780, Acts of the 78th
15 Legislature, Regular Session, 2003, provides that
16 nothing in the act may be construed to impair any other
17 right or benefit provided to the district under
18 general law, including Chapter 65, Water Code, that is
19 consistent with and not in conflict with the act. The
20 revised law omits that provision because it
21 duplicates, in substance, Section 311.026, Government
22 Code (Code Construction Act). The omitted law reads:

23 (b) [Nothing in this Act shall be
24 construed to] . . . impair any other right
25 or benefit under Chapter 65, Water Code, or
26 other applicable law consistent with the
27 powers granted by this Act and not in
28 conflict with the prohibitions of this Act.

29 Revisor's Note
30 (End of Chapter)

31 (1) Sections 10(e) and (f), Chapter 780, Acts of
32 the 78th Legislature, Regular Session, 2003, require
33 the transfer of assets, debts, and contractual rights
34 and obligations of the Johnson County Rural Water
35 Supply Corporation to the district, the dissolution of
36 the corporation, and the issuance of a certificate of
37 convenience and necessity to the district after the
38 confirmation election. Because the creation of the
39 district has been confirmed, the corporation has been

1 dissolved, and the Texas Commission on Environmental
2 Quality has issued the certificate, the revised law
3 omits those provisions as executed. The omitted law
4 reads:

5 (e) Upon a successful confirmation
6 election, the assets, debts, and
7 contractual rights and obligations of
8 Johnson County Rural Water Supply
9 Corporation shall be transferred to the
10 district and dissolution proceedings of
11 Johnson County Rural Water Supply
12 Corporation shall be commenced within 30
13 days after such transfer.

14 (f) Upon a successful confirmation
15 election and dissolution of Johnson County
16 Rural Water Supply Corporation, Certificate
17 of Convenience and Necessity No. 10081
18 shall be issued by the Texas Commission on
19 Environmental Quality in the name of the
20 district.

21 (2) Section 12, Chapter 780, Acts of the 78th
22 Legislature, Regular Session, 2003, provides that the
23 notice, introduction, and passage of the act satisfied
24 the requirements of the Texas Constitution, other laws
25 of this state, and rules and procedures of the
26 legislature. Section 12 also provides that the Texas
27 Commission on Environmental Quality timely filed
28 recommendations relating to the act. The revised law
29 omits those provisions as executed. The omitted law
30 reads:

31 Sec. 12. (a) The proper and legal
32 notice of the intention to introduce this
33 Act, setting forth the general substance of
34 this Act, has been published as provided by
35 law, and the notice and a copy of this Act
36 has been furnished to all persons,
37 agencies, officials, or entities to which
38 they are required to be furnished by the
39 constitution and laws of this state,
40 including the governor, who has submitted
41 the notice and Act to the Texas Commission
42 on Environmental Quality.

43 (b) The Texas Commission on
44 Environmental Quality has filed its
45 recommendations relating to this Act with
46 the governor, lieutenant governor, and
47 speaker of the house of representatives
48 within the required time.

49 (c) The general law relating to
50 consent by political subdivisions to the
51 creation of a conservation and reclamation
52 district and the inclusion of land in the
53 district has been complied with, and all

1 requirements of the constitution and laws
2 of this state and the rules and procedures
3 of the legislature with respect to the
4 notice, introduction, and passage of this
5 Act are fulfilled and accomplished.

6 SUBTITLE F. MUNICIPAL UTILITY DISTRICTS

7 CHAPTER 8228. WOOD TRACE MUNICIPAL UTILITY DISTRICT NO. 1, OF
8 MONTGOMERY COUNTY, TEXAS

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8228.001. DEFINITIONS 197
11 Sec. 8228.002. NATURE OF DISTRICT 198
12 Sec. 8228.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE . . . 198
13 Sec. 8228.004. DISTRICT TERRITORY 199

14 SUBCHAPTER B. BOARD OF DIRECTORS

15 Sec. 8228.051. COMPOSITION OF BOARD; TERMS 200

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 8228.101. MUNICIPAL UTILITY DISTRICT POWERS AND
18 DUTIES 204

19 CHAPTER 8228. WOOD TRACE MUNICIPAL UTILITY DISTRICT NO. 1, OF
20 MONTGOMERY COUNTY, TEXAS

21 SUBCHAPTER A. GENERAL PROVISIONS

22 Revised Law

23 Sec. 8228.001. DEFINITIONS. In this chapter:

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

25 (2) "Director" means a member of the board.

26 (3) "District" means the Wood Trace Municipal Utility
27 District No. 1, of Montgomery County, Texas. (Acts 72nd Leg.,
28 R.S., Ch. 218, Sec. 2; New.)

29 Source Law

30 Sec. 2. In this Act, "district" means Wood Trace
31 Municipal Utility District No. 1, of Montgomery
32 County, Texas.

33 Revisor's Note

34 The definitions of "board" and "director" are
35 added to the revised law for drafting convenience and
36 to eliminate frequent, unnecessary repetition of the
37 substance of the definitions.

1 Revised Law

2 Sec. 8228.002. NATURE OF DISTRICT. The district is a
3 conservation and reclamation district in Montgomery County created
4 under Section 59, Article XVI, Texas Constitution. (Acts 72nd
5 Leg., R.S., Ch. 218, Secs. 1(a) (part), (b) (part).)

6 Source Law

7 Sec. 1. (a) A conservation and reclamation
8 district, to be known as Wood Trace Municipal Utility
9 District No. 1, of Montgomery County, Texas, is
10 created in Montgomery County,

11 (b) The district is created under and . . .
12 Article XVI, Section 59, of the Texas Constitution.

13 Revisor's Note

14 (1) Section 1(a), Chapter 218, Acts of the 72nd
15 Legislature, Regular Session, 1991, refers to a
16 confirmation election. Because the confirmation
17 election has already been held, the revised law omits
18 the provision as executed. The omitted law reads:

19 (a) . . . subject to approval at a
20 confirmation election under Section 9 of
21 this Act. . . .

22 (2) Section 1(a), Chapter 218, Acts of the 72nd
23 Legislature, Regular Session, 1991, provides that the
24 district is a governmental agency and a body politic
25 and corporate. The revised law omits the provision
26 because it duplicates a portion of Section 59(b),
27 Article XVI, Texas Constitution, which provides that a
28 conservation and reclamation district is a
29 governmental agency and a body politic and corporate.
30 The omitted law reads:

31 (a) . . . The district is a
32 governmental agency and a body politic and
33 corporate.

34 Revised Law

35 Sec. 8228.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
36 The district is created to serve a public use and benefit.

37 (b) All land and other property included in the district
38 will benefit from the works and projects accomplished by the
39 district under the powers conferred by Section 59, Article XVI,

1 Texas Constitution.

2 (c) The creation of the district is essential to accomplish
3 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
4 72nd Leg., R.S., Ch. 218, Secs. 1(b) (part), 5.)

5 Source Law

6 [Sec. 1]

7 (b) [The district is created under and] is
8 essential to accomplish the purposes of Article XVI,
9 Section 59, of the Texas Constitution.

10 Sec. 5. All of the land and other property
11 included within the boundaries of the district will be
12 benefited by the works and projects that are to be
13 accomplished by the district under powers conferred by
14 Article XVI, Section 59, of the Texas Constitution.
15 The district is created to serve a public use and
16 benefit.

17 Revised Law

18 Sec. 8228.004. DISTRICT TERRITORY. (a) The district is
19 composed of the territory described by Section 3, Chapter 218, Acts
20 of the 72nd Legislature, Regular Session, 1991, as that territory
21 may have been modified under:

22 (1) Subchapter H, Chapter 54, Water Code;

23 (2) Subchapter J, Chapter 49, Water Code; or

24 (3) other law.

25 (b) The boundaries and field notes of the district form a
26 closure. A mistake in the field notes or in copying the field notes
27 in the legislative process does not affect:

28 (1) the district's organization, existence, or
29 validity;

30 (2) the district's right to impose a tax; or

31 (3) the legality or operation of the district or its
32 governing body. (Acts 72nd Leg., R.S., Ch. 218, Sec. 4; New.)

33 Source Law

34 Sec. 4. The legislature finds that the
35 boundaries and field notes of the district form a
36 closure. A mistake in the field notes or in copying
37 the field notes in the legislative process does not
38 affect the organization, existence, or validity of the
39 district, the right of the district to levy and collect
40 taxes, or the legality or operation of the district or
41 its governing body.

1 Revisor's Note

2 (1) The revision of the law governing the
3 district does not revise the statutory language
4 describing the territory of the district to avoid the
5 lengthy recitation of the description and because that
6 description may not be accurate on the effective date
7 of the revision or at the time of a later reading. For
8 the reader's convenience, the revised law includes
9 references to the statutory description of the
10 district's territory and to the authority to change the
11 district's territory under Subchapter H, Chapter 54,
12 Water Code, applicable to municipal utility districts,
13 and under Subchapter J, Chapter 49, Water Code,
14 applicable to the district under Sections 49.001 and
15 49.002 of that chapter. The revised law also includes
16 a reference to the general authority of the
17 legislature to enact a law to change the district's
18 territory.

19 (2) Section 4, Chapter 218, Acts of the 72nd
20 Legislature, Regular Session, 1991, refers to the
21 district's authority to "levy and collect" taxes. The
22 revised law substitutes "impose" for "levy and
23 collect" because "impose" is the term generally used
24 in Title 1, Tax Code, and includes the levy and
25 collection of a tax.

26 SUBCHAPTER B. BOARD OF DIRECTORS

27 Revised Law

28 Sec. 8228.051. COMPOSITION OF BOARD; TERMS. (a) The
29 district is governed by a board of five directors.

30 (b) Directors serve staggered four-year terms. (Acts 72nd
31 Leg., R.S., Ch. 218, Secs. 7(a), (d).)

32 Source Law

33 Sec. 7. (a) The district is governed by a board
34 of five directors.

35 (d) Permanent directors serve staggered

1 four-year terms.

2 Revisor's Note

3 (1) Section 7(d), Chapter 218, Acts of the 72nd
4 Legislature, Regular Session, 1991, refers to
5 "[p]ermanent" directors. The revised law omits
6 "[p]ermanent." Sections 7(b), (c), and (d) refer to
7 "temporary," "initial," and "permanent" directors to
8 distinguish between the original "temporary"
9 directors, the "initial" directors who immediately
10 succeeded the "temporary" directors after the first
11 election of directors, and subsequently serving
12 "permanent" directors. For the reasons stated in the
13 revisor's notes at the end of this subchapter, the
14 revised law omits provisions regarding "temporary" and
15 "initial" directors. It is therefore no longer
16 necessary to distinguish between "temporary,"
17 "initial," and "permanent" directors, and the revised
18 law is drafted accordingly.

19 (2) Section 7(e), Chapter 218, Acts of the 72nd
20 Legislature, Regular Session, 1991, provides that each
21 director must qualify as provided by Section 54.025 or
22 54.116, Water Code. The revised law omits the
23 reference to Section 54.025, Water Code, as executed,
24 because that section refers to the qualification of a
25 temporary director. The revised law omits the
26 reference to Section 54.116, Water Code, because that
27 section was repealed by Chapter 715, Acts of the 74th
28 Legislature, Regular Session, 1995. Chapter 715 also
29 enacted Section 49.055, Water Code, which contains the
30 qualification procedures for a director of a municipal
31 utility district. A reference to Section 49.055,
32 Water Code, is unnecessary because that section
33 applies to the district under Sections 49.001 and
34 49.002, Water Code. The omitted law reads:

35 (e) Each director must qualify to

1 serve as director in the manner provided by
2 Section 54.025 or 54.116, Water Code, as
3 appropriate.

4 (3) Section 7(f), Chapter 218, Acts of the 72nd
5 Legislature, Regular Session, 1991, provides that a
6 director serves until a successor has qualified. The
7 revised law omits the provision because it duplicates
8 Section 17, Article XVI, Texas Constitution, which
9 provides that an officer in this state continues to
10 perform the officer's official duties until a
11 successor has qualified. The omitted law reads:

12 (f) A director serves until the
13 director's successor has qualified.

14 Revisor's Note
15 (End of Subchapter)

16 (1) Sections 7(b) and (c), Chapter 218, Acts of
17 the 72nd Legislature, Regular Session, 1991, provide
18 for the terms of office of "temporary" and "initial"
19 directors of the district. The revised law omits
20 Sections 7(b) and (c) as executed because the terms of
21 the temporary and initial directors have expired. The
22 omitted law reads:

23 (b) Temporary directors serve until
24 initial directors are elected under Section
25 9 of this Act.

26 (c) Initial directors serve until
27 permanent directors are elected under
28 Section 10 of this Act.

29 (2) Section 8, Chapter 218, Acts of the 72nd
30 Legislature, Regular Session, 1991, provides for the
31 appointment of temporary directors and for certain
32 procedures relating to their service. Because the
33 temporary directors were appointed and the terms of
34 the temporary directors have expired, the revised law
35 omits that provision as executed. The omitted law
36 reads:

37 Sec. 8. (a) On or after the
38 effective date of this Act, a person who
39 owns land included in the district may
40 petition the Texas Water Commission to
41 appoint the five temporary directors listed
42 in the petition. The commission shall

1 appoint the directors listed in the
2 petition. If the commission receives more
3 than one petition under this subsection,
4 the commission shall appoint the directors
5 listed in the first petition the commission
6 receives.

7 (b) A person appointed to be a
8 temporary director shall take the oath of
9 office as soon as practicable.

10 (c) If an appointee of the commission
11 fails to qualify or if a vacancy occurs in
12 the office of temporary director, the
13 commission shall appoint an individual to
14 fill the vacancy.

15 (d) As soon as all temporary
16 directors have qualified, the directors
17 shall meet and elect officers from among
18 their membership.

19 (3) Section 9, Chapter 218, Acts of the 72nd
20 Legislature, Regular Session, 1991, provides for the
21 "temporary" board to hold an election to confirm the
22 district's creation and to elect the "initial"
23 directors for the district. The revised law omits that
24 provision as executed because the confirmation and
25 initial directors' elections have been held. The
26 omitted law reads:

27 Sec. 9. The temporary board of
28 directors shall call and hold an election to
29 confirm establishment of the district and
30 to elect five initial directors as provided
31 by Chapter 54, Water Code.

32 (4) Sections 10(a) and (b), Chapter 218, Acts of
33 the 72nd Legislature, Regular Session, 1991, provide
34 for the first permanent directors' election following
35 the confirmation election. The revised law omits
36 those provisions as executed because the first
37 permanent directors' election has been held. The
38 omitted law reads:

39 Sec. 10. (a) On the first Saturday
40 in May that occurs in an even-numbered year
41 and after the date on which the confirmation
42 election is held, an election shall be held
43 in the district for the election of two
44 directors who shall each serve two-year
45 terms and three directors who shall each
46 serve four-year terms.

47 (b) The board of directors by order
48 may postpone the election date for two years
49 if:

50 (1) the election will occur
51 within 60 days after the date on which the
52 confirmation election is held; or

1 (2) the board determines that
2 there is not sufficient time to comply with
3 the requirements of law and to order the
4 election.

5 (5) Section 10(c), Chapter 218, Acts of the 72nd
6 Legislature, Regular Session, 1991, requires
7 permanent directors' elections to be held on the first
8 Saturday in May of each even-numbered year following
9 the first permanent directors' election. The revised
10 law omits that provision as superseded by the 1995
11 enactment of Section 49.103, Water Code, applicable to
12 the district under Sections 49.001, 49.002, and
13 49.103(e), Water Code. Section 49.103(b), Water Code,
14 requires the election of the appropriate number of
15 directors to be held on the uniform election date in
16 May of even-numbered years. Section 49.103(e), Water
17 Code, provides that the provisions of Section
18 49.103(b) take precedence over all prior statutory
19 enactments. The omitted law reads:

20 (c) On the same date in each
21 even-numbered year following the first
22 election held under this section, the
23 appropriate number of directors shall be
24 elected to the board.

25 SUBCHAPTER C. POWERS AND DUTIES

26 Revised Law

27 Sec. 8228.101. MUNICIPAL UTILITY DISTRICT POWERS AND
28 DUTIES. The district has the rights, powers, privileges,
29 functions, and duties provided by general law, including Chapters
30 49, 50, and 54, Water Code, applicable to a municipal utility
31 district created under Section 59, Article XVI, Texas Constitution.
32 (Acts 72nd Leg., R.S., Ch. 218, Sec. 6(a) (part); New.)

33 Source Law

34 Sec. 6. (a) The district has all of the rights,
35 powers, privileges, authority, functions, and duties
36 provided by the general law of this state, including
37 Chapters 50 and 54, Water Code, applicable to
38 municipal utility districts created under Article XVI,
39 Section 59, of the Texas Constitution. . . .

40 Revisor's Note

41 (1) Section 6(a), Chapter 218, Acts of the 72nd

1 Legislature, Regular Session, 1991, refers to the
2 "rights, powers, privileges, [and] authority" of the
3 district. The revised law omits "authority" because,
4 in context, "authority" is included in the meaning of
5 "rights, powers, [and] privileges."

6 (2) Section 6(a), Chapter 218, Acts of the 72nd
7 Legislature, Regular Session, 1991, refers to Chapters
8 50 and 54, Water Code. For the reader's convenience,
9 the revised law adds a reference to Chapter 49, Water
10 Code, because Chapter 715, Acts of the 74th
11 Legislature, Regular Session, 1995, repealed most of
12 the provisions of Chapter 50 and many provisions of
13 Chapter 54 and enacted similar provisions in Chapter
14 49, Water Code. Chapter 49 applies to municipal
15 utility districts under Sections 49.001 and 49.002,
16 Water Code.

17 (3) Section 6(a), Chapter 218, Acts of the 72nd
18 Legislature, Regular Session, 1991, provides that the
19 act prevails over general law in case of a conflict or
20 other inconsistency. The revised law omits the
21 provision because it duplicates in substance Section
22 311.026, Government Code (Code Construction Act). The
23 omitted law reads:

24 (a) . . . This Act prevails over any
25 provision of general law that is in conflict
26 or inconsistent with this Act.

27 (4) Section 6(b), Chapter 218, Acts of the 72nd
28 Legislature, Regular Session, 1991, refers to the
29 continuing right of supervision to be exercised by the
30 Texas Water Commission. The revised law omits the
31 provision because the Texas Commission on
32 Environmental Quality is the successor to the Texas
33 Water Commission and therefore the provision
34 duplicates in substance part of Section 12.081, Water
35 Code, which applies to the district. The omitted law

1 reads:

2 (b) The rights, powers, privileges,
3 authority, functions, and duties of the
4 district are subject to the continuing
5 right of supervision of the state to be
6 exercised by and through the Texas Water
7 Commission.

8 Revisor's Note
9 (End of Chapter)

10 Section 11, Chapter 218, Acts of the 72nd
11 Legislature, Regular Session, 1991, recites
12 legislative findings regarding procedural
13 requirements for the creation of the district under
14 the constitution and other laws and rules, including
15 proper legal notice and the filing of recommendations.
16 The revised law omits those provisions as executed.
17 The omitted law reads:

18 Sec. 11. (a) The proper and legal
19 notice of the intention to introduce this
20 Act, setting forth the general substance of
21 this Act, has been published as provided by
22 law, and the notice and a copy of this Act
23 have been furnished to all persons,
24 agencies, officials, or entities to which
25 they are required to be furnished by the
26 constitution and other laws of this state,
27 including the governor, who has submitted
28 the notice and Act to the Texas Water
29 Commission.

30 (b) The Texas Water Commission has
31 filed its recommendations relating to this
32 Act with the governor, lieutenant governor,
33 and speaker of the house of representatives
34 within the required time.

35 (c) All requirements of the
36 constitution and laws of this state and the
37 rules and procedures of the legislature
38 with respect to the notice, introduction,
39 and passage of this Act are fulfilled and
40 accomplished.

41 CHAPTER 8371. SAGEMEADOW UTILITY DISTRICT

42 SUBCHAPTER A. GENERAL PROVISIONS

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4 CHAPTER 8371. SAGEMEADOW UTILITY DISTRICT

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Revised Law

7 Sec. 8371.001. DEFINITIONS. In this chapter:

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

9 (2) "Director" means a member of the board.

10 (3) "District" means the Sagemeadow Utility District.

11 (Acts 62nd Leg., R.S., Ch. 679, Sec. 1 (part); New.)

12 Source Law

13 Sec. 1. . . . [a . . . district] . . . to be
14 known as "Sagemeadow Utility District," hereinafter
15 called the "district,"

16 Revisor's Note

17 The definitions of "board" and "director" are
18 added to the revised law for drafting convenience and
19 to eliminate frequent, unnecessary repetition of the
20 substance of the definitions.

21 Revised Law

22 Sec. 8371.002. NATURE OF DISTRICT. The district is a
23 conservation and reclamation district in Harris County created
24 under Section 59, Article XVI, Texas Constitution. (Acts 62nd
25 Leg., R.S., Ch. 679, Sec. 1 (part).)

26 Source Law

27 Sec. 1. . . . there is hereby created and
28 established, under and pursuant to the provisions of
29 Article XVI, Section 59 of the Constitution of Texas, a
30 conservation and reclamation district in Harris
31 County, Texas, . . . which shall be a governmental
32 agency and a body politic and corporate. . . .

33 Revisor's Note

34 (1) Section 1, Chapter 679, Acts of the 62nd
35 Legislature, Regular Session, 1971, provides that the
36 district is "created and established." The revised
37 law omits "established" because the meaning of that
38 word is included in the meaning of "created."

1 (2) Section 1, Chapter 679, Acts of the 62nd
2 Legislature, Regular Session, 1971, provides that the
3 district is created notwithstanding certain laws
4 relating to consent. The revised law omits that
5 provision as executed because the district has been
6 created. The omitted law reads:

7 Sec. 1. Notwithstanding provisions
8 of the general laws relating to consent by
9 political subdivisions for the creation of
10 conservation and reclamation districts,
11 [there is hereby created . . . a
12 conservation and reclamation district]
13

14 (3) Section 1, Chapter 679, Acts of the 62nd
15 Legislature, Regular Session, 1971, refers to the
16 district as "a governmental agency and a body politic
17 and corporate." The revised law omits the quoted
18 language because it duplicates a portion of Section
19 59(b), Article XVI, Texas Constitution, which provides
20 that a conservation and reclamation district is a
21 governmental agency and a body politic and corporate.

22 Revised Law

23 Sec. 8371.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
24 The district is created to serve a public use and benefit.

25 (b) All land and other property included in the boundaries
26 of the district will benefit from the works and projects
27 accomplished by the district under the powers conferred by Section
28 59, Article XVI, Texas Constitution.

29 (c) The creation of the district is essential to accomplish
30 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
31 62nd Leg., R.S., Ch. 679, Secs. 1 (part), 3.)

32 Source Law

33 Sec. 1. . . . The creation and establishment of
34 the district is hereby declared to be essential to the
35 accomplishment of the purposes of Article XVI, Section
36 59 of the Constitution of Texas.

37 Sec. 3. It is determined and found that all of
38 the land and other property included within the area
39 and boundaries of the district will be benefited by the
40 works and project which are to be accomplished by the
41 district pursuant to the powers conferred by the

1 provisions of Article XVI, Section 59 of the
2 Constitution of Texas, and that said district is
3 created to serve a public use and benefit.

4 Revisor's Note

5 (1) Section 1, Chapter 679, Acts of the 62nd
6 Legislature, Regular Session, 1971, provides that the
7 "creation and establishment" of the district are
8 essential to accomplish the purposes of Section 59,
9 Article XVI, Texas Constitution. The revised law
10 omits "establishment" because its meaning is included
11 in the meaning of "creation."

12 (2) Section 3, Chapter 679, Acts of the 62nd
13 Legislature, Regular Session, 1971, refers to land and
14 other property included within the "area and
15 boundaries of the district." The revised law omits the
16 reference to "area" because, in context, "area" is
17 included in the meaning of "boundaries."

18 Revised Law

19 Sec. 8371.004. DISTRICT TERRITORY. (a) The district is
20 composed of the territory described by Section 4, Chapter 679, Acts
21 of the 62nd Legislature, Regular Session, 1971, as that territory
22 may have been modified under:

- 23 (1) Subchapter H, Chapter 54, Water Code;
24 (2) Subchapter J, Chapter 49, Water Code; or
25 (3) other law.

26 (b) The boundaries and field notes of the district form a
27 closure. A mistake in copying the field notes in the legislative
28 process or another mistake in the field notes does not affect:

- 29 (1) the district's organization, existence, or
30 validity;
31 (2) the district's right to issue any type of bond for
32 the purpose for which the district is created or to pay the
33 principal of and interest on the bond;
34 (3) the district's right to impose a tax; or
35 (4) the legality or operation of the district or its
36 governing body. (Acts 62nd Leg., R.S., Ch. 679, Sec. 2; New.)

1 (3) Section 2, Chapter 679, Acts of the 62nd
2 Legislature, Regular Session, 1971, refers to the
3 district's authority to "assess, levy and collect"
4 taxes. The revised law substitutes "impose" for
5 "assess, levy and collect" because "impose" is the
6 term generally used in Title 1, Tax Code, and includes
7 the assessment, levy, and collection of a tax.

8 SUBCHAPTER B. BOARD OF DIRECTORS

9 Revised Law

10 Sec. 8371.051. COMPOSITION OF BOARD. The board is composed
11 of five elected directors. (Acts 62nd Leg., R.S., Ch. 679, Sec. 6
12 (part).)

13 Source Law

14 Sec. 6. . . . Succeeding directors shall be
15 elected or

16 Revisor's Note

17 (1) Section 6, Chapter 679, Acts of the 62nd
18 Legislature, Regular Session, 1971, refers to the
19 initial board of directors and that board's vacancy
20 procedures. The revised law omits the language as
21 executed. The omitted law reads:

22 Sec. 6. Immediately after this Act
23 becomes effective, the following named
24 persons shall be the directors of the
25 district and shall constitute the board of
26 directors of the district:

27 William Dale McCullough
28 Donald L. Brown
29 David Maurice Halbert
30 Sam James Jamison
31 Richard R. Boehck

32 Said persons shall qualify to serve as
33 directors prior to the first meeting of the
34 board of directors. Should any of the above
35 named directors fail to qualify for any
36 reason, the remaining named directors shall
37 appoint someone to fill such vacancy or
38 vacancies; The directors above
39 named or their duly appointed and qualified
40 successor or successors shall serve until
41 the second Saturday in January, 1973. . . .

42 (2) Section 6, Chapter 679, Acts of the 62nd
43 Legislature, Regular Session, 1971, refers to
44 "[s]ucceeding directors" to distinguish the

1 succeeding directors from the initial directors named
2 in that section. The revised law substitutes "five"
3 for "succeeding" to conform to the number of directors
4 listed in Section 6 (establishing the initial board).

5 (3) Section 6, Chapter 679, Acts of the 62nd
6 Legislature, Regular Session, 1971, provides for
7 directors to be elected or appointed and to serve for
8 the term and in the manner provided by Chapter 54,
9 Water Code. Chapter 715, Acts of the 74th Legislature,
10 Regular Session, 1995, repealed the relevant
11 provisions of Chapter 54 and enacted similar
12 provisions in Chapter 49, Water Code, including
13 Section 49.103, which governs the terms of office and
14 manner of election of directors of a municipal utility
15 district that is required by law to elect its
16 directors. The revised law omits any reference to
17 Chapter 49, Water Code, because Chapter 49 applies to
18 the district under Sections 49.001 and 49.002 of that
19 chapter. The revised law also omits "appointed"
20 because it is clear from the context of Section 6 that
21 the reference applies only to directors appointed to
22 fill vacancies as provided by Chapter 49, Water Code.
23 The omitted law reads:

24 Sec. 6. . . . [Succeeding directors
25 shall be elected or] appointed and shall
26 serve for the term and in the manner
27 provided by Chapter 54, Title 4, Water Code,
28 for directors first elected.

29 Revised Law

30 Sec. 8371.052. BOARD VACANCY. (a) Except as provided by
31 Subsection (b), a vacancy in the office of director shall be filled
32 in the manner provided by Section 49.105, Water Code.

33 (b) The Texas Commission on Environmental Quality shall
34 appoint directors to fill all of the vacancies on the board whenever
35 the number of qualified directors is fewer than three. (Acts 62nd
36 Leg., R.S., Ch. 679, Sec. 6 (part); New.)

1 Section 9, Chapter 870, Acts of the 65th Legislature,
2 Regular Session, abolished the Texas Water Rights
3 Commission and created the Texas Water Commission.
4 The name of the Texas Water Commission was changed to
5 the Texas Natural Resource Conservation Commission by
6 Section 1.085, Chapter 3, Acts of the 72nd
7 Legislature, 1st Called Session, 1991. The name of the
8 Texas Natural Resource Conservation Commission was
9 changed to the Texas Commission on Environmental
10 Quality by Section 18.01, Chapter 965, Acts of the 77th
11 Legislature, Regular Session, 2001. The revised law
12 is drafted accordingly.

13 SUBCHAPTER C. POWERS AND DUTIES

14 Revised Law

15 Sec. 8371.101. MUNICIPAL UTILITY DISTRICT POWERS. The
16 district has the rights, powers, privileges, and functions
17 conferred by general law applicable to a municipal utility
18 district, including Chapters 49 and 54, Water Code. (Acts 62nd
19 Leg., R.S., Ch. 679, Sec. 5 (part); New.)

20 Source Law

21 Sec. 5. The district is hereby vested with, and
22 shall have and exercise, all of the rights, powers,
23 privileges, authority and functions conferred by the
24 general laws of this State applicable to municipal
25 utility districts, including without limitation those
26 conferred by Chapter 54, Title 4, Water Code, but
27

28 Revisor's Note

29 (1) Section 5, Chapter 679, Acts of the 62nd
30 Legislature, Regular Session, 1971, provides that the
31 district "is hereby vested with, and shall have and
32 exercise" certain powers. The revised law substitutes
33 "has" for the quoted language because, in context, the
34 terms are synonymous and "has" is more commonly used.

35 (2) Section 5, Chapter 679, Acts of the 62nd
36 Legislature, Regular Session, 1971, refers to the
37 "rights, powers, privileges, [and] authority" of the

1 district. The revised law omits the reference to
2 "authority" because, in context, "authority" is
3 included in the meaning of "rights, powers, [and]
4 privileges."

5 (3) Section 5, Chapter 679, Acts of the 62nd
6 Legislature, Regular Session, 1971, grants the
7 district certain powers, "including without
8 limitation those conferred by Chapter 54, Title 4,
9 Water Code." The revised law omits "without
10 limitation" because Section 311.005(13), Government
11 Code (Code Construction Act), provides that "includes"
12 and "including" are terms of enlargement and not of
13 limitation and do not create a presumption that
14 components not expressed are excluded.

15 (4) Section 5, Chapter 679, Acts of the 62nd
16 Legislature, Regular Session, 1971, refers to Chapter
17 54, Water Code. For the reader's convenience, the
18 revised law adds a reference to Chapter 49, Water Code,
19 because Chapter 715, Acts of the 74th Legislature,
20 Regular Session, 1995, repealed many provisions of
21 Chapter 54 and enacted similar provisions in Chapter
22 49, Water Code, which applies to the district under
23 Sections 49.001 and 49.002 of that chapter.

24 (5) Section 5, Chapter 679, Acts of the 62nd
25 Legislature, Regular Session, 1971, provides that the
26 act prevails over general law in case of a conflict or
27 other inconsistency and that all general laws
28 applicable to municipal utility districts not in
29 conflict or inconsistent with the provisions of the
30 act are adopted and incorporated by reference. The
31 revised law omits the portion of the provision
32 relating to the act prevailing over general law
33 because it duplicates in substance Section 311.026(b),
34 Government Code (Code Construction Act). The revised

1 law omits the portion of the provision relating to
2 adoption and incorporation of general laws because
3 Section 5 of Chapter 679 (revised as this section)
4 already provides that those laws apply to the
5 district, and it is unnecessary to repeat that
6 authority. The omitted law reads:

7 Sec. 5. . . . if any provision of
8 such general laws shall be in conflict or
9 inconsistent with the provisions of this
10 Act, the provisions of this Act shall
11 prevail. All such general laws applicable
12 to municipal utility districts not in
13 conflict or inconsistent with the
14 provisions of this Act are hereby adopted
15 and incorporated by reference with the same
16 effect as if copied in full in this Act.

17 Revisor's Note
18 (End of Chapter)

19 (1) Section 7, Chapter 679, Acts of the 62nd
20 Legislature, Regular Session, 1971, contains
21 legislative findings relating to the performance of
22 the requirements of Section 59(d), Article XVI, Texas
23 Constitution, and to the authority of the legislature
24 to enact that chapter. The revised law omits the
25 provision as executed. The omitted law reads:

26 Sec. 7. The Legislature specifically
27 finds and declares that the requirements of
28 Article XVI, Section 59(d) of the
29 Constitution of Texas, have been performed
30 and accomplished in due course and time and
31 order, and that the Legislature has the
32 power and authority to enact this Act.

33 (2) Section 8, Chapter 679, Acts of the 62nd
34 Legislature, Regular Session, 1971, provides that the
35 act is severable. The revised law omits that provision
36 because it duplicates in substance Section 311.032,
37 Government Code (Code Construction Act), which
38 provides that a provision of a statute is severable
39 from each other provision of the statute that can be
40 given effect. The omitted law reads:

41 Sec. 8. If any word, phrase, clause,
42 paragraph, sentence, part, portion or
43 provision of this Act or the application
44 thereof to any person or circumstance shall

1 be held to be invalid or unconstitutional,
2 the remainder of this Act shall
3 nevertheless be valid and the Legislature
4 hereby declares that this Act would have
5 been enacted without such invalid or
6 unconstitutional word, phrase, clause,
7 paragraph, sentence, part, portion or
8 provision.

9 CHAPTER 8372. SHASLA PUBLIC UTILITY DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

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20 CHAPTER 8372. SHASLA PUBLIC UTILITY DISTRICT

21 SUBCHAPTER A. GENERAL PROVISIONS

22 Revised Law

23 Sec. 8372.001. DEFINITIONS. In this chapter:

- 24 (1) "Board" means the district's board of directors.
- 25 (2) "Director" means a member of the board.
- 26 (3) "District" means the Shasla Public Utility

27 District. (Acts 62nd Leg., R.S., Ch. 412, Sec. 1 (part); New.)

28 Source Law

29 Sec. 1. . . . [a . . . district] . . . to be
30 known as "Shasla Public Utility District," hereinafter
31 called the "district,"

32 Revisor's Note

33 The definitions of "board" and "director" are
34 added to the revised law for drafting convenience and
35 to eliminate frequent, unnecessary repetition of the
36 substance of the definitions.

37 Revised Law

38 Sec. 8372.002. NATURE OF DISTRICT. The district is a
39 conservation and reclamation district in Harris County created

1 under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg.,
2 R.S., Ch. 412, Sec. 1 (part).)

3 Source Law

4 Sec. 1. . . . there is hereby created and
5 established, under and pursuant to the provisions of
6 Article XVI, Section 59 of the Constitution of Texas, a
7 conservation and reclamation district in Harris
8 County, Texas, . . . which shall be a governmental
9 agency and a body politic and corporate. . . .

10 Revisor's Note

11 (1) Section 1, Chapter 412, Acts of the 62nd
12 Legislature, Regular Session, 1971, provides that the
13 district is "created and established." The revised
14 law omits "established" because the meaning of that
15 word is included in the meaning of "created."

16 (2) Section 1, Chapter 412, Acts of the 62nd
17 Legislature, Regular Session, 1971, provides that the
18 district is created notwithstanding certain laws
19 relating to consent. The revised law omits that
20 provision as executed because the district has been
21 created. The omitted law reads:

22 Sec. 1. Notwithstanding provisions
23 of the general laws relating to consent by
24 political subdivisions for the creation of
25 conservation and reclamation districts,
26 [there is hereby created . . . a
27 conservation and reclamation district]
28

29 (3) Section 1, Chapter 412, Acts of the 62nd
30 Legislature, Regular Session, 1971, refers to the
31 district as "a governmental agency and a body politic
32 and corporate." The revised law omits the quoted
33 language because it duplicates a portion of Section
34 59(b), Article XVI, Texas Constitution, which provides
35 that a conservation and reclamation district is a
36 governmental agency and a body politic and corporate.

37 Revised Law

38 Sec. 8372.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
39 The district is created to serve a public use and benefit.

40 (b) All land and other property included in the boundaries

1 of the district will benefit from the works and projects
2 accomplished by the district under the powers conferred by Section
3 59, Article XVI, Texas Constitution.

4 (c) The creation of the district is essential to accomplish
5 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
6 62nd Leg., R.S., Ch. 412, Secs. 1 (part), 3.)

7 Source Law

8 Sec. 1. . . . The creation and establishment of
9 the district is hereby declared to be essential to the
10 accomplishment of the purposes of Article XVI, Section
11 59 of the Constitution of Texas.

12 Sec. 3. It is determined and found that all of
13 the land and other property included within the area
14 and boundaries of the district will be benefited by the
15 works and project which are to be accomplished by the
16 district pursuant to the powers conferred by the
17 provisions of Article XVI, Section 59 of the
18 Constitution of Texas, and that said district is
19 created to serve a public use and benefit.

20 Revisor's Note

21 (1) Section 1, Chapter 412, Acts of the 62nd
22 Legislature, Regular Session, 1971, provides that the
23 "creation and establishment" of the district are
24 essential to accomplish the purposes of Section 59,
25 Article XVI, Texas Constitution. The revised law
26 omits "establishment" because its meaning is included
27 in the meaning of "creation."

28 (2) Section 3, Chapter 412, Acts of the 62nd
29 Legislature, Regular Session, 1971, refers to land and
30 other property included within the "area and
31 boundaries of the district." The revised law omits the
32 reference to "area" because, in context, "area" is
33 included in the meaning of "boundaries."

34 Revised Law

35 Sec. 8372.004. DISTRICT TERRITORY. (a) The district is
36 composed of the territory described by Section 4, Chapter 412, Acts
37 of the 62nd Legislature, Regular Session, 1971, as that territory
38 may have been modified under:

39 (1) Subchapter H, Chapter 54, Water Code;

1 (2) Subchapter J, Chapter 49, Water Code; or

2 (3) other law.

3 (b) The boundaries and field notes of the district form a
4 closure. A mistake in copying the field notes in the legislative
5 process or another mistake in the field notes does not affect:

6 (1) the district's organization, existence, or
7 validity;

8 (2) the district's right to issue any type of bond for
9 a purpose for which the district is created or to pay the principal
10 of and interest on the bond;

11 (3) the district's right to impose a tax; or

12 (4) the legality or operation of the district or its
13 governing body. (Acts 62nd Leg., R.S., Ch. 412, Sec. 2; New.)

14 Source Law

15 Sec. 2. It is determined and found that the
16 boundaries and field notes of the district form a
17 closure. If any mistake is made in copying the field
18 notes in the legislative process or otherwise a
19 mistake is made in the field notes, it shall in no way
20 affect the organization, existence and validity of the
21 district, or the right of the district to issue any
22 type of bonds or refunding bonds for the purposes for
23 which the district is created or to pay the principal
24 and interest thereon, or the right to assess, levy and
25 collect taxes, or in any other manner affect the
26 legality or operation of the district or its governing
27 body.

28 Revisor's Note

29 (1) The revision of the law governing the
30 district does not revise the statutory language
31 describing the territory of the district to avoid the
32 lengthy recitation of the description and because that
33 description may not be accurate on the effective date
34 of the revision or at the time of a later reading. For
35 the reader's convenience, the revised law includes
36 references to the statutory description of the
37 district's territory and to the authority to change the
38 district's territory under Subchapter H, Chapter 54,
39 Water Code, applicable to the district under Section
40 5, Chapter 412, Acts of the 62nd Legislature, Regular

1 Session, 1971 (revised in this chapter as Section
2 8372.101), and under Subchapter J, Chapter 49, Water
3 Code, applicable to the district under Sections 49.001
4 and 49.002 of that chapter. The revised law also
5 includes a reference to the general authority of the
6 legislature to enact a law to change the district's
7 territory.

8 (2) Section 2, Chapter 412, Acts of the 62nd
9 Legislature, Regular Session, 1971, provides that a
10 mistake in the description of the district boundaries
11 does not affect the right of the district to issue "any
12 type of bonds or refunding bonds." The revised law
13 omits the reference to "refunding bonds" because
14 refunding bonds are included in the meaning of "any
15 type of bonds."

16 (3) Section 2, Chapter 412, Acts of the 62nd
17 Legislature, Regular Session, 1971, refers to the
18 district's authority to "assess, levy and collect"
19 taxes. The revised law substitutes "impose" for
20 "assess, levy and collect" because "impose" is the
21 term generally used in Title 1, Tax Code, and includes
22 the assessment, levy, and collection of a tax.

23 SUBCHAPTER B. BOARD OF DIRECTORS

24 Revised Law

25 Sec. 8372.051. COMPOSITION OF BOARD. The board is composed
26 of five elected directors. (Acts 62nd Leg., R.S., Ch. 412, Sec. 6
27 (part).)

28 Source Law

29 Sec. 6. . . . Succeeding directors shall be
30 elected or

31 Revisor's Note

32 (1) Section 6, Chapter 412, Acts of the 62nd
33 Legislature, Regular Session, 1971, refers to the
34 initial board of directors and that board's vacancy
35 procedures. The revised law omits the language as

1 executed. The omitted law reads:

2 Sec. 6. Immediately after this Act
3 becomes effective, the following named
4 persons shall be the directors of the
5 district and shall constitute the board of
6 directors of the district:

7 Dane Grant
8 Billy T. Griffin
9 Mary Blanche Simpson
10 Jaclyn Gay Smith
11 Sammy C. Seay

12 Said persons shall qualify to serve as
13 directors prior to the first meeting of the
14 board of directors. Should any of the above
15 named directors fail to qualify for any
16 reason, the remaining named directors shall
17 appoint someone to fill such vacancy or
18 vacancies; The directors above
19 named or their duly appointed and qualified
20 successor or successors shall serve until
21 the second Saturday in January, 1973. . . .

22 (2) Section 6, Chapter 412, Acts of the 62nd
23 Legislature, Regular Session, 1971, refers to
24 "[s]ucceeding directors" to distinguish the
25 succeeding directors from the initial directors named
26 in that section. The revised law substitutes "five"
27 for "succeeding" to conform to the number of directors
28 listed in Section 6 (establishing the initial board).

29 (3) Section 6, Chapter 412, Acts of the 62nd
30 Legislature, Regular Session, 1971, provides for
31 directors to be elected or appointed and to serve for
32 the term and in the manner provided by Chapter 54,
33 Water Code. The revised law omits the reference to
34 Chapter 54 because Chapter 715, Acts of the 74th
35 Legislature, Regular Session, 1995, repealed the
36 relevant provisions of Chapter 54 and enacted similar
37 provisions in Chapter 49, Water Code, including
38 Section 49.103, which governs the terms of office and
39 manner of election of directors of a municipal utility
40 district that is required by law to elect its
41 directors. The revised law does not substitute a
42 reference to Chapter 49 for the reference to Chapter 54
43 because Chapter 49 applies to the district under
44 Sections 49.001 and 49.002 of that chapter. The

1 revised law also omits "appointed" because it is clear
2 from the context of Section 6 that the reference
3 applies only to directors appointed to fill vacancies
4 as now provided by Chapter 49. The omitted law reads:

5 Sec. 6. . . . [Succeeding directors
6 shall be elected or] appointed and shall
7 serve for the term and in the manner
8 provided by Chapter 54, Title 4, Water Code.

9 Revised Law

10 Sec. 8372.052. BOARD VACANCY. (a) Except as provided by
11 Subsection (b), a vacancy in the office of director shall be filled
12 in the manner provided by Section 49.105, Water Code.

13 (b) The Texas Commission on Environmental Quality shall
14 appoint directors to fill all of the vacancies on the board whenever
15 the number of qualified directors is fewer than three. (Acts 62nd
16 Leg., R.S., Ch. 412, Sec. 6 (part); New.)

17 Source Law

18 Sec. 6. . . . [Should any of the above named
19 directors fail to qualify for any reason, the
20 remaining named directors shall appoint someone to
21 fill such vacancy or vacancies;] provided, however,
22 that if at any time the number of qualified directors
23 shall be less than three because of the failure or
24 refusal of one or more directors to qualify or serve or
25 because of his or their death or incapacitation, or for
26 any such other reason, the Texas Water Rights
27 Commission shall appoint the necessary number of
28 directors to fill all vacancies on the board. . . .

29 Revisor's Note

30 (1) Section 6, Chapter 412, Acts of the 62nd
31 Legislature, Regular Session, 1971, governs the manner
32 in which multiple board vacancies are filled. Section
33 49.105, Water Code, governs the manner of filling a
34 vacancy in the office of director of certain
35 districts, including a municipal utility district.
36 Chapter 49, Water Code, applies to the district under
37 Sections 49.001 and 49.002 of that chapter. For that
38 reason and for the convenience of the reader, the
39 revised law adds a reference to Section 49.105.

40 (2) Section 6, Chapter 412, Acts of the 62nd
41 Legislature, Regular Session, 1971, refers to a

1 vacancy in the office of director "because of the
2 failure or refusal of one or more directors to qualify
3 or serve or because of his or their death or
4 incapacitation, or for any such other reason." The
5 revised law omits the quoted language because it
6 merely describes every manner in which a board vacancy
7 may occur without limiting in any way the duty to fill
8 the vacancy.

9 (3) Section 6, Chapter 412, Acts of the 62nd
10 Legislature, Regular Session, 1971, refers to the
11 "Texas Water Rights Commission." The revised law
12 substitutes "Texas Commission on Environmental
13 Quality" for "Texas Water Rights Commission" to
14 reflect a change in the agency's name. In 1977,
15 Section 9, Chapter 870, Acts of the 65th Legislature,
16 Regular Session, abolished the Texas Water Rights
17 Commission and created the Texas Water Commission.
18 The name of the Texas Water Commission was changed to
19 the Texas Natural Resource Conservation Commission by
20 Section 1.085, Chapter 3, Acts of the 72nd
21 Legislature, 1st Called Session, 1991. The name of the
22 Texas Natural Resource Conservation Commission was
23 changed to the Texas Commission on Environmental
24 Quality by Section 18.01, Chapter 965, Acts of the 77th
25 Legislature, Regular Session, 2001. The revised law
26 is drafted accordingly.

27 SUBCHAPTER C. POWERS AND DUTIES

28 Revised Law

29 Sec. 8372.101. MUNICIPAL UTILITY DISTRICT POWERS. The
30 district has the rights, powers, privileges, and functions
31 conferred by general law applicable to a municipal utility
32 district, including Chapters 49 and 54, Water Code. (Acts 62nd
33 Leg., R.S., Ch. 412, Sec. 5 (part); New.)

1 Source Law

2 Sec. 5. The district is hereby vested with, and
3 shall have and exercise, all of the rights, powers,
4 privileges, authority and functions conferred by the
5 general laws of this state applicable to municipal
6 utility districts, including without limitation those
7 conferred by Chapter 54, Title 4, Water Code, but
8

9 Revisor's Note

10 (1) Section 5, Chapter 412, Acts of the 62nd
11 Legislature, Regular Session, 1971, provides that the
12 district "is hereby vested with, and shall have and
13 exercise" certain powers. The revised law substitutes
14 "has" for the quoted language because, in context, the
15 terms are synonymous and "has" is more commonly used.

16 (2) Section 5, Chapter 412, Acts of the 62nd
17 Legislature, Regular Session, 1971, refers to the
18 "rights, powers, privileges, [and] authority" of the
19 district. The revised law omits the reference to
20 "authority" because, in context, "authority" is
21 included in the meaning of "rights, powers, [and]
22 privileges."

23 (3) Section 5, Chapter 412, Acts of the 62nd
24 Legislature, Regular Session, 1971, grants the
25 district certain powers, "including without
26 limitation those conferred by Chapter 54, Title 4,
27 Water Code." The revised law omits "without
28 limitation" because Section 311.005(13), Government
29 Code (Code Construction Act), provides that "includes"
30 and "including" are terms of enlargement and not of
31 limitation and do not create a presumption that
32 components not expressed are excluded.

33 (4) Section 5, Chapter 412, Acts of the 62nd
34 Legislature, Regular Session, 1971, refers to Chapter
35 54, Water Code. For the reader's convenience, the
36 revised law adds a reference to Chapter 49, Water Code,
37 because Chapter 715, Acts of the 74th Legislature,

1 Regular Session, 1995, repealed many provisions of
2 Chapter 54 and enacted similar provisions in Chapter
3 49, Water Code, which applies to the district under
4 Sections 49.001 and 49.002 of that chapter.

5 (5) Section 5, Chapter 412, Acts of the 62nd
6 Legislature, Regular Session, 1971, provides that the
7 act prevails over general law in case of a conflict or
8 other inconsistency and that all general laws
9 applicable to municipal utility districts not in
10 conflict or inconsistent with the provisions of the
11 act are adopted and incorporated by reference. The
12 revised law omits the portion of the provision
13 relating to the act prevailing over general law
14 because it duplicates in substance Section 311.026(b),
15 Government Code (Code Construction Act). The revised
16 law omits the portion of the provision relating to
17 adoption and incorporation of general laws because the
18 portion of Section 5, Chapter 412, revised as this
19 section already provides that those laws apply to the
20 district, and it is unnecessary to further adopt and
21 incorporate those laws in this chapter. The omitted
22 law reads:

23 Sec. 5. . . . if any provision of
24 such general laws shall be in conflict or
25 inconsistent with the provisions of this
26 Act, the provisions of this Act shall
27 prevail. All such general laws applicable
28 to municipal utility districts not in
29 conflict or inconsistent with the
30 provisions of this Act are hereby adopted
31 and incorporated by reference with the same
32 effect as if copied in full in this Act.

33 Revisor's Note
34 (End of Chapter)

35 (1) Section 7, Chapter 412, Acts of the 62nd
36 Legislature, Regular Session, 1971, contains
37 legislative findings relating to the performance of
38 the requirements of Section 59(d), Article XVI, Texas
39 Constitution, and to the authority of the legislature

1 to enact that chapter. The revised law omits the
2 provision as executed. The omitted law reads:

3 Sec. 7. The Legislature specifically
4 finds and declares that the requirements of
5 Article XVI, Section 59(d) of the
6 Constitution of Texas have been performed
7 and accomplished in due course and time and
8 order, and that the Legislature has the
9 power and authority to enact this Act.

10 (2) Section 8, Chapter 412, Acts of the 62nd
11 Legislature, Regular Session, 1971, provides that the
12 act is severable. The revised law omits that provision
13 because it duplicates in substance Section 311.032,
14 Government Code (Code Construction Act), which
15 provides that a provision of a statute is severable
16 from each other provision of the statute that can be
17 given effect. The omitted law reads:

18 Sec. 8. If any word, phrase, clause,
19 paragraph, sentence, part, portion or
20 provision of this Act or the application
21 thereof to any persons or circumstances
22 shall be held to be invalid or
23 unconstitutional, the remainder of the Act
24 shall nevertheless be valid and the
25 Legislature hereby declares that this Act
26 would have been enacted without such
27 invalid or unconstitutional word, phrase,
28 clause, paragraph, sentence, part, portion
29 or provision.

30 CHAPTER 8386. SPANISH COVE PUBLIC UTILITY DISTRICT

31 SUBCHAPTER A. GENERAL PROVISIONS

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36 SUBCHAPTER B. BOARD OF DIRECTORS

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39 SUBCHAPTER C. POWERS AND DUTIES

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1 CHAPTER 8386. SPANISH COVE PUBLIC UTILITY DISTRICT

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Revised Law

4 Sec. 8386.001. DEFINITIONS. In this chapter:

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

6 (2) "Director" means a member of the board.

7 (3) "District" means the Spanish Cove Public Utility
8 District. (Acts 62nd Leg., R.S., Ch. 409, Sec. 1 (part); New.)

9 Source Law

10 Sec. 1. . . . [a . . . district] . . . to be
11 known as "Spanish Cove Public Utility District,"
12 hereinafter called the "district,"

13 Revisor's Note

14 The definitions of "board" and "director" are
15 added to the revised law for drafting convenience and
16 to eliminate frequent, unnecessary repetition of the
17 substance of the definitions.

18 Revised Law

19 Sec. 8386.002. NATURE OF DISTRICT. The district is a
20 conservation and reclamation district in Harris County created
21 under Section 59, Article XVI, Texas Constitution. (Acts 62nd
22 Leg., R.S., Ch. 409, Sec. 1 (part).)

23 Source Law

24 Sec. 1. . . . there is hereby created and
25 established, under and pursuant to the provisions of
26 Article XVI, Section 59 of the Constitution of Texas, a
27 conservation and reclamation district in Harris
28 County, Texas, . . . which shall be a governmental
29 agency and a body politic and corporate. . . .

30 Revisor's Note

31 (1) Section 1, Chapter 409, Acts of the 62nd
32 Legislature, Regular Session, 1971, provides that the
33 district is "created and established." The revised
34 law omits "established" because the meaning of that
35 word is included in the meaning of "created."

36 (2) Section 1, Chapter 409, Acts of the 62nd
37 Legislature, Regular Session, 1971, provides that the
38 district is created notwithstanding certain laws

1 relating to consent. The revised law omits that
2 provision as executed because the district has been
3 created. The omitted law reads:

4 Sec. 1. Notwithstanding provisions
5 of the general laws relating to consent by
6 political subdivisions for the creation of
7 conservation and reclamation districts,
8 [there is hereby created . . . a
9 conservation and reclamation district]
10

11 (3) Section 1, Chapter 409, Acts of the 62nd
12 Legislature, Regular Session, 1971, refers to the
13 district as "a governmental agency and a body politic
14 and corporate." The revised law omits the quoted
15 language because it duplicates a portion of Section
16 59(b), Article XVI, Texas Constitution, which provides
17 that a conservation and reclamation district is a
18 governmental agency and a body politic and corporate.

19 Revised Law

20 Sec. 8386.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
21 The district is created to serve a public use and benefit.

22 (b) All land and other property included in the boundaries
23 of the district will benefit from the works and projects
24 accomplished by the district under the powers conferred by Section
25 59, Article XVI, Texas Constitution.

26 (c) The creation of the district is essential to accomplish
27 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
28 62nd Leg., R.S., Ch. 409, Secs. 1 (part), 3.)

29 Source Law

30 Sec. 1. . . . The creation and establishment of
31 the district is hereby declared to be essential to the
32 accomplishment of the purposes of Article XVI, Section
33 59 of the Constitution of Texas.

34 Sec. 3. It is determined and found that all of
35 the land and other property included within the area
36 and boundaries of the district will be benefited by the
37 works and project which are to be accomplished by the
38 district pursuant to the powers conferred by the
39 provisions of Article XVI, Section 59 of the
40 Constitution of Texas, and that said district is
41 created to serve a public use and benefit.

1 Revisor's Note

2 (1) Section 1, Chapter 409, Acts of the 62nd
3 Legislature, Regular Session, 1971, provides that the
4 "creation and establishment" of the district are
5 essential to accomplish the purposes of Section 59,
6 Article XVI, Texas Constitution. The revised law
7 omits "establishment" because its meaning is included
8 in the meaning of "creation."

9 (2) Section 3, Chapter 409, Acts of the 62nd
10 Legislature, Regular Session, 1971, refers to land and
11 other property included within the "area and
12 boundaries of the district." The revised law omits the
13 reference to "area" because, in context, "area" is
14 included in the meaning of "boundaries."

15 Revised Law

16 Sec. 8386.004. DISTRICT TERRITORY. (a) The district is
17 composed of the territory described by Section 4, Chapter 409, Acts
18 of the 62nd Legislature, Regular Session, 1971, as that territory
19 may have been modified under:

- 20 (1) Subchapter H, Chapter 54, Water Code;
21 (2) Subchapter J, Chapter 49, Water Code; or
22 (3) other law.

23 (b) The boundaries and field notes of the district form a
24 closure. A mistake in copying the field notes in the legislative
25 process or another mistake in the field notes does not affect:

- 26 (1) the district's organization, existence, or
27 validity;
28 (2) the district's right to issue any type of bond for
29 a purpose for which the district is created or to pay the principal
30 of and interest on the bond;
31 (3) the district's right to impose a tax; or
32 (4) the legality or operation of the district or its
33 governing body. (Acts 62nd Leg., R.S., Ch. 409, Sec. 2; New.)

1 Source Law

2 Sec. 2. It is determined and found that the
3 boundaries and field notes of the district form a
4 closure. If any mistake is made in copying the field
5 notes in the legislative process or otherwise a
6 mistake is made in the field notes, it shall in no way
7 affect the organization, existence and validity of the
8 district, or the right of the district to issue any
9 type of bonds or refunding bonds for the purposes for
10 which the district is created or to pay the principal
11 and interest thereon, or the right to assess, levy and
12 collect taxes, or in any other manner affect the
13 legality or operation of the district or its governing
14 body.

15 Revisor's Note

16 (1) The revision of the law governing the
17 district does not revise the statutory language
18 describing the territory of the district to avoid the
19 lengthy recitation of the description and because that
20 description may not be accurate on the effective date
21 of the revision or at the time of a later reading. For
22 the reader's convenience, the revised law includes
23 references to the statutory description of the
24 district's territory and to the authority to change the
25 district's territory under Subchapter H, Chapter 54,
26 Water Code, applicable to municipal utility districts,
27 and under Subchapter J, Chapter 49, Water Code,
28 applicable to the district under Sections 49.001 and
29 49.002 of that chapter. The revised law also includes
30 a reference to the general authority of the
31 legislature to enact a law to change the district's
32 territory.

33 (2) Section 2, Chapter 409, Acts of the 62nd
34 Legislature, Regular Session, 1971, provides that a
35 mistake in the description of the district boundaries
36 does not affect the right of the district to issue "any
37 type of bonds or refunding bonds." The revised law
38 omits the reference to "refunding bonds" because
39 refunding bonds are included in the meaning of "any
40 type of bonds."

1 (3) Section 2, Chapter 409, Acts of the 62nd
2 Legislature, Regular Session, 1971, refers to the
3 district's authority to "assess, levy and collect"
4 taxes. The revised law substitutes "impose" for
5 "assess, levy and collect" because "impose" is the
6 term generally used in Title 1, Tax Code, and includes
7 the assessment, levy, and collection of a tax.

8 SUBCHAPTER B. BOARD OF DIRECTORS

9 Revised Law

10 Sec. 8386.051. COMPOSITION OF BOARD. The board is composed
11 of five elected directors. (Acts 62nd Leg., R.S., Ch. 409, Sec. 6
12 (part).)

13 Source Law

14 Sec. 6. . . . Succeeding directors shall be
15 elected or

16 Revisor's Note

17 (1) Section 6, Chapter 409, Acts of the 62nd
18 Legislature, Regular Session, 1971, refers to the
19 initial board of directors and that board's vacancy
20 procedures. The revised law omits the language as
21 executed. The omitted law reads:

22 Sec. 6. Immediately after this Act
23 becomes effective, the following named
24 persons shall be the directors of the
25 district and shall constitute the board of
26 directors of the district:

27 Michael A. Hooper
28 Bill Johnson
29 Randy Hinds
30 E. Edward Ezell, Jr.
31 Ernest Cole

32 Said persons shall qualify to serve as
33 directors prior to the first meeting of the
34 board of directors. Should any of the above
35 named directors fail to qualify for any
36 reason, the remaining named directors shall
37 appoint someone to fill such vacancy or
38 vacancies; The directors above
39 named or their duly appointed and qualified
40 successor or successors shall serve until
41 the second Saturday in January, 1973. . . .

42 (2) Section 6, Chapter 409, Acts of the 62nd
43 Legislature, Regular Session, 1971, refers to
44 "[s]ucceeding directors" to distinguish the

1 succeeding directors from the initial directors named
2 in that section. The revised law substitutes "five"
3 for "succeeding" to conform to the number of directors
4 listed in Section 6 (establishing the initial board).

5 (3) Section 6, Chapter 409, Acts of the 62nd
6 Legislature, Regular Session, 1971, provides for
7 directors to be elected or appointed and to serve for
8 the term and in the manner provided by Chapter 54,
9 Water Code. The revised law omits the reference to
10 Chapter 54 because Chapter 715, Acts of the 74th
11 Legislature, Regular Session, 1995, repealed the
12 relevant provisions of Chapter 54 and enacted similar
13 provisions in Chapter 49, Water Code, including
14 Section 49.103, which governs the terms of office and
15 manner of election of directors of a municipal utility
16 district that is required by law to elect its
17 directors. The revised law does not substitute a
18 reference to Chapter 49 for the reference to Chapter 54
19 because Chapter 49 applies to the district under
20 Sections 49.001 and 49.002 of that chapter. The
21 revised law also omits "appointed" because it is clear
22 from the context of Section 6 that the reference
23 applies only to directors appointed to fill vacancies
24 as now provided by Chapter 49. The omitted law reads:

25 Sec. 6. . . . [Succeeding directors
26 shall be elected or] appointed and shall
27 serve for the term and in the manner
28 provided by Chapter 54, Title 4, Water Code.

29 Revised Law

30 Sec. 8386.052. BOARD VACANCY. (a) Except as provided by
31 Subsection (b), a vacancy in the office of director shall be filled
32 in the manner provided by Section 49.105, Water Code.

33 (b) The Texas Commission on Environmental Quality shall
34 appoint directors to fill all of the vacancies on the board whenever
35 the number of qualified directors is fewer than three. (Acts 62nd
36 Leg., R.S., Ch. 409, Sec. 6 (part); New.)

1 Source Law

2 Sec. 6. . . . [Should any of the above named
3 directors fail to qualify for any reason, the
4 remaining named directors shall appoint someone to
5 fill such vacancy or vacancies;] provided, however,
6 that if at any time the number of qualified directors
7 shall be less than three because of the failure or
8 refusal of one or more directors to qualify or serve or
9 because of his or their death or incapacitation, or for
10 any such other reason, the Texas Water Rights
11 Commission shall appoint the necessary number of
12 directors to fill all vacancies on the board. . . .

13 Revisor's Note

14 (1) Section 6, Chapter 409, Acts of the 62nd
15 Legislature, Regular Session, 1971, governs the manner
16 in which multiple board vacancies are filled. Section
17 49.105, Water Code, governs the manner of filling a
18 vacancy in the office of director of certain
19 districts, including a municipal utility district.
20 Chapter 49, Water Code, applies to the district under
21 Sections 49.001 and 49.002 of that chapter. For that
22 reason and for the convenience of the reader, the
23 revised law adds a reference to Section 49.105.

24 (2) Section 6, Chapter 409, Acts of the 62nd
25 Legislature, Regular Session, 1971, refers to a
26 vacancy in the office of director "because of the
27 failure or refusal of one or more directors to qualify
28 or serve or because of his or their death or
29 incapacitation, or for any such other reason." The
30 revised law omits the quoted language because it
31 merely describes every manner in which a board vacancy
32 may occur without limiting in any way the duty to fill
33 the vacancy.

34 (3) Section 6, Chapter 409, Acts of the 62nd
35 Legislature, Regular Session, 1971, refers to the
36 "Texas Water Rights Commission." The revised law
37 substitutes "Texas Commission on Environmental
38 Quality" for "Texas Water Rights Commission" to
39 reflect a change in the agency's name. In 1977,

1 Section 9, Chapter 870, Acts of the 65th Legislature,
2 Regular Session, abolished the Texas Water Rights
3 Commission and created the Texas Water Commission.
4 The name of the Texas Water Commission was changed to
5 the Texas Natural Resource Conservation Commission by
6 Section 1.085, Chapter 3, Acts of the 72nd
7 Legislature, 1st Called Session, 1991. The name of the
8 Texas Natural Resource Conservation Commission was
9 changed to the Texas Commission on Environmental
10 Quality by Section 18.01, Chapter 965, Acts of the 77th
11 Legislature, Regular Session, 2001. The revised law
12 is drafted accordingly.

13 SUBCHAPTER C. POWERS AND DUTIES

14 Revised Law

15 Sec. 8386.101. MUNICIPAL UTILITY DISTRICT POWERS. The
16 district has the rights, powers, privileges, and functions
17 conferred by general law applicable to a municipal utility
18 district, including Chapters 49 and 54, Water Code. (Acts 62nd
19 Leg., R.S., Ch. 409, Sec. 5 (part); New.)

20 Source Law

21 Sec. 5. The district is hereby vested with, and
22 shall have and exercise, all of the rights, powers,
23 privileges, authority and functions conferred by the
24 general laws of this state applicable to municipal
25 utility districts, including without limitation those
26 conferred by Chapter 54, Title 4, Water Code, but
27

28 Revisor's Note

29 (1) Section 5, Chapter 409, Acts of the 62nd
30 Legislature, Regular Session, 1971, provides that the
31 district "is hereby vested with, and shall have and
32 exercise" certain powers. The revised law substitutes
33 "has" for the quoted language because, in context, the
34 terms are synonymous and "has" is more commonly used.

35 (2) Section 5, Chapter 409, Acts of the 62nd
36 Legislature, Regular Session, 1971, refers to the
37 "rights, powers, privileges, [and] authority" of the

1 district. The revised law omits the reference to
2 "authority" because, in context, "authority" is
3 included in the meaning of "rights, powers, [and]
4 privileges."

5 (3) Section 5, Chapter 409, Acts of the 62nd
6 Legislature, Regular Session, 1971, grants the
7 district certain powers, "including without
8 limitation those conferred by Chapter 54, Title 4,
9 Water Code." The revised law omits "without
10 limitation" because Section 311.005(13), Government
11 Code (Code Construction Act), provides that "includes"
12 and "including" are terms of enlargement and not of
13 limitation and do not create a presumption that
14 components not expressed are excluded.

15 (4) Section 5, Chapter 409, Acts of the 62nd
16 Legislature, Regular Session, 1971, refers to Chapter
17 54, Water Code. For the reader's convenience, the
18 revised law adds a reference to Chapter 49, Water Code,
19 because Chapter 715, Acts of the 74th Legislature,
20 Regular Session, 1995, repealed many provisions of
21 Chapter 54 and enacted similar provisions in Chapter
22 49, Water Code, which applies to the district under
23 Sections 49.001 and 49.002 of that chapter.

24 (5) Section 5, Chapter 409, Acts of the 62nd
25 Legislature, Regular Session, 1971, provides that the
26 act prevails over general law in case of a conflict or
27 other inconsistency and that all general laws
28 applicable to municipal utility districts not in
29 conflict or inconsistent with the provisions of the
30 act are adopted and incorporated by reference. The
31 revised law omits the portion of the provision
32 relating to the act prevailing over general law
33 because it duplicates in substance Section 311.026(b),
34 Government Code (Code Construction Act). The revised

1 law omits the portion of the provision relating to
2 adoption and incorporation of general laws because the
3 portion of Section 5, Chapter 409, revised as this
4 section already provides that those laws apply to the
5 district, and it is unnecessary to further adopt and
6 incorporate those laws in this chapter. The omitted
7 law reads:

8 Sec. 5. . . . if any provision of
9 such general laws shall be in conflict or
10 inconsistent with the provisions of this
11 Act, the provisions of this Act shall
12 prevail. All such general laws applicable
13 to municipal utility districts not in
14 conflict or inconsistent with the
15 provisions of this Act are hereby adopted
16 and incorporated by reference with the same
17 effect as if copied in full in this Act.

18 Revisor's Note
19 (End of Chapter)

20 (1) Section 7, Chapter 409, Acts of the 62nd
21 Legislature, Regular Session, 1971, contains
22 legislative findings relating to the performance of
23 the requirements of Section 59(d), Article XVI, Texas
24 Constitution, and to the authority of the legislature
25 to enact that chapter. The revised law omits the
26 provision as executed. The omitted law reads:

27 Sec. 7. The Legislature specifically
28 finds and declares that the requirements of
29 Article XVI, Section 59(d) of the
30 Constitution of Texas have been performed
31 and accomplished in due course and time and
32 order, and that the Legislature has the
33 power and authority to enact this Act.

34 (2) Section 8, Chapter 409, Acts of the 62nd
35 Legislature, Regular Session, 1971, provides that the
36 act is severable. The revised law omits that provision
37 because it duplicates in substance Section 311.032,
38 Government Code (Code Construction Act), which
39 provides that a provision of a statute is severable
40 from each other provision of the statute that can be
41 given effect. The omitted law reads:

42 Sec. 8. If any word, phrase, clause,
43 paragraph, sentence, part, portion or

1 provision of this Act or the application
2 thereof to any persons or circumstances
3 shall be held to be invalid or
4 unconstitutional, the remainder of the Act
5 shall nevertheless be valid and the
6 Legislature hereby declares that this Act
7 would have been enacted without such
8 invalid or unconstitutional word, phrase,
9 clause, paragraph, sentence, part, portion
10 or provision.

11 CHAPTER 8392. SPENCER ROAD PUBLIC UTILITY DISTRICT

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Sec. 8392.001. DEFINITIONS 238
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15 Sec. 8392.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE . . . 239
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17 SUBCHAPTER B. BOARD OF DIRECTORS

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20 SUBCHAPTER C. POWERS AND DUTIES

21 Sec. 8392.101. MUNICIPAL UTILITY DISTRICT POWERS 245

22 CHAPTER 8392. SPENCER ROAD PUBLIC UTILITY DISTRICT

23 SUBCHAPTER A. GENERAL PROVISIONS

24 Revised Law

25 Sec. 8392.001. DEFINITIONS. In this chapter:

- 26 (1) "Board" means the district's board of directors.
27 (2) "Director" means a member of the board.
28 (3) "District" means the Spencer Road Public Utility

29 District. (Acts 62nd Leg., R.S., Ch. 699, Sec. 1 (part); New.)

30 Source Law

31 Sec. 1. . . . [a . . . district] . . . to be
32 known as "Spencer Road Public Utility District,"
33 hereinafter called the "district,"

34 Revisor's Note

35 The definitions of "board" and "director" are
36 added to the revised law for drafting convenience and
37 to eliminate frequent, unnecessary repetition of the
38 substance of the definitions.

39 Revised Law

40 Sec. 8392.002. NATURE OF DISTRICT. The district is a

1 conservation and reclamation district in Harris County created
2 under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg.,
3 R.S., Ch. 699, Sec. 1 (part).)

4 Source Law

5 Sec. 1. . . . there is hereby created and
6 established, under and pursuant to the provisions of
7 Article XVI, Section 59 of the Constitution of Texas, a
8 conservation and reclamation district in Harris
9 County, Texas, . . . which shall be a governmental
10 agency and a body politic and corporate. . . .

11 Revisor's Note

12 (1) Section 1, Chapter 699, Acts of the 62nd
13 Legislature, Regular Session, 1971, provides that the
14 district is "created and established." The revised
15 law omits "established" because the meaning of that
16 word is included in the meaning of "created."

17 (2) Section 1, Chapter 699, Acts of the 62nd
18 Legislature, Regular Session, 1971, provides that the
19 district is created notwithstanding certain laws
20 relating to consent. The revised law omits that
21 provision as executed because the district has been
22 created. The omitted law reads:

23 Sec. 1. Notwithstanding provisions
24 of the general laws relating to consent by
25 political subdivisions for the creation of
26 conservation and reclamation districts,
27 [there is hereby created . . . a
28 conservation and reclamation district]
29

30 (3) Section 1, Chapter 699, Acts of the 62nd
31 Legislature, Regular Session, 1971, refers to the
32 district as "a governmental agency and a body politic
33 and corporate." The revised law omits the quoted
34 language because it duplicates a portion of Section
35 59(b), Article XVI, Texas Constitution, which provides
36 that a conservation and reclamation district is a
37 governmental agency and a body politic and corporate.

38 Revised Law

39 Sec. 8392.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
40 The district is created to serve a public use and benefit.

1 (b) All land and other property included in the boundaries
2 of the district will benefit from the works and projects
3 accomplished by the district under the powers conferred by Section
4 59, Article XVI, Texas Constitution.

5 (c) The creation of the district is essential to accomplish
6 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
7 62nd Leg., R.S., Ch. 699, Secs. 1 (part), 3.)

8 Source Law

9 Sec. 1. . . . The creation and establishment of
10 the district is hereby declared to be essential to the
11 accomplishment of the purposes of Article XVI, Section
12 59 of the Constitution of Texas.

13 Sec. 3. It is determined and found that all of
14 the land and other property included within the area
15 and boundaries of the district will be benefited by the
16 works and project which are to be accomplished by the
17 district pursuant to the powers conferred by the
18 provisions of Article XVI, Section 59 of the
19 Constitution of Texas, and that said district is
20 created to serve a public use and benefit.

21 Revisor's Note

22 (1) Section 1, Chapter 699, Acts of the 62nd
23 Legislature, Regular Session, 1971, provides that the
24 "creation and establishment" of the district are
25 essential to accomplish the purposes of Section 59,
26 Article XVI, Texas Constitution. The revised law
27 omits "establishment" because its meaning is included
28 in the meaning of "creation."

29 (2) Section 3, Chapter 699, Acts of the 62nd
30 Legislature, Regular Session, 1971, refers to land and
31 other property included within the "area and
32 boundaries of the district." The revised law omits the
33 reference to "area" because, in context, "area" is
34 included in the meaning of "boundaries."

35 Revised Law

36 Sec. 8392.004. DISTRICT TERRITORY. (a) The district is
37 composed of the territory described by Section 4, Chapter 699, Acts
38 of the 62nd Legislature, Regular Session, 1971, as that territory
39 may have been modified under:

1 (1) Subchapter H, Chapter 54, Water Code;

2 (2) Subchapter J, Chapter 49, Water Code; or

3 (3) other law.

4 (b) The boundaries and field notes of the district form a
5 closure. A mistake in copying the field notes in the legislative
6 process or another mistake in the field notes does not affect:

7 (1) the district's organization, existence, or
8 validity;

9 (2) the district's right to issue any type of bond for
10 a purpose for which the district is created or to pay the principal
11 of and interest on the bond;

12 (3) the district's right to impose a tax; or

13 (4) the legality or operation of the district or its
14 governing body. (Acts 62nd Leg., R.S., Ch. 699, Sec. 2; New.)

15 Source Law

16 Sec. 2. It is determined and found that the
17 boundaries and field notes of the district form a
18 closure. If any mistake is made in copying the field
19 notes in the legislative process or otherwise a
20 mistake is made in the field notes, it shall in no way
21 affect the organization, existence and validity of the
22 district, or the right of the district to issue any
23 type of bonds or refunding bonds for the purposes for
24 which the district is created or to pay the principal
25 and interest thereon, or the right to assess, levy and
26 collect taxes, or in any other manner affect the
27 legality or operation of the district or its governing
28 body.

29 Revisor's Note

30 (1) The revision of the law governing the
31 district does not revise the statutory language
32 describing the territory of the district to avoid the
33 lengthy recitation of the description and because that
34 description may not be accurate on the effective date
35 of the revision or at the time of a later reading. For
36 the reader's convenience, the revised law includes
37 references to the statutory description of the
38 district's territory and to the authority to change the
39 district's territory under Subchapter H, Chapter 54,
40 Water Code, applicable to the district under Section

1 5, Chapter 699, Acts of the 62nd Legislature, Regular
2 Session, 1971 (revised in this chapter as Section
3 8392.101), and under Subchapter J, Chapter 49, Water
4 Code, applicable to the district under Sections 49.001
5 and 49.002 of that chapter. The revised law also
6 includes a reference to the general authority of the
7 legislature to enact a law to change the district's
8 territory.

9 (2) Section 2, Chapter 699, Acts of the 62nd
10 Legislature, Regular Session, 1971, provides that a
11 mistake in the description of the district boundaries
12 does not affect the right of the district to issue "any
13 type of bonds or refunding bonds." The revised law
14 omits the reference to "refunding bonds" because
15 refunding bonds are included in the meaning of "any
16 type of bonds."

17 (3) Section 2, Chapter 699, Acts of the 62nd
18 Legislature, Regular Session, 1971, refers to the
19 district's authority to "assess, levy and collect"
20 taxes. The revised law substitutes "impose" for
21 "assess, levy and collect" because "impose" is the
22 term generally used in Title 1, Tax Code, and includes
23 the assessment, levy, and collection of a tax.

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Revised Law

26 Sec. 8392.051. COMPOSITION OF BOARD. The board is composed
27 of five elected directors. (Acts 62nd Leg., R.S., Ch. 699, Sec. 6
28 (part).)

29 Source Law

30 Sec. 6. . . . Succeeding directors shall be
31 elected or

32 Revisor's Note

33 (1) Section 6, Chapter 699, Acts of the 62nd
34 Legislature, Regular Session, 1971, refers to the
35 initial board of directors and that board's vacancy

1 procedures. The revised law omits the language as
2 executed. The omitted law reads:

3 Sec. 6. Immediately after this Act
4 becomes effective, the following named
5 persons shall be the directors of the
6 district and shall constitute the board of
7 directors of the district:

8 Barbara Schabacker
9 A. T. McInnes
10 Ingeborg Miller
11 Florence Gombac
12 William S. Cochran, III

13 Said persons shall qualify to serve as
14 directors prior to the first meeting of the
15 board of directors. Should any of the above
16 named directors fail to qualify for any
17 reason, the remaining named directors shall
18 appoint someone to fill such vacancy or
19 vacancies; The directors above
20 named or their duly appointed and qualified
21 successor or successors shall serve until
22 the second Saturday in January, 1973. . . .

23 (2) Section 6, Chapter 699, Acts of the 62nd
24 Legislature, Regular Session, 1971, refers to
25 "[s]ucceeding directors" to distinguish the
26 succeeding directors from the initial directors named
27 in that section. The revised law substitutes "five"
28 for "succeeding" to conform to the number of directors
29 listed in Section 6 (establishing the initial board).

30 (3) Section 6, Chapter 699, Acts of the 62nd
31 Legislature, Regular Session, 1971, provides for
32 directors to be elected or appointed and to serve for
33 the term and in the manner provided by Chapter 54,
34 Water Code. Chapter 715, Acts of the 74th Legislature,
35 Regular Session, 1995, repealed the relevant
36 provisions of Chapter 54 and enacted similar
37 provisions in Chapter 49, Water Code, including
38 Section 49.103, which governs the terms of office and
39 manner of election of directors of a municipal utility
40 district that is required by law to elect its
41 directors. The revised law omits any reference to
42 Chapter 49, Water Code, because Chapter 49 applies to
43 the district under Sections 49.001 and 49.002 of that
44 chapter. The revised law also omits "appointed"

1 because it is clear from the context of Section 6 that
2 the reference applies only to directors appointed to
3 fill vacancies as provided by Chapter 49, Water Code.
4 The omitted law reads:

5 Sec. 6. . . . [Succeeding directors
6 shall be elected or] appointed and shall
7 serve for the term and in the manner
8 provided by Chapter 54, Title 4, Water Code.

9 Revised Law

10 Sec. 8392.052. BOARD VACANCY. (a) Except as provided by
11 Subsection (b), a vacancy in the office of director shall be filled
12 in the manner provided by Section 49.105, Water Code.

13 (b) The Texas Commission on Environmental Quality shall
14 appoint directors to fill all of the vacancies on the board whenever
15 the number of qualified directors is fewer than three. (Acts 62nd
16 Leg., R.S., Ch. 699, Sec. 6 (part); New.)

17 Source Law

18 Sec. 6. . . . [Should any of the above named
19 directors fail to qualify for any reason, the
20 remaining named directors shall appoint someone to
21 fill such vacancy or vacancies;] provided, however,
22 that if at any time the number of qualified directors
23 shall be less than three because of the failure or
24 refusal of one or more directors to qualify or serve or
25 because of his or their death or incapacitation, or for
26 any such other reason, the Texas Water Rights
27 Commission shall appoint the necessary number of
28 directors to fill all vacancies on the board. . . .

29 Revisor's Note

30 (1) Section 6, Chapter 699, Acts of the 62nd
31 Legislature, Regular Session, 1971, governs the manner
32 in which multiple board vacancies are filled. Section
33 49.105, Water Code, governs the manner of filling a
34 vacancy in the office of director of certain
35 districts, including a municipal utility district.
36 Chapter 49, Water Code, applies to the district under
37 Sections 49.001 and 49.002 of that chapter. For that
38 reason and for the convenience of the reader, the
39 revised law adds a reference to Section 49.105.

40 (2) Section 6, Chapter 699, Acts of the 62nd
41 Legislature, Regular Session, 1971, refers to a

1 vacancy in the office of director "because of the
2 failure or refusal of one or more directors to qualify
3 or serve or because of his or their death or
4 incapacitation, or for any such other reason." The
5 revised law omits the quoted language because it
6 merely describes every manner in which a board vacancy
7 may occur without limiting in any way the duty to fill
8 the vacancy.

9 (3) Section 6, Chapter 699, Acts of the 62nd
10 Legislature, Regular Session, 1971, refers to the
11 "Texas Water Rights Commission." The revised law
12 substitutes "Texas Commission on Environmental
13 Quality" for "Texas Water Rights Commission" to
14 reflect a change in the agency's name. In 1977,
15 Section 9, Chapter 870, Acts of the 65th Legislature,
16 Regular Session, abolished the Texas Water Rights
17 Commission and created the Texas Water Commission.
18 The name of the Texas Water Commission was changed to
19 the Texas Natural Resource Conservation Commission by
20 Section 1.085, Chapter 3, Acts of the 72nd
21 Legislature, 1st Called Session, 1991. The name of the
22 Texas Natural Resource Conservation Commission was
23 changed to the Texas Commission on Environmental
24 Quality by Section 18.01, Chapter 965, Acts of the 77th
25 Legislature, Regular Session, 2001. The revised law
26 is drafted accordingly.

27 SUBCHAPTER C. POWERS AND DUTIES

28 Revised Law

29 Sec. 8392.101. MUNICIPAL UTILITY DISTRICT POWERS. The
30 district has the rights, powers, privileges, and functions
31 conferred by general law applicable to a municipal utility
32 district, including Chapters 49 and 54, Water Code. (Acts 62nd
33 Leg., R.S., Ch. 699, Sec. 5 (part); New.)

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Source Law

Sec. 5. The district is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but

Revisor's Note

(1) Section 5, Chapter 699, Acts of the 62nd Legislature, Regular Session, 1971, provides that the district "is hereby vested with, and shall have and exercise" certain powers. The revised law substitutes "has" for the quoted language because, in context, the terms are synonymous and "has" is more commonly used.

(2) Section 5, Chapter 699, Acts of the 62nd Legislature, Regular Session, 1971, refers to the "rights, powers, privileges, [and] authority" of the district. The revised law omits the reference to "authority" because, in context, "authority" is included in the meaning of "rights, powers, [and] privileges."

(3) Section 5, Chapter 699, Acts of the 62nd Legislature, Regular Session, 1971, grants the district certain powers, "including without limitation those conferred by Chapter 54, Title 4, Water Code." The revised law omits "without limitation" because Section 311.005(13), Government Code (Code Construction Act), provides that "includes" and "including" are terms of enlargement and not of limitation and do not create a presumption that components not expressed are excluded.

(4) Section 5, Chapter 699, Acts of the 62nd Legislature, Regular Session, 1971, refers to Chapter 54, Water Code. For the reader's convenience, the revised law adds a reference to Chapter 49, Water Code, because Chapter 715, Acts of the 74th Legislature,

1 Regular Session, 1995, repealed many provisions of
2 Chapter 54 and enacted similar provisions in Chapter
3 49, Water Code, which applies to the district under
4 Sections 49.001 and 49.002 of that chapter.

5 (5) Section 5, Chapter 699, Acts of the 62nd
6 Legislature, Regular Session, 1971, provides that the
7 act prevails over general law in case of a conflict or
8 other inconsistency and that all general laws
9 applicable to municipal utility districts not in
10 conflict or inconsistent with the provisions of the
11 act are adopted and incorporated by reference. The
12 revised law omits the portion of the provision
13 relating to the act prevailing over general law
14 because it duplicates in substance Section 311.026(b),
15 Government Code (Code Construction Act). The revised
16 law omits the portion of the provision relating to
17 adoption and incorporation of general laws because
18 Section 5 of Chapter 699 (revised as this section)
19 already provides that those laws apply to the
20 district, and it is unnecessary to repeat that
21 authority. The omitted law reads:

22 Sec. 5. . . . if any provision of
23 such general laws shall be in conflict or
24 inconsistent with the provisions of this
25 Act, the provisions of this Act shall
26 prevail. All such general laws applicable
27 to municipal utility districts not in
28 conflict or inconsistent with the
29 provisions of this Act are hereby adopted
30 and incorporated by reference with the same
31 effect as if copied in full in this Act.

32 Revisor's Note
33 (End of Chapter)

34 (1) Section 7, Chapter 699, Acts of the 62nd
35 Legislature, Regular Session, 1971, contains
36 legislative findings relating to the performance of
37 the requirements of Section 59(d), Article XVI, Texas
38 Constitution, and to the authority of the legislature
39 to enact that chapter. The revised law omits the

1 provision as executed. The omitted law reads:

2 Sec. 7. The Legislature specifically
3 finds and declares that the requirements of
4 Article XVI, Section 59(d) of the
5 Constitution of Texas have been performed
6 and accomplished in due course and time and
7 order, and that the Legislature has the
8 power and authority to enact this Act.

9 (2) Section 8, Chapter 699, Acts of the 62nd
10 Legislature, Regular Session, 1971, provides that the
11 act is severable. The revised law omits that provision
12 because it duplicates in substance Section 311.032,
13 Government Code (Code Construction Act), which
14 provides that a provision of a statute is severable
15 from each other provision of the statute that can be
16 given effect. The omitted law reads:

17 Sec. 8. If any word, phrase, clause,
18 paragraph, sentence, part, portion or
19 provision of this Act or the application
20 thereof to any persons or circumstances
21 shall be held to be invalid or
22 unconstitutional, the remainder of the Act
23 shall nevertheless be valid and the
24 Legislature hereby declares that this Act
25 would have been enacted without such
26 invalid or unconstitutional word, phrase,
27 clause, paragraph, sentence, part, portion
28 or provision.

29 CHAPTER 8408. THUNDERBIRD UTILITY DISTRICT

30 SUBCHAPTER A. GENERAL PROVISIONS

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35 SUBCHAPTER B. BOARD OF DIRECTORS

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38 SUBCHAPTER C. POWERS AND DUTIES

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40 CHAPTER 8408. THUNDERBIRD UTILITY DISTRICT

41 SUBCHAPTER A. GENERAL PROVISIONS

42 Revised Law

43 Sec. 8408.001. DEFINITIONS. In this chapter:

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

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

3 (3) "District" means the Thunderbird Utility
4 District. (Acts 62nd Leg., R.S., Ch. 456, Sec. 1 (part); New.)

5 Source Law

6 Sec. 1. . . . [a . . . district] . . . to be
7 known as "Thunderbird Utility District," hereinafter
8 called the "district,"

9 Revisor's Note

10 The definitions of "board" and "director" are
11 added to the revised law for drafting convenience and
12 to eliminate frequent, unnecessary repetition of the
13 substance of the definitions.

14 Revised Law

15 Sec. 8408.002. NATURE OF DISTRICT. The district is a
16 conservation and reclamation district in Fort Bend County created
17 under Section 59, Article XVI, Texas Constitution. (Acts 62nd
18 Leg., R.S., Ch. 456, Sec. 1 (part).)

19 Source Law

20 Sec. 1. . . . there is hereby created and
21 established, under and pursuant to the provisions of
22 Article 16, Section 59, of the Constitution of Texas, a
23 conservation and reclamation district in Fort Bend
24 County, Texas, . . . which shall be a governmental
25 agency and a body politic and corporate. . . .

26 Revisor's Note

27 (1) Section 1, Chapter 456, Acts of the 62nd
28 Legislature, Regular Session, 1971, provides that the
29 district is "created and established." The revised
30 law omits "established" because the meaning of that
31 word is included in the meaning of "created."

32 (2) Section 1, Chapter 456, Acts of the 62nd
33 Legislature, Regular Session, 1971, provides that the
34 district is created notwithstanding certain laws
35 relating to consent. The revised law omits that
36 provision as executed because the district has been
37 created. The omitted law reads:

38 Sec. 1. Notwithstanding provisions

1 of the general laws relating to consent by
2 political subdivisions for the creation of
3 conservation and reclamation districts,
4 [there is hereby created . . . a
5 conservation and reclamation district]
6

7 (3) Section 1, Chapter 456, Acts of the 62nd
8 Legislature, Regular Session, 1971, refers to the
9 district as "a governmental agency and a body politic
10 and corporate." The revised law omits the quoted
11 language because it duplicates a portion of Section
12 59(b), Article XVI, Texas Constitution, which provides
13 that a conservation and reclamation district is a
14 governmental agency and a body politic and corporate.

15 Revised Law

16 Sec. 8408.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
17 The district is created to serve a public use and benefit.

18 (b) All land and other property included in the boundaries
19 of the district will benefit from the works and projects
20 accomplished by the district under the powers conferred by Section
21 59, Article XVI, Texas Constitution.

22 (c) The creation of the district is essential to accomplish
23 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
24 62nd Leg., R.S., Ch. 456, Secs. 1 (part), 3.)

25 Source Law

26 Sec. 1. . . . The creation and establishment of
27 the district is hereby declared to be essential to the
28 accomplishment of the purposes of Article 16, Section
29 59, of the Constitution of Texas.

30 Sec. 3. It is determined and found that all of
31 the land and other property included within the area
32 and boundaries of the district will be benefited by the
33 works and project which are to be accomplished by the
34 district pursuant to the powers conferred by the
35 provisions of Article 16, Section 59, of the
36 Constitution of Texas, and that said district is
37 created to serve a public use and benefit.

38 Revisor's Note

39 (1) Section 1, Chapter 456, Acts of the 62nd
40 Legislature, Regular Session, 1971, provides that the
41 "creation and establishment" of the district are
42 essential to accomplish the purposes of Section 59,

1 Article XVI, Texas Constitution. The revised law
2 omits "establishment" because its meaning is included
3 in the meaning of "creation."

4 (2) Section 3, Chapter 456, Acts of the 62nd
5 Legislature, Regular Session, 1971, refers to land and
6 other property included within the "area and
7 boundaries of the district." The revised law omits the
8 reference to "area" because, in context, "area" is
9 included in the meaning of "boundaries."

10 Revised Law

11 Sec. 8408.004. DISTRICT TERRITORY. (a) The district is
12 composed of the territory described by Section 4, Chapter 456, Acts
13 of the 62nd Legislature, Regular Session, 1971, as that territory
14 may have been modified under:

15 (1) Subchapter H, Chapter 54, Water Code;

16 (2) Subchapter J, Chapter 49, Water Code; or

17 (3) other law.

18 (b) The boundaries and field notes of the district form a
19 closure. A mistake in copying the field notes in the legislative
20 process or another mistake in the field notes does not affect:

21 (1) the district's organization, existence, or
22 validity;

23 (2) the district's right to issue any type of bond for
24 the purpose for which the district is created or to pay the
25 principal of and interest on the bond;

26 (3) the district's right to impose a tax; or

27 (4) the legality or operation of the district or its
28 governing body. (Acts 62nd Leg., R.S., Ch. 456, Sec. 2; New.)

29 Source Law

30 Sec. 2. It is determined and found that the
31 boundaries and field notes of the district form a
32 closure. If any mistake is made in copying the field
33 notes in the legislative process or otherwise a
34 mistake is made in the field notes, it shall in no way
35 affect the organization, existence and validity of the
36 district, or the right of the district to issue any
37 type of bonds or refunding bonds for the purpose for
38 which the district is created or to pay the principal
39 and interest thereon, or the right to assess, levy and

1 collect taxes, or in any other manner affect the
2 legality or operation of the district or its governing
3 body.

4 Revisor's Note

5 (1) The revision of the law governing the
6 district does not revise the statutory language
7 describing the territory of the district to avoid the
8 lengthy recitation of the description and because that
9 description may not be accurate on the effective date
10 of the revision or at the time of a later reading. For
11 the reader's convenience, the revised law includes
12 references to the statutory description of the
13 district's territory and to the authority to change the
14 district's territory under Subchapter H, Chapter 54,
15 Water Code, applicable to municipal utility districts,
16 and under Subchapter J, Chapter 49, Water Code,
17 applicable to the district under Sections 49.001 and
18 49.002 of that chapter. The revised law also includes
19 a reference to the general authority of the
20 legislature to enact a law to change the district's
21 territory.

22 (2) Section 2, Chapter 456, Acts of the 62nd
23 Legislature, Regular Session, 1971, provides that a
24 mistake in the description of the district boundaries
25 does not affect the right of the district to issue "any
26 type of bonds or refunding bonds." The revised law
27 omits the reference to "refunding bonds" because
28 refunding bonds are included in the meaning of "any
29 type of bonds."

30 (3) Section 2, Chapter 456, Acts of the 62nd
31 Legislature, Regular Session, 1971, refers to the
32 district's authority to "assess, levy and collect"
33 taxes. The revised law substitutes "impose" for
34 "assess, levy and collect" because "impose" is the
35 term generally used in Title 1, Tax Code, and includes
36 the assessment, levy, and collection of a tax.

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Revised Law

3 Sec. 8408.051. COMPOSITION OF BOARD. The board is composed
4 of five elected directors. (Acts 62nd Leg., R.S., Ch. 456, Sec. 6
5 (part).)

6 Source Law

7 Sec. 6. . . . Succeeding directors shall be
8 elected or

9 Revisor's Note

10 (1) Section 6, Chapter 456, Acts of the 62nd
11 Legislature, Regular Session, 1971, refers to the
12 initial board of directors and that board's vacancy
13 procedures. The revised law omits the language as
14 executed. The omitted law reads:

15 Sec. 6. Immediately after this Act
16 becomes effective, the following named
17 persons shall be the directors of the
18 district and shall constitute the board of
19 directors of the district:

20 Charles A. Fisher
21 Billy R. Tempel
22 Frank Bender
23 Lynn W. Machen
24 David H. Barnes

25 Said persons shall qualify to serve as
26 directors prior to the first meeting of the
27 board of directors. Should any of the above
28 named directors fail to qualify for any
29 reason, the remaining named directors shall
30 appoint someone to fill such vacancy or
31 vacancies; The directors above
32 named or their duly appointed and qualified
33 successor or successors shall serve until
34 the second Saturday in January, 1973. . . .

35 (2) Section 6, Chapter 456, Acts of the 62nd
36 Legislature, Regular Session, 1971, refers to
37 "[s]ucceeding directors" to distinguish the
38 succeeding directors from the initial directors named
39 in that section. The revised law substitutes "five"
40 for "succeeding" to conform to the number of directors
41 listed in Section 6 (establishing the initial board).

42 (3) Section 6, Chapter 456, Acts of the 62nd
43 Legislature, Regular Session, 1971, provides for
44 directors to be elected or appointed and to serve for

1 the term and in the manner provided by Chapter 54,
2 Water Code. The revised law omits the reference to
3 Chapter 54 because Chapter 715, Acts of the 74th
4 Legislature, Regular Session, 1995, repealed the
5 relevant provisions of Chapter 54 and enacted similar
6 provisions in Chapter 49, Water Code, including
7 Section 49.103, which governs the terms of office and
8 manner of election of directors of a municipal utility
9 district that is required by law to elect its
10 directors. The revised law does not substitute a
11 reference to Chapter 49 for the reference to Chapter 54
12 because Chapter 49 applies to the district under
13 Sections 49.001 and 49.002 of that chapter. The
14 revised law also omits "appointed" because it is clear
15 from the context of Section 6 that the reference
16 applies only to directors appointed to fill vacancies
17 as now provided by Chapter 49. The omitted law reads:

18 Sec. 6. . . . [Succeeding directors
19 shall be elected or] appointed and shall
20 serve for the term and in the manner
21 provided by Chapter 54, Title 4, Water Code,
22 for directors first elected.

23 Revised Law

24 Sec. 8408.052. BOARD VACANCY. (a) Except as provided by
25 Subsection (b), a vacancy in the office of director shall be filled
26 in the manner provided by Section 49.105, Water Code.

27 (b) The Texas Commission on Environmental Quality shall
28 appoint directors to fill all of the vacancies on the board whenever
29 the number of qualified directors is fewer than three. (Acts 62nd
30 Leg., R.S., Ch. 456, Sec. 6 (part); New.)

31 Source Law

32 Sec. 6. . . . [Should any of the above named
33 directors fail to qualify for any reason, the
34 remaining named directors shall appoint someone to
35 fill such vacancy or vacancies;] provided, however,
36 that if at any time the number of qualified directors
37 shall be less than three because of the failure or
38 refusal of one or more directors to qualify or serve or
39 because of his or their death or incapacitation, or for
40 any such other reason, the Texas Water Rights
41 Commission shall appoint the necessary number of

1 directors to fill all vacancies on the board. . . .

2 Revisor's Note

3 (1) Section 6, Chapter 456, Acts of the 62nd
4 Legislature, Regular Session, 1971, governs the manner
5 in which multiple board vacancies are filled. Section
6 49.105, Water Code, governs the manner of filling a
7 vacancy in the office of director of certain
8 districts, including a municipal utility district.
9 Chapter 49, Water Code, applies to the district under
10 Sections 49.001 and 49.002 of that chapter. For that
11 reason and for the convenience of the reader, the
12 revised law adds a reference to Section 49.105.

13 (2) Section 6, Chapter 456, Acts of the 62nd
14 Legislature, Regular Session, 1971, refers to a
15 vacancy in the office of director "because of the
16 failure or refusal of one or more directors to qualify
17 or serve or because of his or their death or
18 incapacitation, or for any such other reason." The
19 revised law omits the quoted language because it
20 merely describes every manner in which a board vacancy
21 may occur without limiting in any way the duty to fill
22 the vacancy.

23 (3) Section 6, Chapter 456, Acts of the 62nd
24 Legislature, Regular Session, 1971, refers to the
25 "Texas Water Rights Commission." The revised law
26 substitutes "Texas Commission on Environmental
27 Quality" for "Texas Water Rights Commission" to
28 reflect a change in the agency's name. In 1977,
29 Section 9, Chapter 870, Acts of the 65th Legislature,
30 Regular Session, abolished the Texas Water Rights
31 Commission and created the Texas Water Commission.
32 The name of the Texas Water Commission was changed to
33 the Texas Natural Resource Conservation Commission by
34 Section 1.085, Chapter 3, Acts of the 72nd
35 Legislature, 1st Called Session, 1991. The name of the

1 Texas Natural Resource Conservation Commission was
2 changed to the Texas Commission on Environmental
3 Quality by Section 18.01, Chapter 965, Acts of the 77th
4 Legislature, Regular Session, 2001. The revised law
5 is drafted accordingly.

6 SUBCHAPTER C. POWERS AND DUTIES

7 Revised Law

8 Sec. 8408.101. MUNICIPAL UTILITY DISTRICT POWERS. The
9 district has the rights, powers, privileges, and functions
10 conferred by general law applicable to a municipal utility
11 district, including Chapters 49 and 54, Water Code. (Acts 62nd
12 Leg., R.S., Ch. 456, Sec. 5 (part); New.)

13 Source Law

14 Sec. 5. The district is hereby vested with, and
15 shall have and exercise, all of the rights, powers,
16 privileges, authority and functions conferred by the
17 general laws of this State applicable to municipal
18 utility districts, including without limitation those
19 conferred by Chapter 54, Title 4, Water Code, but
20

21 Revisor's Note

22 (1) Section 5, Chapter 456, Acts of the 62nd
23 Legislature, Regular Session, 1971, provides that the
24 district "is hereby vested with, and shall have and
25 exercise" certain powers. The revised law substitutes
26 "has" for the quoted language because, in context, the
27 terms are synonymous and "has" is more commonly used.

28 (2) Section 5, Chapter 456, Acts of the 62nd
29 Legislature, Regular Session, 1971, refers to the
30 "rights, powers, privileges, [and] authority" of the
31 district. The revised law omits the reference to
32 "authority" because, in context, "authority" is
33 included in the meaning of "rights, powers, [and]
34 privileges."

35 (3) Section 5, Chapter 456, Acts of the 62nd
36 Legislature, Regular Session, 1971, grants the
37 district certain powers, "including without

1 limitation those conferred by Chapter 54, Title 4,
2 Water Code." The revised law omits "without
3 limitation" because Section 311.005(13), Government
4 Code (Code Construction Act), provides that
5 "including" is a term of enlargement and not of
6 limitation and does not create a presumption that
7 components not expressed are excluded.

8 (4) Section 5, Chapter 456, Acts of the 62nd
9 Legislature, Regular Session, 1971, refers to Chapter
10 54, Water Code. For the reader's convenience, the
11 revised law adds a reference to Chapter 49, Water Code,
12 because Chapter 715, Acts of the 74th Legislature,
13 Regular Session, 1995, repealed many provisions of
14 Chapter 54 and enacted similar provisions in Chapter
15 49, Water Code, which applies to the district under
16 Sections 49.001 and 49.002 of that chapter.

17 (5) Section 5, Chapter 456, Acts of the 62nd
18 Legislature, Regular Session, 1971, provides that the
19 act prevails over general law in case of a conflict or
20 other inconsistency and that all general laws
21 applicable to municipal utility districts not in
22 conflict or inconsistent with the provisions of the
23 act are adopted and incorporated by reference. The
24 revised law omits the portion of the provision
25 relating to the act prevailing over general law
26 because it duplicates in substance Section 311.026(b),
27 Government Code (Code Construction Act). The revised
28 law omits the portion of the provision relating to
29 adoption and incorporation of general laws because the
30 portion of Section 5, Chapter 456, revised as this
31 section, already provides that those laws apply to the
32 district, and it is unnecessary to further adopt and
33 incorporate those laws in this chapter. The omitted
34 law reads:

1 Sec. 5. . . . if any provision of
2 such general laws shall be in conflict or
3 inconsistent with the provisions of this
4 Act, the provisions of this Act shall
5 prevail. All such general laws applicable
6 to municipal utility districts not in
7 conflict or inconsistent with the
8 provisions of this Act are hereby adopted
9 and incorporated by reference with the same
10 effect as if copied in full in this Act.

11 Revisor's Note
12 (End of Chapter)

13 (1) Section 7, Chapter 456, Acts of the 62nd
14 Legislature, Regular Session, 1971, contains
15 legislative findings relating to the performance of
16 the requirements of Section 59(d), Article XVI, Texas
17 Constitution, and to the authority of the legislature
18 to enact that chapter. The revised law omits the
19 provision as executed. The omitted law reads:

20 Sec. 7. The Legislature specifically
21 finds and declares that the requirements of
22 Article 16, Section 59(d) of the
23 Constitution of Texas have been performed
24 and accomplished in due course and time and
25 order, and that the Legislature has the
26 power and authority to enact this Act.

27 (2) Section 8, Chapter 456, Acts of the 62nd
28 Legislature, Regular Session, 1971, provides that the
29 act is severable. The revised law omits that provision
30 because it duplicates in substance Section 311.032,
31 Government Code (Code Construction Act), which
32 provides that a provision of a statute is severable
33 from each other provision of the statute that can be
34 given effect. The omitted law reads:

35 Sec. 8. If any word, phrase, clause,
36 paragraph, sentence, part, portion or
37 provision of this Act or the application
38 thereof to any person or circumstance shall
39 be held to be invalid or unconstitutional,
40 the remainder of this Act shall
41 nevertheless be valid and the Legislature
42 hereby declares that this Act would have
43 been enacted without such invalid or
44 unconstitutional word, phrase, clause,
45 paragraph, sentence, part, portion or
46 provision.

1 CHAPTER 8409. PORT O'CONNOR IMPROVEMENT DISTRICT

2 SUBCHAPTER A. GENERAL PROVISIONS

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19 CHAPTER 8409. PORT O'CONNOR IMPROVEMENT DISTRICT

20 SUBCHAPTER A. GENERAL PROVISIONS

21 Revised Law

22 Sec. 8409.001. DEFINITIONS. In this chapter:

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

24 (2) "Director" means a member of the board.

25 (3) "District" means the Port O'Connor Improvement
26 District. (Acts 65th Leg., R.S., Ch. 693, Secs. 1 (part), 1A; New.)

27 Source Law

28 Sec. 1. . . . [a . . . district] . . . to be
29 known as the Port O'Connor Improvement District,
30

31 Sec. 1A. In this Act:

32 (1) "Board" means the district's board of
33 directors.

34 (2) "District" means the Port O'Connor
35 Improvement District.

36 Revisor's Note

37 The definition of "director" is added to the
38 revised law for drafting convenience and to eliminate

1 frequent, unnecessary repetition of the substance of
2 the definition.

3 Revised Law

4 Sec. 8409.002. NATURE OF DISTRICT. The district is a
5 conservation and reclamation district in Calhoun County created
6 under Section 59, Article XVI, Texas Constitution. (Acts 65th
7 Leg., R.S., Ch. 693, Sec. 1 (part).)

8 Source Law

9 Sec. 1. Pursuant to the provisions of Article
10 XVI, Section 59, of the Texas Constitution, a
11 conservation and reclamation district is created and
12 established in Calhoun County, Texas, . . . which
13 shall be a governmental agency and a body politic and
14 corporate

15 Revisor's Note

16 (1) Section 1, Chapter 693, Acts of the 65th
17 Legislature, Regular Session, 1977, provides that the
18 district is "created and established." The revised
19 law omits "established" because the meaning of that
20 word is included in the meaning of "created."

21 (2) Section 1, Chapter 693, Acts of the 65th
22 Legislature, Regular Session, 1977, refers to the
23 district as "a governmental agency and a body politic
24 and corporate." The revised law omits the quoted
25 language because it duplicates a portion of Section
26 59(b), Article XVI, Texas Constitution, which provides
27 that a conservation and reclamation district is a
28 governmental agency and a body politic and corporate.

29 (3) Sections 1 and 6, Chapter 693, Acts of the
30 65th Legislature, Regular Session, 1977, refer to a
31 confirmation election and provide procedures for
32 holding that election to confirm the district's
33 creation and elect directors. Because the creation of
34 the district has been confirmed in a confirmation
35 election held in 1984 and the initial directors have
36 been elected, the revised law omits those provisions
37 as executed. The omitted law reads:

1 Sec. 1. . . . [a . . . district is
2 created and established] . . . subject to
3 the confirmation election provided for in
4 Section 6 of this Act. . . .

5 Sec. 6. The board of directors shall
6 call and hold a confirmation and director
7 election as provided in Sections
8 54.026-54.029, Water Code.

9 Revised Law

10 Sec. 8409.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
11 The district is created to serve a public use and benefit.

12 (b) All land and other property included in the boundaries
13 of the district will benefit from the works and projects
14 accomplished by the district under the powers conferred by Section
15 59, Article XVI, Texas Constitution.

16 (c) The creation of the district is essential to accomplish
17 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
18 65th Leg., R.S., Ch. 693, Secs. 1 (part), 4.)

19 Source Law

20 Sec. 1. . . . The creation and establishment of
21 the district is declared to be essential to the
22 accomplishment of the purposes of Article XVI, Section
23 59, of the Texas Constitution.

24 Sec. 4. It is determined and found that all of
25 the land and other property included within the area
26 and boundaries of the district will be benefited by the
27 works and projects which are to be accomplished by the
28 district pursuant to the powers conferred by the
29 provisions of Article XVI, Section 59, of the Texas
30 Constitution, and that the district is created to
31 serve a public use and benefit.

32 Revisor's Note

33 (1) Section 1, Chapter 693, Acts of the 65th
34 Legislature, Regular Session, 1977, provides that the
35 "creation and establishment" of the district are
36 essential to accomplish the purposes of Section 59,
37 Article XVI, Texas Constitution. The revised law
38 omits "establishment" because its meaning is included
39 in the meaning of "creation."

40 (2) Section 4, Chapter 693, Acts of the 65th
41 Legislature, Regular Session, 1977, refers to land and
42 other property included within the "area and

1 boundaries of the district." The revised law omits the
2 reference to "area" because, in context, "area" is
3 included in the meaning of "boundaries."

4 Revised Law

5 Sec. 8409.004. DISTRICT TERRITORY. (a) The district is
6 composed of the territory described by Section 2, Chapter 693, Acts
7 of the 65th Legislature, Regular Session, 1977, as that territory
8 may have been modified under:

9 (1) Subchapter H, Chapter 54, Water Code;

10 (2) Subchapter J, Chapter 49, Water Code; or

11 (3) other law.

12 (b) The boundaries and field notes of the district form a
13 closure. A mistake in copying the field notes in the legislative
14 process or another mistake in the field notes does not affect:

15 (1) the district's organization, existence, or
16 validity;

17 (2) the district's right to issue any type of bond for
18 a purpose for which the district is created or to pay the principal
19 of and interest on the bond;

20 (3) the district's right to impose a tax; or

21 (4) the legality or operation of the district or its
22 governing body. (Acts 65th Leg., R.S., Ch. 693, Sec. 3; New.)

23 Source Law

24 Sec. 3. The legislature finds that the
25 boundaries and field notes of the district form a
26 closure. If any mistake is made in copying the field
27 notes in the legislative process or a mistake is
28 otherwise made in the field notes, it shall in no way
29 affect the organization, existence, and validity of
30 the district, or the right of the district to issue any
31 type of bonds or refunding bonds for the purposes for
32 which the district is created or to pay the principal
33 and interest on the bonds, or the right to assess,
34 levy, and collect taxes, or in any other manner affect
35 the legality or operation of the district or its
36 governing body.

37 Revisor's Note

38 (1) The revision of the law governing the
39 district does not revise the statutory language
40 describing the territory of the district to avoid the

1 lengthy recitation of the description and because that
2 description may not be accurate on the effective date
3 of the revision or at the time of a later reading. For
4 the reader's convenience, the revised law includes
5 references to the statutory description of the
6 district's territory and to the authority to change the
7 district's territory under Subchapter H, Chapter 54,
8 Water Code, applicable to municipal utility districts,
9 and under Subchapter J, Chapter 49, Water Code,
10 applicable to the district under Sections 49.001 and
11 49.002 of that chapter. The revised law also includes
12 a reference to the general authority of the
13 legislature to enact a law to change the district's
14 territory.

15 (2) Section 3, Chapter 693, Acts of the 65th
16 Legislature, Regular Session, 1977, provides that a
17 mistake in the description of the district boundaries
18 does not affect the right of the district to issue "any
19 type of bonds or refunding bonds." The revised law
20 omits the reference to "refunding bonds" because
21 refunding bonds are included in the meaning of "any
22 type of bonds."

23 (3) Section 3, Chapter 693, Acts of the 65th
24 Legislature, Regular Session, 1977, refers to the
25 district's authority to "assess, levy, and collect"
26 taxes. The revised law substitutes "impose" for
27 "assess, levy, and collect" because "impose" is the
28 term generally used in Title 1, Tax Code, and includes
29 the assessment, levy, and collection of a tax.

30 SUBCHAPTER B. BOARD OF DIRECTORS

31 Revised Law

32 Sec. 8409.051. COMPOSITION OF BOARD; TERMS. (a) The board
33 is composed of five elected directors.

34 (b) Directors serve staggered terms. (Acts 65th Leg., R.S.,

1 Ch. 693, Sec. 7(b) (part).)

2 Source Law

3 (b) . . . The first elected directors shall draw
4 lots to determine which two directors will serve until
5 the first directors election following the
6 confirmation election, and which three directors will
7 serve until the second directors election following
8 the confirmation election. . . .

9 Revisor's Note

10 (1) Section 7, Chapter 693, Acts of the 65th
11 Legislature, Regular Session, 1977, refers to the
12 temporary board of directors and that board's vacancy
13 procedures. The revised law omits the language as
14 executed. The omitted law reads:

15 Sec. 7. (a) The following named
16 persons shall be the temporary directors of
17 the district and shall constitute the
18 temporary board of directors of the
19 district:

- 20 1. John Taylor
- 21 2. Bill Loden
- 22 3. Joe Bright
- 23 4. Kenneth Clark
- 24 5. Allen Berger

25 (b) These persons shall qualify to
26 serve as directors prior to the first
27 meeting of the board of directors. Should
28 any of these named directors fail to qualify
29 for any reason, the remaining named
30 directors shall appoint someone to fill the
31 vacancy; The directors named in
32 Subsection (a) of this section, or their
33 duly appointed and qualified successors,
34 shall serve until the election of permanent
35 directors,

36 (2) Section 7(b), Chapter 693, Acts of the 65th
37 Legislature, Regular Session, 1977, provides for the
38 first elected directors to draw lots to determine
39 which directors will serve until the first directors'
40 election following the confirmation election and which
41 will serve until the second directors' election
42 following the confirmation election. The revised law
43 preserves the provision for staggered terms but omits
44 the provision regarding the initial election as
45 executed.

46 (3) Section 7(b), Chapter 693, Acts of the 65th
47 Legislature, Regular Session, 1977, provides for the

1 election of initial permanent directors for the
2 district. The revised law omits the provision as
3 executed. The omitted law reads:

4 (b) . . . [permanent directors,] who
5 shall be elected in the manner provided by
6 Sections 54.026-54.029, Water Code. . . .

7 (4) Section 7(b), Chapter 693, Acts of the 65th
8 Legislature, Regular Session, 1977, refers to
9 "permanent directors" to distinguish the permanent
10 directors from the temporary directors named in
11 Section 7(a). The revised law substitutes "five" for
12 "permanent" to conform to the number of directors
13 listed in Section 7(a) (establishing the temporary
14 board).

15 (5) Section 7(b), Chapter 693, Acts of the 65th
16 Legislature, Regular Session, 1977, provides that
17 directors are elected for two-year terms at elections
18 held in the manner provided by Section 54.103, Water
19 Code. The revised law omits the reference to two-year
20 terms and to Section 54.103 because Chapter 715, Acts
21 of the 74th Legislature, Regular Session, 1995,
22 repealed the relevant provisions of Chapter 54, Water
23 Code, and enacted Section 49.103, Water Code, which
24 governs the election of directors of municipal utility
25 districts and specifies four-year terms. Section
26 49.103(e) specifies that to the extent of a conflict,
27 Subsections (a) and (b) of that section prevail over
28 prior enactments. A reference to Section 49.103,
29 Water Code, is unnecessary because that section
30 applies to the district on its own terms. The omitted
31 law reads:

32 (b) . . . Subsequent elections of
33 directors shall be held each year as
34 provided in Section 54.103, Water Code, to
35 elect the appropriate number of directors,
36 and directors elected at those elections
37 shall serve for two-year terms.

1 Revised Law

2 Sec. 8409.052. BOARD VACANCY. (a) Except as provided by
3 Subsection (b), a vacancy in the office of director shall be filled
4 in the manner provided by Section 49.105, Water Code.

5 (b) The Texas Commission on Environmental Quality shall
6 appoint directors to fill all of the vacancies on the board whenever
7 the number of qualified directors is fewer than three. (Acts 65th
8 Leg., R.S., Ch. 693, Sec. 7(b) (part); New.)

9 Source Law

10 (b) . . . [Should any of these named directors
11 fail to qualify for any reason, the remaining named
12 directors shall appoint someone to fill the vacancy;]
13 provided, however, that if at any time the number of
14 qualified directors shall be less than three because
15 of the failure or refusal of one or more directors to
16 qualify or serve or because of his or their death or
17 incapacitation, or for any other reason, the Texas
18 Water Commission shall appoint the necessary number of
19 directors to fill all vacancies on the board. . . .

20 Revisor's Note

21 (1) Section 7(b), Chapter 693, Acts of the 65th
22 Legislature, Regular Session, 1977, governs the manner
23 in which multiple board vacancies are filled. Section
24 49.105, Water Code, governs the manner of filling a
25 vacancy in the office of director of certain
26 districts, including a municipal utility district.
27 Chapter 49, Water Code, applies to the district under
28 Sections 49.001 and 49.002 of that chapter. For that
29 reason and for the convenience of the reader, the
30 revised law adds a reference to Section 49.105.

31 (2) Section 7(b), Chapter 693, Acts of the 65th
32 Legislature, Regular Session, 1977, refers to a
33 vacancy in the office of director "because of the
34 failure or refusal of one or more directors to qualify
35 or serve or because of his or their death or
36 incapacitation, or for any other reason." The revised
37 law omits the quoted language because it merely
38 describes every manner in which a vacancy may occur
39 without limiting in any way the duty to fill a vacancy.

1 (3) Section 7(b), Chapter 693, Acts of the 65th
2 Legislature, Regular Session, 1977, refers to the
3 "Texas Water Commission." The revised law substitutes
4 "Texas Commission on Environmental Quality" for "Texas
5 Water Commission" to reflect a change in the agency's
6 name. The name of the Texas Water Commission was
7 changed to the Texas Natural Resource Conservation
8 Commission by Section 1.085, Chapter 3, Acts of the
9 72nd Legislature, 1st Called Session, 1991. The name
10 of the Texas Natural Resource Conservation Commission
11 was changed to the Texas Commission on Environmental
12 Quality by Section 18.01, Chapter 965, Acts of the 77th
13 Legislature, Regular Session, 2001. The revised law
14 is drafted accordingly.

15 SUBCHAPTER C. POWERS AND DUTIES

16 Revised Law

17 Sec. 8409.101. MUNICIPAL UTILITY DISTRICT POWERS. The
18 district has the rights, powers, privileges, and functions
19 conferred and imposed by general law applicable to a municipal
20 utility district created under Section 59, Article XVI, Texas
21 Constitution, including Chapters 49 and 54, Water Code. (Acts 65th
22 Leg., R.S., Ch. 693, Sec. 5 (part); New.)

23 Source Law

24 Sec. 5. The district is vested with, and shall
25 have and exercise, all of the rights, powers,
26 privileges, authority, and functions conferred and
27 imposed by Chapter 54, Water Code, and other general
28 laws of this state now in force or subsequently
29 enacted, applicable to municipal utility districts
30 created under authority of Article XVI, Section 59, of
31 the Texas Constitution, but

32 Revisor's Note

33 (1) Section 5, Chapter 693, Acts of the 65th
34 Legislature, Regular Session, 1977, provides that the
35 district "is vested with, and shall have and exercise"
36 certain powers. The revised law substitutes "has" for
37 the quoted language because, in context, the terms are
38 synonymous and "has" is more commonly used.

1 (2) Section 5, Chapter 693, Acts of the 65th
2 Legislature, Regular Session, 1977, refers to the
3 "rights, powers, privileges, [and] authority" of the
4 district. The revised law omits the reference to
5 "authority" because, in context, "authority" is
6 included in the meaning of "rights, powers, [and]
7 privileges."

8 (3) Section 5, Chapter 693, Acts of the 65th
9 Legislature, Regular Session, 1977, refers to the
10 general laws of this state "now in force or
11 subsequently enacted." The revised law omits the
12 quoted language because it duplicates accepted general
13 principles of statutory construction. The "general
14 laws of this state" means those laws "in force" at the
15 time the provision was adopted. It is unnecessary to
16 state that the district may be granted additional
17 powers by later enacted laws because those laws apply
18 on their own terms.

19 (4) Section 5, Chapter 693, Acts of the 65th
20 Legislature, Regular Session, 1977, refers to Chapter
21 54, Water Code. For the reader's convenience, the
22 revised law adds a reference to Chapter 49, Water Code,
23 because Chapter 715, Acts of the 74th Legislature,
24 Regular Session, 1995, repealed many provisions of
25 Chapter 54 and enacted similar provisions in Chapter
26 49, Water Code, which applies to the district under
27 Sections 49.001 and 49.002 of that chapter.

28 (5) Section 5, Chapter 693, Acts of the 65th
29 Legislature, Regular Session, 1977, provides that the
30 act prevails over general law in case of a conflict or
31 other inconsistency. The revised law omits the
32 provision because it duplicates in substance Section
33 311.026(b), Government Code (Code Construction Act).
34 The omitted law reads:

1 Sec. 5. . . . if any provision of
2 these laws is in conflict or inconsistent
3 with this Act, this Act shall prevail.

4 SUBCHAPTER D. SALES AND USE TAX

5 Revised Law

6 Sec. 8409.151. APPLICABILITY OF CERTAIN TAX CODE
7 PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition,
8 computation, administration, enforcement, and collection of the
9 sales and use tax authorized by this subchapter, except to the
10 extent Chapter 321, Tax Code, is inconsistent with this subchapter.

11 (b) A reference in Chapter 321, Tax Code, to a municipality
12 or the governing body of a municipality is a reference to the
13 district or the board, respectively. (Acts 65th Leg., R.S., Ch.
14 693, Sec. 11.)

15 Source Law

16 Sec. 11. (a) Chapter 321, Tax Code, governs the
17 imposition, computation, administration, enforcement,
18 and collection of the sales and use tax authorized by
19 Sections 12-15 of this Act except to the extent Chapter
20 321, Tax Code, is inconsistent with those sections.

21 (b) A reference in Chapter 321, Tax Code, to a
22 municipality or the governing body of a municipality
23 is a reference to the district or the board,
24 respectively.

25 Revised Law

26 Sec. 8409.152. ELECTION; ADOPTION OF TAX. (a) The district
27 may adopt a sales and use tax if authorized by a majority of the
28 voters of the district voting at an election held for that purpose.

29 (b) The board by order may call an election to authorize the
30 adoption of the sales and use tax. The election may be held on any
31 uniform election date and in conjunction with any other district
32 election.

33 (c) The district shall provide notice and hold the election
34 in the manner provided by Subchapter D, Chapter 49, Water Code.

35 (d) The ballot shall be printed to provide for voting for or
36 against the proposition: "Authorization of a sales and use tax in
37 the Port O'Connor Improvement District at a rate not to exceed ____
38 percent" (insert rate of one or more increments of one-eighth of one
39 percent). (Acts 65th Leg., R.S., Ch. 693, Sec. 12.)

1 Source Law

2 Sec. 12. (a) The district may adopt a sales and
3 use tax if authorized by a majority of the voters of
4 the district voting at an election held for that
5 purpose.

6 (b) The board by order may call an election to
7 authorize the adoption of the sales and use tax. The
8 election may be held on any uniform election date and
9 in conjunction with any other district election.

10 (c) The district shall provide notice and hold
11 the election in the manner provided by Subchapter D,
12 Chapter 49, Water Code.

13 (d) The ballot shall be printed to provide for
14 voting for or against the proposition: "Authorization
15 of a sales and use tax in the Port O'Connor Improvement
16 District at a rate not to exceed ____ percent" (insert
17 rate of one or more increments of one-eighth of one
18 percent).

19 Revised Law

20 Sec. 8409.153. SALES AND USE TAX RATE. (a) After the date
21 the results are declared of an election held under Section 8409.152
22 at which the voters authorized imposition of a tax, the board shall
23 provide by resolution or order the initial rate of the tax, which
24 must be in one or more increments of one-eighth of one percent.

25 (b) After the authorization of a tax under Section 8409.152,
26 the board may increase or decrease the rate of the tax by one or more
27 increments of one-eighth of one percent.

28 (c) The initial rate of the tax or any rate resulting from
29 subsequent increases or decreases may not exceed the lesser of:

30 (1) the maximum rate authorized at the election held
31 under Section 8409.152; or

32 (2) a rate that, when added to the rates of all sales
33 and use taxes imposed by other political subdivisions with
34 territory in the district, would result in the maximum combined
35 rate prescribed by Section 321.101(f), Tax Code, at any location in
36 the district.

37 (d) In determining whether the combined sales and use tax
38 rate under Subsection (c)(2) would exceed the maximum combined rate
39 prescribed by Section 321.101(f), Tax Code, at any location in the
40 district, the board shall include:

41 (1) any sales and use tax imposed by a political
42 subdivision whose territory overlaps all or part of the district;

1 (2) any sales and use tax to be imposed by Calhoun
2 County as a result of an election held on the same date as the
3 election held under Section 8409.152; and

4 (3) any increase to an existing sales and use tax
5 imposed by Calhoun County as a result of an election held on the
6 same date as the election held under Section 8409.152.

7 (e) The board shall notify the comptroller of any changes
8 made to the tax rate in the same manner the municipal secretary
9 provides notice to the comptroller under Section 321.405(b), Tax
10 Code. (Acts 65th Leg., R.S., Ch. 693, Sec. 13.)

11 Source Law

12 Sec. 13. (a) After the date the results are
13 declared of an election held under Section 12 of this
14 Act at which the voters approved imposition of the tax
15 authorized by that section, the board shall determine
16 and adopt by resolution or order the initial rate of
17 the tax, which must be in one or more increments of
18 one-eighth of one percent.

19 (b) After the election held under Section 12 of
20 this Act, the board may increase or decrease the rate
21 of the tax by one or more increments of one-eighth of
22 one percent.

23 (c) The initial rate of the tax or any rate
24 resulting from subsequent increases or decreases may
25 not exceed the lesser of:

26 (1) the maximum rate authorized by the
27 district voters at the election held under Section 12
28 of this Act; or

29 (2) a rate that, when added to the rates of
30 all sales and use taxes imposed by other political
31 subdivisions with territory in the district, would
32 result in the maximum combined rate prescribed by
33 Section 321.101(f), Tax Code, at any location in the
34 district.

35 (d) In determining whether the combined sales
36 and use tax rate under Subsection (c)(2) of this
37 section would exceed the maximum combined rate
38 prescribed by Section 321.101(f), Tax Code, at any
39 location in the district, the board shall include:

40 (1) any sales and use tax imposed by a
41 political subdivision whose territory overlaps all or
42 part of the district;

43 (2) any sales and use tax to be imposed by
44 Calhoun County as a result of an election held on the
45 same date as the election held under Section 12 of this
46 Act; and

47 (3) any increase to an existing sales and
48 use tax imposed by Calhoun County as a result of an
49 election held on the same date as the election held
50 under Section 12 of this Act.

51 (e) The board shall notify the comptroller of
52 any changes made to the tax rate in the same manner the
53 municipal secretary provides notice to the comptroller
54 under Section 321.405(b), Tax Code.

1 Revisor's Note

2 Section 13(b), Chapter 693, Acts of the 65th
3 Legislature, Regular Session, 1977, provides that the
4 board may increase or decrease the rate of a tax after
5 the election held under Section 12 of that act. The
6 revised law clarifies that the board may take that
7 action only after the authorization of a tax because
8 Section 12, revised as Section 8409.152 of this
9 chapter, provides that the district may adopt a sales
10 and use tax only if authorized by a majority of voters
11 voting at the election.

12 Revised Law

13 Sec. 8409.154. USE OF REVENUE. Revenue from the sales and
14 use tax imposed under Section 8409.153 is for the use and benefit of
15 the district and may be used for any district purpose. The district
16 may pledge all or part of the revenue to the payment of bonds,
17 notes, or other obligations, and that pledge of revenue may be in
18 combination with other revenue, including tax revenue, available to
19 the district. (Acts 65th Leg., R.S., Ch. 693, Sec. 14.)

20 Source Law

21 Sec. 14. Revenue from the sales and use tax
22 imposed under Section 13 of this Act is for the use and
23 benefit of the district and may be used for any
24 district purpose. The district may pledge all or part
25 of the revenue to the payment of bonds, notes, or other
26 obligations, and that pledge of revenue may be in
27 combination with other revenue, including tax revenue,
28 available to the district.

29 Revised Law

30 Sec. 8409.155. ABOLITION OR DECREASE OF TAX. (a) Except as
31 provided by Subsection (b), the board may abolish or decrease the
32 tax imposed under Section 8409.153 without an election.

33 (b) The board may not abolish or decrease the tax imposed
34 under Section 8409.153 if the district has outstanding debt secured
35 by the tax and repayment of the debt would be impaired by the
36 abolition or decrease of the tax.

37 (c) If the board abolishes or decreases the tax, the board
38 shall notify the comptroller of that action in the same manner the

1 municipal secretary provides notice to the comptroller under
2 Section 321.405(b), Tax Code.

3 (d) If the board abolishes the tax or decreases the tax rate
4 to zero, a new election to authorize a sales and use tax must be held
5 under Section 8409.152 before the district may subsequently impose
6 the tax. (Acts 65th Leg., R.S., Ch. 693, Sec. 15.)

7 Source Law

8 Sec. 15. (a) Except as provided by Subsection
9 (b) of this section, the board may abolish or decrease
10 the tax imposed under Section 13 of this Act without an
11 election.

12 (b) The board may not abolish or decrease the
13 tax imposed under Section 13 of this Act if the
14 district has outstanding debt secured by the tax and
15 repayment of the debt would be impaired by the
16 abolition or decrease of the tax.

17 (c) If the board abolishes or decreases the tax,
18 the board shall notify the comptroller of that action
19 in the same manner the municipal secretary provides
20 notice to the comptroller under Section 321.405(b),
21 Tax Code.

22 (d) If the board abolishes the tax or decreases
23 the tax rate to zero, a new election to authorize a
24 sales and use tax must be held under Section 12 of this
25 Act before the district may subsequently impose the
26 tax.

27 Revisor's Note
28 (End of Chapter)

29 (1) Section 8, Chapter 693, Acts of the 65th
30 Legislature, Regular Session, 1977, states that the
31 Municipal Annexation Act (Article 970a, Vernon's Texas
32 Civil Statutes) does not apply to the creation of the
33 district. The revised law omits the provision as
34 executed. The omitted law reads:

35 Sec. 8. This district is created
36 notwithstanding any of the provisions of
37 the Municipal Annexation Act, and to the
38 extent of the creation of the district only,
39 the Municipal Annexation Act shall have no
40 application.

41 (2) Section 9, Chapter 693, Acts of the 65th
42 Legislature, Regular Session, 1977, and Section 5,
43 Chapter 492, Acts of the 83rd Legislature, Regular
44 Session, 2013, contain legislative findings relating
45 to the performance of procedural requirements for the
46 enactment of those chapters under the constitution and

1 other laws and rules. The revised law omits those
2 provisions as executed. The omitted law reads:

3 [Acts 65th Leg., R.S., Ch. 693]

4 Sec. 9. The legislature specifically
5 finds that the requirements of Article XVI,
6 Section 59(d), of the Texas Constitution,
7 have been performed and accomplished in due
8 course and time and order, and that the
9 legislature has the power and authority to
10 enact this law.

11 [Acts 83rd Leg., R.S., Ch. 492]

12 Sec. 5. (a) The legal notice of the
13 intention to introduce this Act, setting
14 forth the general substance of this Act, has
15 been published as provided by law, and the
16 notice and a copy of this Act have been
17 furnished to all persons, agencies,
18 officials, or entities to which they are
19 required to be furnished under Section 59,
20 Article XVI, Texas Constitution, and
21 Chapter 313, Government Code.

22 (b) The governor, one of the required
23 recipients, has submitted the notice and
24 Act to the Texas Commission on
25 Environmental Quality.

26 (c) The Texas Commission on
27 Environmental Quality has filed its
28 recommendations relating to this Act with
29 the governor, the lieutenant governor, and
30 the speaker of the house of representatives
31 within the required time.

32 (d) All requirements of the
33 constitution and laws of this state and the
34 rules and procedures of the legislature
35 with respect to the notice, introduction,
36 and passage of this Act are fulfilled and
37 accomplished.

38 (3) Section 3, Chapter 492, Acts of the 83rd
39 Legislature, Regular Session, 2013, states that the
40 district retains all rights, powers, privileges,
41 authorities, duties, and functions it had prior to the
42 enactment of that act. The revised law omits that
43 provision because an accepted general principle of
44 statutory construction requires a statute to be given
45 cumulative effect with other statutes unless the
46 statute provides otherwise or the statutes are in
47 conflict. Since Chapter 492 provides additional
48 authority to the district and does not otherwise limit
49 or conflict with the district's existing law, the
50 general principle applies to this revision. The
51 omitted law reads:

1 Sec. 3. The Port O'Connor
2 Improvement District retains all rights,
3 powers, privileges, authorities, duties,
4 and functions that it had before the
5 effective date of this Act.

6 (4) Section 4, Chapter 492, Acts of the 83rd
7 Legislature, Regular Session, 2013, provides for the
8 validation of governmental acts and proceedings of the
9 Port O'Connor Improvement District that occurred
10 before the effective date of that act. The revised law
11 omits that provision as executed. Section
12 311.031(a)(2), Government Code (Code Construction
13 Act), provides that the repeal of a statute does not
14 affect any validation previously made under the
15 statute. That section applies to the revised law. The
16 omitted law reads:

17 Sec. 4. (a) The legislature
18 validates and confirms all governmental
19 acts and proceedings of the Port O'Connor
20 Improvement District that were taken before
21 the effective date of this Act.

22 (b) This section does not apply to
23 any matter that on the effective date of
24 this Act:

25 (1) is involved in litigation
26 if the litigation ultimately results in the
27 matter being held invalid by a final court
28 judgment; or

29 (2) has been held invalid by a
30 final court judgment.

31 CHAPTER 8411. SPRING MEADOWS MUNICIPAL UTILITY DISTRICT

32 SUBCHAPTER A. GENERAL PROVISIONS

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41 DUTIES 282

1 CHAPTER 8411. SPRING MEADOWS MUNICIPAL UTILITY DISTRICT

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Revised Law

4 Sec. 8411.001. DEFINITIONS. In this chapter:

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

6 (2) "Director" means a member of the board.

7 (3) "District" means the Spring Meadows Municipal
8 Utility District. (Acts 76th Leg., R.S., Ch. 35, Sec. 2; New.)

9 Source Law

10 Sec. 2. In this Act, "district" means the Spring
11 Meadows Municipal Utility District.

12 Revisor's Note

13 The definitions of "board" and "director" are
14 added to the revised law for drafting convenience and
15 to eliminate frequent, unnecessary repetition of the
16 substance of the definitions.

17 Revised Law

18 Sec. 8411.002. NATURE OF DISTRICT. The district is a
19 conservation and reclamation district in Harris County created
20 under Section 59, Article XVI, Texas Constitution. (Acts 76th
21 Leg., R.S., Ch. 35, Secs. 1(a) (part), (b) (part).)

22 Source Law

23 Sec. 1. (a) A conservation and reclamation
24 district, to be known as the Spring Meadows Municipal
25 Utility District, is created in Harris County,

26 (b) The district is created under and . . .
27 Section 59, Article XVI, Texas Constitution.

28 Revisor's Note

29 (1) Section 1(a), Chapter 35, Acts of the 76th
30 Legislature, Regular Session, 1999, refers to a
31 confirmation election. Because the confirmation
32 election has already been held, the revised law omits
33 the provision as executed. The omitted law reads:

34 (a) . . . subject to approval at a
35 confirmation election under Section 9 of
36 this Act. . . .

37 (2) Section 1(a), Chapter 35, Acts of the 76th
38 Legislature, Regular Session, 1999, provides that the

1 district is a governmental agency and a body politic
2 and corporate. The revised law omits the provision
3 because it duplicates a portion of Section 59(b),
4 Article XVI, Texas Constitution, which provides that a
5 conservation and reclamation district is a
6 governmental agency and a body politic and corporate.
7 The omitted law reads:

8 (a) . . . The district is a
9 governmental agency and a body politic and
10 corporate.

11 Revised Law

12 Sec. 8411.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
13 The district is created to serve a public use and benefit.

14 (b) All land and other property included in the boundaries
15 of the district will benefit from the works and projects
16 accomplished by the district under powers conferred by Section 59,
17 Article XVI, Texas Constitution.

18 (c) The creation of the district is essential to accomplish
19 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
20 76th Leg., R.S., Ch. 35, Secs. 1(b) (part), 5.)

21 Source Law

22 [Sec. 1]

23 (b) [The district is created under and] is
24 essential to accomplish the purposes of Section 59,
25 Article XVI, Texas Constitution.

26 Sec. 5. All of the land and other property
27 included within the boundaries of the district will be
28 benefited by the works and projects that are to be
29 accomplished by the district under powers conferred by
30 Section 59, Article XVI, Texas Constitution. The
31 district is created to serve a public use and benefit.

32 Revised Law

33 Sec. 8411.004. DISTRICT TERRITORY. (a) The district is
34 composed of the territory described by Section 3, Chapter 35, Acts
35 of the 76th Legislature, Regular Session, 1999, as that territory
36 may have been modified under:

- 37 (1) Subchapter H, Chapter 54, Water Code;
38 (2) Subchapter J, Chapter 49, Water Code; or
39 (3) other law.

1 (b) The boundaries and field notes of the district form a
2 closure. A mistake in the field notes or in copying the field notes
3 in the legislative process does not affect:

4 (1) the district's organization, existence, or
5 validity;

6 (2) the district's right to impose a tax; or

7 (3) the legality or operation of the district or its
8 governing body. (Acts 76th Leg., R.S., Ch. 35, Sec. 4; New.)

9 Source Law

10 Sec. 4. The legislature finds that the
11 boundaries and field notes of the district form a
12 closure. A mistake in the field notes or in copying the
13 field notes in the legislative process does not affect
14 the organization, existence, or validity of the
15 district, the right of the district to levy and collect
16 taxes, or the legality or operation of the district or
17 its governing body.

18 Revisor's Note

19 (1) The revision of the law governing the
20 district does not revise the statutory language
21 describing the territory of the district to avoid the
22 lengthy recitation of the description and because that
23 description may not be accurate on the effective date
24 of the revision or at the time of a later reading. For
25 the reader's convenience, the revised law includes
26 references to the statutory description of the
27 district's territory and to the authority to change the
28 district's territory under Subchapter H, Chapter 54,
29 Water Code, applicable to municipal utility districts,
30 and under Subchapter J, Chapter 49, Water Code,
31 applicable to the district under Sections 49.001 and
32 49.002 of that chapter. The revised law also includes
33 a reference to the general authority of the
34 legislature to enact a law to change the district's
35 territory.

36 (2) Section 4, Chapter 35, Acts of the 76th
37 Legislature, Regular Session, 1999, refers to the
38 district's authority to "levy and collect" taxes. The

1 revised law substitutes "impose" for "levy and
2 collect" because "impose" is the term generally used
3 in Title 1, Tax Code, and includes the levy and
4 collection of a tax.

5 SUBCHAPTER B. BOARD OF DIRECTORS

6 Revised Law

7 Sec. 8411.051. COMPOSITION OF BOARD; TERMS. (a) The
8 district is governed by a board of five directors.

9 (b) Directors serve staggered four-year terms. (Acts 76th
10 Leg., R.S., Ch. 35, Secs. 7(a), (d).)

11 Source Law

12 Sec. 7. (a) The district is governed by a board
13 of five directors.

14 (d) Permanent directors serve staggered
15 four-year terms.

16 Revisor's Note

17 (1) Section 7(d), Chapter 35, Acts of the 76th
18 Legislature, Regular Session, 1999, refers to
19 "[p]ermanent" directors. The revised law omits
20 "[p]ermanent." Sections 7(b), (c), and (d) refer to
21 "temporary," "initial," and "permanent" directors to
22 distinguish between the original "temporary"
23 directors, the "initial" directors who immediately
24 succeeded the "temporary" directors after the first
25 election of directors, and subsequently serving
26 "permanent" directors. For the reasons stated in the
27 revisor's notes at the end of this subchapter, the
28 revised law omits provisions regarding "temporary" and
29 "initial" directors. It is therefore no longer
30 necessary to distinguish between "temporary,"
31 "initial," and "permanent" directors, and the revised
32 law is drafted accordingly.

33 (2) Section 7(e), Chapter 35, Acts of the 76th
34 Legislature, Regular Session, 1999, provides that each
35 director must qualify as provided by Section 49.055,

1 Water Code. The revised law omits Section 7(e) because
2 it duplicates in substance Section 49.055, which
3 provides for the qualification of directors and
4 applies to the district under Section 6(a), Chapter
5 35, Acts of the 76th Legislature, Regular Session,
6 1999 (revised in this chapter as Section 8411.101),
7 and under Sections 49.001 and 49.002, Water Code. The
8 omitted law reads:

9 (e) Each director must qualify to
10 serve as director in the manner provided by
11 Section 49.055, Water Code.

12 (3) Section 7(f), Chapter 35, Acts of the 76th
13 Legislature, Regular Session, 1999, provides that a
14 director serves until a successor has qualified. The
15 revised law omits the provision because it duplicates
16 Section 17, Article XVI, Texas Constitution, which
17 provides that an officer in this state continues to
18 perform the officer's official duties until a
19 successor has qualified. The omitted law reads:

20 (f) A director serves until the
21 director's successor has qualified.

22 Revisor's Note
23 (End of Subchapter)

24 (1) Sections 7(b) and (c), Chapter 35, Acts of
25 the 76th Legislature, Regular Session, 1999, provide
26 for the terms of office of "temporary" and "initial"
27 directors of the district. The revised law omits
28 Sections 7(b) and (c) as executed because the terms of
29 the temporary and initial directors have expired. The
30 omitted law reads:

31 (b) Temporary directors serve until
32 initial directors are elected under Section
33 9 of this Act.

34 (c) Initial directors serve until
35 permanent directors are elected under
36 Section 10 of this Act.

37 (2) Section 8, Chapter 35, Acts of the 76th
38 Legislature, Regular Session, 1999, names the
39 temporary directors. Because the temporary directors

1 were appointed and the terms of the temporary
2 directors have expired, the revised law omits that
3 provision as executed. The omitted law reads:

4 Sec. 8. The temporary board of
5 directors is composed of:

- 6 (1) Frank Cope;
7 (2) Riley Verdine;
8 (3) Trent Slovak;
9 (4) _____; and
10 (5) _____.

11 (3) Section 9, Chapter 35, Acts of the 76th
12 Legislature, Regular Session, 1999, provides for the
13 "temporary" board to hold an election to confirm the
14 district's creation and to elect the "initial"
15 directors for the district. The revised law omits that
16 provision as executed because the confirmation and
17 initial directors' elections have been held. The
18 omitted law reads:

19 Sec. 9. (a) The temporary board of
20 directors shall call and hold an election to
21 confirm establishment of the district and
22 to elect five initial directors as provided
23 by Chapter 49, Water Code.

24 (b) Section 41.001(a), Election
25 Code, does not apply to a confirmation
26 election held as provided by this section.

27 (4) Sections 10(a) and (b), Chapter 35, Acts of
28 the 76th Legislature, Regular Session, 1999, provide
29 for the first permanent directors' election following
30 the confirmation election. The revised law omits
31 those provisions as executed because the first
32 permanent directors' election has been held. The
33 omitted law reads:

34 Sec. 10. (a) On the first Saturday
35 in May that occurs in an even-numbered year
36 after the date on which the confirmation
37 election is held, an election shall be held
38 in the district for the election of two
39 directors who shall each serve two-year
40 terms and three directors who shall each
41 serve four-year terms.

42 (b) The board of directors by order
43 may postpone the election for two years if:

- 44 (1) the election will occur
45 within 60 days after the date on which the
46 confirmation election is held; or
47 (2) the board determines that
48 there is not sufficient time to comply with

1 the requirements of law and to order the
2 election.

3 (5) Section 10(c), Chapter 35, Acts of the 76th
4 Legislature, Regular Session, 1999, requires
5 permanent directors' elections to be held on the first
6 Saturday in May of each even-numbered year following
7 the first permanent directors' election. The revised
8 law omits the reference to the year in which the first
9 permanent directors' election was held as executed.
10 The revised law omits the remainder of the provision
11 because it duplicates in substance Section 49.103(b),
12 Water Code. Chapter 49, Water Code, applies to the
13 district under Sections 49.001 and 49.002 of that
14 chapter. Although Section 49.103 refers to the
15 "uniform election date" in May and Section 10(c)
16 refers to the "first Saturday in May," it is clear that
17 the legislature meant the former because "the first
18 Saturday in May" was the uniform election date in 1999.
19 The omitted law reads:

20 (c) On the first Saturday in May of
21 each even-numbered year following the first
22 election held under this section, the
23 appropriate number of directors shall be
24 elected to the board.

25 SUBCHAPTER C. POWERS AND DUTIES

26 Revised Law

27 Sec. 8411.101. MUNICIPAL UTILITY DISTRICT POWERS AND
28 DUTIES. The district has the rights, powers, privileges,
29 functions, and duties provided by the general law of this state,
30 including Chapters 49 and 54, Water Code, applicable to a municipal
31 utility district created under Section 59, Article XVI, Texas
32 Constitution. (Acts 76th Leg., R.S., Ch. 35, Sec. 6(a) (part).)

33 Source Law

34 Sec. 6. (a) The district has all of the rights,
35 powers, privileges, authority, functions, and duties
36 provided by the general law of this state, including
37 Chapters 49 and 54, Water Code, applicable to
38 municipal utility districts created under Section 59,
39 Article XVI, Texas Constitution. . . .

1 Revisor's Note

2 (1) Section 6(a), Chapter 35, Acts of the 76th
3 Legislature, Regular Session, 1999, refers to the
4 "rights, powers, privileges, [and] authority" of the
5 district. The revised law omits "authority" because,
6 in context, "authority" is included in the meaning of
7 "rights, powers, [and] privileges."

8 (2) Section 6(a), Chapter 35, Acts of the 76th
9 Legislature, Regular Session, 1999, provides that the
10 act prevails over general law in case of a conflict or
11 other inconsistency. The revised law omits the
12 provision because it duplicates in substance Section
13 311.026, Government Code (Code Construction Act). The
14 omitted law reads:

15 (a) . . . This Act prevails over any
16 provision of general law that is in conflict
17 or inconsistent with this Act.

18 (3) Section 6(b), Chapter 35, Acts of the 76th
19 Legislature, Regular Session, 1999, refers to the
20 continuing supervision to be exercised by the Texas
21 Natural Resource Conservation Commission. The revised
22 law omits the provision because the Texas Commission
23 on Environmental Quality is the successor to the Texas
24 Natural Resource Conservation Commission and
25 therefore the provision duplicates in substance part
26 of Section 12.081, Water Code, which is a general law
27 that applies to the district. The name of the Texas
28 Natural Resource Conservation Commission was changed
29 to the Texas Commission on Environmental Quality by
30 Section 18.01, Chapter 965, Acts of the 77th
31 Legislature, Regular Session, 2001. The omitted law
32 reads:

33 (b) The rights, powers, privileges,
34 authority, functions, and duties of the
35 district are subject to the continuing
36 right of supervision of the state to be
37 exercised by and through the Texas Natural
38 Resource Conservation Commission.

1 Revisor's Note
2 (End of Chapter)

3 Section 11, Chapter 35, Acts of the 76th
4 Legislature, Regular Session, 1999, recites
5 legislative findings regarding procedural
6 requirements for the creation of the district under
7 the constitution and other laws and rules, including
8 proper legal notice and the filing of recommendations.
9 The revised law omits those provisions as executed.
10 The omitted law reads:

11 Sec. 11. (a) The proper and legal
12 notice of the intention to introduce this
13 Act, setting forth the general substance of
14 this Act, has been published as provided by
15 law, and the notice and a copy of this Act
16 have been furnished to all persons,
17 agencies, officials, or entities to which
18 they are required to be furnished by the
19 constitution and other laws of this state,
20 including the governor, who has submitted
21 the notice and Act to the Texas Natural
22 Resource Conservation Commission.

23 (b) The Texas Natural Resource
24 Conservation Commission has filed its
25 recommendations relating to this Act with
26 the governor, lieutenant governor, and
27 speaker of the house of representatives
28 within the required time.

29 (c) All requirements of the
30 constitution and laws of this state and the
31 rules and procedures of the legislature
32 with respect to the notice, introduction,
33 and passage of this Act are fulfilled and
34 accomplished.

35 CHAPTER 8412. VARNER CREEK UTILITY DISTRICT

36 SUBCHAPTER A. GENERAL PROVISIONS

37 Sec. 8412.001. DEFINITIONS 285
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39 Sec. 8412.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE . . . 286
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41 SUBCHAPTER B. BOARD OF DIRECTORS

42 Sec. 8412.051. COMPOSITION OF BOARD 289
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44 SUBCHAPTER C. POWERS AND DUTIES

45 Sec. 8412.101. MUNICIPAL UTILITY DISTRICT POWERS 292

1 CHAPTER 8412. VARNER CREEK UTILITY DISTRICT

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Revised Law

4 Sec. 8412.001. DEFINITIONS. In this chapter:

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

6 (2) "Director" means a member of the board.

7 (3) "District" means the Varner Creek Utility
8 District. (Acts 62nd Leg., R.S., Ch. 352, Sec. 1 (part); New.)

9 Source Law

10 Sec. 1. . . . [a . . . district] . . . to be
11 known as "Varner Creek Utility District," hereinafter
12 called the "district,"

13 Revisor's Note

14 The definitions of "board" and "director" are
15 added to the revised law for drafting convenience and
16 to eliminate frequent, unnecessary repetition of the
17 substance of the definitions.

18 Revised Law

19 Sec. 8412.002. NATURE OF DISTRICT. The district is a
20 conservation and reclamation district in Brazoria County created
21 under Section 59, Article XVI, Texas Constitution. (Acts 62nd
22 Leg., R.S., Ch. 352, Sec. 1 (part).)

23 Source Law

24 Sec. 1. . . . there is hereby created and
25 established, under and pursuant to the provisions of
26 Article XVI, Section 59 of the Constitution of Texas, a
27 conservation and reclamation district in Brazoria
28 County, Texas, . . . which shall be a governmental
29 agency and a body politic and corporate. . . .

30 Revisor's Note

31 (1) Section 1, Chapter 352, Acts of the 62nd
32 Legislature, Regular Session, 1971, provides that the
33 district is "created and established." The revised
34 law omits "established" because the meaning of that
35 word is included in the meaning of "created."

36 (2) Section 1, Chapter 352, Acts of the 62nd
37 Legislature, Regular Session, 1971, provides that the
38 district is created notwithstanding certain laws

1 relating to consent. The revised law omits that
2 provision as executed because the district has been
3 created. The omitted law reads:

4 Sec. 1. Notwithstanding provisions
5 of the general laws relating to consent by
6 political subdivisions for the creation of
7 conservation and reclamation districts,
8 [there is hereby created . . . a
9 conservation and reclamation district]
10

11 (3) Section 1, Chapter 352, Acts of the 62nd
12 Legislature, Regular Session, 1971, refers to the
13 district as "a governmental agency and a body politic
14 and corporate." The revised law omits the quoted
15 language because it duplicates a portion of Section
16 59(b), Article XVI, Texas Constitution, which provides
17 that a conservation and reclamation district is a
18 governmental agency and a body politic and corporate.

19 Revised Law

20 Sec. 8412.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
21 The district is created to serve a public use and benefit.

22 (b) All land and other property included in the boundaries
23 of the district will benefit from the works and projects
24 accomplished by the district under the powers conferred by Section
25 59, Article XVI, Texas Constitution.

26 (c) The creation of the district is essential to accomplish
27 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
28 62nd Leg., R.S., Ch. 352, Secs. 1 (part), 3.)

29 Source Law

30 Sec. 1. . . . The creation and establishment of
31 the district is hereby declared to be essential to the
32 accomplishment of the purposes of Article XVI, Section
33 59 of the Constitution of Texas.

34 Sec. 3. It is determined and found that all of
35 the land and other property included within the area
36 and boundaries of the district will be benefited by the
37 works and project which are to be accomplished by the
38 district pursuant to the powers conferred by the
39 provisions of Article XVI, Section 59 of the
40 Constitution of Texas, and that said district is
41 created to serve a public use and benefit.

1 Revisor's Note

2 (1) Section 1, Chapter 352, Acts of the 62nd
3 Legislature, Regular Session, 1971, provides that the
4 "creation and establishment" of the district are
5 essential to accomplish the purposes of Section 59,
6 Article XVI, Texas Constitution. The revised law
7 omits "establishment" because its meaning is included
8 in the meaning of "creation."

9 (2) Section 3, Chapter 352, Acts of the 62nd
10 Legislature, Regular Session, 1971, refers to land and
11 other property included within the "area and
12 boundaries of the district." The revised law omits the
13 reference to "area" because, in context, "area" is
14 included in the meaning of "boundaries."

15 Revised Law

16 Sec. 8412.004. DISTRICT TERRITORY. (a) The district is
17 composed of the territory described by Section 4, Chapter 352, Acts
18 of the 62nd Legislature, Regular Session, 1971, as that territory
19 may have been modified under:

- 20 (1) Subchapter H, Chapter 54, Water Code;
21 (2) Subchapter J, Chapter 49, Water Code; or
22 (3) other law.

23 (b) The boundaries and field notes of the district form a
24 closure. A mistake in copying the field notes in the legislative
25 process or another mistake in the field notes does not affect:

- 26 (1) the district's organization, existence, or
27 validity;
28 (2) the district's right to issue any type of bond for
29 a purpose for which the district is created or to pay the principal
30 of and interest on the bond;
31 (3) the district's right to impose a tax; or
32 (4) the legality or operation of the district or its
33 governing body. (Acts 62nd Leg., R.S., Ch. 352, Sec. 2; New.)

1 Source Law

2 Sec. 2. It is determined and found that the
3 boundaries and field notes of the district form a
4 closure. If any mistake is made in copying the field
5 notes in the legislative process or otherwise a
6 mistake is made in the field notes, it shall in no way
7 affect the organization, existence and validity of the
8 district, or the right of the district to issue any
9 type of bonds or refunding bonds for the purposes for
10 which the district is created or to pay the principal
11 and interest thereon, or the right to assess, levy and
12 collect taxes, or in any other manner affect the
13 legality or operation of the district or its governing
14 body.

15 Revisor's Note

16 (1) The revision of the law governing the
17 district does not revise the statutory language
18 describing the territory of the district to avoid the
19 lengthy recitation of the description and because that
20 description may not be accurate on the effective date
21 of the revision or at the time of a later reading. For
22 the reader's convenience, the revised law includes
23 references to the statutory description of the
24 district's territory and to the authority to change the
25 district's territory under Subchapter H, Chapter 54,
26 Water Code, applicable to municipal utility districts,
27 and under Subchapter J, Chapter 49, Water Code,
28 applicable to the district under Sections 49.001 and
29 49.002 of that chapter. The revised law also includes
30 a reference to the general authority of the
31 legislature to enact a law to change the district's
32 territory.

33 (2) Section 2, Chapter 352, Acts of the 62nd
34 Legislature, Regular Session, 1971, provides that a
35 mistake in the description of the district boundaries
36 does not affect the right of the district to issue "any
37 type of bonds or refunding bonds." The revised law
38 omits the reference to "refunding bonds" because
39 refunding bonds are included in the meaning of "any
40 type of bonds."

1 (3) Section 2, Chapter 352, Acts of the 62nd
2 Legislature, Regular Session, 1971, refers to the
3 district's authority to "assess, levy and collect"
4 taxes. The revised law substitutes "impose" for
5 "assess, levy and collect" because "impose" is the
6 term generally used in Title 1, Tax Code, and includes
7 the assessment, levy, and collection of a tax.

8 SUBCHAPTER B. BOARD OF DIRECTORS

9 Revised Law

10 Sec. 8412.051. COMPOSITION OF BOARD. The board is composed
11 of five elected directors. (Acts 62nd Leg., R.S., Ch. 352, Sec. 6
12 (part).)

13 Source Law

14 Sec. 6. . . . Succeeding directors shall be
15 elected or

16 Revisor's Note

17 (1) Section 6, Chapter 352, Acts of the 62nd
18 Legislature, Regular Session, 1971, refers to the
19 initial board of directors and that board's vacancy
20 procedures. The revised law omits the language as
21 executed. The omitted law reads:

22 Sec. 6. Immediately after this Act
23 becomes effective, the following named
24 persons shall be the directors of the
25 district and shall constitute the board of
26 directors of the district:

27 Charles A. Lingo
28 E. R. Karter
29 W. R. Bell, Jr.
30 Clyde A. Wilson, Sr.
31 J. D. Weaver, Jr.

32 Said persons shall qualify to serve as
33 directors prior to the first meeting of the
34 board of directors. Should any of the above
35 named directors fail to qualify for any
36 reason, the remaining named directors shall
37 appoint someone to fill such vacancy or
38 vacancies; The directors above
39 named or their duly appointed and qualified
40 successor or successors shall serve until
41 the second Saturday in January, 1973. . . .

42 (2) Section 6, Chapter 352, Acts of the 62nd
43 Legislature, Regular Session, 1971, refers to
44 "[s]ucceeding directors" to distinguish the

1 succeeding directors from the initial directors named
2 in that section. The revised law substitutes "five"
3 for "succeeding" to conform to the number of directors
4 listed in Section 6 (establishing the initial board).

5 (3) Section 6, Chapter 352, Acts of the 62nd
6 Legislature, Regular Session, 1971, provides for
7 directors to be elected or appointed and to serve for
8 the term and in the manner provided by Chapter 54,
9 Water Code. The revised law omits the reference to
10 Chapter 54 because Chapter 715, Acts of the 74th
11 Legislature, Regular Session, 1995, repealed the
12 relevant provisions of Chapter 54 and enacted similar
13 provisions in Chapter 49, Water Code, including
14 Section 49.103, which governs the terms of office and
15 manner of election of directors of a municipal utility
16 district that is required by law to elect its
17 directors. The revised law does not substitute a
18 reference to Chapter 49 for the reference to Chapter 54
19 because Chapter 49 applies to the district under
20 Sections 49.001 and 49.002 of that chapter. The
21 revised law also omits "appointed" because it is clear
22 from the context of Section 6 that the reference
23 applies only to directors appointed to fill vacancies
24 as now provided by Chapter 49. The omitted law reads:

25 Sec. 6. . . . [Succeeding directors
26 shall be elected or] appointed and shall
27 serve for the term and in the manner
28 provided by Chapter 54, Title 4, Water Code,
29 for directors first elected.

30 Revised Law

31 Sec. 8412.052. BOARD VACANCY. (a) Except as provided by
32 Subsection (b), a vacancy in the office of director shall be filled
33 in the manner provided by Section 49.105, Water Code.

34 (b) The Texas Commission on Environmental Quality shall
35 appoint directors to fill all of the vacancies on the board whenever
36 the number of qualified directors is fewer than three. (Acts 62nd

1 Leg., R.S., Ch. 352, Sec. 6 (part); New.)

2 Source Law

3 Sec. 6. . . . [Should any of the above named
4 directors fail to qualify for any reason, the
5 remaining named directors shall appoint someone to
6 fill such vacancy or vacancies;] provided, however,
7 that if at any time the number of qualified directors
8 shall be less than three because of the failure or
9 refusal of one or more directors to qualify or serve or
10 because of his or their death or incapacitation, or for
11 any such other reason, the Texas Water Rights
12 Commission shall appoint the necessary number of
13 directors to fill all vacancies on the board. . . .

14 Revisor's Note

15 (1) Section 6, Chapter 352, Acts of the 62nd
16 Legislature, Regular Session, 1971, governs the manner
17 in which multiple board vacancies are filled. Section
18 49.105, Water Code, governs the manner of filling a
19 vacancy in the office of director of certain
20 districts, including a municipal utility district.
21 Chapter 49, Water Code, applies to the district under
22 Sections 49.001 and 49.002 of that chapter. For that
23 reason and for the convenience of the reader, the
24 revised law adds a reference to Section 49.105.

25 (2) Section 6, Chapter 352, Acts of the 62nd
26 Legislature, Regular Session, 1971, refers to a
27 vacancy in the office of director "because of the
28 failure or refusal of one or more directors to qualify
29 or serve or because of his or their death or
30 incapacitation, or for any such other reason." The
31 revised law omits the quoted language because it
32 merely describes every manner in which a board vacancy
33 may occur without limiting in any way the duty to fill
34 the vacancy.

35 (3) Section 6, Chapter 352, Acts of the 62nd
36 Legislature, Regular Session, 1971, refers to the
37 "Texas Water Rights Commission." The revised law
38 substitutes "Texas Commission on Environmental
39 Quality" for "Texas Water Rights Commission" to

1 reflect a change in the agency's name. In 1977,
2 Section 9, Chapter 870, Acts of the 65th Legislature,
3 Regular Session, abolished the Texas Water Rights
4 Commission and created the Texas Water Commission.
5 The name of the Texas Water Commission was changed to
6 the Texas Natural Resource Conservation Commission by
7 Section 1.085, Chapter 3, Acts of the 72nd
8 Legislature, 1st Called Session, 1991. The name of the
9 Texas Natural Resource Conservation Commission was
10 changed to the Texas Commission on Environmental
11 Quality by Section 18.01, Chapter 965, Acts of the 77th
12 Legislature, Regular Session, 2001. The revised law
13 is drafted accordingly.

14 SUBCHAPTER C. POWERS AND DUTIES

15 Revised Law

16 Sec. 8412.101. MUNICIPAL UTILITY DISTRICT POWERS. The
17 district has the rights, powers, privileges, and functions
18 conferred by general law applicable to a municipal utility
19 district, including Chapters 49 and 54, Water Code. (Acts 62nd
20 Leg., R.S., Ch. 352, Sec. 5 (part); New.)

21 Source Law

22 Sec. 5. The district is hereby vested with, and
23 shall have and exercise, all of the rights, powers,
24 privileges, authority and functions conferred by the
25 general laws of this state applicable to municipal
26 utility districts, including without limitation those
27 conferred by Chapter 54, Title 4, Water Code, but
28

29 Revisor's Note

30 (1) Section 5, Chapter 352, Acts of the 62nd
31 Legislature, Regular Session, 1971, provides that the
32 district "is hereby vested with, and shall have and
33 exercise" certain powers. The revised law substitutes
34 "has" for the quoted language because, in context, the
35 terms are synonymous and "has" is more commonly used.

36 (2) Section 5, Chapter 352, Acts of the 62nd
37 Legislature, Regular Session, 1971, refers to the

1 "rights, powers, privileges, [and] authority" of the
2 district. The revised law omits the reference to
3 "authority" because, in context, "authority" is
4 included in the meaning of "rights, powers, [and]
5 privileges."

6 (3) Section 5, Chapter 352, Acts of the 62nd
7 Legislature, Regular Session, 1971, grants the
8 district certain powers, "including without
9 limitation those conferred by Chapter 54, Title 4,
10 Water Code." The revised law omits "without
11 limitation" because Section 311.005(13), Government
12 Code (Code Construction Act), provides that "includes"
13 and "including" are terms of enlargement and not of
14 limitation and do not create a presumption that
15 components not expressed are excluded.

16 (4) Section 5, Chapter 352, Acts of the 62nd
17 Legislature, Regular Session, 1971, refers to Chapter
18 54, Water Code. For the reader's convenience, the
19 revised law adds a reference to Chapter 49, Water Code,
20 because Chapter 715, Acts of the 74th Legislature,
21 Regular Session, 1995, repealed many provisions of
22 Chapter 54 and enacted similar provisions in Chapter
23 49, Water Code, which applies to the district under
24 Sections 49.001 and 49.002 of that chapter.

25 (5) Section 5, Chapter 352, Acts of the 62nd
26 Legislature, Regular Session, 1971, provides that the
27 act prevails over general law in case of a conflict or
28 other inconsistency and that all general laws
29 applicable to municipal utility districts not in
30 conflict or inconsistent with the provisions of the
31 act are adopted and incorporated by reference. The
32 revised law omits the portion of the provision
33 relating to the act prevailing over general law
34 because it duplicates in substance Section 311.026(b),

1 Government Code (Code Construction Act). The revised
2 law omits the portion of the provision relating to
3 adoption and incorporation of general laws because the
4 portion of Section 5, Chapter 352, revised as this
5 section already provides that those laws apply to the
6 district, and it is unnecessary to further adopt and
7 incorporate those laws in this chapter. The omitted
8 law reads:

9 Sec. 5. . . . if any provision of
10 such general laws shall be in conflict or
11 inconsistent with the provisions of this
12 Act, the provisions of this Act shall
13 prevail. All such general laws applicable
14 to municipal utility districts not in
15 conflict or inconsistent with the
16 provisions of this Act are hereby adopted
17 and incorporated by reference with the same
18 effect as if copied in full in this Act.

19 Revisor's Note
20 (End of Chapter)

21 (1) Section 7, Chapter 352, Acts of the 62nd
22 Legislature, Regular Session, 1971, contains
23 legislative findings relating to the performance of
24 the requirements of Section 59(d), Article XVI, Texas
25 Constitution, and to the authority of the legislature
26 to enact that chapter. The revised law omits the
27 provision as executed. The omitted law reads:

28 Sec. 7. The Legislature specifically
29 finds and declares that the requirements of
30 Article XVI, Section 59(d) of the
31 Constitution of Texas have been performed
32 and accomplished in due course and time and
33 order, and that the Legislature has the
34 power and authority to enact this Act.

35 (2) Section 8, Chapter 352, Acts of the 62nd
36 Legislature, Regular Session, 1971, provides that the
37 act is severable. The revised law omits that provision
38 because it duplicates in substance Section 311.032,
39 Government Code (Code Construction Act), which
40 provides that a provision of a statute is severable
41 from each other provision of the statute that can be
42 given effect. The omitted law reads:

1 Sec. 8. If any word, phrase, clause,
2 paragraph, sentence, part, portion or
3 provision of this Act or the application
4 thereof to any persons or circumstances
5 shall be held to be invalid or
6 unconstitutional, the remainder of the Act
7 shall nevertheless be valid and the
8 Legislature hereby declares that this Act
9 would have been enacted without such
10 invalid or unconstitutional word, phrase,
11 clause, paragraph, sentence, part, portion
12 or provision.

13 CHAPTER 8415. WEST CEDAR CREEK MUNICIPAL UTILITY DISTRICT

14 SUBCHAPTER A. GENERAL PROVISIONS

15 Sec. 8415.001. DEFINITIONS 295
16 Sec. 8415.002. NATURE OF DISTRICT 296
17 Sec. 8415.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE . . . 297
18 Sec. 8415.004. DISTRICT TERRITORY 297

19 SUBCHAPTER B. BOARD OF DIRECTORS

20 Sec. 8415.051. COMPOSITION OF BOARD; TERMS 300
21 Sec. 8415.052. BOARD VACANCY 302

22 SUBCHAPTER C. POWERS AND DUTIES

23 Sec. 8415.101. MUNICIPAL UTILITY DISTRICT POWERS 303
24 Sec. 8415.102. WATER AND SEWER SYSTEMS 306
25 Sec. 8415.103. TAXES 306

26 CHAPTER 8415. WEST CEDAR CREEK MUNICIPAL UTILITY DISTRICT

27 SUBCHAPTER A. GENERAL PROVISIONS

28 Revised Law

29 Sec. 8415.001. DEFINITIONS. In this chapter:
30 (1) "Board" means the district's board of directors.
31 (2) "Director" means a member of the board.
32 (3) "District" means the West Cedar Creek Municipal
33 Utility District. (Acts 64th Leg., R.S., Ch. 742, Sec. 1 (part);
34 New.)

35 Source Law

36 Sec. 1. . . . [a . . . district] . . . to be
37 known as the West Cedar Creek Municipal Utility
38 District, hereinafter called the "district,"

39 Revisor's Note

40 The definitions of "board" and "director" are
41 added to the revised law for drafting convenience and

1 to eliminate frequent, unnecessary repetition of the
2 substance of the definitions.

3 Revised Law

4 Sec. 8415.002. NATURE OF DISTRICT. The district is a
5 conservation and reclamation district in Henderson County created
6 under Section 59, Article XVI, Texas Constitution. (Acts 64th
7 Leg., R.S., Ch. 742, Sec. 1 (part).)

8 Source Law

9 Sec. 1. Under and pursuant to the provisions of
10 Article XVI, Section 59, of the Texas Constitution and
11 . . . a conservation and reclamation district is
12 created and established in Henderson County, Texas,
13 . . . which shall be a governmental agency and a body
14 politic and corporate. . . .

15 Revisor's Note

16 (1) Section 1, Chapter 742, Acts of the 64th
17 Legislature, Regular Session, 1975, refers to an
18 election to approve the creation of the district.
19 Because the election has already been held, the
20 revised law omits the provision as executed. The
21 omitted law reads:

22 Sec. 1. . . . subject to approval at
23 an election under Section 4 of this Act,
24

25 (2) Section 1, Chapter 742, Acts of the 64th
26 Legislature, Regular Session, 1975, provides that the
27 district is "created and established." The revised
28 law omits "established" because the meaning of that
29 word is included in the meaning of "created."

30 (3) Section 1, Chapter 742, Acts of the 64th
31 Legislature, Regular Session, 1975, refers to the
32 district as "a governmental agency and a body politic
33 and corporate." The revised law omits the quoted
34 language because it duplicates a portion of Section
35 59(b), Article XVI, Texas Constitution, which provides
36 that a conservation and reclamation district is a
37 governmental agency and a body politic and corporate.

1 Revised Law

2 Sec. 8415.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
3 The district is created to serve a public use and benefit.

4 (b) All land and other property included in the boundaries
5 of the district will benefit from the works and projects
6 accomplished by the district under the powers conferred by Section
7 59, Article XVI, Texas Constitution.

8 (c) The creation of the district is essential to accomplish
9 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
10 64th Leg., R.S., Ch. 742, Secs. 1 (part), 5.)

11 Source Law

12 Sec. 1. . . . The creation and establishment of
13 the district is declared to be essential to the
14 accomplishment of the purposes of Article XVI, Section
15 59, of the Texas Constitution.

16 Sec. 5. It is determined and found that all of
17 the land and other property included within the area
18 and boundaries of the district will be benefited by the
19 works and projects which are to be accomplished by the
20 district pursuant to the powers conferred by the
21 provisions of Article XVI, Section 59, of the Texas
22 Constitution, and that said district is created to
23 serve a public use and benefit.

24 Revisor's Note

25 (1) Section 1, Chapter 742, Acts of the 64th
26 Legislature, Regular Session, 1975, states that the
27 "creation and establishment" of the district are
28 essential to accomplish the purposes of Section 59,
29 Article XVI, Texas Constitution. The revised law
30 omits "establishment" because its meaning is included
31 in the meaning of "creation."

32 (2) Section 5, Chapter 742, Acts of the 64th
33 Legislature, Regular Session, 1975, refers to land and
34 other property included within the "area and
35 boundaries of the district." The revised law omits the
36 reference to "area" because, in context, "area" is
37 included in the meaning of "boundaries."

38 Revised Law

39 Sec. 8415.004. DISTRICT TERRITORY. (a) The district is

1 composed of the territory described by Section 2, Chapter 742, Acts
2 of the 64th Legislature, Regular Session, 1975, as that territory
3 may have been modified under:

4 (1) Subchapter H, Chapter 54, Water Code;

5 (2) Subchapter J, Chapter 49, Water Code; or

6 (3) other law.

7 (b) The boundaries and field notes of the district form a
8 closure. A mistake in the field notes or in copying the field notes
9 in the legislative process does not affect:

10 (1) the district's organization, existence, or
11 validity;

12 (2) the district's right to issue any type of bond for
13 a purpose for which the district is created or to pay the principal
14 of and interest on the bond;

15 (3) the district's right to impose a tax; or

16 (4) the legality or operation of the district or its
17 governing body. (Acts 64th Leg., R.S., Ch. 742, Sec. 3; New.)

18 Source Law

19 Sec. 3. It is determined and found that the
20 boundaries and field notes of the district form a
21 closure. If any mistake is made in copying the field
22 notes in the legislative process or otherwise a
23 mistake is made in the field notes, it shall in no way
24 affect the organization, existence, and validity of
25 the district, or the right of the district to issue any
26 type of bonds or refunding bonds for the purposes for
27 which the district is created or to pay the principal
28 of and interest on the bonds, or the right to assess,
29 levy, and collect taxes, or in any other manner affect
30 the legality or operation of the district or its
31 governing body.

32 Revisor's Note

33 (1) The revision of the law governing the
34 district does not revise the statutory language
35 describing the territory of the district to avoid the
36 lengthy recitation of the description and because that
37 description may not be accurate on the effective date
38 of the revision or at the time of a later reading. For
39 the reader's convenience, the revised law includes
40 references to the statutory description of the

1 district's territory and to the authority to change the
2 district's territory under Subchapter H, Chapter 54,
3 Water Code, applicable to municipal utility districts,
4 and under Subchapter J, Chapter 49, Water Code,
5 applicable to the district under Sections 49.001 and
6 49.002 of that chapter. The revised law also includes
7 a reference to the general authority of the
8 legislature to enact a law to change the district's
9 territory.

10 (2) Section 3, Chapter 742, Acts of the 64th
11 Legislature, Regular Session, 1975, provides that a
12 mistake in the description of the district boundaries
13 does not affect the right of the district to issue "any
14 type of bonds or refunding bonds." The revised law
15 omits the reference to "refunding bonds" because
16 refunding bonds are included in the meaning of "any
17 type of bonds."

18 (3) Section 3, Chapter 742, Acts of the 64th
19 Legislature, Regular Session, 1975, refers to the
20 district's authority to "assess, levy, and collect"
21 taxes. The revised law substitutes "impose" for
22 "assess, levy, and collect" because "impose" is the
23 term generally used in Title 1, Tax Code, and includes
24 the assessment, levy, and collection of a tax.

25 Revisor's Note
26 (End of Subchapter)

27 Section 4, Chapter 742, Acts of the 64th
28 Legislature, Regular Session, 1975, provides
29 procedures for holding an election on the creation of
30 the district. Because the election has been held, the
31 revised law omits the provision as executed. The
32 omitted law reads:

33 Sec. 4. Before the West Cedar Creek
34 Municipal Utility District is created and
35 may operate under the provisions of this
36 Act, an election must be held within the
37 boundaries of the proposed district and the

1 qualified electors within the proposed
2 district by a majority vote of those voting
3 in the election must approve the creation of
4 the district. Within 30 days after the
5 effective date of this Act, the
6 Commissioners Court of Henderson County
7 shall call an election to approve the
8 creation of the district and the procedures
9 for the election shall be the same as
10 provided in Sections 55.030-55.036, Water
11 Code. Ballots for the election shall be
12 printed to provide for voting for or against
13 the proposition: "The creation of the West
14 Cedar Creek Municipal Utility District." If
15 a majority of the persons voting at the
16 election vote in favor of creating the
17 district, the district is created and
18 approved, but if a majority of the persons
19 voting at the election vote against the
20 creation of the district, no district shall
21 be created.

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Revised Law

24 Sec. 8415.051. COMPOSITION OF BOARD; TERMS. (a) The board
25 is composed of seven elected directors.

26 (b) Directors serve staggered terms. (Acts 64th Leg., R.S.,
27 Ch. 742, Sec. 8(b) (part).)

28 Source Law

29 (b) . . . The term of office of the first four
30 directors named shall end on the second Saturday in
31 January, 1977, and the term of office of the last three
32 directors named shall be until the second Saturday in
33 January, 1976; thereafter, successors in office shall
34 be elected

35 Revisor's Note

36 (1) Sections 8(a) and (b), Chapter 742, Acts of
37 the 64th Legislature, Regular Session, 1975, refer to
38 the initial board of directors and that board's vacancy
39 procedures. The revised law omits the language as
40 executed. The omitted law reads:

41 Sec. 8. (a) Immediately after
42 approval of the district at an election
43 under Section 4 of this Act, the following
44 named persons shall be the directors of the
45 district and shall constitute the board of
46 directors of the district: Bob Fincher,
47 Bill Forester, John McKee, J. N. Loden, Joe
48 Cox, Dillard Smith, and Clifton Smith, Jr.

49 (b) . . . Should any of the above
50 named directors fail to qualify for any
51 reason, the remaining named directors shall
52 appoint someone to fill such vacancy or
53 vacancies;

1 (2) Section 8(b), Chapter 742, Acts of the 64th
2 Legislature, Regular Session, 1975, refers to
3 "successors in office" to distinguish the succeeding
4 directors from the initial directors named in Section
5 8(a). The revised law substitutes "seven" for
6 "successors" to conform to the number of directors
7 listed in Section 8(a) (establishing the initial
8 board).

9 (3) Section 8(b), Chapter 742, Acts of the 64th
10 Legislature, Regular Session, 1975, prescribes the
11 procedure for staggering the terms of the directors
12 first elected under that act. The revised law revises
13 the establishment of staggered terms but omits the
14 provision relating to the date the initial terms
15 expire as executed.

16 (4) Section 8(b), Chapter 742, Acts of the 64th
17 Legislature, Regular Session, 1975, requires each
18 director to take the constitutional oath of office.
19 The revised law omits that provision because Section
20 1, Article XVI, Texas Constitution, requires an
21 officer of this state to take the constitutional oath
22 (or affirmation) before assuming office. The omitted
23 law reads:

24 (b) Such persons shall qualify to
25 serve as directors by execution of the
26 constitutional oath of office. . . .

27 (5) Section 8(b), Chapter 742, Acts of the 64th
28 Legislature, Regular Session, 1975, provides that
29 directors serve a term of two years. The revised law
30 omits that provision because it was superseded by
31 Section 49.103(a), Water Code, enacted in 1995, which
32 stipulates four-year terms and applies to the district
33 under Sections 49.103(e), 49.001(a), and 49.002, Water
34 Code. The omitted law reads:

35 (b) . . . [successors in office shall
36 be elected] for a term of two years.

1 Revised Law

2 Sec. 8415.052. BOARD VACANCY. (a) Except as provided by
3 Subsection (b), a vacancy in the office of director shall be filled
4 in the manner provided by Section 49.105, Water Code.

5 (b) The Texas Commission on Environmental Quality shall
6 appoint directors to fill all of the vacancies on the board whenever
7 the number of qualified directors is fewer than four. (Acts 64th
8 Leg., R.S., Ch. 742, Sec. 8(b) (part); New.)

9 Source Law

10 (b) . . . [Should any of the above named
11 directors fail to qualify for any reason, the
12 remaining named directors shall appoint someone to
13 fill such vacancy or vacancies;] provided, however,
14 that if at any time the number of qualified directors
15 shall be less than four because of the failure or
16 refusal of one or more directors to qualify or serve or
17 because of his or their death or incapacitation, or for
18 any other reason, the Texas Water Rights Commission
19 shall appoint the necessary number of directors to
20 fill all vacancies on the board. . . .

21 Revisor's Note

22 (1) Section 8(b), Chapter 742, Acts of the 64th
23 Legislature, Regular Session, 1975, governs the manner
24 in which multiple board vacancies are filled. Section
25 49.105, Water Code, governs the manner of filling a
26 vacancy in the office of director of certain
27 districts, including a municipal utility district.
28 Chapter 49, Water Code, applies to the district under
29 Sections 49.001 and 49.002 of that chapter. For that
30 reason and for the convenience of the reader, the
31 revised law adds a reference to Section 49.105.

32 (2) Section 8(b), Chapter 742, Acts of the 64th
33 Legislature, Regular Session, 1975, refers to a
34 vacancy in the office of director "because of the
35 failure or refusal of one or more directors to qualify
36 or serve or because of his or their death or
37 incapacitation, or for any other reason." The revised
38 law omits the quoted language because it merely
39 describes every manner in which a board vacancy may

1 occur without limiting in any way the duty to fill the
2 vacancy.

3 (3) Section 8(b), Chapter 742, Acts of the 64th
4 Legislature, Regular Session, 1975, refers to the
5 "Texas Water Rights Commission." The revised law
6 substitutes "Texas Commission on Environmental
7 Quality" for "Texas Water Rights Commission" to
8 reflect a change in the agency's name. In 1977,
9 Section 9, Chapter 870, Acts of the 65th Legislature,
10 Regular Session, abolished the Texas Water Rights
11 Commission and created the Texas Water Commission.
12 The name of the Texas Water Commission was changed to
13 the Texas Natural Resource Conservation Commission by
14 Section 1.085, Chapter 3, Acts of the 72nd
15 Legislature, 1st Called Session, 1991. The name of the
16 Texas Natural Resource Conservation Commission was
17 changed to the Texas Commission on Environmental
18 Quality by Section 18.01, Chapter 965, Acts of the 77th
19 Legislature, Regular Session, 2001. The revised law
20 is drafted accordingly.

21 SUBCHAPTER C. POWERS AND DUTIES

22 Revised Law

23 Sec. 8415.101. MUNICIPAL UTILITY DISTRICT POWERS. The
24 district has the rights, powers, privileges, and functions
25 conferred and imposed by general law applicable to a municipal
26 utility district created under Section 59, Article XVI, Texas
27 Constitution, including Chapters 49 and 54, Water Code. (Acts 64th
28 Leg., R.S., Ch. 742, Sec. 6 (part).)

29 Source Law

30 Sec. 6. The district is hereby vested with and
31 shall have and exercise all of the rights, powers,
32 privileges, authority, and functions conferred and
33 imposed by the general laws of this state now in force
34 or hereafter enacted, applicable to municipal utility
35 districts created under authority of Article XVI,
36 Section 59, of the Texas Constitution, including
37 without limitation those conferred by Chapter 54,
38 Water Code, but . . .

1 Revisor's Note

2 (1) Section 6, Chapter 742, Acts of the 64th
3 Legislature, Regular Session, 1975, states that the
4 district "is hereby vested with and shall have and
5 exercise" certain powers. The revised law substitutes
6 "has" for the quoted language because, in context, the
7 terms are synonymous and "has" is more commonly used.

8 (2) Section 6, Chapter 742, Acts of the 64th
9 Legislature, Regular Session, 1975, refers to the
10 "rights, powers, privileges, [and] authority" of the
11 district. The revised law omits the reference to
12 "authority" because, in context, "authority" is
13 included in the meaning of "rights, powers, [and]
14 privileges."

15 (3) Section 6, Chapter 742, Acts of the 64th
16 Legislature, Regular Session, 1975, states that the
17 district has the rights, powers, privileges,
18 authority, and functions conferred by the general laws
19 of this state "now in force or hereafter enacted." The
20 revised law omits the quoted language because it
21 duplicates accepted general principles of statutory
22 construction. The "general laws of this state" means
23 those laws "in force" at the time the provision was
24 adopted. It is unnecessary to state that an entity may
25 be granted additional powers by later enacted laws
26 because those laws apply on their own terms.

27 (4) Section 6, Chapter 742, Acts of the 64th
28 Legislature, Regular Session, 1975, grants the
29 district certain powers, "including without
30 limitation those conferred by Chapter 54, Water Code."
31 The revised law omits "without limitation" because
32 Section 311.005(13), Government Code (Code
33 Construction Act), provides that "includes" and
34 "including" are terms of enlargement and not of

1 limitation and do not create a presumption that
2 components not expressed are excluded.

3 (5) Section 6, Chapter 742, Acts of the 64th
4 Legislature, Regular Session, 1975, refers to Chapter
5 54, Water Code. For the reader's convenience, the
6 revised law adds a reference to Chapter 49, Water Code,
7 because Chapter 715, Acts of the 74th Legislature,
8 Regular Session, 1995, repealed many provisions of
9 Chapter 54 and enacted similar provisions in Chapter
10 49, Water Code, which applies to the district under
11 Sections 49.001 and 49.002 of that chapter.

12 (6) Section 6, Chapter 742, Acts of the 64th
13 Legislature, Regular Session, 1975, provides that the
14 act prevails over general law in case of a conflict or
15 other inconsistency and that all general laws
16 applicable to municipal utility districts not in
17 conflict or inconsistent with the provisions of the
18 act are adopted and incorporated by reference. The
19 revised law omits the portion of the provision
20 relating to the act prevailing over general law
21 because it duplicates in substance Section 311.026(b),
22 Government Code (Code Construction Act). The revised
23 law omits the portion of the provision relating to
24 adoption and incorporation of general laws because the
25 portion of Section 6, Chapter 742, revised as this
26 section, already provides that those laws apply to the
27 district, and it is unnecessary to further adopt and
28 incorporate those laws in this chapter. The omitted
29 law reads:

30 Sec. 6. . . . if any provision of
31 such general law shall be in conflict or
32 inconsistent with the provisions of this
33 Act, the provisions of this Act shall
34 prevail. All such general laws not in
35 conflict or inconsistent with the
36 provisions of this Act are hereby adopted
37 and incorporated by reference with the same
38 effect as if copied in full in this Act.

1 Revised Law

2 Sec. 8415.102. WATER AND SEWER SYSTEMS. The district may
3 acquire, and may improve or extend, any existing water or sewer
4 system that serves all or part of the district territory or may
5 construct a water or sewer system to serve the inhabitants of the
6 county in which the district is situated. (Acts 64th Leg., R.S., Ch.
7 742, Sec. 7(a).)

8 Source Law

9 Sec. 7. (a) The district shall have and is
10 given the specific power to acquire any existing water
11 and sewer system, either or both, which serves all or
12 part of the territory situated within its boundaries,
13 and the district may improve and extend such systems,
14 or the district may construct a water and sewer system,
15 either or both, to serve the inhabitants of the county
16 in which the area of the district is situated.

17 Revisor's Note

18 Section 7(a), Chapter 742, Acts of the 64th
19 Legislature, Regular Session, 1975, provides that the
20 district "shall have and is given the specific power"
21 to acquire a water or sewer system. The revised law
22 substitutes "may" for the quoted language because the
23 phrases have the same meaning, and "may" is consistent
24 with modern usage. See, for example, Section
25 311.016(1), Government Code (Code Construction Act),
26 which construes "may."

27 Revised Law

28 Sec. 8415.103. TAXES. The district may not impose a tax
29 unless the tax has been approved by the voters at an election called
30 for that purpose. (Acts 64th Leg., R.S., Ch. 742, Sec. 7(b).)

31 Source Law

32 (b) The district shall have no power to levy
33 taxes unless the same has been approved by the
34 electorate at an election called for the purpose.

35 Revisor's Note

36 (1) Section 7(b), Chapter 742, Acts of the 64th
37 Legislature, Regular Session, 1975, allows the
38 district to "levy" taxes approved by the district
39 electorate. The revised law substitutes "impose" for

1 "levy" for the reason stated in Revisor's Note (3) to
2 Section 8415.004.

3 (2) Section 7(b), Chapter 742, Acts of the 64th
4 Legislature, Regular Session, 1975, refers to the
5 "electorate" voting at an election. The revised law
6 substitutes "voters" for "electorate" because the
7 former is the term used in the Election Code.

8 Revisor's Note
9 (End of Chapter)

10 Section 9, Chapter 742, Acts of the 64th
11 Legislature, Regular Session, 1975, contains
12 legislative findings relating to the performance of
13 the requirements of Sections 59(d) and (e), Article
14 XVI, Texas Constitution, and to the authority of the
15 legislature to enact that chapter. The revised law
16 omits the provision as executed. The omitted law
17 reads:

18 Sec. 9. The legislature specifically
19 finds and declares that the requirements of
20 Article XVI, Sections 59(d) and 59(e), of
21 the Texas Constitution, have been performed
22 and accomplished in due course and time and
23 order, and that the legislature has the
24 power and authority to enact this Act.

25 CHAPTER 8440. WEST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

26 SUBCHAPTER A. GENERAL PROVISIONS

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36 DUTIES 315

1 CHAPTER 8440. WEST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Revised Law

4 Sec. 8440.001. DEFINITIONS. In this chapter:

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

6 (2) "Director" means a member of the board.

7 (3) "District" means West Travis County Municipal
8 Utility District No. 3. (Acts 71st Leg., R.S., Ch. 1212, Sec. 2;
9 New.)

10 Source Law

11 Sec. 2. In this Act, "district" means West
12 Travis County Municipal Utility District No. 3.

13 Revisor's Note

14 The definitions of "board" and "director" are
15 added to the revised law for drafting convenience and
16 to eliminate frequent, unnecessary repetition of the
17 substance of the definitions.

18 Revised Law

19 Sec. 8440.002. NATURE OF DISTRICT. The district is a
20 conservation and reclamation district in Travis County created
21 under Section 59, Article XVI, Texas Constitution. (Acts 71st
22 Leg., R.S., Ch. 1212, Secs. 1(a) (part), (b) (part).)

23 Source Law

24 Sec. 1. (a) A conservation and reclamation
25 district, to be known as West Travis County Municipal
26 Utility District No. 3, is created in Travis County,
27

28 (b) The district is created under and . . .
29 Article XVI, Section 59, of the Texas Constitution.

30 Revisor's Note

31 (1) Section 1(a), Chapter 1212, Acts of the 71st
32 Legislature, Regular Session, 1989, refers to a
33 confirmation election. Because the confirmation
34 election has already been held, the revised law omits
35 the provision as executed. The omitted law reads:

36 (a) . . . subject to approval at a
37 confirmation election under Section 9 of
38 this Act. . . .

1 (2) Section 1(a), Chapter 1212, Acts of the 71st
2 Legislature, Regular Session, 1989, provides that the
3 district is "a governmental agency and a body politic
4 and corporate." The revised law omits the provision
5 because it duplicates a portion of Section 59(b),
6 Article XVI, Texas Constitution, which provides that a
7 conservation and reclamation district is a
8 governmental agency and a body politic and corporate.
9 The omitted law reads:

10 (a) . . . The district is a
11 governmental agency and a body politic and
12 corporate.

13 Revised Law

14 Sec. 8440.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
15 The district is created to serve a public use and benefit.

16 (b) All land and other property included in the district
17 will benefit from the works and projects accomplished by the
18 district under powers conferred by Section 59, Article XVI, Texas
19 Constitution.

20 (c) The creation of the district is essential to accomplish
21 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
22 71st Leg., R.S., Ch. 1212, Secs. 1(b) (part), 5.)

23 Source Law

24 [Sec. 1]

25 (b) [The district is created under and] is
26 essential to accomplish the purposes of [Article XVI,
27 Section 59, of the Texas Constitution].

28 Sec. 5. All of the land and other property
29 included within the boundaries of the district will be
30 benefited by the works and projects that are to be
31 accomplished by the district under powers conferred by
32 Article XVI, Section 59, of the Texas Constitution.
33 The district is created to serve a public use and
34 benefit.

35 Revised Law

36 Sec. 8440.004. DISTRICT TERRITORY. (a) The district is
37 composed of the territory described by Section 3, Chapter 1212,
38 Acts of the 71st Legislature, Regular Session, 1989, as that
39 territory may have been modified under:

40 (1) Subchapter H, Chapter 54, Water Code;

1 (2) Subchapter J, Chapter 49, Water Code; or

2 (3) other law.

3 (b) The boundaries and field notes of the district form a
4 closure. A mistake in the field notes or in copying the field notes
5 in the legislative process does not affect:

6 (1) the district's organization, existence, or
7 validity;

8 (2) the district's right to impose a tax; or

9 (3) the legality or operation of the district or its
10 governing body. (Acts 71st Leg., R.S., Ch. 1212, Sec. 4; New.)

11 Source Law

12 Sec. 4. The legislature finds that the
13 boundaries and field notes of the district form a
14 closure. A mistake in the field notes or in copying
15 the field notes in the legislative process does not
16 affect the organization, existence, or validity of the
17 district, the right of the district to levy and collect
18 taxes, or the legality or operation of the district or
19 its governing body.

20 Revisor's Note

21 (1) The revision of the law governing the
22 district does not revise the statutory language
23 describing the territory of the district to avoid the
24 recitation of the description and because that
25 description may not be accurate on the effective date
26 of the revision or at the time of a later reading. For
27 the reader's convenience, the revised law includes
28 references to the statutory description of the
29 district's territory and to the authority to change the
30 district's territory under Subchapter H, Chapter 54,
31 Water Code, applicable to municipal utility districts,
32 and under Subchapter J, Chapter 49, Water Code,
33 applicable to the district under Sections 49.001 and
34 49.002 of that chapter. The revised law also includes
35 a reference to the general authority of the
36 legislature to enact a law to change the district's
37 territory.

38 (2) Section 4, Chapter 1212, Acts of the 71st

1 Legislature, Regular Session, 1989, refers to the
2 district's authority to "levy and collect" taxes. The
3 revised law substitutes "impose" for "levy and
4 collect" because "impose" is the term generally used
5 in Title 1, Tax Code, and includes the levy and
6 collection of a tax.

7 Revised Law

8 Sec. 8440.005. APPLICATION OF CONDITIONS TO CREATION. The
9 enactment of Chapter 1212, Acts of the 71st Legislature, Regular
10 Session, 1989, did not affect conditions to the consent of the
11 creation of the district imposed by any jurisdiction in which the
12 district is located. (Acts 71st Leg., R.S., Ch. 1212, Sec. 11.)

13 Source Law

14 Sec. 11. Conditions to the consent of the
15 creation of the district imposed by any jurisdiction
16 in which the district is located are not amended,
17 repealed, or otherwise altered by the passage of this
18 Act and remain in full force and effect.

19 Revisor's Note

20 Section 11, Chapter 1212, Acts of the 71st
21 Legislature, Regular Session, 1989, provides that
22 conditions to the consent of the creation of the
23 district imposed by any jurisdiction in which the
24 district is located "are not amended, repealed, or
25 otherwise altered" by the enactment of that chapter.
26 The revised law substitutes "did not affect" for the
27 quoted language because, in the context of this
28 provision, "did not affect" is more concise and is the
29 substantive equivalent of the quoted language.

30 SUBCHAPTER B. BOARD OF DIRECTORS

31 Revised Law

32 Sec. 8440.051. COMPOSITION OF BOARD; TERMS. (a) The
33 district is governed by a board of five directors.

34 (b) Directors serve staggered four-year terms. (Acts 71st
35 Leg., R.S., Ch. 1212, Secs. 7(a), (d).)

1 Source Law

2 Sec. 7. (a) The district is governed by a board
3 of five directors.

4 (d) Permanent directors other than initial
5 permanent directors serve staggered four-year terms.

6 Revisor's Note

7 (1) Section 7(d), Chapter 1212, Acts of the 71st
8 Legislature, Regular Session, 1989, refers to
9 "[p]ermanent directors other than initial permanent
10 directors." The revised law omits "permanent" and
11 "other than initial permanent directors" as
12 unnecessary because provisions relating to those
13 distinctions have been executed.

14 (2) Sections 7(b) and (c), Chapter 1212, Acts of
15 the 71st Legislature, Regular Session, 1989, refer to
16 the temporary directors and the initial permanent
17 directors. The revised law omits Sections 7(b) and (c)
18 as executed because the terms of the temporary
19 directors and initial permanent directors have
20 expired. The omitted law reads:

21 (b) Temporary directors serve until
22 initial permanent directors are elected
23 under Section 9.

24 (c) Initial permanent directors
25 serve until permanent directors are elected
26 under Section 10.

27 (3) Section 7(e), Chapter 1212, Acts of the 71st
28 Legislature, Regular Session, 1989, requires a
29 director to qualify to serve in the manner provided by
30 Section 54.025 or 54.116, Water Code. The revised law
31 omits the reference to Section 54.025, Water Code, as
32 executed, because that section refers to the
33 qualification of a temporary director. The revised
34 law omits the reference to Section 54.116, Water Code,
35 because that section was repealed by Chapter 715, Acts
36 of the 74th Legislature, Regular Session, 1995.
37 Chapter 715 also enacted Section 49.055, Water Code,
38 which contains the qualification procedures for a

1 director of a municipal utility district. A reference
2 to Section 49.055, Water Code, is unnecessary because
3 that section applies to the district under Sections
4 49.001 and 49.002, Water Code. The omitted law reads:

5 (e) Each director must qualify to
6 serve as director in the manner provided by
7 Section 54.025 or 54.116, Water Code, as
8 appropriate.

9 (4) Section 7(f), Chapter 1212, Acts of the 71st
10 Legislature, Regular Session, 1989, provides that a
11 director serves until a successor has qualified. The
12 revised law omits the provision as unnecessary because
13 it duplicates Section 17, Article XVI, Texas
14 Constitution. That section requires an officer in
15 this state to continue to perform the officer's duties
16 until the successor has qualified. The omitted law
17 reads:

18 (f) A director serves until the
19 director's successor has qualified.

20 Revisor's Note
21 (End of Subchapter)

22 (1) Section 8, Chapter 1212, Acts of the 71st
23 Legislature, Regular Session, 1989, names and provides
24 for the qualification of and for filling vacancies on
25 the temporary board of directors. The revised law
26 omits that section as executed. The omitted law reads:

27 Sec. 8. (a) The temporary board of
28 directors is composed of:

- 29 (1) William T. Gunn III
- 30 (2) David McNeil
- 31 (3) James Shay
- 32 (4) Rayden Spracklen
- 33 (5) A. Leon Thompson

34 (b) If a temporary director fails to
35 qualify for office, the temporary directors
36 who have qualified shall appoint a person to
37 fill the vacancy. If at any time there are
38 fewer than three qualified temporary
39 directors, the Texas Water Commission shall
40 appoint the necessary number of persons to
41 fill all vacancies on the board.

42 (2) Section 9, Chapter 1212, Acts of the 71st
43 Legislature, Regular Session, 1989, provides for the
44 "temporary" board to conduct an election for the

1 district's initial elected board and to confirm the
2 district's creation. The revised law omits the section
3 as executed. The omitted law reads:

4 Sec. 9. (a) The temporary board of
5 directors shall call and hold an election to
6 confirm establishment of the district and
7 to elect five initial directors as provided
8 by Chapter 54, Water Code.

9 (b) Subsection (a), Section 41.001,
10 Election Code, does not apply to a
11 confirmation election held as provided by
12 this section.

13 (3) Section 10, Chapter 1212, Acts of the 71st
14 Legislature, Regular Session, 1989, provides that
15 after the district's confirmation election the
16 district shall hold a directors election to elect
17 initial directors with staggered terms and shall hold
18 subsequent elections for directors every second year
19 afterwards on the first Saturday in May. The revised
20 law omits those provisions as executed for the initial
21 election and as superseded for subsequent elections by
22 the 1995 enactment of Section 49.103, Water Code,
23 applicable to the district under Sections 49.001,
24 49.002, and 49.103(e), Water Code. Section 49.103
25 requires the election of the appropriate number of
26 directors to be held on the uniform election date in
27 May of even-numbered years. Section 49.103(e), Water
28 Code, provides that the provisions of Section
29 49.103(b) take precedence over all prior statutory
30 enactments. The omitted law reads:

31 Sec. 10. On the first Saturday in May
32 of the second year after the year in which
33 the confirmation election is held, an
34 election shall be held in the district for
35 the election of two directors who shall each
36 serve two-year terms and three directors
37 who shall each serve four-year terms.
38 Thereafter, on the same date in each
39 subsequent second year, the appropriate
40 number of directors shall be elected to the
41 board.

1 SUBCHAPTER C. POWERS AND DUTIES

2 Revised Law

3 Sec. 8440.101. MUNICIPAL UTILITY DISTRICT POWERS AND
4 DUTIES. The district has the rights, powers, privileges,
5 functions, and duties provided by general law, including Chapters
6 49, 50, and 54, Water Code, applicable to a municipal utility
7 district created under Section 59, Article XVI, Texas Constitution.
8 (Acts 71st Leg., R.S., Ch. 1212, Sec. 6(a) (part); New.)

9 Source Law

10 Sec. 6. (a) The district has all of the rights,
11 powers, privileges, authority, functions, and duties
12 provided by the general law of this state, including
13 Chapters 50 and 54, Water Code, applicable to
14 municipal utility districts created under Article XVI,
15 Section 59, of the Texas Constitution. . . .

16 Revisor's Note

17 (1) Section 6(a), Chapter 1212, Acts of the 71st
18 Legislature, Regular Session, 1989, refers to the
19 "rights, powers, privileges, [and] authority" of the
20 district. The revised law omits "authority" because,
21 in context, "authority" is included in the meaning of
22 "rights, powers, [and] privileges."

23 (2) Section 6(a), Chapter 1212, Acts of the 71st
24 Legislature, Regular Session, 1989, refers to Chapters
25 50 and 54, Water Code. For the reader's convenience,
26 the revised law adds a reference to Chapter 49, Water
27 Code, because Chapter 715, Acts of the 74th
28 Legislature, Regular Session, 1995, repealed most of
29 the provisions of Chapter 50 and many provisions of
30 Chapter 54 and enacted similar provisions in Chapter
31 49, Water Code. Chapter 49 applies to municipal
32 utility districts under Sections 49.001 and 49.002,
33 Water Code.

34 (3) Section 6(a), Chapter 1212, Acts of the 71st
35 Legislature, Regular Session, 1989, provides that the
36 act prevails over general law in case of a conflict or
37 inconsistency. The revised law omits the provision

1 because it duplicates in substance Section 311.026(b),
2 Government Code (Code Construction Act). The omitted
3 law reads:

4 (a) . . . This Act prevails over any
5 provision of general law that is in conflict
6 or inconsistent with this Act.

7 (4) Section 6(b), Chapter 1212, Acts of the 71st
8 Legislature, Regular Session, 1989, refers to the
9 continuing right of supervision to be exercised by the
10 Texas Water Commission. The revised law omits the
11 provision because the Texas Commission on
12 Environmental Quality is the successor to the Texas
13 Water Commission and therefore the provision
14 duplicates, in substance, part of Section 12.081,
15 Water Code, which applies to the district. The omitted
16 law reads:

17 (b) The rights, powers, privileges,
18 authority, functions, and duties of the
19 district are subject to the continuing
20 right of supervision of the state to be
21 exercised by and through the Texas Water
22 Commission.

23 Revisor's Note
24 (End of Chapter)

25 Section 12, Chapter 1212, Acts of the 71st
26 Legislature, Regular Session, 1989, provides that the
27 notice, introduction, and passage of the act satisfied
28 the requirements of the Texas Constitution, other laws
29 of this state, and rules and procedures of the
30 legislature. Section 12 also provides that the Texas
31 Water Commission timely filed recommendations
32 relating to the act. The revised law omits these
33 provisions as executed. The omitted law reads:

34 Sec. 12. (a) The proper and legal
35 notice of the intention to introduce this
36 Act, setting forth the general substance of
37 this Act, has been published as provided by
38 law, and the notice and a copy of this Act
39 have been furnished to all persons,
40 agencies, officials, or entities to which
41 they are required to be furnished by the
42 constitution and other laws of this state,
43 including the governor, who has submitted

1 the notice and Act to the Texas Water
2 Commission.

3 (b) The Texas Water Commission has
4 filed its recommendations relating to this
5 Act with the governor, lieutenant governor,
6 and speaker of the house of representatives
7 within the required time.

8 (c) All requirements of the
9 constitution and laws of this state and the
10 rules and procedures of the legislature
11 with respect to the notice, introduction,
12 and passage of this Act are fulfilled and
13 accomplished.

14 CHAPTER 8481. WEST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5

15 SUBCHAPTER A. GENERAL PROVISIONS

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23 SUBCHAPTER C. POWERS AND DUTIES

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25 CHAPTER 8481. WEST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Revised Law

28 Sec. 8481.001. DEFINITIONS. In this chapter:

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

30 (2) "Director" means a member of the board.

31 (3) "District" means the West Travis County Municipal
32 Utility District No. 5. (Acts 71st Leg., R.S., Ch. 1214, Sec. 2;
33 New.)

34 Source Law

35 Sec. 2. In this Act, "district" means West
36 Travis County Municipal Utility District No. 5.

37 Revisor's Note

38 The definitions of "board" and "director" are
39 added to the revised law for drafting convenience and
40 to eliminate frequent, unnecessary repetition of the
41 substance of the definitions.

1 Texas Constitution.

2 (c) The creation of the district is essential to accomplish
3 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
4 71st Leg., R.S., Ch. 1214, Secs. 1(b) (part), 5.)

5 Source Law

6 [Sec. 1]

7 (b) [The district is created under and] is
8 essential to accomplish the purposes of [Article XVI,
9 Section 59, of the Texas Constitution].

10 Sec. 5. All of the land and other property
11 included within the boundaries of the district will be
12 benefited by the works and projects that are to be
13 accomplished by the district under powers conferred by
14 Article XVI, Section 59, of the Texas Constitution.
15 The district is created to serve a public use and
16 benefit.

17 Revised Law

18 Sec. 8481.004. DISTRICT TERRITORY. (a) The district is
19 composed of the territory described by Section 3, Chapter 1214,
20 Acts of the 71st Legislature, Regular Session, 1989, as that
21 territory may have been modified under:

22 (1) Subchapter H, Chapter 54, Water Code;

23 (2) Subchapter J, Chapter 49, Water Code; or

24 (3) other law.

25 (b) The boundaries and field notes of the district form a
26 closure. A mistake in the field notes or in copying the field notes
27 in the legislative process does not affect:

28 (1) the district's organization, existence, or
29 validity;

30 (2) the district's right to impose a tax; or

31 (3) the legality or operation of the district or its
32 governing body. (Acts 71st Leg., R.S., Ch. 1214, Sec. 4; New.)

33 Source Law

34 Sec. 4. The legislature finds that the
35 boundaries and field notes of the district form a
36 closure. A mistake in the field notes or in copying
37 the field notes in the legislative process does not
38 affect the organization, existence, or validity of the
39 district, the right of the district to levy and collect
40 taxes, or the legality or operation of the district or
41 its governing body.

1 Revisor's Note

2 (1) The revision of the law governing the
3 district does not revise the statutory language
4 describing the territory of the district to avoid the
5 recitation of the description and because that
6 description may not be accurate on the effective date
7 of the revision or at the time of a later reading. For
8 the reader's convenience, the revised law includes
9 references to the statutory description of the
10 district's territory and to the authority to change the
11 district's territory under Subchapter H, Chapter 54,
12 Water Code, applicable to municipal utility districts,
13 and under Subchapter J, Chapter 49, Water Code,
14 applicable to the district under Sections 49.001 and
15 49.002 of that chapter. The revised law also includes
16 a reference to the general authority of the
17 legislature to enact a law to change the district's
18 territory.

19 (2) Section 4, Chapter 1214, Acts of the 71st
20 Legislature, Regular Session, 1989, refers to the
21 district's authority to "levy and collect" taxes. The
22 revised law substitutes "impose" for "levy and
23 collect" because "impose" is the term generally used
24 in Title 1, Tax Code, and includes the levy and
25 collection of a tax.

26 Revised Law

27 Sec. 8481.005. APPLICATION OF CONDITIONS TO CREATION. The
28 enactment of Chapter 1214, Acts of the 71st Legislature, Regular
29 Session, 1989, did not affect conditions to the consent of the
30 creation of the district imposed by any jurisdiction in which the
31 district is located. (Acts 71st Leg., R.S., Ch. 1214, Sec. 11.)

32 Source Law

33 Sec. 11. Conditions to the consent of the
34 creation of the district imposed by any jurisdiction
35 in which the district is located are not amended,
36 repealed, or otherwise altered by the passage of this

1 Act and remain in full force and effect.

2 Revisor's Note

3 Section 11, Chapter 1214, Acts of the 71st
4 Legislature, Regular Session, 1989, provides that
5 conditions to the consent of the creation of the
6 district imposed by any jurisdiction in which the
7 district is located "are not amended, repealed, or
8 otherwise altered" by the enactment of that chapter.
9 The revised law substitutes "did not affect" for the
10 quoted language because, in the context of this
11 provision, "did not affect" is more concise and is the
12 substantive equivalent of the quoted language.

13 SUBCHAPTER B. BOARD OF DIRECTORS

14 Revised Law

15 Sec. 8481.051. COMPOSITION OF BOARD; TERMS. (a) The
16 district is governed by a board of five directors.

17 (b) Directors serve staggered four-year terms. (Acts 71st
18 Leg., R.S., Ch. 1214, Secs. 7(a), (d).)

19 Source Law

20 Sec. 7. (a) The district is governed by a board
21 of five directors.

22 (d) Permanent directors other than initial
23 permanent directors serve staggered four-year terms.

24 Revisor's Note

25 (1) Section 7(d), Chapter 1214, Acts of the 71st
26 Legislature, Regular Session, 1989, refers to
27 "[p]ermanent directors other than initial permanent
28 directors." The revised law omits "permanent" and
29 "other than initial permanent directors" as
30 unnecessary because provisions relating to those
31 distinctions have been executed.

32 (2) Sections 7(b) and (c), Chapter 1214, Acts of
33 the 71st Legislature, Regular Session, 1989, refer to
34 the temporary directors and the initial permanent
35 directors. The revised law omits Sections 7(b) and (c)
36 as executed because the terms of the temporary

1 directors and initial permanent directors have
2 expired. The omitted law reads:

3 (b) Temporary directors serve until
4 initial permanent directors are elected
5 under Section 9 of this Act.

6 (c) Initial permanent directors
7 serve until permanent directors are elected
8 under Section 10 of this Act.

9 (3) Section 7(e), Chapter 1214, Acts of the 71st
10 Legislature, Regular Session, 1989, requires a
11 director to qualify to serve in the manner provided by
12 Section 54.025 or 54.116, Water Code. The revised law
13 omits the reference to Section 54.025, Water Code, as
14 executed, because that section refers to the
15 qualification of a temporary director. The revised
16 law omits the reference to Section 54.116, Water Code,
17 because that section was repealed by Chapter 715, Acts
18 of the 74th Legislature, Regular Session, 1995.
19 Chapter 715 also enacted Section 49.055, Water Code,
20 which contains the qualification procedures for a
21 director of a municipal utility district. A reference
22 to Section 49.055, Water Code, is unnecessary because
23 that section applies to the district under Sections
24 49.001 and 49.002, Water Code. The omitted law reads:

25 (e) Each director must qualify to
26 serve as director in the manner provided by
27 Section 54.025 or 54.116, Water Code, as
28 appropriate.

29 (4) Section 7(f), Chapter 1214, Acts of the 71st
30 Legislature, Regular Session, 1989, provides that a
31 director serves until a successor has qualified. The
32 revised law omits the provision as unnecessary because
33 it duplicates Section 17, Article XVI, Texas
34 Constitution. That section requires an officer in
35 this state to continue to perform the officer's duties
36 until the successor has qualified. The omitted law
37 reads:

38 (f) A director serves until the
39 director's successor has qualified.

1 Revisor's Note
2 (End of Subchapter)

3 (1) Section 8, Chapter 1214, Acts of the 71st
4 Legislature, Regular Session, 1989, names and provides
5 for the qualification of and for filling vacancies on
6 the temporary board of directors. The revised law
7 omits that section as executed. The omitted law reads:

8 Sec. 8. (a) The temporary board of
9 directors is composed of:

- 10 (1) Gregory Baxter
11 (2) Robert Michael Mann
12 (3) Phillip McClain
13 (4) Joseph F. Pinnelli
14 (5) John Robb Southerland

15 (b) If a temporary director fails to
16 qualify for office, the temporary directors
17 who have qualified shall appoint a person to
18 fill the vacancy. If at any time there are
19 fewer than three qualified temporary
20 directors, the Texas Water Commission shall
21 appoint the necessary number of persons to
22 fill all vacancies on the board.

23 (2) Section 9, Chapter 1214, Acts of the 71st
24 Legislature, Regular Session, 1989, provides for the
25 "temporary" board to conduct an election for the
26 district's initial elected board and to confirm the
27 district's creation. The revised law omits the section
28 as executed. The omitted law reads:

29 Sec. 9. (a) The temporary board of
30 directors shall call and hold an election to
31 confirm establishment of the district and
32 to elect five initial directors as provided
33 by Chapter 54, Water Code.

34 (b) Subsection (a), Section 41.001,
35 Election Code, does not apply to a
36 confirmation election held as provided by
37 this section.

38 (3) Section 10, Chapter 1214, Acts of the 71st
39 Legislature, Regular Session, 1989, provides that
40 after the district's confirmation election the
41 district shall hold a directors election to elect
42 initial directors with staggered terms and shall hold
43 subsequent elections for directors every second year
44 afterwards on the first Saturday in May. The revised
45 law omits those provisions as executed for the initial
46 election and as superseded for subsequent elections by

1 the 1995 enactment of Section 49.103, Water Code,
2 applicable to the district under Sections 49.001,
3 49.002, and 49.103(e), Water Code. Section 49.103
4 requires the election of the appropriate number of
5 directors to be held on the uniform election date in
6 May of even-numbered years. Section 49.103(e), Water
7 Code, provides that the provisions of Section
8 49.103(b) take precedence over all prior statutory
9 enactments. The omitted law reads:

10 Sec. 10. On the first Saturday in May
11 of the second year after the year in which
12 the confirmation election is held, an
13 election shall be held in the district for
14 the election of two directors who shall each
15 serve two-year terms and three directors
16 who shall each serve four-year terms.
17 Thereafter, on the same date in each
18 subsequent second year, the appropriate
19 number of directors shall be elected to the
20 board.

21 SUBCHAPTER C. POWERS AND DUTIES

22 Revised Law

23 Sec. 8481.101. GENERAL POWERS AND DUTIES. (a) The district
24 has the rights, powers, privileges, functions, and duties:

25 (1) provided by general law applicable to a municipal
26 utility district created under Section 59, Article XVI, Texas
27 Constitution, including Chapters 49, 50, and 54, Water Code;

28 (2) relating to a road district or road utility
29 district created under Section 52, Article III, Texas Constitution;
30 and

31 (3) relating to a supply and distribution facility or
32 system in order to provide potable and nonpotable water to the
33 residents and businesses of Travis and Hays Counties.

34 (b) Notwithstanding Subsections (a)(2) and (3), the
35 district may not construct, acquire, maintain, or operate a toll
36 road. (Acts 71st Leg., R.S., Ch. 1214, Secs. 6(a) (part), (c),
37 (d).)

38 Source Law

39 Sec. 6. (a) The district has all of the rights,
40 powers, privileges, authority, functions, and duties

1 provided by the general law of this state, including
2 Chapters 50 and 54, Water Code, applicable to
3 municipal utility districts created under Article XVI,
4 Section 59, of the Texas Constitution. . . .

5 (c) In addition to the rights, powers,
6 privileges, authority, functions, and duties under
7 Subsection (a) of this section, the district has all of
8 the rights, powers, privileges, authority, functions,
9 and duties relating to:

10 (1) road districts and road utility
11 districts created under Section 52, Article III, Texas
12 Constitution; and

13 (2) supply and distribution facilities or
14 systems to provide potable and nonpotable water to the
15 residents and businesses of Travis and Hays Counties.

16 (d) Notwithstanding Subsection (c) of this
17 section, the district may not construct, acquire,
18 maintain, or operate a toll road.

19 Revisor's Note

20 (1) Sections 6(a) and (c), Chapter 1214, Acts of
21 the 71st Legislature, Regular Session, 1989, refer to
22 the "rights, powers, privileges, [and] authority" of
23 the district. The revised law omits "authority"
24 because, in context, "authority" is included in the
25 meaning of "rights, powers, [and] privileges."

26 (2) Section 6(a), Chapter 1214, Acts of the 71st
27 Legislature, Regular Session, 1989, refers to Chapters
28 50 and 54, Water Code. For the reader's convenience,
29 the revised law adds a reference to Chapter 49, Water
30 Code, because Chapter 715, Acts of the 74th
31 Legislature, Regular Session, 1995, repealed most of
32 the provisions of Chapter 50 and many provisions of
33 Chapter 54 and enacted similar provisions in Chapter
34 49, Water Code. Chapter 49 applies to municipal
35 utility districts under Sections 49.001 and 49.002,
36 Water Code.

37 (3) Section 6(a), Chapter 1214, Acts of the 71st
38 Legislature, Regular Session, 1989, provides that the
39 act prevails over general law in case of a conflict or
40 other inconsistency. The revised law omits the
41 provision because it duplicates in substance Section
42 311.026, Government Code (Code Construction Act). The
43 omitted law reads:

1 (a) . . . This Act prevails over any
2 provision of general law that is in conflict
3 or inconsistent with this Act.

4 (4) Section 6(b), Chapter 1214, Acts of the 71st
5 Legislature, Regular Session, 1989, refers to the
6 continuing right of supervision to be exercised by the
7 Texas Water Commission. The revised law omits the
8 provision because the Texas Commission on
9 Environmental Quality is the successor to the Texas
10 Water Commission and therefore the provision
11 duplicates in substance part of Section 12.081, Water
12 Code, which applies to the district. The omitted law
13 reads:

14 (b) The rights, powers, privileges,
15 authority, functions, and duties of the
16 district are subject to the continuing
17 right of supervision of the state to be
18 exercised by and through the Texas Water
19 Commission.

20 Revisor's Note
21 (End of Subchapter)

22 Section 6A, Chapter 1214, Acts of the 71st
23 Legislature, Regular Session, 1989, provides certain
24 limitations on the use of eminent domain by the
25 district. The revised law omits the provision because
26 it duplicates in substance a portion of Section
27 54.209, Water Code. The omitted law reads:

28 Sec. 6A. The district may not
29 exercise the power of eminent domain
30 outside the district to acquire a site or
31 easement for:

- 32 (1) a road project authorized
33 by Section 6 of this Act; or
34 (2) a recreational facility as
35 defined by Section 49.462, Water Code.

36 Revisor's Note
37 (End of Chapter)

38 Section 12, Chapter 1214, Acts of the 71st
39 Legislature, Regular Session, 1989, recites
40 legislative findings regarding procedural
41 requirements for the creation of the district under
42 the constitution and other laws and rules, including

1 proper legal notice and the filing of recommendations.
2 Section 3, Chapter 1188, Acts of the 82nd Legislature,
3 Regular Session, 2011, recites similar findings
4 regarding compliance with the requirements governing
5 notice, introduction, and passage of that act. The
6 revised law omits those provisions as executed. The
7 omitted law reads:

8 [Acts 71st Leg., R.S., Ch. 1214]

9 Sec. 12. (a) The proper and legal
10 notice of the intention to introduce this
11 Act, setting forth the general substance of
12 this Act, has been published as provided by
13 law, and the notice and a copy of this Act
14 have been furnished to all persons,
15 agencies, officials, or entities to which
16 they are required to be furnished by the
17 constitution and other laws of this state,
18 including the governor, who has submitted
19 the notice and Act to the Texas Water
20 Commission.

21 (b) The Texas Water Commission has
22 filed its recommendations relating to this
23 Act with the governor, lieutenant governor,
24 and speaker of the house of representatives
25 within the required time.

26 (c) All requirements of the
27 constitution and laws of this state and the
28 rules and procedures of the legislature
29 with respect to the notice, introduction,
30 and passage of this Act are fulfilled and
31 accomplished.

32 [Acts 82nd Leg., R.S., Ch. 1188]

33 Sec. 3. (a) The legal notice of the
34 intention to introduce this Act, setting
35 forth the general substance of this Act, has
36 been published as provided by law, and the
37 notice and a copy of this Act have been
38 furnished to all persons, agencies,
39 officials, or entities to which they are
40 required to be furnished under Section 59,
41 Article XVI, Texas Constitution, and
42 Chapter 313, Government Code.

43 (b) The governor, one of the required
44 recipients, has submitted the notice and
45 Act to the Texas Commission on
46 Environmental Quality.

47 (c) The Texas Commission on
48 Environmental Quality has filed its
49 recommendations relating to this Act with
50 the governor, the lieutenant governor, and
51 the speaker of the house of representatives
52 within the required time.

53 (d) All requirements of the
54 constitution and laws of this state and the
55 rules and procedures of the legislature
56 with respect to the notice, introduction,
57 and passage of this Act are fulfilled and
58 accomplished.

1 CHAPTER 8482. WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 12
2 SUBCHAPTER A. GENERAL PROVISIONS
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4 Sec. 8482.002. NATURE OF DISTRICT 329
5 Sec. 8482.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE . . . 330
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8 TERRITORY; MUNICIPAL CONSENT NOT
9 REQUIRED 331
10 Sec. 8482.006. PROHIBITION AGAINST IMPAIRMENT OF
11 DISTRICT 331
12 SUBCHAPTER B. BOARD OF DIRECTORS
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16 DUTIES 336
17 SUBCHAPTER D. ANNEXATION BY MUNICIPALITY
18 Sec. 8482.151. ANNEXATION BY MUNICIPALITY 336
19 Sec. 8482.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION . . . 337

20 CHAPTER 8482. WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 12
21 SUBCHAPTER A. GENERAL PROVISIONS

22 Revised Law

23 Sec. 8482.001. DEFINITIONS. In this chapter:
24 (1) "Board" means the board of directors of the
25 district.
26 (2) "Director" means a member of the board.
27 (3) "District" means the Williamson County Municipal
28 Utility District No. 12. (Acts 78th Leg., R.S., Ch. 761, Secs.
29 1(1), (3); New.)

30 Source Law

31 Sec. 1. In this Act:
32 (1) "Board" means the board of directors
33 of the district.
34 (3) "District" means the Williamson County
35 Municipal Utility District No. 12.

1 Revisor's Note

2 The definition of "director" is added to the
3 revised law for drafting convenience and to eliminate
4 frequent, unnecessary repetition of the substance of
5 the definition.

6 Revised Law

7 Sec. 8482.002. NATURE OF DISTRICT. (a) The district is a
8 municipal utility district in Williamson County created under
9 Section 59, Article XVI, Texas Constitution.

10 (b) The district is a political subdivision of this state.
11 (Acts 78th Leg., R.S., Ch. 761, Secs. 2(a) (part), (b), 3(b)
12 (part).)

13 Source Law

14 Sec. 2. (a) A municipal utility district, to
15 be known as the Williamson County Municipal Utility
16 District No. 12, is created in Williamson County,
17

18 (b) The district is a governmental agency and a
19 political subdivision of this state.

20 [Sec. 3]

21 (b) The district is created under and . . .
22 Section 59, Article XVI, Texas Constitution.

23 Revisor's Note

24 (1) Section 2(a), Chapter 761, Acts of the 78th
25 Legislature, Regular Session, 2003, refers to a
26 confirmation election. Because the confirmation
27 election has already been held, the revised law omits
28 the provision as executed. The omitted law reads:

29 (a) . . . subject to approval at a
30 confirmation election under Section 9 of
31 this Act.

32 (2) Section 2(b), Chapter 761, Acts of the 78th
33 Legislature, Regular Session, 2003, provides that the
34 district is a governmental agency. The revised law
35 omits the provision because it duplicates a portion of
36 Section 59(b), Article XVI, Texas Constitution, which
37 provides that a district created under Section 59(b)
38 is a governmental agency.

1 Revised Law

2 Sec. 8482.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)

3 The district is created to serve a public use and benefit.

4 (b) All land and other property included in the district
5 will benefit from the works and projects accomplished by the
6 district under powers conferred by Section 59, Article XVI, Texas
7 Constitution.

8 (c) The creation of the district is essential to accomplish
9 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
10 78th Leg., R.S., Ch. 761, Secs. 3(a), (b) (part), (c).)

11 Source Law

12 Sec. 3. (a) The district is created to serve a
13 public use and benefit.

14 (b) [The district is created under and] is
15 essential to accomplish the purposes of Section 59,
16 Article XVI, Texas Constitution.

17 (c) All of the land and other property included
18 within the boundaries of the district will be
19 benefited by the works and projects that are to be
20 accomplished by the district under powers conferred by
21 Section 59, Article XVI, Texas Constitution.

22 Revised Law

23 Sec. 8482.004. DISTRICT TERRITORY. (a) The district is
24 composed of the territory described by Section 4, Chapter 761, Acts
25 of the 78th Legislature, Regular Session, 2003, as that territory
26 may have been modified under:

27 (1) Subchapter H, Chapter 54, Water Code;

28 (2) Subchapter J, Chapter 49, Water Code; or

29 (3) other law.

30 (b) The boundaries and field notes of the district form a
31 closure. A mistake in the field notes or in copying the field notes
32 in the legislative process does not affect:

33 (1) the district's organization, existence, or
34 validity;

35 (2) the district's right to impose a tax; or

36 (3) the legality or operation of the district or the
37 board. (Acts 78th Leg., R.S., Ch. 761, Sec. 5; New.)

38 Source Law

39 Sec. 5. The legislature finds that the

1 boundaries and field notes of the district form a
2 closure. If a mistake is made in the field notes or in
3 copying the field notes in the legislative process,
4 the mistake does not affect in any way:

5 (1) the organization, existence, or
6 validity of the district;

7 (2) the right of the district to impose
8 taxes; or

9 (3) the legality or operation of the
10 district or the board.

11 Revisor's Note

12 The revision of the law governing the district
13 does not revise the statutory language describing the
14 territory of the district to avoid the lengthy
15 recitation of the description and because that
16 description may not be accurate on the effective date
17 of the revision or at the time of a later reading. For
18 the reader's convenience, the revised law includes
19 references to the statutory description of the
20 district's territory and to the authority to change the
21 district's territory under Subchapter H, Chapter 54,
22 Water Code, applicable to municipal utility districts,
23 and under Subchapter J, Chapter 49, Water Code,
24 applicable to the district under Sections 49.001 and
25 49.002 of that chapter. The revised law also includes
26 a reference to the general authority of the
27 legislature to enact a law to change the district's
28 territory.

29 Revised Law

30 Sec. 8482.005. ADDITION OR EXCLUSION OF DISTRICT TERRITORY;
31 MUNICIPAL CONSENT NOT REQUIRED. The district may add or exclude
32 land in the manner provided by Chapters 49 and 54, Water Code,
33 without the consent of any municipality. (Acts 78th Leg., R.S., Ch.
34 761, Sec. 13(b).)

35 Source Law

36 (b) The district may add or exclude land in the
37 manner provided by Chapters 49 and 54, Water Code,
38 without the consent of any municipality.

39 Revised Law

40 Sec. 8482.006. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT.

1 A municipality in whose extraterritorial jurisdiction the district
2 is located may not take any action, including adopting an ordinance
3 or resolution, that:

4 (1) impairs the district's ability to exercise the
5 district's powers under this chapter; or

6 (2) limits the district's ability to finance,
7 construct, or operate the district's water, wastewater, or drainage
8 systems. (Acts 78th Leg., R.S., Ch. 761, Sec. 12.)

9 Source Law

10 Sec. 12. A municipality in whose
11 extraterritorial jurisdiction the district is located
12 may not adopt an ordinance or resolution or take any
13 other action that:

14 (1) impairs the ability of the district to
15 exercise its powers under this Act; or

16 (2) limits the ability of the district to
17 finance, construct, or operate its water, wastewater,
18 or drainage systems.

19 SUBCHAPTER B. BOARD OF DIRECTORS

20 Revised Law

21 Sec. 8482.051. COMPOSITION OF BOARD; TERMS. (a) The
22 district is governed by a board of five directors.

23 (b) Directors serve staggered four-year terms. (Acts 78th
24 Leg., R.S., Ch. 761, Secs. 7(a), (d).)

25 Source Law

26 Sec. 7. (a) The district is governed by a board
27 of five directors.

28 (d) Permanent directors serve staggered
29 four-year terms.

30 Revisor's Note

31 (1) Section 7(d), Chapter 761, Acts of the 78th
32 Legislature, Regular Session, 2003, refers to
33 "[p]ermanent" directors. The revised law omits
34 "[p]ermanent." Sections 7(b), (c), and (d) refer to
35 "temporary," "initial," and "permanent" directors to
36 distinguish between the original "temporary"
37 directors, the "initial" directors who immediately
38 succeeded the "temporary" directors after the first
39 election of directors, and subsequently serving

1 "permanent" directors. For the reasons stated in the
2 revisor's notes at the end of this subchapter, the
3 revised law omits provisions regarding "temporary" and
4 "initial" directors. It is therefore no longer
5 necessary to distinguish between "temporary,"
6 "initial," and "permanent" directors, and the revised
7 law is drafted accordingly.

8 (2) Section 7(e), Chapter 761, Acts of the 78th
9 Legislature, Regular Session, 2003, provides that each
10 director must qualify as provided by Section 49.055,
11 Water Code. The revised law omits Section 7(e) because
12 it duplicates in substance Section 49.055, which
13 provides for the qualification of directors and
14 applies to the district under Sections 49.001 and
15 49.002, Water Code. The omitted law reads:

16 (e) Each director must qualify to
17 serve as director in the manner provided by
18 Section 49.055, Water Code.

19 (3) Section 7(f), Chapter 761, Acts of the 78th
20 Legislature, Regular Session, 2003, provides that a
21 director serves until a successor has qualified. The
22 revised law omits the provision because it duplicates
23 Section 17, Article XVI, Texas Constitution, which
24 provides that an officer in this state continues to
25 perform the officer's official duties until a
26 successor has qualified. The omitted law reads:

27 (f) A director serves until the
28 director's successor has qualified.

29 Revisor's Note
30 (End of Subchapter)

31 (1) Sections 7(b) and (c), Chapter 761, Acts of
32 the 78th Legislature, Regular Session, 2003, provide
33 for the terms of office of "temporary" and "initial"
34 directors of the district. The revised law omits
35 Sections 7(b) and (c) as executed because the terms of
36 the temporary and initial directors have expired. The

1 omitted law reads:

2 (b) Temporary directors serve until
3 initial directors are elected under Section
4 9 of this Act.

5 (c) Initial directors serve until
6 permanent directors are elected under
7 Section 10 of this Act.

8 (2) Section 8, Chapter 761, Acts of the 78th
9 Legislature, Regular Session, 2003, names the
10 temporary directors and provides for filling vacancies
11 on the temporary board. Because the temporary
12 directors were appointed and the terms of the
13 temporary directors have expired, the revised law
14 omits those provisions as executed. The omitted law
15 reads:

16 Sec. 8. (a) The temporary board
17 consists of:

- 18 (1) Rex Bohls;
- 19 (2) Leanna Einhaus;
- 20 (3) Glen Kistenmacher;
- 21 (4) Hagen McMann; and
- 22 (5) Bill Simpson.

23 (b) If a temporary director fails to
24 qualify for office, the temporary directors
25 who have qualified shall appoint a person to
26 fill the vacancy. If at any time there are
27 fewer than three qualified temporary
28 directors, the commission shall appoint the
29 necessary number of persons to fill all
30 vacancies on the board.

31 (3) Section 9, Chapter 761, Acts of the 78th
32 Legislature, Regular Session, 2003, provides for the
33 "temporary" board to hold an election to confirm the
34 district's creation and to elect the "initial"
35 directors for the district. The revised law omits that
36 provision as executed because the confirmation and
37 initial directors' election has been held. The omitted
38 law reads:

39 Sec. 9. (a) The temporary board of
40 directors shall call and hold an election to
41 confirm the establishment of the district
42 and to elect five initial directors as
43 provided by Section 49.102, Water Code.

44 (b) The initial directors elected
45 shall draw lots to decide which two shall
46 serve terms lasting until replacement
47 directors are elected at the first
48 regularly scheduled election of directors
49 under Section 10 of this Act and which three

1 shall serve until the second regularly
2 scheduled election of directors.

3 (c) Section 41.001(a), Election
4 Code, does not apply to a confirmation and
5 initial directors' election held as
6 provided by this section.

7 (4) Section 10(a), Chapter 761, Acts of the 78th
8 Legislature, Regular Session, 2003, provides for the
9 first permanent directors' election following the
10 confirmation election. The revised law omits that
11 provision as executed because the first permanent
12 directors' election has been held. The omitted law
13 reads:

14 Sec. 10. (a) On the first Saturday
15 in May of the first even-numbered year after
16 the year in which the district is authorized
17 to be created at a confirmation election, an
18 election shall be held in the district for
19 the election of two directors to replace the
20 two initial directors serving shorter terms
21 from the confirmation election.

22 (5) Section 10(b), Chapter 761, Acts of the 78th
23 Legislature, Regular Session, 2003, requires
24 permanent directors' elections to be held on the first
25 Saturday in May of each even-numbered year following
26 the first permanent directors' election. The revised
27 law omits the reference to the year in which the first
28 permanent directors' election was held as executed.
29 The revised law omits the remainder of the provision
30 because it duplicates in substance Section 49.103(b),
31 Water Code. Chapter 49, Water Code, applies to the
32 district under Sections 49.001 and 49.002 of that
33 chapter. Although Section 49.103 refers to the
34 "uniform election date" in May and Section 10(b)
35 refers to the "first Saturday in May," it is clear that
36 the legislature meant the former because "the first
37 Saturday in May" was the uniform election date in 2003.
38 The omitted law reads:

39 (b) On the first Saturday in May of
40 each subsequent even-numbered year
41 following the election, the appropriate
42 number of directors shall be elected.

1 SUBCHAPTER C. POWERS AND DUTIES

2 Revised Law

3 Sec. 8482.101. MUNICIPAL UTILITY DISTRICT POWERS AND
4 DUTIES. The district has the rights, powers, privileges,
5 functions, and duties provided by general law, including Chapters
6 49 and 54, Water Code, applicable to a municipal utility district
7 created under Section 59, Article XVI, Texas Constitution. (Acts
8 78th Leg., R.S., Ch. 761, Sec. 11; New.)

9 Source Law

10 Sec. 11. The district has all of the rights,
11 powers, privileges, authority, functions, and duties
12 provided by the general law of this state, including
13 Chapter 54, Water Code, applicable to municipal
14 utility districts created under Section 59, Article
15 XVI, Texas Constitution.

16 Revisor's Note

17 (1) Section 11, Chapter 761, Acts of the 78th
18 Legislature, Regular Session, 2003, refers to the
19 "rights, powers, privileges, [and] authority" of the
20 district. The revised law omits "authority" because,
21 in context, "authority" is included in the meaning of
22 "rights, powers, [and] privileges."

23 (2) Section 11, Chapter 761, Acts of the 78th
24 Legislature, Regular Session, 2003, refers to Chapter
25 54, Water Code. For the reader's convenience, the
26 revised law adds a reference to Chapter 49, Water Code,
27 because the chapter applies to the district on its own
28 terms under Sections 49.001 and 49.002 of that
29 chapter.

30 SUBCHAPTER D. ANNEXATION BY MUNICIPALITY

31 Revised Law

32 Sec. 8482.151. ANNEXATION BY MUNICIPALITY. A municipality
33 may annex the district on the earlier of:

34 (1) the date of installation of 90 percent of all
35 works, improvements, facilities, plants, equipment, and appliances
36 necessary and adequate to:

37 (A) provide service to the proposed development

1 in the district;

2 (B) accomplish the purposes for which the
3 district was created; and

4 (C) exercise the powers provided by general law
5 and this chapter; or

6 (2) the 20th anniversary of the date the district was
7 confirmed. (Acts 78th Leg., R.S., Ch. 761, Sec. 13(a).)

8 Source Law

9 Sec. 13. (a) A municipality may annex the
10 district on the earlier of:

11 (1) the date of installation of 90 percent
12 of all works, improvements, facilities, plants,
13 equipment, and appliances necessary and adequate to:

14 (A) provide service to the proposed
15 development within the district;

16 (B) accomplish the purposes for which
17 the district was created; and

18 (C) exercise the powers provided by
19 the general law of this state and this Act; or

20 (2) the 20th anniversary of the date the
21 district is confirmed.

22 Revised Law

23 Sec. 8482.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION. If
24 a municipality in whose extraterritorial jurisdiction the district
25 is located annexes the district for full or limited purposes and the
26 annexation precludes or impairs the ability of the district to
27 issue bonds, the municipality shall:

28 (1) simultaneously with the annexation, pay in cash to
29 the landowner or developer of the district a sum equal to all actual
30 costs and expenses incurred by the landowner or developer in
31 connection with the district that:

32 (A) the district has agreed in writing to pay;
33 and

34 (B) would otherwise have been eligible for
35 reimbursement from bond proceeds under the rules and requirements
36 of the Texas Commission on Environmental Quality as those rules and
37 requirements exist on the date of annexation; and

38 (2) after the annexation, install all necessary water,
39 wastewater, and drainage facilities to serve full buildout of
40 development in the district. (Acts 78th Leg., R.S., Ch. 761, Secs.

1 1(2), 14.)

2 Source Law

3 [Sec. 1]
4 (2) "Commission" means the Texas
5 Commission on Environmental Quality.

6 Sec. 14. If a municipality in whose
7 extraterritorial jurisdiction the district is located
8 annexes the district for full or limited purposes and
9 the annexation precludes or impairs the ability of the
10 district to issue bonds, the municipality shall:

11 (1) simultaneously with the annexation,
12 pay in cash to the landowner or developer of the
13 district a sum equal to all actual costs and expenses
14 incurred by the landowner or developer in connection
15 with the district that the district has, in writing,
16 agreed to pay and that would otherwise have been
17 eligible for reimbursement from bond proceeds under
18 the rules and requirements of the commission as such
19 rules and requirements exist on the date of
20 annexation; and

21 (2) after the annexation, install all
22 necessary water, wastewater, and drainage facilities
23 to serve full buildout of development within the
24 district.

25 Revisor's Note
26 (End of Chapter)

27 (1) Section 6, Chapter 761, Acts of the 78th
28 Legislature, Regular Session, 2003, provides that the
29 act prevails over general law in case of a conflict or
30 other inconsistency. The revised law omits the
31 provision because it duplicates in substance Section
32 311.026(b), Government Code (Code Construction Act).
33 The omitted law reads:

34 Sec. 6. This Act prevails over any
35 provision of general law that is in conflict
36 or inconsistent with this Act.

37 (2) Section 15, Chapter 761, Acts of the 78th
38 Legislature, Regular Session, 2003, recites
39 legislative findings regarding procedural
40 requirements for the creation of the district under
41 the constitution and other laws and rules, including
42 legal notice and the filing of recommendations. The
43 revised law omits those provisions as executed. The
44 omitted law reads:

45 Sec. 15. (a) The legal notice of the
46 intention to introduce this Act, setting
47 forth the general substance of this Act, has

1 been published as provided by law, and the
2 notice and a copy of this Act have been
3 furnished to all persons, agencies,
4 officials, or entities to which they are
5 required to be furnished under Section 59,
6 Article XVI, Texas Constitution, and
7 Chapter 313, Government Code. The governor,
8 one of the required recipients, has
9 submitted the notice and Act to the
10 commission.

11 (b) The commission has filed its
12 recommendations relating to this Act with
13 the governor, lieutenant governor, and
14 speaker of the house of representatives
15 within the required time.

16 (c) All requirements of the
17 constitution and laws of this state and the
18 rules and procedures of the legislature
19 with respect to the notice, introduction,
20 and passage of this Act are fulfilled and
21 accomplished.

22 CHAPTER 8485. WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 13

23 SUBCHAPTER A. GENERAL PROVISIONS

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41 CHAPTER 8485. WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 13

42 SUBCHAPTER A. GENERAL PROVISIONS

43 Revised Law

44 Sec. 8485.001. DEFINITIONS. In this chapter:

45 (1) "Board" means the board of directors of the

1 district.

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

3 (3) "District" means the Williamson County Municipal
4 Utility District No. 13. (Acts 78th Leg., R.S., Ch. 760, Secs. 1(1),
5 (3); New.)

6 Source Law

7 Sec. 1. In this Act:

8 (1) "Board" means the board of directors
9 of the district.

10 (3) "District" means the Williamson County
11 Municipal Utility District No. 13.

12 Revisor's Note

13 The definition of "director" is added to the
14 revised law for drafting convenience and to eliminate
15 frequent, unnecessary repetition of the substance of
16 the definition.

17 Revised Law

18 Sec. 8485.002. NATURE OF DISTRICT. (a) The district is a
19 municipal utility district in Williamson County created under
20 Section 59, Article XVI, Texas Constitution.

21 (b) The district is a political subdivision of this state.
22 (Acts 78th Leg., R.S., Ch. 760, Secs. 2(a) (part), (b), 3(b)
23 (part).)

24 Source Law

25 Sec. 2. (a) A municipal utility district, to
26 be known as the Williamson County Municipal Utility
27 District No. 13, is created in Williamson County,
28

29 (b) The district is a governmental agency and a
30 political subdivision of this state.

31 [Sec. 3]

32 (b) The district is created under and . . .
33 Section 59, Article XVI, Texas Constitution.

34 Revisor's Note

35 (1) Section 2(a), Chapter 760, Acts of the 78th
36 Legislature, Regular Session, 2003, refers to a
37 confirmation election. Because the confirmation
38 election has already been held, the revised law omits
39 the provision as executed. The omitted law reads:

1 (a) . . . subject to approval at a
2 confirmation election under Section 9 of
3 this Act.

4 (2) Section 2(b), Chapter 760, Acts of the 78th
5 Legislature, Regular Session, 2003, provides that the
6 district is a governmental agency. The revised law
7 omits the provision because it duplicates a portion of
8 Section 59(b), Article XVI, Texas Constitution, which
9 provides that a district created under Section 59(b)
10 is a governmental agency.

11 Revised Law

12 Sec. 8485.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
13 The district is created to serve a public use and benefit.

14 (b) All land and other property included in the district
15 will benefit from the works and projects accomplished by the
16 district under powers conferred by Section 59, Article XVI, Texas
17 Constitution.

18 (c) The creation of the district is essential to accomplish
19 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
20 78th Leg., R.S., Ch. 760, Secs. 3(a), (b) (part), (c).)

21 Source Law

22 Sec. 3. (a) The district is created to serve a
23 public use and benefit.

24 (b) [The district is created under and] is
25 essential to accomplish the purposes of Section 59,
26 Article XVI, Texas Constitution.

27 (c) All of the land and other property included
28 within the boundaries of the district will be
29 benefited by the works and projects that are to be
30 accomplished by the district under powers conferred by
31 Section 59, Article XVI, Texas Constitution.

32 Revised Law

33 Sec. 8485.004. DISTRICT TERRITORY. (a) The district is
34 composed of the territory described by Section 4, Chapter 760, Acts
35 of the 78th Legislature, Regular Session, 2003, as that territory
36 may have been modified under:

- 37 (1) Subchapter H, Chapter 54, Water Code;
38 (2) Subchapter J, Chapter 49, Water Code; or
39 (3) other law.

40 (b) The boundaries and field notes of the district form a

1 closure. A mistake in the field notes or in copying the field notes
2 in the legislative process does not affect:

3 (1) the district's organization, existence, or
4 validity;

5 (2) the district's right to impose a tax; or

6 (3) the legality or operation of the district or the
7 board. (Acts 78th Leg., R.S., Ch. 760, Sec. 5; New.)

8 Source Law

9 Sec. 5. The legislature finds that the
10 boundaries and field notes of the district form a
11 closure. If a mistake is made in the field notes or in
12 copying the field notes in the legislative process,
13 the mistake does not affect in any way:

14 (1) the organization, existence, or
15 validity of the district;

16 (2) the right of the district to impose
17 taxes; or

18 (3) the legality or operation of the
19 district or the board.

20 Revisor's Note

21 The revision of the law governing the district
22 does not revise the statutory language describing the
23 territory of the district to avoid the lengthy
24 recitation of the description and because that
25 description may not be accurate on the effective date
26 of the revision or at the time of a later reading. For
27 the reader's convenience, the revised law includes
28 references to the statutory description of the
29 district's territory and to the authority to change the
30 district's territory under Subchapter H, Chapter 54,
31 Water Code, applicable to municipal utility districts,
32 and under Subchapter J, Chapter 49, Water Code,
33 applicable to the district under Sections 49.001 and
34 49.002 of that chapter. The revised law also includes
35 a reference to the general authority of the
36 legislature to enact a law to change the district's
37 territory.

38 Revised Law

39 Sec. 8485.005. ADDITION OR EXCLUSION OF DISTRICT TERRITORY;

1 MUNICIPAL CONSENT NOT REQUIRED. The district may add or exclude
2 land in the manner provided by Chapters 49 and 54, Water Code,
3 without the consent of any municipality. (Acts 78th Leg., R.S., Ch.
4 760, Sec. 13(b).)

5 Source Law

6 (b) The district may add or exclude land in the
7 manner provided by Chapters 49 and 54, Water Code,
8 without the consent of any municipality.

9 Revised Law

10 Sec. 8485.006. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT.

11 A municipality in whose extraterritorial jurisdiction the district
12 is located may not take any action, including adopting an ordinance
13 or resolution, that:

14 (1) impairs the district's ability to exercise the
15 district's powers under this chapter; or

16 (2) limits the district's ability to finance,
17 construct, or operate the district's water, wastewater, or drainage
18 systems. (Acts 78th Leg., R.S., Ch. 760, Sec. 12.)

19 Source Law

20 Sec. 12. A municipality in whose
21 extraterritorial jurisdiction the district is located
22 may not adopt an ordinance or resolution or take any
23 other action that:

24 (1) impairs the ability of the district to
25 exercise its powers under this article; or

26 (2) limits the ability of the district to
27 finance, construct, or operate its water, wastewater,
28 or drainage systems.

29 SUBCHAPTER B. BOARD OF DIRECTORS

30 Revised Law

31 Sec. 8485.051. COMPOSITION OF BOARD; TERMS. (a) The
32 district is governed by a board of five directors.

33 (b) Directors serve staggered four-year terms. (Acts 78th
34 Leg., R.S., Ch. 760, Secs. 7(a), (d).)

35 Source Law

36 Sec. 7. (a) The district is governed by a board
37 of five directors.

38 (d) Permanent directors serve staggered
39 four-year terms.

1 Revisor's Note

2 (1) Section 7(d), Chapter 760, Acts of the 78th
3 Legislature, Regular Session, 2003, refers to
4 "[p]ermanent" directors. The revised law omits
5 "[p]ermanent." Sections 7(b), (c), and (d) refer to
6 "temporary," "initial," and "permanent" directors to
7 distinguish between the original "temporary"
8 directors, the "initial" directors who immediately
9 succeeded the "temporary" directors after the first
10 election of directors, and subsequently serving
11 "permanent" directors. For the reasons stated in the
12 revisor's notes at the end of this subchapter, the
13 revised law omits provisions regarding "temporary" and
14 "initial" directors. It is therefore no longer
15 necessary to distinguish between "temporary,"
16 "initial," and "permanent" directors, and the revised
17 law is drafted accordingly.

18 (2) Section 7(e), Chapter 760, Acts of the 78th
19 Legislature, Regular Session, 2003, provides that each
20 director must qualify as provided by Section 49.055,
21 Water Code. The revised law omits Section 7(e) because
22 it duplicates in substance Section 49.055, which
23 provides for the qualification of directors and
24 applies to the district under Sections 49.001 and
25 49.002, Water Code. The omitted law reads:

26 (e) Each director must qualify to
27 serve as director in the manner provided by
28 Section 49.055, Water Code.

29 (3) Section 7(f), Chapter 760, Acts of the 78th
30 Legislature, Regular Session, 2003, provides that a
31 director serves until a successor has qualified. The
32 revised law omits the provision because it duplicates
33 Section 17, Article XVI, Texas Constitution, which
34 provides that an officer in this state continues to
35 perform the officer's official duties until a

1 successor has qualified. The omitted law reads:

2 (f) A director serves until the
3 director's successor has qualified.

4 Revisor's Note
5 (End of Subchapter)

6 (1) Sections 7(b) and (c), Chapter 760, Acts of
7 the 78th Legislature, Regular Session, 2003, provide
8 for the terms of office of "temporary" and "initial"
9 directors of the district. The revised law omits
10 Sections 7(b) and (c) as executed because the terms of
11 the temporary and initial directors have expired. The
12 omitted law reads:

13 (b) Temporary directors serve until
14 initial directors are elected under Section
15 9 of this Act.

16 (c) Initial directors serve until
17 permanent directors are elected under
18 Section 10 of this Act.

19 (2) Section 8, Chapter 760, Acts of the 78th
20 Legislature, Regular Session, 2003, names the
21 temporary directors and provides for filling vacancies
22 on the temporary board. Because the temporary
23 directors were appointed and the terms of the
24 temporary directors have expired, the revised law
25 omits those provisions as executed. The omitted law
26 reads:

27 Sec. 8. (a) The temporary board
28 consists of:

- 29 (1) Bill Blood;
30 (2) Collie Cowden;
31 (3) Bill Gordon;
32 (4) Doug Lewis; and
33 (5) Jesse Whittenton.

34 (b) If a temporary director fails to
35 qualify for office, the temporary directors
36 who have qualified shall appoint a person to
37 fill the vacancy. If at any time there are
38 fewer than three qualified temporary
39 directors, the commission shall appoint the
40 necessary number of persons to fill all
41 vacancies on the board.

42 (3) Section 9, Chapter 760, Acts of the 78th
43 Legislature, Regular Session, 2003, provides for the
44 "temporary" board to hold an election to confirm the
45 district's creation and to elect the "initial"

1 directors for the district. The revised law omits that
2 provision as executed because the confirmation and
3 initial directors' election has been held. The omitted
4 law reads:

5 Sec. 9. (a) The temporary board of
6 directors shall call and hold an election to
7 confirm the establishment of the district
8 and to elect five initial directors as
9 provided by Section 49.102, Water Code.

10 (b) The initial directors elected
11 shall draw lots to decide which two shall
12 serve terms lasting until replacement
13 directors are elected at the first
14 regularly scheduled election of directors
15 under Section 10 of this Act and which three
16 shall serve until the second regularly
17 scheduled election of directors.

18 (c) Section 41.001(a), Election
19 Code, does not apply to a confirmation and
20 initial directors' election held as
21 provided by this section.

22 (4) Section 10(a), Chapter 760, Acts of the 78th
23 Legislature, Regular Session, 2003, provides for the
24 first permanent directors' election following the
25 confirmation election. The revised law omits that
26 provision as executed because the first permanent
27 directors' election has been held. The omitted law
28 reads:

29 Sec. 10. (a) On the first Saturday
30 in May of the first even-numbered year after
31 the year in which the district is authorized
32 to be created at a confirmation election, an
33 election shall be held in the district for
34 the election of two directors to replace the
35 two initial directors serving shorter terms
36 from the confirmation election.

37 (5) Section 10(b), Chapter 760, Acts of the 78th
38 Legislature, Regular Session, 2003, requires
39 permanent directors' elections to be held on the first
40 Saturday in May of each even-numbered year following
41 the first permanent directors' election. The revised
42 law omits the reference to the year in which the first
43 permanent directors' election was held as executed.
44 The revised law omits the remainder of the provision
45 because it duplicates in substance Section 49.103(b),
46 Water Code. Chapter 49, Water Code, applies to the

1 district under Sections 49.001 and 49.002 of that
2 chapter. Although Section 49.103 refers to the
3 "uniform election date" in May and Section 10(b)
4 refers to the "first Saturday in May," it is clear that
5 the legislature meant the former because "the first
6 Saturday in May" was the uniform election date in 2003.
7 The omitted law reads:

8 (b) On the first Saturday in May of
9 each subsequent even-numbered year
10 following the election, the appropriate
11 number of directors shall be elected.

12 SUBCHAPTER C. POWERS AND DUTIES

13 Revised Law

14 Sec. 8485.101. MUNICIPAL UTILITY DISTRICT POWERS AND
15 DUTIES. The district has the rights, powers, privileges,
16 functions, and duties provided by general law, including Chapters
17 49 and 54, Water Code, applicable to a municipal utility district
18 created under Section 59, Article XVI, Texas Constitution. (Acts
19 78th Leg., R.S., Ch. 760, Sec. 11; New.)

20 Source Law

21 Sec. 11. The district has all of the rights,
22 powers, privileges, authority, functions, and duties
23 provided by the general law of this state, including
24 Chapter 54, Water Code, applicable to municipal
25 utility districts created under Section 59, Article
26 XVI, Texas Constitution.

27 Revisor's Note

28 (1) Section 11, Chapter 760, Acts of the 78th
29 Legislature, Regular Session, 2003, refers to the
30 "rights, powers, privileges, [and] authority" of the
31 district. The revised law omits "authority" because,
32 in context, "authority" is included in the meaning of
33 "rights, powers, [and] privileges."

34 (2) Section 11, Chapter 760, Acts of the 78th
35 Legislature, Regular Session, 2003, refers to Chapter
36 54, Water Code. For the reader's convenience, the
37 revised law adds a reference to Chapter 49, Water Code,
38 because the chapter applies to the district on its own

1 terms under Sections 49.001 and 49.002 of that
2 chapter.

3 SUBCHAPTER D. ANNEXATION BY MUNICIPALITY

4 Revised Law

5 Sec. 8485.151. ANNEXATION BY MUNICIPALITY. A municipality
6 may annex the district on the earlier of:

7 (1) the date of installation of 90 percent of all
8 works, improvements, facilities, plants, equipment, and appliances
9 necessary and adequate to:

10 (A) provide service to the proposed development
11 in the district;

12 (B) accomplish the purposes for which the
13 district was created; and

14 (C) exercise the powers provided by general law
15 and this chapter; or

16 (2) the 20th anniversary of the date the district was
17 confirmed. (Acts 78th Leg., R.S., Ch. 760, Sec. 13(a).)

18 Source Law

19 Sec. 13. (a) A municipality may annex the
20 district on the earlier of:

21 (1) the date of installation of 90 percent
22 of all works, improvements, facilities, plants,
23 equipment, and appliances necessary and adequate to:

24 (A) provide service to the proposed
25 development within the district;

26 (B) accomplish the purposes for which
27 the district was created; and

28 (C) exercise the powers provided by
29 the general law of this state and this article; or

30 (2) the 20th anniversary of the date the
31 district is confirmed.

32 Revised Law

33 Sec. 8485.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION. If
34 a municipality in whose extraterritorial jurisdiction the district
35 is located annexes the district for full or limited purposes and the
36 annexation precludes or impairs the ability of the district to
37 issue bonds, the municipality shall:

38 (1) simultaneously with the annexation, pay in cash to
39 the landowner or developer of the district a sum equal to all actual
40 costs and expenses incurred by the landowner or developer in

1 connection with the district that:

2 (A) the district has agreed in writing to pay;
3 and

4 (B) would otherwise have been eligible for
5 reimbursement from bond proceeds under the rules and requirements
6 of the Texas Commission on Environmental Quality as those rules and
7 requirements exist on the date of annexation; and

8 (2) after the annexation, install all necessary water,
9 wastewater, and drainage facilities to serve full buildout of
10 development in the district. (Acts 78th Leg., R.S., Ch. 760, Secs.
11 1(2), 14.)

12 Source Law

13 [Sec. 1]

14 (2) "Commission" means the Texas
15 Commission on Environmental Quality.

16 Sec. 14. If a municipality in whose
17 extraterritorial jurisdiction the district is located
18 annexes the district for full or limited purposes and
19 the annexation precludes or impairs the ability of the
20 district to issue bonds, the municipality shall:

21 (1) simultaneously with the annexation,
22 pay in cash to the landowner or developer of the
23 district a sum equal to all actual costs and expenses
24 incurred by the landowner or developer in connection
25 with the district that the district has, in writing,
26 agreed to pay and that would otherwise have been
27 eligible for reimbursement from bond proceeds under
28 the rules and requirements of the commission as such
29 rules and requirements exist on the date of
30 annexation; and

31 (2) after the annexation, install all
32 necessary water, wastewater, and drainage facilities
33 to serve full buildout of development within the
34 district.

35 Revisor's Note
36 (End of Chapter)

37 (1) Section 6, Chapter 760, Acts of the 78th
38 Legislature, Regular Session, 2003, provides that the
39 act prevails over general law in case of a conflict or
40 other inconsistency. The revised law omits the
41 provision because it duplicates in substance Section
42 311.026(b), Government Code (Code Construction Act).

43 The omitted law reads:

44 Sec. 6. This Act prevails over any
45 provision of general law that is in conflict
46 or inconsistent with this Act.

(2) Section 15, Chapter 760, Acts of the 78th Legislature, Regular Session, 2003, recites legislative findings regarding procedural requirements for the creation of the district under the constitution and other laws and rules, including legal notice and the filing of recommendations. The revised law omits those provisions as executed. The omitted law reads:

Sec. 15. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code. The governor, one of the required recipients, has submitted the notice and Act to the commission.

(b) The commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

CHAPTER 8486. WILLIAMSON COUNTY WATER, SEWER, IRRIGATION, AND DRAINAGE DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

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1 CHAPTER 8486. WILLIAMSON COUNTY WATER, SEWER, IRRIGATION, AND
2 DRAINAGE DISTRICT NO. 3

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Revised Law

5 Sec. 8486.001. DEFINITIONS. In this chapter:

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

7 (2) "Director" means a board member.

8 (3) "District" means the Williamson County Water,
9 Sewer, Irrigation, and Drainage District No. 3. (Acts 70th Leg.,
10 R.S., Ch. 650, Sec. 2; New.)

11 Source Law

12 Sec. 2. In this Act, "district" means the
13 Williamson County Water, Sewer, Irrigation, and
14 Drainage District No. 3.

15 Revisor's Note

16 The definitions of "board" and "director" are
17 added to the revised law for drafting convenience and
18 to eliminate frequent, unnecessary repetition of the
19 substance of the definitions.

20 Revised Law

21 Sec. 8486.002. NATURE OF DISTRICT. The district is a
22 conservation and reclamation district in Williamson County,
23 created under Section 59, Article XVI, Texas Constitution. (Acts
24 70th Leg., R.S., Ch. 650, Sec. 1(a) (part).)

25 Source Law

26 Sec. 1. (a) Pursuant to Article XVI, Section
27 59, of the Texas Constitution a conservation and
28 reclamation district is created in Williamson County
29 . . . to be known as "Williamson County Water, Sewer,
30 Irrigation, and Drainage District No. 3,"

31 Revisor's Note

32 (1) Section 1(a), Chapter 650, Acts of the 70th
33 Legislature, Regular Session, 1987, refers to a
34 confirmation election. Because the confirmation
35 election has already been held, the revised law omits
36 the provision as executed. The omitted law reads:

37 (a) . . . subject to approval at a
38 confirmation election under Section 8 of

1 this Act,

2 (2) Section 1(a), Chapter 650, Acts of the 70th
3 Legislature, Regular Session, 1987, provides that the
4 district is a governmental agency and a body politic
5 and corporate. The revised law omits the provision
6 because it duplicates a portion of Section 59(b),
7 Article XVI, Texas Constitution, which provides that a
8 conservation and reclamation district is a
9 governmental agency and a body politic and corporate.
10 The omitted law reads:

11 (a) . . . which shall be a
12 governmental agency and a body politic and
13 corporate.

14 Revised Law

15 Sec. 8486.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
16 The district is created to serve a public use and benefit.

17 (b) All land and other property included in the boundaries
18 of the district will benefit from the works and projects
19 accomplished by the district under the powers conferred by Section
20 59, Article XVI, Texas Constitution.

21 (c) The creation of the district is essential to accomplish
22 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
23 70th Leg., R.S., Ch. 650, Secs. 1(b), 5.)

24 Source Law

25 [Sec. 1]

26 (b) The creation of the district is declared to
27 be essential to the accomplishment of the purposes of
28 Article XVI, Section 59, of the Texas Constitution.

29 Sec. 5. The legislature finds that all of the
30 land and other property included within the boundaries
31 of the district will be benefitted by the works and
32 projects that are to be accomplished by the district
33 under powers conferred by Article XVI, Section 59, of
34 the Texas Constitution and that the district is
35 created to serve a public use and benefit.

36 Revised Law

37 Sec. 8486.004. DISTRICT TERRITORY. (a) The district is
38 composed of the territory described by Section 3, Chapter 650, Acts
39 of the 70th Legislature, Regular Session, 1987, as that territory
40 may have been modified under:

- 1 (1) Subchapter H, Chapter 54, Water Code;
- 2 (2) Subchapter J, Chapter 49, Water Code; or
- 3 (3) other law.

4 (b) The boundaries and field notes of the district form a
5 closure. A mistake in the field notes or in copying the field notes
6 in the legislative process does not affect:

- 7 (1) the district's organization, existence, or
8 validity;
- 9 (2) the district's right to impose a tax; or
- 10 (3) the legality or operation of the district or its
11 governing body. (Acts 70th Leg., R.S., Ch. 650, Sec. 4; New.)

12 Source Law

13 Sec. 4. The legislature finds that the
14 boundaries and field notes of the district form a
15 closure. If any mistake is made in the field notes or
16 in copying the field notes in the legislative process,
17 it in no way affects the organization, existence, and
18 validity of the district, or the right of the district
19 to levy and collect taxes, or in any other manner
20 affects the legality or operation of the district or
21 its governing body.

22 Revisor's Note

23 (1) The revision of the law governing the
24 district does not revise the statutory language
25 describing the territory of the district to avoid the
26 recitation of the description and because that
27 description may not be accurate on the effective date
28 of the revision or at the time of a later reading. For
29 the reader's convenience, the revised law includes
30 references to the statutory description of the
31 district's territory and to the authority to change the
32 district's territory under Subchapter H, Chapter 54,
33 Water Code, applicable to municipal utility districts,
34 and under Subchapter J, Chapter 49, Water Code,
35 applicable to the district under Sections 49.001 and
36 49.002 of that chapter. The revised law also includes
37 a reference to the general authority of the
38 legislature to enact a law to change the district's

1 territory.

2 (2) Section 4, Chapter 650, Acts of the 70th
3 Legislature, Regular Session, 1987, refers to the
4 district's authority to "levy and collect" taxes. The
5 revised law substitutes "impose" for "levy and
6 collect" because "impose" is the term generally used
7 in Title 1, Tax Code, and includes the levy and
8 collection of a tax.

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Revised Law

11 Sec. 8486.051. COMPOSITION OF BOARD. The district is
12 governed by a board of five elected directors. (Acts 70th Leg.,
13 R.S., Ch. 650, Secs. 7(a), (b) (part).)

14 Source Law

15 Sec. 7. (a) The district is governed by a board
16 of five directors.

17 (b) . . . each director shall be elected and
18

19 Revisor's Note

20 (1) Section 7(b), Chapter 650, Acts of the 70th
21 Legislature, Regular Session, 1987, provides that
22 "[e]xcept for the initial directors," each director
23 shall serve for the term of office provided for
24 directors under Chapter 54, Water Code. The revised
25 law omits the quoted language as executed. The revised
26 law omits the provision relating to the term of office
27 of directors because Chapter 715, Acts of the 74th
28 Legislature, Regular Session, 1995, repealed the
29 relevant provisions of Chapter 54, Water Code, and
30 enacted Section 49.103, Water Code, to govern the term
31 of office of a director of a municipal utility
32 district. Chapter 49, Water Code, applies to the
33 district under Sections 49.001 and 49.002, Water Code.
34 Finally, Section 7(b) provides that each director
35 shall serve "until his successor is elected and has
36 qualified." The revised law omits the quoted language

1 because it duplicates in substance Section 17, Article
2 XVI, Texas Constitution, which requires an officer to
3 continue to perform the officer's duties until a
4 successor has qualified. The omitted law reads:

5 (b) Except for the initial directors,
6 [each director] . . . shall serve for the
7 terms of office as provided for directors
8 under Chapter 54, Water Code, until his
9 successor is elected and has qualified.

10 (2) Section 7(c), Chapter 650, Acts of the 70th
11 Legislature, Regular Session, 1987, provides that each
12 director shall qualify to serve as director in the
13 manner provided by Chapter 54, Water Code. The revised
14 law omits Section 7(c) because, as explained in
15 Revisor's Note (1), the relevant provisions of Chapter
16 54 were repealed, and similar provisions, including
17 provisions governing the qualifications of directors,
18 were enacted in Chapter 49, Water Code, which applies
19 to the district under Sections 49.001 and 49.002 of
20 that chapter. The omitted law reads:

21 (c) Each director shall qualify to
22 serve as director in the manner provided by
23 Chapter 54, Water Code.

24 Revised Law

25 Sec. 8486.052. BOARD VACANCY. (a) Except as provided by
26 Subsection (b), a vacancy in the office of director shall be filled
27 in the manner provided by Section 49.105, Water Code.

28 (b) The Texas Commission on Environmental Quality shall
29 appoint directors to fill all of the vacancies on the board whenever
30 the number of qualified directors is fewer than three. (Acts 70th
31 Leg., R.S., Ch. 650, Sec. 7(e) (part); New.)

32 Source Law

33 (e) . . . If at any time the number of qualified
34 directors is less than three because of the failure or
35 refusal of one or more directors to qualify or serve
36 because of death or incapacitation or for any other
37 reason, the Texas Water Commission shall appoint the
38 necessary number of directors to fill all vacancies on
39 the board.

1 Revisor's Note

2 (1) Section 7(e), Chapter 650, Acts of the 70th
3 Legislature, Regular Session, 1987, governs the manner
4 in which multiple board vacancies are filled. Section
5 49.105, Water Code, governs the manner of filling a
6 vacancy in the office of director of certain
7 districts, including a municipal utility district.
8 Chapter 49, Water Code, applies to the district under
9 Sections 49.001 and 49.002 of that chapter. For that
10 reason and for the convenience of the reader, the
11 revised law adds a reference to Section 49.105.

12 (2) Section 7(e), Chapter 650, Acts of the 70th
13 Legislature, Regular Session, 1987, refers to a
14 vacancy in the office of director "because of the
15 failure or refusal of one or more directors to qualify
16 or serve because of death or incapacitation or for any
17 other reason." The revised law omits the quoted
18 language because it merely describes every manner in
19 which a vacancy may occur without limiting in any way
20 the duty to fill a vacancy.

21 (3) Section 7(e), Chapter 650, Acts of the 70th
22 Legislature, Regular Session, 1987, refers to the
23 "Texas Water Commission." The revised law substitutes
24 "Texas Commission on Environmental Quality" for "Texas
25 Water Commission" to reflect a change in the agency's
26 name. The name of the Texas Water Commission was
27 changed to the Texas Natural Resource Conservation
28 Commission by Section 1.085, Chapter 3, Acts of the
29 72nd Legislature, 1st Called Session, 1991. The name
30 of the Texas Natural Resource Conservation Commission
31 was changed to the Texas Commission on Environmental
32 Quality by Section 18.01, Chapter 965, Acts of the 77th
33 Legislature, Regular Session, 2001. The revised law
34 is drafted accordingly.

1 Revisor's Note
2 (End of Subchapter)

3 (1) Section 7(d), Chapter 650, Acts of the 70th
4 Legislature, Regular Session, 1987, names the initial
5 board of directors of the district. The revised law
6 omits the provision as executed because the terms of
7 the initial directors have expired. The omitted law
8 reads:

9 (d) At the time this Act takes
10 effect, the following persons shall
11 constitute the initial board of directors
12 of the district:

- 13 (1) Timothy Timmerman, P.O. Box
14 62, Pflugerville, Texas;
15 (2) Leah Hagen, 3701 Hampton
16 Road, Austin, Texas;
17 (3) Theodor Timmerman, P.O. Box
18 789, Pflugerville, Texas;
19 (4) Elaine Timmerman, 10926
20 Jollyville Rd., Austin, Texas; and
21 (5) Beverly Timmerman, P.O. Box
22 62, Pflugerville, Texas.

23 (2) Section 7(e), Chapter 650, Acts of the 70th
24 Legislature, Regular Session, 1987, provides
25 procedures for filling a vacancy in the initial board
26 of directors because of the failure of a member of the
27 initial board of directors to qualify for office. The
28 revised law omits the provision as executed because
29 the terms of the initial directors have expired. The
30 omitted law reads:

31 (e) If any of the directors listed in
32 Subsection (d) of this section fails to
33 qualify for office, the remaining directors
34 shall appoint a qualified person to fill the
35 vacancy for the unexpired term. . . .

36 (3) Section 7(f), Chapter 650, Acts of the 70th
37 Legislature, Regular Session, 1987, provides that the
38 district's initial directors serve until permanent
39 directors are elected. The revised law omits the
40 provision as executed because permanent directors of
41 the district have been elected. The omitted law reads:

42 (f) The initial directors shall serve
43 until permanent directors are elected as
44 provided by Section 9 of this Act and
45 Chapter 54, Water Code.

1 (4) Section 8, Chapter 650, Acts of the 70th
2 Legislature, Regular Session, 1987, requires an
3 election to confirm the establishment of the district
4 and to elect the initial five permanent directors. The
5 revised law omits the provision as executed because
6 the district has been established. The omitted law
7 reads:

8 Sec. 8. An election shall be called
9 and held to confirm establishment of the
10 district and to elect five permanent
11 directors as provided by Chapter 54, Water
12 Code.

13 (5) Section 9, Chapter 650, Acts of the 70th
14 Legislature, Regular Session, 1987, provides that the
15 district shall hold elections for directors on the
16 third Saturday in May every two years beginning in the
17 second year following the confirmation and directors'
18 election. The revised law omits those provisions as
19 executed for the initial election and as superseded
20 for subsequent elections by the 1995 enactment of
21 Section 49.103, Water Code, applicable to the district
22 under Sections 49.001, 49.002, and 49.103(e), Water
23 Code. Section 49.103 requires the election of the
24 appropriate number of directors to be held on the
25 uniform election date in May of even-numbered years.
26 The omitted law reads:

27 Sec. 9. Beginning in the second year
28 following the confirmation and directors
29 election, an election shall be held on the
30 third Saturday in May every two years to
31 elect the appropriate number of directors
32 to the board.

33 SUBCHAPTER C. POWERS AND DUTIES

34 Revised Law

35 Sec. 8486.101. MUNICIPAL UTILITY DISTRICT POWERS AND
36 DUTIES. The district has the rights, powers, privileges, duties,
37 and functions provided by general law applicable to a municipal
38 utility district created under Section 59, Article XVI, Texas
39 Constitution, including Chapters 49, 50, and 54, Water Code. (Acts

1 70th Leg., R.S., Ch. 650, Sec. 6(a) (part).)

2 Source Law

3 Sec. 6. (a) The district has all of the rights,
4 powers, privileges, authority, duties, and functions
5 conferred by the general laws of this state applicable
6 to municipal utility districts created under Article
7 XVI, Section 59, of the Texas Constitution, including
8 those conferred by Chapters 50 and 54, Water
9 Code. . . .

10 Revisor's Note

11 (1) Section 6(a), Chapter 650, Acts of the 70th
12 Legislature, Regular Session, 1987, refers to the
13 "rights, powers, privileges, [and] authority" of the
14 district. The revised law omits "authority" because,
15 in context, "authority" is included in the meaning of
16 "rights, powers, [and] privileges."

17 (2) Section 6(a), Chapter 650, Acts of the 70th
18 Legislature, Regular Session, 1987, refers to Chapters
19 50 and 54, Water Code. For the reader's convenience,
20 the revised law adds a reference to Chapter 49, Water
21 Code, because Chapter 715, Acts of the 74th
22 Legislature, Regular Session, 1995, repealed most of
23 the provisions of Chapter 50 and many provisions of
24 Chapter 54 and enacted similar provisions in Chapter
25 49, Water Code. Chapter 49 applies to municipal
26 utility districts under Sections 49.001 and 49.002,
27 Water Code.

28 (3) Section 6(a), Chapter 650, Acts of the 70th
29 Legislature, Regular Session, 1987, provides that the
30 act prevails over general law in case of a conflict or
31 other inconsistency. The revised law omits the
32 provision because it duplicates in substance Section
33 311.026, Government Code (Code Construction Act). The
34 omitted law reads:

35 (a) . . . If any provision of general
36 law is in conflict or inconsistent with this
37 Act, this Act prevails.

38 (4) Section 6(b), Chapter 650, Acts of the 70th

1 Legislature, Regular Session, 1987, refers to the
2 continuing supervision exercised by the Texas Water
3 Commission. The revised law omits the provision
4 because it duplicates in substance part of Section
5 12.081, Water Code, which is a general law that applies
6 to the district. The Texas Commission on
7 Environmental Quality is the successor to the Texas
8 Natural Resource Conservation Commission, which
9 itself was the successor to the Texas Water
10 Commission. (See Revisor's Note (3) to Section
11 8486.052.) The omitted law reads:

12 (b) The rights, powers, privileges,
13 authority, and functions granted to the
14 district are subject to the continuing
15 right of supervision of the State of Texas
16 to be exercised by and through the Texas
17 Water Commission.

18 Revisor's Note
19 (End of Chapter)

20 Section 10, Chapter 650, Acts of the 70th
21 Legislature, Regular Session, 1987, recites
22 legislative findings regarding procedural
23 requirements for the creation of the district under
24 the constitution and other laws and rules, including
25 proper legal notice and the filing of recommendations.
26 The revised law omits those provisions as executed.
27 The omitted law reads:

28 Sec. 10. The legislature finds that
29 proper and legal notice of the intention to
30 introduce this Act, setting forth the
31 general substance of this Act, has been
32 published as provided by law, and the notice
33 and a copy of this Act have been furnished
34 to all persons, agencies, officials, or
35 entities to which they are required to be
36 furnished by the constitution and laws of
37 this state, including the governor of
38 Texas, who has submitted the notice and Act
39 to the Texas Water Commission. Also, the
40 legislature finds that the Texas Water
41 Commission has filed its recommendations
42 relating to this Act with the governor,
43 lieutenant governor, and speaker of the
44 house of representatives within the
45 required time. All requirements of the
46 constitution and laws of this state and the
47 rules and procedures of the legislature

1 with respect to the notice, introduction,
2 and passage of this Act have been fulfilled
3 and accomplished.

4 SUBTITLE G. RIVER AUTHORITIES

5 CHAPTER 8506. UPPER COLORADO RIVER AUTHORITY

6 SUBCHAPTER A. GENERAL PROVISIONS

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1 CHAPTER 8506. UPPER COLORADO RIVER AUTHORITY

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Revised Law

4 Sec. 8506.001. DEFINITIONS. In this chapter:

5 (1) "Authority" means the Upper Colorado River
6 Authority.

7 (2) "Board" means the board of directors of the
8 authority.

9 (3) "Director" means a member of the board. (Acts 44th
10 Leg., R.S., G.L., Ch. 126, Secs. 1 (part), 3(a) (part); New.)

11 Source Law

12 Sec. 1. . . . [District] to be known as "Upper
13 Colorado River Authority" (hereinafter called the
14 District) and

15 Sec. 3. (a) . . . a Board of . . . directors
16 (herein called the Board),

17 Revisor's Note

18 (1) Although Section 1, Chapter 126, General
19 Laws, Acts of the 44th Legislature, Regular Session,
20 1935, refers to the authority as the "District,"
21 throughout this chapter the revised law uses the term
22 "authority" rather than "district" to more closely
23 conform to the name of the authority.

24 (2) The definition of "director" is added to the
25 revised law for drafting convenience and to eliminate
26 frequent, unnecessary repetition of the substance of
27 the definition.

28 Revised Law

29 Sec. 8506.002. CREATION AND NATURE OF AUTHORITY. (a) The
30 authority is created as a conservation and reclamation district and
31 a state agency.

32 (b) The creation of the authority is essential to the
33 accomplishment of the purposes of Section 59(a), Article XVI, Texas
34 Constitution. (Acts 44th Leg., R.S., G.L., Ch. 126, Secs. 1 (part),
35 18 (part).)

1 Section 59-a of Article 16 of the Constitution of the
2 State of Texas." While Section 59 of Article XVI
3 contains a Subsection (a), that article does not
4 contain a Section 59-a. The revised law substitutes a
5 reference to "the purposes of Section 59(a)" for the
6 reference to "the purposes of Section 59-a" because it
7 is clear from the context that "Section 59-a" is a
8 typographical error and that the legislature intended
9 to refer to Section 59(a), Article XVI, Texas
10 Constitution, which provides for the purposes of
11 conservation and reclamation districts created
12 pursuant to that section.

13 (4) Section 1, Chapter 126, General Laws, Acts
14 of the 44th Legislature, Regular Session, 1935,
15 includes a list of the purposes of the authority under
16 Section 59-a (revised as "Section 59(a)" for the
17 reason stated in Revisor's Note (3)), Article XVI,
18 Texas Constitution. The revised law omits the list of
19 purposes because it duplicates, in substance, a
20 portion of Section 59(a), Article XVI, Texas
21 Constitution. Although Section 1 of Chapter 126
22 refers to "the waters of the Upper Colorado River and
23 its tributaries" and Section 59(a) of Article XVI
24 refers to "the waters of [the state's] rivers and
25 streams," the quoted language of Section 1 is
26 substantively duplicative of the quoted language of
27 Section 59(a) because the Colorado River is one of the
28 state's rivers and streams. The omitted law reads:

29 Sec. 1. . . . [the creation of such
30 District is hereby determined to be
31 essential to the accomplishment of the
32 purposes of Section 59-a of Article 16 of
33 the Constitution of the State of Texas,]
34 including (to the extent hereinafter
35 authorized) the control, storing,
36 preservation and distribution of the waters
37 of the Upper Colorado River and its
38 tributaries for irrigation, power and other
39 useful purposes, the reclamation and
40 irrigation of arid, semi-arid and other

1 lands needing irrigation, and the
2 conservation and development of the
3 forests, water and hydro-electric power of
4 the State of Texas. . . .

5 Revised Law

6 Sec. 8506.003. TERRITORY. Unless modified under Subchapter
7 J, Chapter 49, Water Code, or other law, the authority's territory
8 consists of that part of this state included in the boundaries of
9 Coke and Tom Green Counties. (Acts 44th Leg., R.S., G.L., Ch. 126,
10 Sec. 1 (part); New.)

11 Source Law

12 Sec. 1. [There is hereby created within the
13 State of Texas . . . a Conservation and Reclamation
14 District to be known as "Upper Colorado River
15 Authority"] . . . consisting of that part of the State
16 of Texas which is included within the boundaries of the
17 Counties of Coke and Tom Green. . . .

18 Revisor's Note

19 The revision of the law governing the authority
20 revises the statutory language describing the
21 territory of the authority. Because the authority's
22 boundaries are subject to change, that description may
23 not be accurate on the effective date of the revision
24 or at the time of a later reading. For the reader's
25 convenience, the revised law adds references to the
26 statutory authority to change the authority's
27 territory under Subchapter J, Chapter 49, Water Code,
28 applicable to the authority under Sections 49.001 and
29 49.002 of that chapter, and to the general authority of
30 the legislature to enact a law to change the
31 authority's territory.

32 Revised Law

33 Sec. 8506.004. LIBERAL CONSTRUCTION OF CHAPTER. This
34 chapter shall be liberally construed to effect its purposes. (Acts
35 44th Leg., R.S., G.L., Ch. 126, Sec. 20.)

36 Source Law

37 Sec. 20. This Act and all of the terms and
38 provisions hereof shall be liberally construed to
39 effectuate the purposes set forth herein.

Revisor's Note
(End of Subchapter)

Section 19, Chapter 126, General Laws, Acts of the 44th Legislature, Regular Session, 1935, provides that the act, without reference to other statutes, is full authority for the authorization and issuance of bonds and that no other law with regard to the authorization or issuance of obligations or the deposit of the proceeds of obligations, or in any way impeding or restricting the carrying out of the acts authorized by the act to be done, applies to any proceedings taken under the act or acts done pursuant to the act.

The revised law omits the statement that the act, without reference to other statutes, is full authority for the authorization and issuance of bonds because it is unnecessary. The operative provisions of the act are fully effective on their own terms.

The revised law omits as unnecessary and potentially misleading the statement that no other law with regard to the authorization or issuance of obligations or the deposit of the proceeds of obligations, or in any way impeding or restricting the carrying out of the acts authorized by the act to be done, applies to any proceedings taken under the act or acts done pursuant to the act. An accepted general principle of statutory construction requires a statute to be given cumulative effect with other statutes unless it provides otherwise or unless the statutes are in conflict. To the extent the statement means that the act prevails over other law in existence at the time the act became effective and with which the act conflicts, the statement merely restates general rules of statutory construction. To the extent the statement means the act prevails over future

1 citizens of Tom Green County, three (3) of said
2 directors shall be resident citizens of Coke County,
3 and the remaining three (3) directors shall be
4 resident citizens of counties contiguous to the
5 District, or in any County any part of which may be
6 within twenty-five (25) miles of said District. All of
7 the directors shall be appointed by the Governor of the
8 State of Texas and confirmed by the Senate of
9 Texas. . . .

10 Revisor's Note

11 (1) Section 3(a), Chapter 126, General Laws,
12 Acts of the 44th Legislature, Regular Session, 1935,
13 requires directors to be "resident citizens" of
14 certain counties. The revised law substitutes
15 "resident" for "resident citizen" because, in the
16 context of this section, "citizen" and "resident" are
17 synonymous and "resident" is more commonly used.

18 (2) Section 3(a), Chapter 126, General Laws,
19 Acts of the 44th Legislature, Regular Session, 1935,
20 provides that the directors appointed by the governor
21 must be "confirmed by the Senate of Texas." The
22 revised law substitutes the requirement that the
23 directors be appointed "with the advice and consent of
24 the senate" for the requirement that the directors be
25 "confirmed by the Senate of Texas" because the phrases
26 are synonymous and the former is more commonly used.

27 Revised Law

28 Sec. 8506.052. TERMS. Directors are appointed for
29 staggered terms of six years with three directors' terms expiring
30 on February 1 of each odd-numbered year. (Acts 44th Leg., R.S.,
31 G.L., Ch. 126, Sec. 3(a) (part).)

32 Source Law

33 (a) . . . Directors are appointed for staggered
34 terms of six (6) years with three directors' terms
35 expiring on February 1 of each odd-numbered
36 year. . . .

37 Revisor's Note

38 (1) Section 3(a), Chapter 126, General Laws,
39 Acts of the 44th Legislature, Regular Session, 1935,
40 requires the governor to appoint another director when

1 the term of a director expires. The revised law omits
2 the provision because it duplicates, in substance,
3 another provision of that subsection, revised in this
4 chapter as Section 8506.051, which provides that the
5 directors are appointed by the governor. The omitted
6 law reads:

7 (a) . . . At the expiration of the
8 term of any director, another director
9 shall be appointed by the Governor. . . .

10 (2) Section 3(a), Chapter 126, General Laws,
11 Acts of the 44th Legislature, Regular Session, 1935,
12 requires the directors of the authority to continue to
13 hold their offices until their successors are
14 appointed and have qualified, unless they are sooner
15 removed as provided by that act. The revised law omits
16 the provision requiring directors to continue to hold
17 office until their successors are appointed and have
18 qualified because Section 17, Article XVI, Texas
19 Constitution, requires each officer in this state to
20 continue to perform the officer's duties until a
21 successor has qualified. The revised law omits the
22 reference to removal because by implication a person
23 who has been removed from an office may not continue
24 serving in that office. The omitted law reads:

25 (a) . . . Each director shall hold
26 office until the expiration of the term for
27 which he was appointed and thereafter until
28 his successor shall have been appointed and
29 qualified, unless sooner removed as in this
30 Act provided. . . .

31 Revised Law

32 Sec. 8506.053. REMOVAL. A director may be removed by the
33 governor for inefficiency, neglect of duty, or misconduct in
34 office, after at least 10 days' written notice of the charge against
35 the director and an opportunity to be heard in person or by counsel
36 at a public hearing. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec.
37 3(a) (part).)

1 Source Law

2 (b) . . . [Five (5) directors shall constitute a
3 quorum at any meeting, and,] except as otherwise
4 provided in this Act, or in the by-laws, all actions
5 may be taken by the affirmative vote of a majority of
6 the directors present at any such meeting, except that
7 no contract which involves an amount greater than Ten
8 Thousand (\$10,000.00) Dollars or which is to run for a
9 longer period than a year, and no bonds, notes or other
10 evidence of indebtedness and no amendment of the
11 by-laws shall be valid unless authorized or ratified
12 by the affirmative vote of at least five directors.

13 Revisor's Note

14 (1) Section 3(b), Chapter 126, General Laws,
15 Acts of the 44th Legislature, Regular Session, 1935,
16 provides that five directors, which is a majority of
17 the full membership of the board, constitute a quorum.
18 The revised law omits that provision because it
19 duplicates, in substance, Section 311.013, Government
20 Code (Code Construction Act), which provides that a
21 quorum of a public body is a majority of the number of
22 members fixed by statute. The omitted law reads:

23 (b) . . . Five (5) directors shall
24 constitute a quorum at any meeting, and,
25

26 (2) Section 3(b), Chapter 126, General Laws,
27 Acts of the 44th Legislature, Regular Session, 1935,
28 provides that, except as provided by the act or the
29 bylaws, action may be taken by the affirmative vote of
30 a majority of the directors present at any "such"
31 meeting, meaning a meeting at which a quorum is
32 present. The revised law omits the quoted language as
33 unnecessary because, under common law, the members of
34 a body present at a meeting may act for the body only if
35 a quorum is present.

36 Revised Law

37 Sec. 8506.056. OFFICERS AND EMPLOYEES. (a) The board shall
38 select a secretary, a presiding officer, and a treasurer. The
39 treasurer may also hold the office of secretary.

40 (b) The secretary shall keep accurate and complete records

1 of all proceedings of the board.

2 (c) Until the board selects a secretary, or if the secretary
3 is absent or unable to act, the board shall select a secretary pro
4 tem.

5 (d) The presiding officer is the chief executive officer of
6 the authority.

7 (e) The secretary, secretary pro tem, presiding officer,
8 and treasurer have the powers and duties, hold office for the term,
9 and are subject to removal in the manner provided by the bylaws.

10 (f) The board shall set the compensation of the secretary,
11 secretary pro tem, presiding officer, and treasurer.

12 (g) The board may appoint other officers, agents, and
13 employees, set their compensation and term of office, prescribe
14 their duties and the method by which they may be removed, and
15 delegate to them any of its powers and duties as it considers
16 proper. (Acts 44th Leg., R.S., G.L., Ch. 126, Secs. 2 (part), 4.)

17 Source Law

18 Sec. 2. . . . Without limitation of the
19 generality of the foregoing the District shall have
20 and is hereby authorized to exercise the following
21 powers, rights, privileges and functions:

22 . . .
23 (n) to appoint officers, agents and employees,
24 to prescribe their duties and to fix their
25 compensation;
26 . . .

27 Sec. 4. The Board shall select a Secretary who
28 shall keep true and complete records of all
29 proceedings of the Board. Until the appointment of a
30 Secretary, or in the event of his absence or inability
31 to act, a Secretary pro tem shall be selected by the
32 Board. The Board shall also select a Chairman, who
33 shall be the chief executive officer of the District,
34 and a Treasurer, who may also hold the office of
35 Secretary. All such officers shall have such powers
36 and duties, shall hold office for such term and be
37 subject to removal in such manner as may be provided in
38 the by-laws. The Board shall fix the compensation of
39 such officers. The Board may appoint such officers,
40 agents and employees, fix their compensation and term
41 of office and the method by which they may be removed,
42 and delegate to them such of its power and duties as it
43 may deem proper.

44 Revisor's Note

45 (1) Section 2, Chapter 126, General Laws, Acts
46 of the 44th Legislature, Regular Session, 1935, states

1 that, "[w]ithout limitation of the generality of the
2 foregoing[,]" the authority has certain powers.
3 Throughout this chapter, the revised law omits the
4 quoted or similar language because it is an accepted
5 general principle of statutory construction that a
6 grant of a power does not act as a limitation. The
7 general principle applies to this revision.

8 (2) Section 2, Chapter 126, General Laws, Acts
9 of the 44th Legislature, Regular Session, 1935,
10 provides that the authority "shall have and is hereby
11 authorized to exercise" certain powers, rights,
12 privileges, and functions. Throughout this chapter,
13 the revised law substitutes "has" or "may" for the
14 quoted language because, in context, the language is
15 synonymous, and "has" and "may" are more commonly
16 used.

17 (3) Section 4, Chapter 126, General Laws, Acts
18 of the 44th Legislature, Regular Session, 1935, refers
19 to the "Chairman" of the authority. Throughout this
20 chapter, the revised law substitutes "presiding
21 officer" for "Chairman" because, in context, the terms
22 are synonymous and the former is more commonly used and
23 is gender neutral.

24 Revised Law

25 Sec. 8506.057. SURETY BONDS. (a) The presiding officer,
26 the treasurer, and any other officer, agent, or employee of the
27 authority who is charged with the collection, custody, or payment
28 of authority money shall give bond conditioned on:

29 (1) the faithful performance of the person's duties;
30 and

31 (2) an accounting for all money and property of the
32 authority coming into the person's possession.

33 (b) The bond must be in a form and amount and with a surety
34 approved by the board, and the surety on the bond must be a surety

1 company authorized to do business in this state.

2 (c) The authority shall pay the premium on the bond and
3 charge the premium as an operating expense.

4 (d) The bond must be payable to the board for the use and
5 benefit of the authority. (Acts 44th Leg., R.S., G.L., Ch. 126,
6 Sec. 5 (part).)

7 Source Law

8 Sec. 5. . . . The Chairman, the Treasurer and
9 all other officers, agents and employees of the
10 District who shall be charged with the collection,
11 custody or payment of any funds of the District shall
12 give bond conditioned on the faithful performance of
13 their duties and an accounting for all funds and
14 property of the District coming into their respective
15 hands, each of which bonds shall be in form and amount
16 and with a surety (which shall be a surety company
17 authorized to do business in the State of Texas)
18 approved by the Board, and the premiums on such bonds
19 shall be paid by the District and charged as an
20 operating expense. Such bonds shall be payable to the
21 Board of Directors and their successors in office for
22 the use and benefit of the District.

23 Revisor's Note

24 (1) Section 5, Chapter 126, General Laws, Acts
25 of the 44th Legislature, Regular Session, 1935, refers
26 to the authority's "funds." The revised law
27 substitutes "money" for "funds" because, in the
28 context of authority funds, the meaning is the same and
29 "money" is the more commonly used term.

30 (2) Section 5, Chapter 126, General Laws, Acts
31 of the 44th Legislature, Regular Session, 1935, refers
32 to money and property of the authority in the "hands"
33 of certain persons. The revised law substitutes
34 "possession" for "hands" because the terms are
35 synonymous in context and "possession" is more
36 consistent with modern usage.

37 (3) Section 5, Chapter 126, General Laws, Acts
38 of the 44th Legislature, Regular Session, 1935,
39 provides that surety bonds are payable to the board of
40 directors "and their successors in office." The
41 revised law omits the quoted language because a

1 reference to the board includes the directors
2 currently serving and their successors.

3 Revised Law

4 Sec. 8506.058. AUTHORITY'S OFFICE AND DOMICILE. (a) The
5 board by majority vote shall determine the location of the
6 authority's general office.

7 (b) The county in which the authority's general office is
8 located is the authority's domicile.

9 (c) The presiding officer is in charge of the authority's
10 general office. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 6
11 (part).)

12 Source Law

13 Sec. 6. The general office of the District shall
14 be located by vote of a majority of Board of Directors,
15 the county in which said general offices are located to
16 constitute the domicile of the District and such
17 general offices shall be in charge of the
18 Chairman. . . .

19 Revisor's Note

20 Section 6, Chapter 126, General Laws, Acts of the
21 44th Legislature, Regular Session, 1935, refers
22 variously to the authority's "general office" and
23 "general offices." The revised law substitutes
24 "general office" for "general offices" for consistency
25 of terminology.

26 Revised Law

27 Sec. 8506.059. CONFLICT OF INTEREST; CRIMINAL PENALTY. (a)
28 A director, officer, agent, or employee of the authority may not be
29 directly or indirectly interested in a contract for the purchase of
30 any property or construction of any work by or for the authority.

31 (b) A person commits an offense if the person violates this
32 section. An offense under this subsection is a felony punishable
33 by:

34 (1) a fine not to exceed \$10,000;

35 (2) confinement in the institutional division of the
36 Texas Department of Criminal Justice for not less than one year or
37 more than 10 years; or

1 (3) both the fine and confinement. (Acts 44th Leg.,
2 R.S., G.L., Ch. 126, Sec. 7.)

3 Source Law

4 Sec. 7. No director, officers, agent or
5 employee of the District shall be directly or
6 indirectly interested in any contract for the purchase
7 of any property or construction of any work by or for
8 the District, and if any such person shall be or become
9 so interested in any such contract, he shall be guilty
10 of a felony and on conviction thereof shall be subject
11 to a fine in an amount not exceeding Ten Thousand
12 Dollars (\$10,000), or to confinement in the State
13 penitentiary for not less than one year nor more than
14 ten (10) years, or both.

15 Revisor's Note

16 Section 7, Chapter 126, General Laws, Acts of the
17 44th Legislature, Regular Session, 1935, states that a
18 person who violates that section is subject to
19 "confinement in the State penitentiary." The revised
20 law substitutes "confinement in the institutional
21 division of the Texas Department of Criminal Justice"
22 to conform to the style of the Penal Code and to
23 reflect the current name of the state agency where
24 felons are confined.

25 Revisor's Note
26 (End of Subchapter)

27 (1) Section 3(a), Chapter 126, General Laws,
28 Acts of the 44th Legislature, Regular Session, 1935,
29 provides that the powers, rights, privileges, and
30 functions of the authority are exercised by a board of
31 directors. The revised law omits that provision
32 because it duplicates, in substance, parts of Sections
33 49.051 and 49.057, Water Code. Throughout this
34 chapter, the revised law omits law that is superseded
35 by Chapter 49, Water Code, or that duplicates law
36 contained in that chapter. Except as otherwise
37 provided by that chapter, Chapter 49, Water Code,
38 applies to the authority under Sections 49.001 and
39 49.002, Water Code. The omitted law reads:

40 Sec. 3. (a) The powers, rights,

1 privileges and functions of the District
2 shall be exercised by [a Board of . . .
3 directors]

4 (2) Section 3(a), Chapter 126, General Laws,
5 Acts of the 44th Legislature, Regular Session, 1935,
6 requires each director to take the "official oath of
7 office prescribed by General Statute." At the time
8 Chapter 126 was enacted, Article 16, Revised Statutes,
9 required each officer in this state to "take and
10 subscribe the oath prescribed by Article 16, Section
11 1, of the Constitution of this State." In 1993,
12 Article 16, Revised Statutes, was codified in part as
13 Section 604.001, Government Code. The portion of
14 Article 16 requiring an officer to take the oath of
15 office was omitted from the revised law because under
16 Section 1, Article XVI, Texas Constitution, all
17 officers are required to take the oath (or
18 affirmation) before assuming office. No other
19 applicable general law requires a director of the
20 authority to take an oath of office. Accordingly, the
21 revised law omits the provision. The omitted law
22 reads:

23 (a) . . . Each director shall qualify
24 by taking the official oath of office
25 prescribed by General Statute.

26 (3) Section 3(b), Chapter 126, General Laws,
27 Acts of the 44th Legislature, Regular Session, 1935,
28 provides that until the adoption of bylaws setting the
29 time and place of regular meetings and the manner in
30 which special meetings may be called, meetings of the
31 board shall be held at the times and places designated
32 in writing by five directors. The board has adopted
33 bylaws addressing the specified matters. Accordingly,
34 the revised law omits the provision as executed. The
35 omitted law reads:

36 (b) Until the adoption of by-laws
37 fixing the time and place of regular
38 meetings, and the manner in which special

1 meetings may be called, meetings of the
2 Board shall be held at such times and places
3 as five (5) of the directors may designate
4 in writing. . . .

5 (4) Section 8, Article IV, Chapter 484, Acts of
6 the 68th Legislature, Regular Session, 1983, refers to
7 transition procedures regarding the terms of certain
8 directors. The revised law omits that provision as
9 executed. The omitted law reads:

10 Sec. 8. (a) A person appointed to
11 the board of directors of the Upper Colorado
12 River Authority who held office immediately
13 preceding the effective date of this Act and
14 who was eligible to be a member of the board
15 under the law as it existed at the time of
16 his appointment is entitled to serve the
17 remainder of the term for which he was
18 appointed.

19 (b) The term of office succeeding a
20 board member's term that expires on January
21 1, 1985, expires on February 1, 1991. The
22 term of office succeeding a board member's
23 term that expires on January 1, 1987,
24 expires on February 1, 1993. The term of
25 office succeeding a board member's term that
26 expires on January 1, 1989, expires on
27 February 1, 1995.

28 SUBCHAPTER C. POWERS AND DUTIES

29 Revised Law

30 Sec. 8506.101. GENERAL POWERS. (a) The authority has:

31 (1) the powers of government and the authority to
32 exercise the rights, privileges, and functions specified by this
33 chapter; and

34 (2) all powers, rights, privileges, and functions
35 conferred by general law on any district created pursuant to
36 Section 59(a), Article XVI, Texas Constitution, except as expressly
37 limited by this chapter.

38 (b) The authority may perform any act necessary or
39 convenient to the exercise of the powers, rights, privileges, or
40 functions conferred on the authority by this chapter or any other
41 law. (Acts 44th Leg., R.S., G.L., Ch. 126, Secs. 1 (part), 2
42 (part).)

43 Source Law

44 Sec. 1. . . . [Such district] . . . with the
45 power of government and with the authority to exercise
46 the rights, privileges and functions hereinafter

1 specified,

2 Sec. 2. Except as expressly limited by this Act,
3 the District shall have and is hereby authorized to
4 exercise all powers, rights, privileges and functions
5 conferred by General Law upon any District or
6 Districts created pursuant to Section 59-a, of Article
7 16, of the Constitution of the State of Texas. Without
8 limitation of the generality of the foregoing the
9 District shall have and is hereby authorized to
10 exercise the following powers, rights, privileges and
11 functions:

12 . . .
13 (q) to do any and all other acts or things
14 necessary or convenient to the exercise of the powers,
15 rights, privileges or functions conferred upon it by
16 this Act or any other Act or law;
17 . . .

18 Revisor's Note

19 Section 2, Chapter 126, General Laws, Acts of the
20 44th Legislature, Regular Session, 1935, provides that
21 the authority has the powers, rights, privileges, and
22 functions conferred by general law on any district
23 created pursuant to "Section 59-a, of Article 16, of
24 the Constitution of the State of Texas." The revised
25 law substitutes a reference to "Section 59(a)" for the
26 reference to "Section 59-a" for the reason stated in
27 Revisor's Note (3) to Section 8506.002.

28 Revised Law

29 Sec. 8506.102. POWERS RELATED TO WATER OF COLORADO RIVER
30 AND ITS TRIBUTARIES. Inside the boundaries of the authority, the
31 authority may:

- 32 (1) control, store, and preserve the water of the
33 Colorado River and its tributaries for any useful purpose; and
34 (2) use, distribute, and sell the water described by
35 Subdivision (1) for any useful purpose. (Acts 44th Leg., R.S.,
36 G.L., Ch. 126, Sec. 2 (part).)

37 Source Law

38 Sec. 2. . . . Without limitation of the
39 generality of the foregoing the District shall have
40 and is hereby authorized to exercise the following
41 powers, rights, privileges and functions:

42 (a) to control, store and preserve, within the
43 boundaries of the District, the waters of the Colorado
44 River and its tributaries for any useful purpose or
45 purposes, and to use, distribute and sell the same,
46 within the boundaries of the District for any such
47 purpose or purposes;
48 . . .

1 Revised Law

2 Sec. 8506.103. SALE AND DISTRIBUTION OF WATER OUTSIDE
3 BOUNDARIES OF AUTHORITY. The authority may:

4 (1) sell and distribute water outside the boundaries
5 of the authority to any municipality for domestic, municipal, or
6 irrigation purposes or to any person for municipal purposes or
7 irrigation; and

8 (2) construct a flume, irrigation ditch, pipeline, or
9 storage reservoir outside the authority for a purpose described by
10 Subdivision (1). (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 2
11 (part).)

12 Source Law

13 Sec. 2. . . . Without limitation of the
14 generality of the foregoing the District shall have
15 and is hereby authorized to exercise the following
16 powers, rights, privileges and functions:

17 . . .
18 (b) to sell and distribute water without the
19 boundaries of the District to any municipality for
20 domestic, municipal and irrigation purposes, and to
21 any person, firm or corporation for municipal purposes
22 or irrigation, together with the right to construct
23 flumes, irrigation ditches, pipe lines and storage
24 reservoirs without the District for such purposes;
25 . . .

26 Revisor's Note

27 Section 2(b), Chapter 126, General Laws, Acts of
28 the 44th Legislature, Regular Session, 1935, refers to
29 the sale and distribution of water to a person, "firm
30 or corporation." The revised law omits the quoted
31 language because under Section 311.005(2), Government
32 Code (Code Construction Act), "person" is defined to
33 include any legal entity.

34 Revised Law

35 Sec. 8506.104. DEVELOPMENT, GENERATION, DISTRIBUTION, AND
36 SALE OF WATER POWER AND ELECTRIC ENERGY. (a) The authority may:

37 (1) develop and generate water power and electric
38 energy inside the boundaries of the authority; and

39 (2) distribute and sell water power and electric
40 energy inside or outside the boundaries of the authority.

1 (b) A use authorized by this section is subordinate and
2 inferior to an irrigation requirement. (Acts 44th Leg., R.S.,
3 G.L., Ch. 126, Sec. 2 (part).)

4 Source Law

5 Sec. 2. . . . Without limitation of the
6 generality of the foregoing the District shall have
7 and is hereby authorized to exercise the following
8 powers, rights, privileges and functions:

9 . . .
10 (c) to develop and generate water power and
11 electric energy within the boundaries of the District
12 and to distribute and sell water power and electric
13 energy, within or without the boundaries of the
14 District; but such use shall be subordinate and
15 inferior to all requirements for irrigation;
16 . . .

17 Revised Law

18 Sec. 8506.105. PREVENTION OF DAMAGE TO PERSONS OR PROPERTY.
19 The authority may prevent or aid in the prevention of damage to
20 persons or property from the water of the Colorado River and its
21 tributaries. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 2 (part).)

22 Source Law

23 Sec. 2. . . . Without limitation of the
24 generality of the foregoing the District shall have
25 and is hereby authorized to exercise the following
26 powers, rights, privileges and functions:

27 . . .
28 (d) to prevent or aid in the prevention of
29 damage to person or property from the waters of the
30 Colorado River and its tributaries;
31 . . .

32 Revised Law

33 Sec. 8506.106. FORESTATION AND REFORESTATION; PREVENTION
34 OF SOIL EROSION AND FLOODS. In the watershed of the Colorado River
35 and its tributaries, the authority may:

36 (1) forest, reforest, or aid in foresting or
37 reforesting; and

38 (2) prevent or aid in the prevention of soil erosion
39 and floods. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 2 (part).)

40 Source Law

41 Sec. 2. . . . Without limitation of the
42 generality of the foregoing the District shall have
43 and is hereby authorized to exercise the following
44 powers, rights, privileges and functions:

45 . . .
46 (e) to forest and reforest and to aid in the
47 foresting and reforesting of the watershed area of the

1 Colorado River and its tributaries and to prevent and
2 to aid in the prevention of soil erosion and floods
3 within said watershed area;

4 . . .

5 Revisor's Note

6 Section 2(e), Chapter 126, General Laws, Acts of
7 the 44th Legislature, Regular Session, 1935, refers to
8 "the watershed area of the Colorado River and its
9 tributaries." The revised law omits the reference to
10 "area" because, in context, "area" is included in the
11 meaning of "watershed."

12 Revised Law

13 Sec. 8506.107. AUTHORITY PROPERTY; EMINENT DOMAIN. (a) The
14 authority may acquire, maintain, use, and operate property of any
15 kind or any interest in property, inside or outside the boundaries
16 of the authority, necessary or convenient to the exercise of the
17 powers, rights, privileges, and functions conferred on the
18 authority by this chapter. The authority may acquire the property
19 or interest in property by purchase, lease, gift, exercise of the
20 power of eminent domain, or any other manner.

21 (b) The authority must exercise the power of eminent domain
22 in the manner provided by:

23 (1) Chapter 21, Property Code; or

24 (2) the statutes relating to condemnation by districts
25 organized under general law pursuant to Section 59(a), Article XVI,
26 Texas Constitution. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 2
27 (part).)

28 Source Law

29 Sec. 2. . . . Without limitation of the
30 generality of the foregoing the District shall have
31 and is hereby authorized to exercise the following
32 powers, rights, privileges and functions:

33 . . .

34 (f) to acquire by purchase, lease, gift, or in
35 any other manner (otherwise than by condemnation) and
36 to maintain, use and operate any and all property of
37 any kind, real, personal or mixed, or any interest
38 therein, within or without the boundaries of the
39 District, necessary or convenient to the exercise of
40 the powers, rights, privileges, and functions
41 conferred upon it by this Act;

42 (g) to acquire by condemnation any and all
43 property of any kind, real, personal or mixed, or any
44 interest therein, within or without the boundaries of

1 the District necessary or convenient to the exercise
2 of the powers, rights, privileges and functions
3 conferred upon it by this Act, in the manner provided
4 by General Law with respect to condemnation or, at the
5 option of the District, in the manner provided by the
6 Statutes relative to condemnation by Districts
7 organized under General Law pursuant to Section 59-a
8 of Article 16 of the Constitution of the State of
9 Texas;

10 . . .

11 Revisor's Note

12 (1) Sections 2(f) and (g), Chapter 126, General
13 Laws, Acts of the 44th Legislature, Regular Session,
14 1935, refer to "property of any kind, real, personal or
15 mixed." Throughout this chapter, the revised law
16 omits references to "real, personal, or mixed"
17 property because under Section 311.005(4), Government
18 Code (Code Construction Act), "property" includes both
19 real and personal property, and "mixed" property is
20 property consisting of both real and personal
21 property.

22 (2) Section 2(g), Chapter 126, General Laws,
23 Acts of the 44th Legislature, Regular Session, 1935,
24 authorizes the authority to acquire "by condemnation"
25 property or an interest in property. The revised law
26 authorizes the authority to acquire property or an
27 interest in property "by . . . exercise of the power of
28 eminent domain" because the phrases have the same
29 meaning and the latter phrase is consistent with
30 modern usage in laws relating to eminent domain.

31 (3) Section 2(g), Chapter 126, General Laws,
32 Acts of the 44th Legislature, Regular Session, 1935,
33 authorizes the authority to acquire by condemnation
34 property or an interest in property in the manner
35 provided by "General Law with respect to
36 condemnation." The revised law substitutes for the
37 quoted language a reference to Chapter 21, Property
38 Code, because that is the general law governing
39 eminent domain for governmental entities.

1 (4) Section 2(g), Chapter 126, General Laws,
2 Acts of the 44th Legislature, Regular Session, 1935,
3 authorizes the authority to acquire by condemnation
4 property or an interest in property in the manner
5 provided by the statutes relative to condemnation by
6 districts organized under general law pursuant to
7 "Section 59-a of Article 16 of the Constitution of the
8 State of Texas." The revised law substitutes a
9 reference to "Section 59(a)" for the reference to
10 "Section 59-a" for the reason stated in Revisor's Note
11 (3) to Section 8506.002.

12 Revised Law

13 Sec. 8506.108. SALE, LEASE, MORTGAGE, OR OTHER DISPOSITION
14 OF AUTHORITY PROPERTY. (a) The authority may not:

15 (1) mortgage or otherwise encumber authority property
16 of any kind, or any interest in authority property; or

17 (2) acquire any property or interest in property
18 subject to a mortgage or conditional sale.

19 (b) Subsection (a) does not prevent pledging authority
20 revenue as authorized by this chapter.

21 (c) This chapter does not authorize the sale, lease, or
22 other disposition of authority property of any kind, or an interest
23 in authority property, by the authority, by a receiver of any
24 authority property, through a court proceeding, or otherwise.

25 (d) Notwithstanding Subsection (c), the authority may sell
26 for cash authority property of any kind, or an interest in authority
27 property, if:

28 (1) the board, by the affirmative vote of six members
29 of the board, determines that the property or interest is not
30 necessary or convenient to the business of the authority and
31 approves the terms of the sale; and

32 (2) the aggregate value of the properties or interests
33 sold in any year does not exceed \$50,000.

34 (e) It is the intent of the legislature that, except by sale

1 as expressly authorized by this section, authority property or an
2 interest in authority property never come into the ownership or
3 control, directly or indirectly, of any person other than a public
4 authority created under the laws of this state.

5 (f) Authority property is exempt from forced sale. The sale
6 of authority property under a judgment rendered in a suit is
7 prohibited. (Acts 44th Leg., R.S., G.L., Ch. 126, Secs. 2 (part),
8 14.)

9 Source Law

10 Sec. 2. . . . Without limitation of the
11 generality of the foregoing the District shall have
12 and is hereby authorized to exercise the following
13 powers, rights, privileges and functions:
14

15 (h) subject to the provisions of this Act from
16 time to time sell or otherwise dispose of any property
17 of any kind, real or personal, or mixed, or any
18 interest therein, which shall not be necessary to the
19 carrying on of the business of the District;
20

. . .

21 Sec. 14. Nothing in this Act shall be construed
22 as authorizing the District and it shall not be
23 authorized to mortgage or otherwise encumber any of
24 its property of any kind, real, personal or mixed, or
25 any interest thereon, or to acquire any such property
26 or interest subject to a mortgage or conditional sale,
27 provided that this Section shall not be construed as
28 preventing the pledging of the revenues of the
29 District as herein authorized. Nothing in this Act
30 shall be construed as authorizing the sale, lease or
31 other disposition of any such property or interest by
32 the District, or any receiver of any of its properties
33 or through any Court proceedings or otherwise,
34 provided, however, that the District may sell for cash
35 any such property or interest in an aggregate value not
36 exceeding the sum of Fifty Thousand Dollars (\$50,000)
37 in any one year if the Board, by the affirmative vote
38 of six (6) of the members thereof shall have determined
39 that the same is not necessary or convenient to the
40 business of the District and shall have approved the
41 terms of any such sale, it being the intention of this
42 Act that except by sale as in this Section expressly
43 authorized, no such property or interest shall ever
44 come into the ownership or control, directly or
45 indirectly, of any person, firm or corporation other
46 than a public authority created under the laws of the
47 State of Texas. All property of the District shall be
48 at all times exempted from forced sale, and nothing in
49 this Act contained shall authorize the sale of any of
50 the property of the District under any judgment
51 rendered in any suit, and such sales are hereby
52 prohibited and forbidden.

53 Revisor's Note

54 (1) Section 2(h), Chapter 126, General Laws,
55 Acts of the 44th Legislature, Regular Session, 1935,

1 provides that, subject to the other provision of the
2 act, the authority may "from time to time sell or
3 otherwise dispose of" property or an interest in
4 property that is not necessary to the carrying on of
5 the business of the authority. The revised law omits
6 the reference to "from time to time" because the power
7 to take an action implies the power to do so at any
8 time. The revised law omits the reference to
9 "otherwise dispos[ing] of" property because Section 14
10 of the act, revised in this section, prohibits the
11 authority from selling, leasing, or otherwise
12 disposing of property except by means of a sale for
13 cash.

14 (2) Section 14, Chapter 126, General Laws, Acts
15 of the 44th Legislature, Regular Session, 1935, refers
16 to the transfer of ownership or control of certain
17 property to a person, "firm or corporation." The
18 revised law omits the quoted language for the reason
19 stated in the revisor's note to Section 8506.103.

20 (3) Section 14, Chapter 126, General Laws, Acts
21 of the 44th Legislature, Regular Session, 1935,
22 provides that certain property sales are "prohibited
23 and forbidden." The revised law omits "forbidden"
24 because it is included within the meaning of
25 "prohibited."

26 Revised Law

27 Sec. 8506.109. OVERFLOW OR INUNDATION OF PUBLIC PROPERTY;
28 RELOCATION OF ROADS. The authority may overflow and inundate any
29 public land or public property and require the relocation of a road
30 or highway in the manner and to the extent permitted to a district
31 organized under general law pursuant to Section 59(a), Article XVI,
32 Texas Constitution. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 2
33 (part).)

1 . . .

2 Revised Law

3 Sec. 8506.111. SEAL. The authority may adopt and use a
4 corporate seal. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 2
5 (part).)

6 Source Law

7 Sec. 2. . . . Without limitation of the
8 generality of the foregoing the District shall have
9 and is hereby authorized to exercise the following
10 powers, rights, privileges and functions:

- 11 . . .
12 (m) to adopt, use and alter a corporate seal;
13 . . .

14 Revisor's Note

15 Section 2(m), Chapter 126, General Laws, Acts of
16 the 44th Legislature, Regular Session, 1935, states
17 that the authority may adopt, use, and alter a
18 corporate seal. The revised law omits "alter" because
19 the power to adopt a seal includes the power to alter
20 it.

21 Revised Law

22 Sec. 8506.112. GENERAL CONTRACT POWERS. The authority may
23 make a contract or execute an instrument necessary or convenient to
24 the exercise of the powers, rights, privileges, and functions
25 conferred on the authority by this chapter. (Acts 44th Leg., R.S.,
26 G.L., Ch. 126, Sec. 2 (part).)

27 Source Law

28 Sec. 2. . . . Without limitation of the
29 generality of the foregoing the District shall have
30 and is hereby authorized to exercise the following
31 powers, rights, privileges and functions:

- 32 . . .
33 (o) to make contracts and to execute instruments
34 necessary or convenient to the exercise of the powers,
35 rights, privileges and functions conferred upon it by
36 this Act;
37 . . .

38 Revised Law

39 Sec. 8506.113. ADDITIONAL POWERS RELATING TO CONTRACTS,
40 RULES, AND REGULATIONS. The authority may enter into and carry out
41 contracts or establish or comply with rules and regulations
42 concerning labor and materials and other related matters in

1 connection with any project the authority considers desirable or as
2 requested by the United States, or any corporation or agency
3 created, designated, or established by the United States, that may
4 assist in the financing of the project. (Acts 44th Leg., R.S.,
5 G.L., Ch. 126, Sec. 12.)

6 Source Law

7 Sec. 12. The District may, but without
8 intending by this provision to limit any powers of the
9 District as granted to it by this Act, enter into and
10 carry out such contracts, or establish or comply with
11 such rules and regulations concerning labor and
12 materials and other related matters in connection with
13 any project or projects as the District may deem
14 desirable or as may be requested by the United States
15 of America, or any corporation or agency created,
16 designated or established thereby, which may assist in
17 the financing of any such project or projects.

18 Revised Law

19 Sec. 8506.114. LIMITATIONS ON POWERS OF AUTHORITY. (a)
20 Notwithstanding any right or permit to use the water of the Colorado
21 River and its tributaries for the generation of hydroelectric power
22 that was issued by the former State Board of Water Engineers, was in
23 existence as of May 2, 1935, and is acquired by the authority, the
24 impounding and use of the floodwaters of the Colorado River and its
25 tributaries for the generation of hydroelectric power by the
26 authority or a person who succeeds to the rights and privileges
27 conferred on the authority by this chapter are subject to the rights
28 of any other person who before May 2, 1935, was impounding or as of
29 that date was putting to beneficial use any water for the purposes
30 described by Sections 11.024(1) and (2), Water Code, if the person:

31 (1) before May 2, 1935, received a permit for that use
32 from the former State Board of Water Engineers; or

33 (2) by law was permitted before May 2, 1935, to impound
34 water for those purposes.

35 (b) This chapter may not be construed to subject to
36 condemnation by the authority or any successor of the authority, or
37 by any person who succeeds to the rights and privileges conferred on
38 the authority by this chapter, any water:

39 (1) impounded or to be impounded inside or outside the

1 authority under any law authorizing water to be impounded or under
2 any permit granted to a municipal corporation or body politic; or

3 (2) impounded or permitted to be impounded or used
4 outside the authority under a permit granted to any person.

5 (c) This chapter may not be construed to deprive any person
6 of the right to impound the water of the Colorado River or its
7 tributaries for domestic or municipal purposes or to repeal any law
8 granting such a right to a person.

9 (d) The rights of the authority to impound, use, or sell the
10 water of the Colorado River and its tributaries for the generation
11 of hydroelectric power are subordinate and inferior to the rights
12 of:

13 (1) municipalities situated in the watershed of the
14 Colorado River and its tributaries to build dams and impound
15 floodwaters for municipal purposes; and

16 (2) any residents of this state or bodies politic to
17 build dams and impound the floodwaters in the watershed of the
18 Colorado River and its tributaries for domestic purposes and for
19 the purposes of irrigation.

20 (e) The title to any right, property, license, franchise, or
21 permit acquired by the authority is subject to the limitations
22 imposed by Subsection (d). (Acts 44th Leg., R.S., G.L., Ch. 126,
23 Secs. 2 (part), 2-a.)

24 Source Law

25 Sec. 2. . . .
26 Provided further, that in creating and conferring
27 the benefits of this Act on said District, it is
28 declared as an essential part thereof that
29 irrespective of any existing right or rights or
30 permits issued by the Board of Water Engineers of the
31 State of Texas to use the water of the Colorado River
32 and its tributaries for the generation of
33 hydro-electric power and which rights or permits may
34 be acquired by the District; the impounding and use of
35 the flood waters of the Colorado River and/or its
36 tributaries for the generation of hydro-electric power
37 by the District and/or any one who may succeed to the
38 rights and privileges conferred upon it by this Act,
39 shall be subject to the rights of any other person,
40 municipal corporation or body politic heretofore
41 impounding or now putting to beneficial use any such
42 waters for the purposes, set forth in subdivisions
43 (1), (2) and (3) of Article 7471 of the Revised Civil
44 Statutes of the State of Texas, as amended by Chapter

1 128 of the Acts of the Forty-second Legislature of the
2 State of Texas, when such other person, municipal
3 corporation or body politic has heretofore received a
4 permit for such use or uses from the Board of Water
5 Engineers of the State of Texas, or who by law has
6 heretofore been permitted to impound water for the
7 aforesaid purposes, and nothing in this Act shall ever
8 be construed so as to subject to condemnation by said
9 District or any successors or by anyone who may succeed
10 to the rights and privileges conferred upon it by this
11 Act any waters heretofore impounded or to be impounded
12 within or without the District under any law
13 authorizing water to be impounded or under any permits
14 heretofore granted or hereafter granted to a municipal
15 corporation or body politic or any waters heretofore
16 impounded or permitted to be impounded or used without
17 the District under permits heretofore or hereafter
18 granted to any person.

19 Nothing in this Act shall be construed as
20 depriving any person or municipality of the right to
21 impound the waters of the Colorado River and/or its
22 tributaries for domestic and/or municipal purposes,
23 nor of repealing any law granting such rights to
24 persons and municipalities.

25 Sec. 2-a. It is now declared to be the public
26 policy of this State that any and all rights of the
27 District hereby created to impound and/or use and/or
28 sell the waters of the Colorado River and its
29 tributaries for the generation of hydro-electric
30 power, shall be subordinate and inferior to the rights
31 of cities and towns situated within the watershed of
32 the Colorado River and its tributaries to build dams
33 and impound flood waters for municipal purposes; and
34 likewise the rights of the said District hereby
35 created, to impound and/or use and/or sell said waters
36 for the generation of hydro-electric power, shall be
37 subordinate and inferior to the rights of any citizen
38 of Texas, or bodies politic, to build dams and impound
39 the flood waters within the watershed of the Colorado
40 River and its tributaries for domestic purposes and
41 for the purposes of irrigation, and the title to any
42 and all rights, properties, licenses, franchises,
43 and/or permits acquired, or to be acquired, by the
44 Upper Colorado River Authority, shall be and become
45 subject to the limitations imposed by this Section.

46 Revisor's Note

47 (1) Section 2, Chapter 126, General Laws, Acts
48 of the 44th Legislature, Regular Session, 1935, refers
49 to any "existing" right or rights or permits issued by
50 the "Board of Water Engineers of the State of Texas" to
51 use the water of the Colorado River and its tributaries
52 for the generation of hydroelectric power. The
53 revised law refers to a right or permit that was issued
54 by the "former" State Board of Water Engineers because
55 the Texas Commission on Environmental Quality has
56 succeeded to the relevant functions of the State Board
57 of Water Engineers. The revised law refers to a right

1 or permit that was in existence as of May 2, 1935,
2 because that was the effective date of Chapter 126.

3 (2) Section 2, Chapter 126, General Laws, Acts
4 of the 44th Legislature, Regular Session, 1935,
5 provides that certain rights or permits acquired by
6 the authority are subject to the rights of "any other
7 person, municipal corporation or body politic
8 heretofore impounding or now putting to beneficial
9 use" the water of the Colorado River and its
10 tributaries. The revised law omits the reference to a
11 "municipal corporation or body politic" because under
12 Section 311.005(2), Government Code (Code
13 Construction Act), "person" is defined to include any
14 legal entity. The revised law substitutes a reference
15 to "May 2, 1935," for the reference to "heretofore" for
16 the reason stated in Revisor's Note (1). The revised
17 law substitutes a reference to "as of that date" for
18 the reference to "now" for the reason stated in
19 Revisor's Note (1).

20 (3) Section 2, Chapter 126, General Laws, Acts
21 of the 44th Legislature, Regular Session, 1935, refers
22 to Subdivisions (1), (2), and (3) of Article 7471 of
23 the Revised Civil Statutes of the State of Texas, as
24 amended by Chapter 128 of the Acts of the 42nd
25 Legislature of the State of Texas. Article 7471,
26 Revised Statutes, was codified as Section 5.024, Water
27 Code, by Chapter 58, Acts of the 62nd Legislature,
28 Regular Session, 1971, and renumbered as Section
29 11.024, Water Code, by Chapter 870, Acts of the 65th
30 Legislature, Regular Session, 1977. In 2001, Section
31 11.024, Water Code, was amended by Chapter 966, Acts of
32 the 77th Legislature, Regular Session. As a result of
33 the amendment, Subdivisions (1), (2), and (3) of
34 Article 7471, Revised Statutes, are now codified as

1 Subdivisions (1) and (2) of Section 11.024, Water
2 Code. The revised law is drafted accordingly.

3 (4) Section 2, Chapter 126, General Laws, Acts
4 of the 44th Legislature, Regular Session, 1935, refers
5 to a "person, municipal corporation or body politic"
6 who has "heretofore" received a permit from the Board
7 of Water Engineers of the State of Texas or who has
8 "heretofore" been permitted to impound water. The
9 revised law omits the reference to a "municipal
10 corporation or body politic" for the reason stated in
11 Revisor's Note (2). The revised law substitutes
12 references to "May 2, 1935," for the references to
13 "heretofore" for the reason stated in Revisor's Note
14 (1). The revised law refers to a permit from the
15 "former" State Board of Water Engineers for the reason
16 stated in Revisor's Note (1).

17 (5) Section 2, Chapter 126, General Laws, Acts
18 of the 44th Legislature, Regular Session, 1935, refers
19 to any "person or municipality" and to "persons and
20 municipalities." The revised law omits the references
21 to "municipality" and "municipalities" for the reason
22 stated in Revisor's Note (2).

23 (6) Section 2-a, Chapter 126, General Laws, Acts
24 of the 44th Legislature, Regular Session, 1935, refers
25 to "cities and towns." The revised law substitutes
26 "municipality" for "cities and towns" because the
27 meaning of "municipality" includes both cities and
28 towns and because that is the term used in the Local
29 Government Code.

30 (7) Section 2-a, Chapter 126, General Laws, Acts
31 of the 44th Legislature, Regular Session, 1935, refers
32 to "citizen[s]" of Texas. The revised law substitutes
33 "residents" for "citizens" for the reason stated in
34 Revisor's Note (1) to Section 8506.051.

1 Revised Law

2 Sec. 8506.115. PUBLIC USE OF AUTHORITY'S LAND. (a) The
3 authority may not prevent free public use of its land for
4 recreational purposes, hunting, or fishing except:

5 (1) at such points where, in the opinion of the board,
6 the use would interfere with the proper conduct of the business;

7 (2) in connection with the enforcement of sanitary
8 regulations; or

9 (3) to protect the public's health.

10 (b) All public rights-of-way not traversing the areas to be
11 flooded by the impounded waters shall remain open as a way of free
12 public passage to and from the lakes created, and a charge may not
13 be made to the public for the right to engage in hunting, fishing,
14 boating, or swimming thereon.

15 (c) On notice by a resident of this state of a violation of
16 this section, the attorney general shall institute the proper legal
17 proceedings to require the authority or its successor to comply
18 with this section.

19 (d) If the authority sells any of the authority's land
20 bordering a lake created under this chapter, the authority shall
21 retain in each tract a strip 80 feet wide abutting the high-water
22 line of the lake for the purpose of passage and use by the public for
23 public sports and amusements. This subsection does not apply to a
24 sale of land by the authority to a state or federal agency to be used
25 for game or fish sanctuaries, preserves, or for propagation
26 purposes. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 15.)

27 Source Law

28 Sec. 15. The District shall not prevent free
29 public use of its lands for recreation purposes and for
30 hunting and fishing except at such points where, in the
31 opinion of the Directors, such use would interfere
32 with the proper conduct of the business or in
33 connection with the enforcement of sanitary
34 regulations or to protect the public's health.

35 All public rights of way not traversing the areas
36 to be flooded by the impounded waters shall remain open
37 as a way of free public passage to and from the lakes
38 created, and no charge shall ever be made to the public
39 for the right to engage in hunting, fishing, boating or
40 swimming thereon.

41 Upon it being called to the attention of the

1 Attorney General of Texas by any citizen of Texas, that
2 this Section has not been complied with, it shall be
3 the duty of the Attorney General of Texas to institute
4 the proper legal proceedings to require said District,
5 or their successors, to comply with the provisions of
6 this Section.

7 Provided, that if any of the land owned by the
8 District bordering the lakes to be created under the
9 authority of this Act be sold by the District, the
10 District shall retain in each tract a strip eighty (80)
11 feet wide abutting the high water line of the lake for
12 the purpose of passage and use by the public for public
13 sports and amusements, provided, further, however,
14 that this provision shall not apply to any sales of
15 land by the District to any State or Federal Agency to
16 be used for game or fish sanctuaries, preserves, or for
17 propagation purposes.

18 Revisor's Note

19 Section 15, Chapter 126, General Laws, Acts of
20 the 44th Legislature, Regular Session, 1935, refers to
21 any "citizen" of Texas. The revised law substitutes
22 "resident" for "citizen" for the reason stated in
23 Revisor's Note (1) to Section 8506.051.

24 Revisor's Note
25 (End of Subchapter)

26 (1) Section 2(k), Chapter 126, General Laws,
27 Acts of the 44th Legislature, Regular Session, 1935,
28 provides that the authority may sue and be sued in its
29 corporate name. The revised law omits that provision
30 because it duplicates, in substance, part of Section
31 49.066, Water Code. The omitted law reads:

32 Sec. 2. . . . [Without limitation of
33 the generality of the foregoing the
34 District shall have and is hereby
35 authorized to exercise the following
36 powers, rights, privileges and functions:]

37 . . .
38 (k) to sue and be sued in its
39 corporate name;
40 . . .

41 (2) Section 2(l), Chapter 126, General Laws,
42 Acts of the 44th Legislature, Regular Session, 1935,
43 provides that the authority may make bylaws for the
44 management and regulation of its affairs. The revised
45 law omits that provision because it duplicates, in
46 substance, part of Section 49.057(g), Water Code. The
47 omitted law reads:

1 Sec. 2. . . . [Without limitation of
2 the generality of the foregoing the
3 District shall have and is hereby
4 authorized to exercise the following
5 powers, rights, privileges and functions:]

6
7 (1) to make by-laws for the
8 management and regulation of its affairs;
9

10 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

11 Revised Law

12 Sec. 8506.151. DISBURSEMENT OF MONEY. The authority may
13 disburse its money only by a check, draft, order, or other
14 instrument signed by a person authorized to sign the instrument by
15 the bylaws or a resolution in which at least five directors concur.
16 (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 5 (part).)

17 Source Law

18 Sec. 5. The moneys of the District shall be
19 disbursed only on checks, drafts, orders or other
20 instruments signed by such persons as shall be
21 authorized to sign the same by the by-laws, or
22 resolution concurred in by not less than five
23 directors. . . .

24 Revised Law

25 Sec. 8506.152. ACCOUNTS, CONTRACTS, AND OTHER RECORDS;
26 PUBLIC INSPECTION. (a) The authority shall keep complete and
27 accurate accounts conforming to approved methods of bookkeeping.

28 (b) The accounts and all contracts, documents, and records
29 of the authority shall be kept at the principal office of the
30 authority.

31 (c) The contracts shall be open to public inspection at all
32 reasonable times. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 6
33 (part).)

34 Source Law

35 Sec. 6. . . . The District shall cause to be
36 kept complete and accurate accounts conforming to
37 approved methods of bookkeeping. Said accounts and
38 all contracts, documents and records of the District
39 shall be kept at said principal office. Said accounts
40 and contracts shall be open to public inspection at all
41 reasonable times. . . .

42 Revisor's Note

43 Section 6, Chapter 126, General Laws, Acts of the
44 44th Legislature, Regular Session, 1935, provides that

1 accounts and contracts shall be open to public
2 inspection at all reasonable times. The revised law
3 omits that provision insofar as it pertains to
4 accounts as superseded by Sections 49.191(b) and
5 49.196(b), Water Code (enacted by Section 2, Chapter
6 715, Acts of the 74th Legislature, Regular Session,
7 1995), which provide that a district's fiscal records
8 shall be available for public inspection during
9 regular business hours.

10 Revised Law

11 Sec. 8506.153. FILING OF COPIES OF AUDIT REPORT. Copies of
12 the audit report prepared under Subchapter G, Chapter 49, Water
13 Code, shall be certified to by the accountant who performed the
14 audit and filed:

- 15 (1) as required by Section 49.194, Water Code; and
16 (2) with the comptroller. (Acts 44th Leg., R.S.,
17 G.L., Ch. 126, Sec. 6 (part); New.)

18 Source Law

19 Sec. 6. . . . Copies of a written report of such
20 audit certified to by said accountant or accountants,
21 shall be placed and kept on file with the Treasurer of
22 the State of Texas, with the Texas Natural Resource
23 Conservation Commission, and at said principal office,
24 and

25 Revisor's Note

26 (1) Section 6, Chapter 126, General Laws, Acts
27 of the 44th Legislature, Regular Session, 1935, refers
28 to various audit procedures, including requirements
29 regarding filing of copies of the audit report. The
30 revised law omits certain of those procedures for the
31 following reasons. Chapter 49, Water Code, which was
32 enacted by Chapter 715, Acts of the 74th Legislature,
33 Regular Session, 1995, applies to the authority by
34 application of Sections 49.001 and 49.002 of that
35 chapter. As further detailed in the revisor's notes
36 that follow, certain procedural requirements of
37 Section 6, Chapter 126, have been omitted as

1 superseded by Subchapter G, Chapter 49, Water Code.
2 Section 49.191(b), Water Code, provides that in all
3 areas of conflict Subchapter G "shall take precedence
4 over all prior statutory enactments."

5 For context and the convenience of the reader,
6 the revised law adds a reference to the audit report
7 prepared under Subchapter G, Chapter 49, Water Code,
8 and to Section 49.194 of that code, which governs the
9 filing of the report.

10 The Texas Commission on Environmental Quality is
11 the successor to the Texas Natural Resource
12 Conservation Commission. The revised law omits a
13 requirement that a copy of the audit report be filed
14 with the Texas Commission on Environmental Quality
15 because it duplicates or is superseded by Section
16 49.194(a), Water Code.

17 An amendment to Section 23, Article IV, Texas
18 Constitution, adopted November 7, 1995, abolished the
19 office of state treasurer effective September 1, 1996.
20 Under Sections 404.0011(a) and (b), Government Code,
21 the state treasurer's powers and duties were
22 transferred to the comptroller, and a reference in law
23 to the state treasurer means the comptroller. The
24 revised law is drafted accordingly.

25 The revised law omits the requirement that a copy
26 of the audit report be filed at the principal office of
27 the authority because it duplicates or is superseded
28 by Section 49.194(c), Water Code.

29 (2) Section 6, Chapter 126, General Laws, Acts
30 of the 44th Legislature, Regular Session, 1935,
31 provides that the board shall cause a financial audit
32 to be completed within 90 days after the end of each
33 calendar year. The revised law omits that provision as
34 superseded by Sections 49.191(a), (b), and (d), Water

1 Code (enacted by Section 2, Chapter 715, Acts of the
2 74th Legislature, Regular Session, 1995), which
3 require an annual audit to be completed within 120 days
4 after the close of the authority's fiscal year. The
5 omitted law reads:

6 Sec. 6. . . . The Board shall cause
7 to be made and completed within ninety days
8 after the end of each calendar year, an
9 audit of the books of account and financial
10 records of the District for such calendar
11 year,

12 (3) Section 6, Chapter 126, General Laws, Acts
13 of the 44th Legislature, Regular Session, 1935,
14 provides that the audit shall be prepared by an
15 independent certified public accountant or firm of
16 certified public accountants. The revised law omits
17 that provision as superseded by Sections 49.191(b) and
18 (c), Water Code (enacted by Section 2, Chapter 715,
19 Acts of the 74th Legislature, Regular Session, 1995),
20 which provide that the person who performs the audit
21 shall be a certified public accountant or public
22 accountant holding a permit from the Texas State Board
23 of Public Accountancy. The omitted law reads:

24 Sec. 6. . . . such audit to be made
25 by an independent Certified Public
26 Accountant or firm of Certified Public
27 Accountants. . . .

28 (4) Section 6, Chapter 126, General Laws, Acts
29 of the 44th Legislature, Regular Session, 1935,
30 provides that the filed copies of the audit report
31 shall be open to public inspection at all reasonable
32 times. The revised law omits that provision for the
33 reason stated in the revisor's note to Section
34 8506.152. The omitted law reads:

35 Sec. 6. . . . [Copies of a written
36 report of such audit] . . . shall be open to
37 public inspection at all reasonable times.

38 Revised Law

39 Sec. 8506.154. RATES AND OTHER CHARGES. (a) The board

1 shall establish and collect rates and other charges for the sale or
2 use of water, water connections, power, electric energy, or other
3 services sold, provided, or supplied by the authority.

4 (b) The rates and charges must be reasonable,
5 nondiscriminatory, and sufficient to provide revenue adequate to:

6 (1) pay all expenses necessary to the operation and
7 maintenance of the properties and facilities of the authority;

8 (2) pay the interest on and the principal of all bonds
9 issued under this chapter or its predecessor statute when and as
10 they become due and payable;

11 (3) pay all sinking fund or reserve fund payments
12 agreed to be made with respect to bonds issued under this chapter or
13 its predecessor statute and payable out of that revenue when and as
14 they become due and payable; and

15 (4) fulfill the terms of any agreements made with the
16 holders of bonds issued under this chapter or its predecessor
17 statute or with any person in their behalf.

18 (c) The rates and charges may not exceed what may be
19 necessary to fulfill the obligations imposed on the authority by
20 this chapter. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 8 (part).)

21 Source Law

22 Sec. 8. The Board shall establish and collect
23 rates and other charges for the sale or use of water,
24 water connections, power, electric energy or other
25 services sold, furnished, or supplied by the District,
26 which fees and charges shall be reasonable and
27 nondiscriminatory and sufficient to produce revenues
28 adequate, in addition to funds received from tax
29 diversion.

30 (a) to pay all expenses necessary to the
31 operation and maintenance of the properties and
32 facilities of the District:

33 (b) to pay the interest on and principal of all
34 bonds issued under this Act when and as the same shall
35 become due and payable.

36 (c) to pay all sinking fund and/or reserve fund
37 payments agreed to be made in respect of any such
38 bonds, and payable out of such revenues, when and as
39 the same shall become due and payable and

40 (d) to fulfill the terms of any agreements made
41 with the holders of such bonds and/or with any person
42 in their behalf.

43 . . .

44 It is the intention of this Act that the rates and
45 charges of the District shall not be in excess of what
46 may be necessary to fulfill the obligations imposed
47 upon it by this Act. . . .

1 Revisor's Note

2 (1) Section 8, Chapter 126, General Laws, Acts
3 of the 44th Legislature, Regular Session, 1935, refers
4 variously to "rates and other charges," "rates and
5 charges," and "fees and charges." The revised law
6 substitutes "rates and charges" for "fees and charges"
7 for consistency of terminology.

8 (2) Section 8, Chapter 126, General Laws, Acts
9 of the 44th Legislature, Regular Session, 1935,
10 provides that the authority's rates and charges, "in
11 addition to funds received from tax diversion," must
12 provide sufficient revenue to satisfy certain of the
13 authority's financial obligations. The tax diversion
14 referred to appears to be the diversion of state ad
15 valorem tax revenue provided for by Sections 17, 17A,
16 17B, and 18 of Chapter 126. The revised law omits the
17 quoted language because those sections have been
18 omitted from the revised law as executed. See
19 Revisor's Note (1) at the end of the chapter.

20 Revised Law

21 Sec. 8506.155. USE OF EXCESS REVENUE. If the authority
22 receives revenue in excess of that required for the purposes
23 specified by Section 8506.154(b), the board may:

24 (1) use the excess revenue to:

25 (A) establish a reasonable depreciation and
26 emergency fund; or

27 (B) retire bonds issued under this chapter or its
28 predecessor statute by purchase and cancellation or redemption; or

29 (2) apply the excess revenue to any corporate purpose.
30 (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 8 (part).)

31 Source Law

32 Sec. 8. . . .
33 Out of the revenues which may be received in
34 excess of those required for the purposes specified in
35 subparagraphs (a), (b), (c), and (d) above, the Board
36 may in its discretion establish a reasonable
37 depreciation and emergency fund, or retire (by

1 purchase and cancellation or redemption) bonds issued
2 under this Act, or apply the same to any corporate
3 purpose.
4 . . .

5 Revised Law

6 Sec. 8506.156. TAX OR ASSESSMENT OR PLEDGE OF CREDIT OF
7 STATE NOT AUTHORIZED BY CHAPTER. This chapter does not authorize
8 the authority to:

- 9 (1) levy or collect a tax or assessment;
10 (2) create any debt payable out of taxes or
11 assessments; or
12 (3) in any way pledge the credit of this state. (Acts
13 44th Leg., R.S., G.L., Ch. 126, Sec. 1 (part).)

14 Source Law

15 Sec. 1. . . . Nothing in this Act or in any
16 other Act or law contained, however, shall be
17 construed as authorizing the District to levy or
18 collect taxes or assessments, or to create any
19 indebtedness payable out of taxes or assessments, or
20 in any way to pledge the credit of the State.

21 Revisor's Note

22 Section 1, Chapter 126, General Laws, Acts of the
23 44th Legislature, Regular Session, 1935, provides that
24 nothing in the act or "in any other Act or law
25 contained" may be construed as authorizing the
26 authority to levy or collect taxes or assessments, to
27 create any debt payable out of taxes or assessments, or
28 in any way to pledge the credit of this state. The
29 revised law omits the statement that nothing in any
30 other act or law may be construed as authorizing the
31 authority to take the stated actions because the
32 statement is both unnecessary and potentially
33 misleading. An accepted general principle of
34 statutory construction requires a statute to be given
35 cumulative effect with other statutes unless it
36 provides otherwise or unless the statutes are in
37 conflict. To the extent the statement means that the
38 act prevails over other law in existence at the time
39 the act became effective and with which the act

1 conflicts, it merely restates general rules of
2 statutory construction. To the extent the statement
3 means the act prevails over future enactments of the
4 legislature that may conflict with it, it is
5 misleading. For example, Section 49.107, Water Code,
6 enacted in 1995 and applicable to the authority under
7 Sections 49.001 and 49.002 of that code, authorizes a
8 district to impose ad valorem taxes for operation and
9 maintenance purposes. Section 311.026, Government
10 Code (Code Construction Act), governs the
11 interpretation of the revised law in instances of
12 apparent conflict with other laws. See also the
13 revisor's note at the end of Subchapter A.

14 SUBCHAPTER E. OBLIGATIONS RELATING TO BORROWED MONEY OR GRANTS

15 Revised Law

16 Sec. 8506.201. LOANS AND GRANTS. The authority may:

17 (1) borrow money for the authority's corporate
18 purposes;

19 (2) borrow money or accept a grant from the United
20 States and, in connection with the loan or grant, enter into any
21 agreement the United States or the corporation or agency may
22 require; and

23 (3) make and issue bonds for money borrowed, in the
24 manner and to the extent provided by Sections 8506.204, 8506.205,
25 8506.206, 8506.207, and 8506.208. (Acts 44th Leg., R.S., G.L., Ch.
26 126, Sec. 2 (part).)

27 Source Law

28 Sec. 2. . . . Without limitation of the
29 generality of the foregoing the District shall have
30 and is hereby authorized to exercise the following
31 powers, rights, privileges and functions:

32 . . .
33 (p) to borrow money for its corporate purposes
34 and, without limitation of the generality of the
35 foregoing, to borrow money and accept grants from the
36 United States of America, and, in connection with any
37 such loan or grant, to enter into such agreements as
38 the United States of America or such corporation or
39 agency may require; and to make and issue its
40 negotiable bonds for moneys borrowed in the manner and
41 to the extent provided in Section 10. . . .

1 Revisor's Note

2 (1) Section 2(p), Chapter 126, General Laws,
3 Acts of the 44th Legislature, Regular Session, 1935,
4 authorizes the authority to issue "negotiable" bonds.
5 The revised law omits the reference to "negotiable"
6 bonds because Section 1201.041, Government Code,
7 provides that a public security is a negotiable
8 instrument. Throughout this chapter, the revised law
9 omits law that is superseded by Chapter 1201,
10 Government Code, or that duplicates law contained in
11 that chapter. Chapter 1201, Government Code, applies
12 to authority bonds under Sections 1201.002 and
13 1201.003, Government Code.

14 (2) Section 2(p), Chapter 126, General Laws,
15 Acts of the 44th Legislature, Regular Session, 1935,
16 provides that the act does not authorize the issuance
17 of bonds, notes, or other evidences of indebtedness of
18 the authority except as specifically provided by the
19 act and that an issuance of bonds, notes, or other
20 evidences of indebtedness of the authority is not
21 authorized except by the act or another act of the
22 legislature. The revised law omits those provisions
23 because the limitations contained in the act and other
24 acts of the legislature apply to the issuance of
25 authority bonds, notes, or other evidences of
26 indebtedness without an express reference to those
27 limitations in this section. The omitted law reads:

28 Sec. 2. . . .
29 (p) . . . Nothing in this Act shall
30 authorize the issuance of any bonds, notes
31 or other evidences of indebtedness of the
32 District, except as specifically provided
33 in this Act, and no issuance of bonds, notes
34 or other evidences of indebtedness of the
35 District, except as specifically provided
36 in this Act, shall ever be authorized except
37 by an Act of the Legislature;
38 . . .

1 Revised Law

2 Sec. 8506.202. STATE PLEDGE REGARDING RIGHTS AND REMEDIES
3 OF BONDHOLDERS. This chapter does not deprive this state of its
4 power to regulate and control rates or charges to be collected for
5 the use of water, water connections, power, electric energy, or
6 another service. The state pledges to and agrees with the
7 purchasers and successive holders of the bonds issued under this
8 chapter that the state will not limit or alter the power this
9 chapter gives the authority to establish and collect rates and
10 charges that will produce revenue sufficient to pay the items
11 specified by Section 8506.154(b) or in any way impair the rights or
12 remedies of the holders of the bonds, or of any person in their
13 behalf, until the following are fully met and discharged:

- 14 (1) the bonds;
15 (2) the interest on the bonds;
16 (3) interest on unpaid installments of interest;
17 (4) all costs and expenses in connection with any
18 action or proceedings by or on behalf of the bondholders; and
19 (5) all other obligations of the authority in
20 connection with the bonds. (Acts 44th Leg., R.S., G.L., Ch. 126,
21 Sec. 8 (part).)

22 Source Law

23 Sec. 8. . . . Nothing herein shall be construed
24 as depriving the State of Texas of its power to
25 regulate and control fees and/or charges to be
26 collected for the use of water, water connections,
27 power, electric energy, or other service, provided
28 that the State of Texas does hereby pledge to and agree
29 with the purchasers and successive holders of the
30 bonds issued hereunder that the State will not limit or
31 alter the power hereby vested in the District to
32 establish and collect such fees and charges as will
33 produce revenues sufficient to pay the items specified
34 in subparagraphs (a), (b), (c), and (d) of this Section
35 8, or in any way to impair the rights or remedies of the
36 holders of the bonds, or of any person in their behalf,
37 until the bonds, together with the interest thereon,
38 with interest on unpaid installments of interest and
39 all costs and expenses in connection with any action or
40 proceedings by or on behalf of the bondholders and all
41 other obligations of the District in connection with
42 such bonds are fully met and discharged.

43 Revisor's Note

44 Section 8, Chapter 126, General Laws, Acts of the

1 44th Legislature, Regular Session, 1935, refers to
2 "fees and/or charges" and "fees and charges." The
3 revised law substitutes "rates and charges" for the
4 quoted language for the reason stated in Revisor's Note
5 (1) to Section 8506.154.

6 Revised Law

7 Sec. 8506.203. OBLIGATION PAYABLE FROM REVENUE. A debt,
8 liability, or obligation of the authority for the payment of money,
9 however entered into or incurred and whether arising from an
10 express or implied contract or otherwise, is payable solely:

11 (1) out of the revenue received by the authority with
12 respect to its properties, subject to any prior lien on the revenue
13 conferred by any resolution previously adopted as provided by this
14 chapter authorizing the issuance of bonds; or

15 (2) if the board so determines, out of the proceeds of
16 sale by the authority of bonds payable solely from revenue
17 described by Subdivision (1). (Acts 44th Leg., R.S., G.L., Ch. 126,
18 Sec. 9.)

19 Source Law

20 Sec. 9. Any and every indebtedness, liability
21 or obligation of the District, for the payment of
22 money, however, entered into or incurred, and whether
23 arising from contract, implied contract or otherwise
24 shall be payable solely (1) out of the revenues
25 received by the District in respect of its properties,
26 including funds received by reason of diversion of
27 taxes, subject to any prior lien thereon conferred by
28 any resolution or resolutions theretofore adopted as
29 in this Act provided, authorizing the issuance of
30 bonds or (2), if the Board shall so determine, out of
31 the proceeds of sale by the District of bonds payable
32 solely from such revenues.

33 Revisor's Note

34 Section 9, Chapter 126, General Laws, Acts of the
35 44th Legislature, Regular Session, 1935, provides that
36 obligations of the authority are payable solely out of
37 the revenue received by the authority with respect to
38 its properties, "including funds received by reason of
39 diversion of taxes," or, if the board so determines,
40 out of the proceeds of sale by the authority of bonds

1 payable solely from that revenue. The revised law
2 omits the quoted language for the reason stated in
3 Revisor's Note (2) to Section 8506.154.

4 Revised Law

5 Sec. 8506.204. POWER TO ISSUE REVENUE BONDS. (a) The
6 authority may issue revenue bonds for any corporate purpose in any
7 amount authorized by the directors but not to exceed an aggregate
8 principal amount of \$6 million.

9 (b) The bonds may be secured only by a pledge of the amounts
10 granted or donated by this state or out of any other current revenue
11 of the district, which amounts shall be paid to the legal holders of
12 the bonds.

13 (c) The bonds must be authorized by a board resolution.
14 (Acts 44th Leg., R.S., G.L., Ch. 126, Secs. 2 (part), 10 (part).)

15 Source Law

16 Sec. 2. . . . Without limitation of the
17 generality of the foregoing the District shall have
18 and is hereby authorized to exercise the following
19 powers, rights, privileges and functions:

20 . . .
21 (r) this district and/or the Brazos River
22 Conservation and Reclamation District heretofore
23 created by act of the Legislature of the State of
24 Texas, Chapter 13, Special Laws, Second Called Session
25 of the Forty-first Legislature, shall have the
26 authority and it is hereby authorized to issue its
27 negotiable revenue bonds secured only by pledge of the
28 sums granted and/or donated by the State of Texas
29 and/or out of any other current revenues of the
30 district in any such amount as may be authorized by the
31 directors of such district, which sums shall be paid to
32 the legal holders of said bond.
33 . . .

34 Sec. 10. The District shall have power and is
35 hereby authorized to issue, from time to time, bonds as
36 herein authorized for any corporate purpose, not to
37 exceed Six Million Dollars (\$6,000,000) in aggregate
38 principal amount. . . . All such bonds shall be
39 authorized by resolution of the Board concurred in by
40 at least five (5) of the members thereof, and

41 Revisor's Note

42 (1) Section 2(r), Chapter 126, General Laws,
43 Acts of the 44th Legislature, Regular Session, 1935,
44 authorizes the authority and the former Brazos River
45 Conservation and Reclamation District (now the Brazos
46 River Authority) to issue negotiable revenue bonds

1 secured only by a pledge of the amounts granted or
2 donated by the State of Texas or any other current
3 revenue of the issuer. Section 5, Chapter 3, Acts of
4 the 43rd Legislature, 4th Called Session, 1934, as
5 amended by Chapter 368, Acts of the 44th Legislature,
6 1st Called Session, 1935, contained substantively
7 duplicative language authorizing the former Brazos
8 River Conservation and Reclamation District to issue
9 negotiable revenue bonds for certain purposes.
10 Section 5-c was added to Chapter 3, Acts of the 43rd
11 Legislature, 4th Called Session, 1934, by Section 3,
12 Chapter 194, Acts of the 53rd Legislature, Regular
13 Session, 1953. Section 5-c authorized the Brazos River
14 Authority to issue negotiable revenue bonds for
15 certain purposes, payable from and secured by a pledge
16 of its revenue to the extent and in the manner provided
17 by the board of directors of that authority. Section 6
18 of Chapter 194 provided that all laws and parts of laws
19 in conflict with that act were repealed to the extent
20 of the conflict. Chapter 996, Acts of the 78th
21 Legislature, Regular Session, 2003, repealed Chapter
22 3, Chapter 368, and certain other laws relating to the
23 Brazos River Authority and enacted Chapter 221, Water
24 Code, to govern that authority. Chapter 221, Water
25 Code, was renumbered as Chapter 8502, Special District
26 Local Laws Code, in 2007. The power of the Brazos
27 River Authority to issue revenue bonds is now governed
28 by Chapter 8502, Special District Local Laws Code, and
29 the general law pertaining to the authority.
30 Accordingly, the revised law omits the reference in
31 Section 2(r) of Chapter 126 to the former Brazos River
32 Conservation and Reclamation District.

33 (2) Section 2(r), Chapter 126, General Laws,
34 Acts of the 44th Legislature, Regular Session, 1935,

1 authorizes the authority to issue "negotiable" revenue
2 bonds. The revised law omits the reference to
3 "negotiable" revenue bonds for the reason stated in
4 Revisor's Note (1) to Section 8506.201.

5 (3) Section 10, Chapter 126, General Laws, Acts
6 of the 44th Legislature, Regular Session, 1935,
7 permits the authority to issue bonds "from time to
8 time." The revised law omits the quoted language for
9 the reason stated in Revisor's Note (1) to Section
10 8506.108.

11 (4) Section 10, Chapter 126, General Laws, Acts
12 of the 44th Legislature, Regular Session, 1935,
13 permits the authority to issue bonds "as herein
14 authorized." The revised law omits the quoted
15 language for the reason stated in Revisor's Note (2) to
16 Section 8506.201.

17 (5) Section 10, Chapter 126, General Laws, Acts
18 of the 44th Legislature, Regular Session, 1935,
19 authorizes the authority to issue bonds not to exceed
20 \$6 million in aggregate principal amount and provides
21 that any additional amount of bonds must be authorized
22 by an act of the legislature. The revised law omits
23 the provision requiring that any additional amount of
24 bonds be authorized by an act of the legislature
25 because the revised law limits the aggregate principal
26 amount of the bonds the authority may issue to \$6
27 million and any act of the legislature authorizing the
28 authority to issue an additional amount of bonds would
29 apply to the issuance of authority bonds without an
30 express reference to that act in this section. The
31 omitted law reads:

32 Sec. 10. . . . Any additional amount
33 of bonds must be authorized by an Act of the
34 Legislature. . . .

35 (6) Section 10, Chapter 126, General Laws, Acts

1 of the 44th Legislature, Regular Session, 1935,
2 requires that bonds issued by the authority be
3 authorized by a resolution of the board "concurred in
4 by at least five (5) of the members thereof." The
5 revised law omits the quoted language because it
6 duplicates, in substance, Section 3(b) of Chapter 126,
7 codified in pertinent part as Section 8506.055(b)(2),
8 which provides that bonds, notes, or other evidences
9 of indebtedness must be authorized or ratified by the
10 affirmative vote of at least five directors.

11 Revised Law

12 Sec. 8506.205. TERMS OF ISSUANCE. Authority bonds may be:

13 (1) sold for cash;

14 (2) issued on terms the board determines in exchange
15 for property of any kind, or any interest in property, that the
16 board considers necessary or convenient for the corporate purpose
17 for which the bonds are issued; or

18 (3) issued in exchange for like principal amounts of
19 other obligations of the authority, whether matured or unmatured.

20 (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 10 (part).)

21 Source Law

22 Sec. 10. . . . Such bonds may either be (1) sold
23 for cash, at public or private sale, at such price or
24 prices as the Board shall determine, . . . or (2) may
25 be issued on such terms as the Board shall determine in
26 exchange for property of any kind, real, personal or
27 mixed or any interest therein which the Board shall
28 determine in exchange for property of any kind, real,
29 personal or mixed or any interest therein which the
30 Board shall deem necessary or convenient for any such
31 corporate purpose, or (3) may be issued in exchange for
32 like principal amounts of other obligations of the
33 District, matured or unmatured. . . .

34 Revisor's Note

35 (1) Section 10, Chapter 126, General Laws, Acts
36 of the 44th Legislature, Regular Session, 1935,
37 provides that authority bonds may be sold "at public or
38 private sale." The revised law omits the quoted
39 language because it duplicates Section
40 1201.022(a)(3)(A), Government Code.

1 (2) Section 10, Chapter 126, General Laws, Acts
2 of the 44th Legislature, Regular Session, 1935,
3 provides that authority bonds may be sold "at such
4 price or prices as the Board shall determine." The
5 revised law omits the quoted language because it is
6 superseded by general law. Section 1201.022,
7 Government Code, as amended in 2001, provides that an
8 issuer may sell public securities "under the terms
9 determined by the governing body of the issuer to be in
10 the issuer's best interests."

11 (3) Section 10, Chapter 126, General Laws, Acts
12 of the 44th Legislature, Regular Session, 1935,
13 provides that the board may issue bonds "on such terms
14 as the Board shall determine in exchange for property
15 of any kind, real, personal or mixed or any interest
16 therein which the Board shall determine in exchange
17 for property of any kind, real, personal or mixed or
18 any interest therein." The revised law substitutes
19 "on terms the board determines in exchange for
20 property of any kind, or any interest in property,"
21 because it is clear from the context that the
22 repetition of the phrase "which the Board shall
23 determine in exchange for property of any kind, real,
24 personal or mixed or any interest therein" is a
25 typographical error and that the legislature intended
26 to allow the board to determine the terms of an
27 exchange of bonds for any kind of property or an
28 interest in property.

29 Revised Law

30 Sec. 8506.206. DEPOSIT OF PROCEEDS. The proceeds of sale of
31 authority bonds shall be deposited in one or more banks or trust
32 companies, and shall be paid out according to the terms, on which
33 the authority and the purchasers of the bonds agree. (Acts 44th
34 Leg., R.S., G.L., Ch. 126, Sec. 10 (part).)

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Source Law

Sec. 10. . . . The proceeds of sale of such bonds shall be deposited in such bank or banks or trust company or trust companies, and shall be paid out pursuant to such terms and conditions, as may be agreed upon between the District and the purchasers of such bonds. . . .

Revisor's Note

Section 10, Chapter 126, General Laws, Acts of the 44th Legislature, Regular Session, 1935, refers to the "terms and conditions" under which proceeds of the sale of authority bonds shall be paid out. The revised law omits "conditions" because the meaning of the term is included in the meaning of "terms."

Revised Law

Sec. 8506.207. RESOLUTION PROVISIONS. (a) A resolution authorizing bonds may contain provisions approved by the board that are not inconsistent with this chapter, including provisions:

(1) reserving the right to redeem the bonds at the time or times, in the amounts, and at the prices, not exceeding 105 percent of the principal amount of the bonds, plus accrued interest, as may be provided;

(2) providing for the setting aside of sinking funds or reserve funds and the regulation and disposition of those funds;

(3) pledging, to secure the payment of the principal of and interest on the bonds and of the sinking fund or reserve fund payments agreed to be made with respect to the bonds:

(A) all or any part of the gross or net revenue subsequently received by the authority with respect to the property to be acquired or constructed with the bonds or the proceeds of the bonds; or

(B) all or any part of the gross or net revenue subsequently received by the authority from any source;

(4) prescribing the purposes to which the bonds or any bonds subsequently to be issued, or the proceeds of the bonds, may be applied;

(5) agreeing to set and collect rates and charges

1 sufficient to produce revenue adequate to pay the items specified
2 by Section 8506.154(b) and prescribing the use and disposition of
3 all revenue;

4 (6) prescribing limitations on the issuance of
5 additional bonds and on the agreements that may be made with the
6 purchasers and successive holders of those bonds;

7 (7) regarding the construction, extension,
8 improvement, reconstruction, operation, maintenance, and repair of
9 the properties of the authority and the carrying of insurance on all
10 or any part of those properties covering loss or damage or loss of
11 use and occupancy resulting from specified risks;

12 (8) setting the procedure, if any, by which, if the
13 authority so desires, the terms of a contract with the bondholders
14 may be amended or abrogated, the amount of bonds the holders of
15 which must consent to that amendment or abrogation, and the manner
16 in which the consent may be given; and

17 (9) providing for the execution and delivery by the
18 authority to a bank or trust company authorized by law to accept
19 trusts, or to the United States or any officer of the United States,
20 of indentures and agreements for the benefit of the bondholders
21 setting forth any or all of the agreements authorized by this
22 chapter to be made with or for the benefit of the bondholders and
23 any other provisions that are customary in such indentures or
24 agreements.

25 (b) A provision authorized by this section that is contained
26 in a bond resolution is part of the contract between the authority
27 and the bondholders. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 10
28 (part).)

29 Source Law

30 Sec. 10. . . . Any resolution or resolutions
31 authorizing any bonds may contain provisions, which
32 shall be part of the contract between the District and
33 the holders thereof from time to time (a) reserving the
34 right to redeem such bonds at such time or times, in
35 such amounts and at such prices, not exceeding one
36 hundred and five (105) per centum of the principal
37 amount thereof, plus accrued interest, as may be
38 provided, (b) providing for the setting aside of
39 sinking funds or reserve funds and the regulation and

1 disposition thereof, (c) pledging to secure the
2 payment of the principal of and interest on such bonds
3 and of the sinking fund or reserve fund payments agreed
4 to be made in respect of such bonds all or any part of
5 the gross or net revenues thereafter received by the
6 District in respect of the property, real, personal or
7 mixed, to be acquired and/or constructed with such
8 bonds or the proceeds thereof, or all or any part of
9 the gross or net revenues thereafter received by the
10 District from whatever source derived, (d) prescribing
11 the purposes to which such bonds or any bonds
12 thereafter to be issued, or the proceeds thereof, may
13 be applied, (e) agreeing to fix and collect rates and
14 charges sufficient to produce revenues adequate to pay
15 the items specified in subdivisions (a), (b), (c), and
16 (d), of Section 8 hereof, and prescribing the use and
17 disposition of all revenues, (f) prescribing
18 limitations upon the issuance of additional bonds and
19 upon the agreements which may be made with the
20 purchasers and successive holders thereof, (g) with
21 regard to the construction, extension, improvement,
22 reconstruction, operation, maintenance and repair of
23 the properties of the District and carrying of
24 insurance upon all or any part of said properties
25 covering loss or damage or loss of use and occupancy
26 resulting from specified risks, (h) fixing the
27 procedure, if any, by which, if the District shall so
28 desire, the terms of any contract with the holders of
29 such bonds may be amended or abrogated, the amount of
30 bonds the holders of which must consent thereto, and
31 the manner in which such consent may be given, (i) for
32 the execution and delivery by the District to a bank or
33 trust company authorized by law to accept trusts, or to
34 the United States of America or any officer or agency
35 thereof, of indentures and agreements for the benefit
36 of the holders of such bonds setting forth any or all
37 of the agreements herein authorized to be made with or
38 for the benefit of the holders of such bonds and such
39 other provisions as may be customary in such
40 indentures or agreements, and (j) such other
41 provisions, not inconsistent with the provisions of
42 this Act, as the Board may approve.

43 . . .

44 Revisor's Note

45 (1) Section 10, Chapter 126, General Laws, Acts
46 of the 44th Legislature, Regular Session, 1935,
47 provides that provisions of the resolution authorizing
48 bonds are "part of the contract between the District
49 and the holders thereof from time to time." The
50 revised law omits "from time to time" because, to the
51 extent the phrase modifies "the contract [made]," the
52 power to make a contract includes the power to do so at
53 any time, and to the extent the phrase modifies "the
54 holders [of authority bonds]," "bondholder" includes
55 anyone holding a bond at any time the statute is read.

56 (2) Section 10, Chapter 126, General Laws, Acts

1 of the 44th Legislature, Regular Session, 1935, refers
2 to the "United States of America or any . . . agency
3 thereof." The revised law omits the reference to an
4 agency of the United States because under Section
5 311.005(9), Government Code (Code Construction Act),
6 "United States" includes an agency of the United
7 States.

8 Revised Law

9 Sec. 8506.208. DEFAULT PROCEDURES. (a) This section
10 applies only to a default in:

11 (1) the payment of the interest on bonds as the
12 interest becomes due and payable;

13 (2) the payment of the principal of bonds as they
14 become due and payable, whether at maturity, by call for
15 redemption, or otherwise; or

16 (3) the performance of an agreement made with the
17 purchasers or successive holders of bonds.

18 (b) A resolution authorizing bonds and any indenture or
19 agreement entered into under the resolution may provide that in the
20 event of a default described by Subsection (a) that continues for a
21 period, if any, prescribed by the resolution, the trustee under the
22 indenture entered into with respect to the bonds authorized by the
23 resolution, or, if there is no indenture, a trustee appointed in the
24 manner provided in the resolution by the holders of 25 percent in
25 aggregate principal amount of the bonds authorized by the
26 resolution and then outstanding may, and on the written request of
27 the holders of 25 percent in aggregate principal amount of the bonds
28 authorized by the resolution then outstanding, shall, in the
29 trustee's own name, but for the equal and proportionate benefit of
30 the holders of all of the bonds, and with or without having
31 possession of the bonds:

32 (1) by mandamus or other suit, action, or proceeding
33 at law or in equity, enforce all rights of the bondholders;

34 (2) bring suit on the bonds or the appurtenant

1 coupons;

2 (3) by action or suit in equity, require the authority
3 to account as if it were the trustee of an express trust for the
4 bondholders;

5 (4) by action or suit in equity, enjoin any acts or
6 things that may be unlawful or in violation of the rights of the
7 bondholders; or

8 (5) after such notice to the authority as the
9 resolution may provide, declare the principal of all of the bonds
10 due and payable, and if all defaults have been made good, then with
11 the written consent of the holders of 25 percent in aggregate
12 principal amount of the bonds then outstanding, annul the
13 declaration and its consequences.

14 (c) Notwithstanding Subsection (b), the holders of more
15 than a majority in principal amount of the bonds authorized by the
16 resolution and then outstanding, by written instrument delivered to
17 the trustee, are entitled to direct and control any and all action
18 taken or to be taken by the trustee under this section.

19 (d) A resolution, indenture, or agreement relating to bonds
20 may provide that in a suit, action, or proceeding under this
21 section, the trustee, whether or not all of the bonds have been
22 declared due and payable and with or without possession of any of
23 the bonds, is entitled to the appointment of a receiver who may:

24 (1) enter and take possession of all or any part of the
25 properties of the authority;

26 (2) operate and maintain the properties;

27 (3) set, collect, and receive rates and charges
28 sufficient to provide revenue adequate to pay the items specified
29 by Section 8506.154(b) and the costs and disbursements of the suit,
30 action, or proceeding; and

31 (4) apply the revenue in conformity with this chapter
32 and the resolution authorizing the bonds.

33 (e) In a suit, action, or proceeding by a trustee under this
34 section, the reasonable fees, attorney's fees, and expenses of the

1 trustee and of the receiver, if any, constitute taxable
2 disbursements, and all costs and disbursements allowed by the court
3 are a first charge on any revenue pledged to secure the payment of
4 the bonds.

5 (f) The courts of the county in which the authority is
6 domiciled have jurisdiction of a suit, action, or proceeding by a
7 trustee on behalf of the bondholders and of all property involved in
8 the suit, action, or proceeding.

9 (g) In addition to the powers specifically provided by this
10 section, a trustee has all powers necessary or appropriate for the
11 exercise of the powers specifically provided or incident to the
12 general representation of the bondholders in the enforcement of
13 their rights. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 10
14 (part).)

15 Source Law

16 Sec. 10. . . .

17 Any such resolution and any indenture or
18 agreement entered into pursuant thereto may provide
19 that in the event that

20 (a) default shall be made in the payment of the
21 interest on any or all bonds when and as the same shall
22 become due and payable, or

23 (b) default shall be made in the payment of the
24 principal of any or all bonds when and as the same
25 shall become due and payable, whether at the maturity
26 thereof, by call for redemption or otherwise, or

27 (c) default shall be made in the performance of
28 any agreement made with the purchasers or successive
29 holders of any bonds.

30 And such default shall have continued such
31 period, if any, as may be prescribed by said resolution
32 in respect thereof, the trustee under the indenture or
33 indentures entered into in respect of the bonds
34 authorized thereby, or, if there shall be no such
35 indenture, a trustee appointed in the manner provided
36 in such resolution or resolutions by the holders of
37 twenty-five (25) per centum in aggregate principal
38 amount of the bonds authorized thereby and at the time
39 outstanding may, and upon the written request of the
40 holders of twenty-five (25) per centum in aggregate
41 principal amount of the bonds authorized by such
42 resolution or resolutions at the time outstanding,
43 shall, in his or its own name, but for the equal and
44 proportionate benefit of the holders of all of such
45 bonds; and with or without having possession thereof;

46 (1) by mandamus or other suit, action or
47 proceeding at law or in equity, enforce all rights of
48 the holders of such bonds,

49 (2) bring suit upon such bonds and/or the
50 appurtenant coupons,

51 (3) by action or suit in equity, require the
52 District to account as if it were the trustee or an
53 express trust for the bond-holders,

1 (4) by action or suit in equity, enjoin any acts
2 or things which may be unlawful or in violation of the
3 rights of the holders of such bonds, and/or

4 (5) after such notice to the District as such
5 resolution may provide, declare the principal of all
6 of such bonds due and payable, and if all defaults
7 shall have been made good, then with the written
8 consent of the holders of twenty-five (25) per centum
9 in aggregate principal amount of such bonds at the time
10 outstanding, annul such declaration and its
11 consequences; provided however, that the holders of
12 more than a majority in principal amount of the bonds
13 authorized thereby and at the time outstanding shall
14 by instrument or instruments in writing delivered to
15 such trustee have the right to direct and control any
16 and all action taken or to be taken by such trustee
17 under this paragraph. Any such resolution, indenture
18 or agreement may provide that in any such suit, action
19 or proceeding, any such trustee, whether or not all of
20 such bonds shall have been declared due and payable,
21 and with or without possession of any thereof, shall be
22 entitled as of right to the appointment of a receiver
23 who may enter and take possession of all or any part of
24 the properties of the District and operate and
25 maintain the same, and fix, collect and receive rates
26 and charges sufficient to provide revenues adequate to
27 pay the items set forth in subparagraphs (a), (b), (c),
28 and (d), of Section 8 hereof and the costs and
29 disbursements of such suit, action or proceeding and
30 to apply such revenues in conformity with the
31 provisions of this Act and the resolution or
32 resolutions authorizing such bonds. In any suit,
33 action or proceeding by any such trustee, the
34 reasonable fees, counsel fees and expenses of such
35 trustee and of the receiver or receivers, if any, shall
36 constitute taxable disbursements and all costs and
37 disbursements allowed by the Court shall be a first
38 charge upon any revenues pledged to secure the payment
39 of such bonds. Subject to the provisions of the
40 Constitution of the State of Texas, the Courts of the
41 county of the domicile of the District shall have
42 jurisdiction of any such suit, action or proceeding by
43 any such trustee on behalf of the bondholders and of
44 all property involved therein. In addition to the
45 powers hereinabove specifically provided for, each
46 such trustee shall have and possess all powers
47 necessary or appropriate for the exercise therefor, or
48 incident to the general representation of the
49 bondholders in the enforcement of their rights.

50 . . .

51 Revisor's Note

52 (1) Section 10, Chapter 126, General Laws, Acts
53 of the 44th Legislature, Regular Session, 1935,
54 provides that a trustee in certain circumstances may
55 or shall require the authority to account as if it were
56 the trustee "or" an express trust for the bondholders.
57 The revised law substitutes "of" for "or" because it is
58 clear from the context that "or" is a typographical
59 error and that the legislature intended to authorize

1 or require a trustee to require the authority to
2 account as if it were the trustee "of" an express trust
3 for the bondholders.

4 (2) Section 10, Chapter 126, General Laws, Acts
5 of the 44th Legislature, Regular Session, 1935,
6 provides that a resolution, indenture, or agreement
7 may provide that in a suit, action, or proceeding, a
8 trustee "shall be entitled as of right" to the
9 appointment of a receiver. The revised law
10 substitutes "is entitled to" for the quoted language
11 because under Section 311.016(4), Government Code
12 (Code Construction Act), "is entitled to" creates or
13 recognizes a right.

14 (3) Section 10, Chapter 126, General Laws, Acts
15 of the 44th Legislature, Regular Session, 1935, refers
16 to "counsel fees" incurred in a suit, action, or
17 proceeding by a trustee. The revised law substitutes
18 "attorney's fees" for "counsel fees" because, in this
19 context, the meaning is the same and "attorney's fees"
20 is the more commonly used term.

21 (4) Section 10, Chapter 126, General Laws, Acts
22 of the 44th Legislature, Regular Session, 1935,
23 provides that "[s]ubject to the provisions of the
24 Constitution of the State of Texas," the courts of the
25 county in which the authority is domiciled have
26 jurisdiction of a suit, action, or proceeding by a
27 trustee. The revised law omits the reference to the
28 Texas Constitution because the state cannot modify
29 constitutional requirements by statute.

30 (5) Section 10, Chapter 126, General Laws, Acts
31 of the 44th Legislature, Regular Session, 1935,
32 provides that in addition to the powers specifically
33 provided for, each trustee "shall have and possess"
34 all powers necessary or appropriate for the exercise

1 of the powers specifically provided or incident to the
2 general representation of the bondholders in the
3 enforcement of their rights. The revised law
4 substitutes "has" for "shall have and possess"
5 because, in context, the terms have the same meanings
6 and "has" is more concise.

7 Revised Law

8 Sec. 8506.209. POWER OF AUTHORITY TO PURCHASE BONDS ISSUED
9 BY AUTHORITY. (a) Using any money available for the purpose, the
10 authority may purchase bonds issued by it at a price not exceeding
11 the redemption price applicable at the time of purchase, or, if the
12 bonds are not redeemable, at a price not exceeding the principal
13 amount of the bonds plus accrued interest.

14 (b) All bonds purchased under this section shall be
15 canceled, and bonds may not be issued in lieu of those bonds. (Acts
16 44th Leg., R.S., G.L., Ch. 126, Sec. 13.)

17 Source Law

18 Sec. 13. The District shall have power out of
19 any funds available therefor to purchase any bonds
20 issued by it at a price not exceeding the redemption
21 price applicable at the time of such purchase, or if
22 such bonds shall not be redeemable, at a price not
23 exceeding the principal amount thereof plus accrued
24 interest. All bonds so purchased shall be cancelled
25 and no bonds shall ever be issued in lieu thereof.

26 Revisor's Note

27 Section 13, Chapter 126, General Laws, Acts of
28 the 44th Legislature, Regular Session, 1935, refers to
29 "funds" available to the authority. The revised law
30 substitutes "money" for "funds" because, in the
31 context of funds available to the authority, the
32 meaning is the same and "money" is the more commonly
33 used term.

34 Revised Law

35 Sec. 8506.210. BONDS EXEMPT FROM TAXATION. A bond issued
36 under this chapter and the interest on the bond is exempt from
37 taxation, except inheritance taxes, by this state or by any
38 political subdivision of this state. (Acts 44th Leg., R.S., G.L.,

1 Ch. 126, Sec. 16.)

2 Source Law

3 Sec. 16. All bonds and interest thereon issued
4 pursuant to the provisions of this Act shall be exempt
5 from taxation (except inheritance taxes) by the State
6 of Texas or by any municipal corporation, county or
7 other political subdivision or taxing district of the
8 State.

9 Revisor's Note

10 Section 16, Chapter 126, General Laws, Acts of
11 the 44th Legislature, Regular Session, 1935, refers to
12 a "municipal corporation, county or other political
13 subdivision or taxing district of the State." The
14 revised law omits the references to "municipal
15 corporation," "county," and "taxing district"
16 because, in context, the terms are included in the
17 meaning of "political subdivision" of this state.

18 Revisor's Note
19 (End of Subchapter)

20 (1) Section 10, Chapter 126, General Laws, Acts
21 of the 44th Legislature, Regular Session, 1935,
22 provides that the interest cost of the money received
23 for an authority bond, computed to maturity, may not
24 exceed six percent per year. That section also
25 provides that the interest rate on authority bonds may
26 not exceed six percent per year. The revised law omits
27 those provisions as superseded by other law. Chapter
28 3, Acts of the 61st Legislature, Regular Session, 1969
29 (Article 717k-2, Vernon's Texas Civil Statutes), now
30 Chapter 1204, Government Code, established a maximum
31 interest rate for public securities. Section
32 1204.006, Government Code, reflecting the 1981
33 amendment of Article 717k-2 by Section 1, Chapter 61,
34 Acts of the 67th Legislature, Regular Session, permits
35 a public agency to issue public securities at any net
36 effective interest rate of 15 percent or less. Section
37 1204.006, Government Code, applies to authority bonds

1 under Sections 1204.001 and 1204.002, Government Code.

2 The omitted law reads:

3 Sec. 10. . . . [Such bonds may either
4 be (1) sold for cash, . . . at such price or
5 prices as the Board shall determine,]
6 provided that the interest cost of the money
7 received therefor, computed to maturity in
8 accordance with standard bond tables in
9 general use by banks and insurance
10 companies, shall not exceed six (6) per
11 centum per annum, . . . [All such bonds
12 . . . shall . . . bear interest at such rate
13 or rates] (not exceeding six (6) per centum
14 per annum) . . . [as such resolution or
15 resolutions may provide.] . . .

16 (2) Section 10, Chapter 126, General Laws, Acts
17 of the 44th Legislature, Regular Session, 1935,
18 provides that a resolution authorizing the issuance of
19 bonds by the authority may specify the date or dates of
20 the bonds and the date of maturity of the bonds. The
21 revised law omits the provision because it duplicates,
22 in substance, provisions of Sections 1201.021,
23 1201.022, and 1201.024, Government Code, which provide
24 for the characteristics, terms of issuance, and form
25 of a public security. The omitted law reads:

26 Sec. 10. . . . [All such bonds] . . .
27 shall bear such date or dates, mature at
28 such time or times, . . . as such resolution
29 or resolutions may provide. . . .

30 (3) Section 10, Chapter 126, General Laws, Acts
31 of the 44th Legislature, Regular Session, 1935,
32 provides that authority bonds may bear interest at the
33 rate or rates provided by the bond resolution. The
34 revised law omits that provision because it duplicates
35 Section 1201.021(2), Government Code. The omitted law
36 reads:

37 Sec. 10. . . . [All such bonds . . .
38 shall] . . . bear interest at such rate or
39 rates . . . [as such resolution or
40 resolutions may provide.] . . .

41 (4) Section 10, Chapter 126, General Laws, Acts
42 of the 44th Legislature, Regular Session, 1935,
43 provides that interest on authority bonds may be

1 payable annually or semiannually as provided by the
2 bond resolution. The revised law omits the provision
3 because it is superseded by Section 1201.021,
4 Government Code (enacted as Section 3, Bond Procedures
5 Act of 1981 (Article 717k-6, Vernon's Texas Civil
6 Statutes)), which provides in part that a public
7 security may be payable at the times and in the amounts
8 specified by the governing body of the issuer. The
9 omitted law reads:

10 Sec. 10. . . . [All such bonds . . .
11 shall . . . bear interest at such rate or
12 rates] . . . payable annually or
13 semi-annually, . . . [as such resolution or
14 resolutions may provide.] . . .

15 (5) Section 10, Chapter 126, General Laws, Acts
16 of the 44th Legislature, Regular Session, 1935,
17 provides that authority bonds may be in the
18 denominations provided by the bond resolution. The
19 revised law omits that provision because it duplicates
20 Section 1201.021(1), Government Code. The omitted law
21 reads:

22 Sec. 10. . . . [All such bonds . . .
23 shall] . . . be in such denominations,
24 . . . [as such resolution or resolutions
25 may provide.] . . .

26 (6) Section 10, Chapter 126, General Laws, Acts
27 of the 44th Legislature, Regular Session, 1935,
28 provides that a resolution authorizing the issuance of
29 bonds by the authority may specify the form of the
30 bonds. The revised law omits the provision because it
31 duplicates or is superseded by Sections 1201.021 and
32 1201.024, Government Code, which provide for the form
33 and characteristics of a public security. The omitted
34 law reads:

35 Sec. 10. . . . [All such bonds . . .
36 shall] . . . be in such form, either coupon
37 or registered, . . . [as such resolution or
38 resolutions may provide.] . . .

39 (7) Section 10, Chapter 126, General Laws, Acts

1 of the 44th Legislature, Regular Session, 1935,
2 provides that authority bonds may carry registration
3 privileges as to principal only or as to both principal
4 and interest and as to exchange for bonds of another
5 form or denomination. The revised law omits that
6 provision because it duplicates, in substance, Section
7 1201.022(a)(4), Government Code, and part of Section
8 1201.024, Government Code. Section 1201.022(a)(4),
9 Government Code, provides that a public security may
10 be issued with specified characteristics, on specified
11 terms, or in a specified manner; that general law is
12 sufficient authority for authority bonds to be
13 exchangeable for bonds of another denomination.
14 Section 1201.024, Government Code, provides that a
15 public security may be registrable as to principal and
16 interest or only as to principal and that an issuer may
17 provide that coupon bonds are exchangeable for
18 registered bonds and vice versa. The omitted law
19 reads:

20 Sec. 10. . . . [All such bonds . . .
21 shall] . . . carry such registration
22 privileges as to principal only or as to
23 both principal and interest, and as to
24 exchange of coupon bonds for registered
25 bonds or vice versa, and exchange of bonds
26 of one denomination for bonds of other
27 denominations, . . . [as such resolution or
28 resolutions may provide.] . . .

29 (8) Section 10, Chapter 126, General Laws, Acts
30 of the 44th Legislature, Regular Session, 1935,
31 provides that a resolution that authorizes the
32 issuance of authority bonds may specify the manner of
33 execution of the bonds issued. The revised law omits
34 that provision because it duplicates, in substance,
35 Section 1201.026, Government Code, which provides for
36 the execution of a public security. The omitted law
37 reads:

38 Sec. 10. . . . [All such bonds . . .
39 shall] . . . be executed in such manner and

1 . . . [as such resolution or resolutions
2 may provide.] . . .

3 (9) Section 10, Chapter 126, General Laws, Acts
4 of the 44th Legislature, Regular Session, 1935,
5 provides that authority bonds may be payable at the
6 place or places inside or outside the state provided by
7 the bond resolution. The revised law omits that
8 provision because Section 1201.021(5)(C), Government
9 Code, provides that a public security may be payable at
10 a specified place or places. The omitted law reads:

11 Sec. 10. . . . [All such bonds . . .
12 shall] . . . be payable at such place or
13 places within or without the State of Texas,
14 [as such resolution or resolutions may
15 provide.] . . .

16 (10) Section 10, Chapter 126, General Laws, Acts
17 of the 44th Legislature, Regular Session, 1935,
18 provides that before bonds may be sold by the
19 authority, a certified copy of the proceedings for the
20 issuance of the bonds and other information must be
21 submitted to the attorney general; provides that if
22 the attorney general finds that the bonds have been
23 issued in accordance with law and approves the bonds,
24 the attorney general shall execute a certificate to
25 that effect; requires that the certificate be filed
26 and recorded in the office of the comptroller;
27 prohibits the issuance of bonds until they have been
28 registered by the comptroller; and requires the
29 comptroller to register the bonds if the attorney
30 general files with the comptroller the attorney
31 general's certificate approving the bonds and the
32 proceedings for the issuance of the bonds. The revised
33 law omits those provisions as duplicative of or
34 superseded by Chapter 1202, Government Code, enacted
35 as Article 3, Chapter 53, Acts of the 70th Legislature,
36 2nd Called Session, 1987 (Article 717k-8, Vernon's
37 Texas Civil Statutes). Section 1202.003(a),

1 Government Code, requires bonds to be submitted to the
2 attorney general. Section 1202.003(b), Government
3 Code, provides for approval of the bonds by the
4 attorney general and requires the attorney general to
5 submit the approved bonds to the comptroller for
6 registration. Section 1202.005, Government Code,
7 requires registration of the bonds by the comptroller.
8 The omitted law reads:

9 Sec. 10. . . .

10 Before any bonds shall be sold by the
11 District, a certified copy of the
12 proceedings for the issuance thereof,
13 including the form of such bonds, together
14 with any other information which the
15 Attorney General of the State of Texas may
16 require, shall be submitted to the Attorney
17 General, and if he shall find that such
18 bonds have been issued in accordance with
19 law, and if he shall approve such bonds, he
20 shall execute a certificate to that effect
21 which shall be filed in the office of the
22 Comptroller of the State of Texas and be
23 recorded in a record kept for that purpose.
24 No bonds shall be issued until the same
25 shall have been registered by the
26 Comptroller, who shall so register the same
27 if the Attorney General shall have filed
28 with the Comptroller his certificate
29 approving the bonds and the proceedings for
30 the issuance thereof as herein above
31 provided.

32 . . .

33 (11) Section 10, Chapter 126, General Laws, Acts
34 of the 44th Legislature, Regular Session, 1935,
35 provides that after approval and registration,
36 authority bonds are incontestable and binding
37 obligations. The revised law omits that provision as
38 duplicative of or impliedly repealed by Section
39 1202.006, Government Code, enacted as Section
40 3.002(d), Chapter 53, Acts of the 70th Legislature,
41 2nd Called Session, 1987 (Article 717k-8, Vernon's
42 Texas Civil Statutes). Section 1202.006, Government
43 Code, provides that after approval and registration,
44 bonds are incontestable and binding obligations. The
45 omitted law reads:

46 Sec. 10. . . .

1 All bonds approved by the Attorney
2 General as aforesaid, and registered by the
3 Comptroller as aforesaid, and issued in
4 accordance with the proceedings so approved
5 shall be valid and binding obligations of
6 the District and shall be incontestable for
7 any cause from and after the time of such
8 registration.

9 (12) Section 11, Chapter 126, General Laws, Acts
10 of the 44th Legislature, Regular Session, 1935,
11 provides that authority bonds are negotiable
12 instruments within the meaning of the Negotiable
13 Instruments Law of the State of Texas. The revised law
14 omits that provision because the Uniform Negotiable
15 Instruments Act (Articles 5932-5948, Revised
16 Statutes) was repealed in 1965 when the Uniform
17 Commercial Code was adopted (see now Title 1, Business
18 & Commerce Code) and because the provision duplicates,
19 in substance, Section 1201.041, Government Code, which
20 provides that a public security is a negotiable
21 instrument. The omitted law reads:

22 Sec. 11. All bonds issued by the
23 District pursuant to the provisions of this
24 Act shall constitute negotiable instruments
25 within the meaning of the Negotiable
26 Instruments Law of the State of Texas.

27 Revisor's Note
28 (End of Chapter)

29 (1) Sections 17, 17A, 17B, and 18, Chapter 126,
30 General Laws, Acts of the 44th Legislature, Regular
31 Session, 1935, allocated certain state tax revenue to
32 the authority for a 20-year period beginning on
33 September 1, 1944, subject to certain conditions,
34 described the purposes for which the authority was
35 permitted to use the revenue, and described the manner
36 in which the revenue was to be paid over to the
37 authority. The revised law omits the provisions as
38 executed. The omitted law reads:

39 Sec. 17. For a period of twenty (20)
40 years, and commencing with the fiscal year
41 beginning September 1, 1944, there is
42 hereby donated and granted by the State of
43 Texas to the Upper Colorado River Authority

1 herein created, all of the net amounts of
2 the annual current State ad valorem taxes
3 that may be collected from the property and
4 from persons in Coke and Tom Green Counties,
5 Texas, which otherwise would go into the
6 General Revenue Fund of the State of Texas,
7 including the rolling stock belonging to
8 railroad companies, which shall be
9 ascertained and apportioned as now provided
10 by law.

11 Provided, however, that the amounts
12 hereby granted shall never exceed in any one
13 county the sum that would be produced for
14 any current year by the levy of the then
15 current State ad valorem taxes for general
16 revenue purposes on the valuation of said
17 county as shown by the Comptroller's records
18 for the year 1947, and all sums collected in
19 excess of such amount shall continue to go
20 into the General Revenue Fund of this State.

21 Sec. 17A. None of the taxes hereby
22 donated and granted to the said Upper
23 Colorado River Authority, except as set
24 forth in Section 5 below, shall be made
25 available to said Authority unless and
26 until said Authority shall have first
27 received from the United States of America a
28 grant, loan or advancement of at least Two
29 Million Dollars (\$2,000,000) or unless and
30 until the United States of America has
31 appropriated at least the sum of Two Million
32 Dollars (\$2,000,000) for the use of the
33 Upper Colorado River Authority or for the
34 construction of flood control or
35 conservation improvements on the Colorado
36 River or some tributary thereof in Coke or
37 Tom Green County; and the Upper Colorado
38 River Authority is authorized to cooperate
39 with the United States of America and its
40 agencies in the construction of any such
41 improvements, including the power to
42 participate in or contribute to the cost of
43 such improvements out of the funds herein
44 donated to the Upper Colorado River
45 Authority; and said funds may also be used
46 to repay the principal and interest due the
47 United States of America by reason of any
48 loan or advancement obtained in accordance
49 with the provisions of this Act, as well as
50 for other authorized purposes of the Upper
51 Colorado River Authority. Provided,
52 however, that in the event no grant, loan or
53 advancement in the sum of at least Two
54 Million Dollars (\$2,000,000) has been
55 received by said Authority, or an
56 appropriation in at least that amount has
57 not been made by the United States of
58 America to said Authority or for the
59 construction of flood control or
60 conservation improvements on the Colorado
61 River or some tributary thereof in one or
62 both of said counties by January 1, 1948,
63 then this grant or donation shall be null
64 and void, except for the sum mentioned in
65 Section 5 below, and such moneys shall be
66 placed in the General Revenue Fund by the
67 State Treasurer. It is expressly provided,
68 however, that the fact that any provision of
69 this Section may not have been complied

1 with, within the time or in the manner
2 herein required, shall not at any time
3 invalidate Subsection R, Section 2, but
4 said subdivision shall remain in full force
5 and effect notwithstanding.

6 Sec. 17B. An opinion from the
7 Attorney General of Texas advising that
8 such a grant, loan or advancement has been
9 made by the United States of America to said
10 Authority or that such an appropriation for
11 the use of said Authority or for the
12 construction of flood control or
13 conservation improvements on the Colorado
14 River or some tributary thereof within said
15 counties has been made by the United States
16 of America shall be authority for the action
17 of any person charged with any duty
18 contingent thereon.

19 Sec. 18. It shall be the duty of the
20 Comptroller of Public Accounts to certify
21 to the State Treasurer along with each
22 remittance of State ad valorem taxes
23 collected for the general revenue purposes
24 within any of the counties aforementioned the
25 amounts thereof which under the terms of
26 this Act are granted to the Upper Colorado
27 River Authority; and it shall be the duty of
28 the State Treasurer to allocate and set
29 aside all such sums and hold same separate
30 and distinct from all other moneys for the
31 use and benefit of said Upper Colorado River
32 Authority for the purpose of carrying out
33 the powers, duties and functions conferred
34 upon said Authority by the Legislature of
35 the State of Texas. Upon an opinion from
36 the Attorney General of Texas as provided in
37 Section 17B hereof as amended, the State
38 Treasurer shall pay over on warrant of the
39 Comptroller, to the Treasurer of the Upper
40 Colorado River Authority, taking his
41 receipt therefor, all moneys allocated and
42 set aside by said State Treasurer for the
43 use and benefit of the said Upper Colorado
44 River Authority, theretofore certified to
45 him by the State Comptroller of Public
46 Accounts as in this Section provided, and in
47 such event said sum so certified is hereby
48 appropriated to the Upper Colorado River
49 Authority. Except as hereinafter provided,
50 the State Treasurer shall, in like manner,
51 pay over to the Treasurer of the Upper
52 Colorado River Authority each month
53 following the initial payment, the amounts
54 certified to him by the State Comptroller of
55 Public Accounts as being due the said
56 Authority out of the State ad valorem taxes
57 collected for general revenue purposes
58 within Coke and Tom Green Counties, Texas.
59 Provided however, that beginning on
60 September 1st of the year following the
61 initial payment by the State Treasurer to
62 the Treasurer of the Upper Colorado River
63 Authority as hereinbefore provided, the
64 Assessor and Collector of Taxes of the
65 Counties of Coke and Tom Green shall, at the
66 end of each month, on forms to be furnished
67 by the Comptroller of Public Accounts, make
68 an itemized report, under oath to said
69 Comptroller, showing State ad valorem taxes

1 collected by him for General Revenue
2 purposes, as provided for in this Act, upon
3 property and from persons within the
4 Counties of Coke and Tom Green, and
5 accompany the same with a summarized
6 statement showing full disposition of all
7 such State taxes collected. The said
8 Assessor-Collector of Taxes shall forward
9 his reports to the Comptroller, and shall
10 pay over to the Treasurer of [the Upper
11 Colorado River Authority, a State agency,]
12 all moneys collected by him, during said
13 month, under the provisions of this Act, as
14 amended, except such amounts as are allowed
15 by law for assessing and collecting the
16 same, and shall forward a duplicate copy of
17 the receipt given him by the Treasurer of
18 the Upper Colorado River Authority, for
19 such moneys to the Comptroller.

20 Provided, further, that the Treasurer
21 of the Upper Colorado River Authority
22 shall, at the end of each month, make an
23 itemized report, under oath, to the
24 Comptroller of Public Accounts, showing the
25 amount of money received by him from the
26 Assessor-Collector of Taxes for the
27 Counties of Coke and Tom Green.

28 (2) Section 21, Chapter 126, General Laws, Acts
29 of the 44th Legislature, Regular Session, 1935,
30 appropriated money to the authority and required that
31 the authority repay any appropriated money withdrawn
32 by the authority. The revised law omits the provision
33 appropriating money to the authority as executed. The
34 revised law omits the provision requiring the
35 authority to repay any appropriated money withdrawn by
36 the authority because the authority has confirmed that
37 any money withdrawn has been repaid. The omitted law
38 reads:

39 Sec. 21. There is hereby
40 appropriated for the use of the District out
41 of any funds in the State Treasury not
42 heretofore otherwise appropriated the sum
43 of Five Thousand Dollars (\$5,000) which may
44 be withdrawn from time to time on warrants
45 signed by the General Manager and Treasurer
46 of the District, amounts withdrawn to be
47 repaid into the State Treasury out of the
48 first revenues of the District from
49 whatever source derived.

50 (3) Section 22, Chapter 126, General Laws, Acts
51 of the 44th Legislature, Regular Session, 1935,
52 provides that the act is severable. The revised law
53 omits that provision because the same result is

1 produced by the application of Section 311.032(c),
2 Government Code (Code Construction Act), which
3 provides that a provision of a statute is severable
4 from each other provision of the statute that can be
5 given effect. The omitted law reads:

6 Sec. 22. If any provision of this Act
7 or the application thereof to any person or
8 circumstance shall be held to be invalid,
9 the remainder of the Act, and the
10 application of such provision to other
11 persons or circumstances, shall not be
12 affected thereby.

13 (4) Section 23, Chapter 126, General Laws, Acts
14 of the 44th Legislature, Regular Session, 1935,
15 provides a short title for that chapter. The revised
16 law omits the short title because Chapter 126 is not a
17 statute of wide application that is frequently
18 referred to by its short title, and the heading to this
19 chapter is sufficient to describe the revised law to
20 the reader. The omitted law reads:

21 Sec. 23. This Act may be cited as the
22 Upper Colorado River Authority Act.

23 (5) Section 5, Chapter 119, Acts of the 50th
24 Legislature, Regular Session, 1947, appropriated
25 money to the authority out of the money allocated to
26 the authority under Section 17, Chapter 126, General
27 Laws, Acts of the 44th Legislature, Regular Session,
28 1935, to be used by the authority for general
29 administrative purposes pending availability to the
30 authority of all of the money allocated. The revised
31 law omits the provision as executed. The omitted law
32 reads:

33 Sec. 5. Out of the funds mentioned in
34 Section 17 above there is hereby
35 appropriated the sum of Five Thousand
36 Dollars (\$5,000) which may be used by said
37 Authority for general administrative
38 purposes pending availability to the
39 Authority of all the funds herein donated,
40 and which may be withdrawn from time to time
41 hereafter on warrants signed by the
42 President and Treasurer of the Board of
43 Directors of said Authority.

1 SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS

2 CHAPTER 9020. DONAHOE CREEK WATERSHED AUTHORITY

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29 CHAPTER 9020. DONAHOE CREEK WATERSHED AUTHORITY

30 SUBCHAPTER A. GENERAL PROVISIONS

31 Revised Law

32 Sec. 9020.001. DEFINITIONS. In this chapter:

33 (1) "Authority" means the Donahoe Creek Watershed

34 Authority.

1 (2) "Board" means the board of directors of the
2 authority.

3 (3) "Director" means a member of the board. (Acts 55th
4 Leg., 1st C.S., Ch. 29, Sec. 1 (part); New.)

5 Source Law

6 Sec. 1. . . . [a . . . district] to be known as
7 Donahoe Creek Watershed Authority

8 Revisor's Note

9 The definitions of "authority," "board," and
10 "director" are added to the revised law for drafting
11 convenience and to eliminate frequent, unnecessary
12 repetition of the substance of the definitions.
13 Although parts of Chapter 29, Acts of the 55th
14 Legislature, 1st Called Session, 1957, refer to the
15 authority as the "district," throughout this chapter
16 the revised law uses the term "authority" rather than
17 "district" to conform to the name of the authority.

18 Revised Law

19 Sec. 9020.002. NATURE OF AUTHORITY. The authority is a
20 conservation and reclamation district in portions of Bell, Milam,
21 and Williamson Counties. (Acts 55th Leg., 1st C.S., Ch. 29, Sec. 1
22 (part).)

23 Source Law

24 Sec. 1. There is hereby created within the State
25 of Texas, a conservation and reclamation district
26 . . . which shall include and consist of portions of
27 the Counties of Bell, Milam and Williamson

28 Revisor's Note

29 (1) Section 1, Chapter 29, Acts of the 55th
30 Legislature, 1st Called Session, 1957, provides that
31 the authority is "hereby created within the State of
32 Texas." The revised law omits the quoted language as
33 executed.

34 (2) Section 1, Chapter 29, Acts of the 55th
35 Legislature, 1st Called Session, 1957, refers to the
36 authority as "a governmental agency and body politic."

1 The revised law omits the quoted language because it
2 duplicates a portion of Section 59(b), Article XVI,
3 Texas Constitution, which provides that a conservation
4 and reclamation district is a governmental agency and
5 body politic. The omitted law reads:

6 Sec. 1. . . . The Authority is
7 hereby declared to be a governmental agency
8 and body politic

9 Revised Law

10 Sec. 9020.003. FINDINGS OF BENEFIT AND PURPOSE. (a) All
11 territory included in the authority will benefit from the works and
12 projects accomplished by the authority under the powers conferred
13 by Section 59, Article XVI, Texas Constitution.

14 (b) The creation of the authority is essential to accomplish
15 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
16 55th Leg., 1st C.S., Ch. 29, Secs. 1 (part), 2 (part).)

17 Source Law

18 Sec. 1. [There is hereby created . . . a
19 conservation and reclamation district] . . . the
20 creation of this Authority is hereby declared to be
21 essential to the accomplishment of the purposes set
22 forth in Article XVI, Section 59, of the Constitution
23 of Texas.

24 Sec. 2. It is expressly determined and found
25 that all of the territory included with the area of the
26 district will be benefited by the works and projects
27 which are to be accomplished by the Authority pursuant
28 to the powers conferred by the provisions of Article
29 XVI, Section 59, of the Constitution of Texas. . . .

30 Revised Law

31 Sec. 9020.004. AUTHORITY TERRITORY. The authority is
32 composed of the territory described by Section 2, Chapter 29, Acts
33 of the 55th Legislature, 1st Called Session, 1957, as that
34 territory may have been modified under:

- 35 (1) Subchapter O, Chapter 51, Water Code;
36 (2) Subchapter J, Chapter 49, Water Code; or
37 (3) other law. (Acts 55th Leg., 1st C.S., Ch. 29, Sec.
38 1 (part); New.)

39 Source Law

40 Sec. 1. . . . [a . . . district] . . .
41 described and contained within the metes and bounds
42 set forth in Section 2 of this Act. . . .

1 Revisor's Note

2 The revised law does not revise the statutory
3 language describing the territory of the authority to
4 avoid the lengthy recitation of the description and
5 because that description may not be accurate on the
6 effective date of the revision or at the time of a
7 later reading. For the reader's convenience, the
8 revised law includes references to the statutory
9 description of the authority's territory and to
10 statutory authority to change the authority's
11 territory under Subchapter O, Chapter 51, Water Code,
12 applicable to water control and improvement districts,
13 and under Subchapter J, Chapter 49, Water Code,
14 applicable to the authority under Sections 49.001 and
15 49.002 of that chapter. The revised law also includes
16 a reference to the general authority of the
17 legislature to enact other laws to change the
18 authority's territory.

19 Revised Law

20 Sec. 9020.005. APPLICABILITY OF OTHER WATER CONTROL AND
21 IMPROVEMENT DISTRICT LAW. Except as provided by this chapter,
22 general laws pertaining to water control and improvement districts
23 govern the authority. (Acts 55th Leg., 1st C.S., Ch. 29, Sec. 13.)

24 Source Law

25 Sec. 13. Except as modified or supplemented by
26 the provisions of this Act all laws or parts of law now
27 in effect or hereafter adopted, as well as those
28 amendatory or supplemental to the general laws
29 pertaining to water control and improvement districts
30 are adopted by reference as though set out at length
31 herein, and such laws shall govern the Authority and
32 subordinate districts.

33 Revisor's Note

34 (1) Section 13, Chapter 29, Acts of the 55th
35 Legislature, 1st Called Session, 1957, refers to
36 certain laws that govern the authority, including laws
37 "now in effect . . . , as well as those amendatory or
38 supplemental." The revised law omits the quoted

1 language because under Section 311.027, Government
2 Code (Code Construction Act), unless expressly
3 provided otherwise, a reference to a statute applies
4 to all reenactments, revisions, or amendments of the
5 statute.

6 (2) Section 13, Chapter 29, Acts of the 55th
7 Legislature, 1st Called Session, 1957, refers to
8 certain laws that govern the authority, including laws
9 "hereafter adopted." The revised law omits the quoted
10 language because a law that applies to or governs the
11 authority applies on its own terms.

12 (3) Section 13, Chapter 29, Acts of the 55th
13 Legislature, 1st Called Session, 1957, provides that
14 certain laws applicable to water control and
15 improvement districts "are adopted by reference as
16 though set out at length herein." The revised law
17 omits the quoted language because a law that applies to
18 or governs the authority applies on its own terms
19 without needing to be adopted by reference.

20 (4) Section 13, Chapter 29, Acts of the 55th
21 Legislature, 1st Called Session, 1957, refers to the
22 general laws that govern the authority and
23 "subordinate districts." Section 6, Chapter 29, Acts
24 of the 55th Legislature, 1st Called Session, 1957,
25 provided a certain period during which subordinate
26 districts could have been created in accordance with
27 the procedures provided. Throughout this chapter, the
28 revised law omits provisions relating to subordinate
29 districts because the authority did not create any
30 subordinate districts under Section 6 during the
31 period that was authorized for that purpose.

32 SUBCHAPTER B. BOARD OF DIRECTORS

33 Revised Law

34 Sec. 9020.051. COMPOSITION OF BOARD. The board consists of

1 six elected directors. (Acts 55th Leg., 1st C.S., Ch. 29, Sec. 14
2 (part).)

3 Source Law

4 Sec. 14. The Board of Directors of the Authority
5 shall be comprised of six persons. . . . directors
6 shall be elected

7 Revised Law

8 Sec. 9020.052. QUALIFICATIONS FOR OFFICE. (a) Each
9 director of the authority must:

10 (1) be a landowner within the authority; and

11 (2) reside in Bell, Milam, or Williamson County.

12 (b) A director who fails to meet the requirements of
13 Subsection (a) during the director's tenure in office shall vacate
14 that office. (Acts 55th Leg., 1st C.S., Ch. 29, Sec. 14 (part).)

15 Source Law

16 Sec. 14. . . . The directors of the Authority
17 or of any subordinate district shall be landowners
18 within the Authority and reside within Bell, Milam or
19 Williamson Counties and shall retain such status
20 during their tenure in office or vacate such office.

21 Revisor's Note

22 (End of Subchapter)

23 (1) Section 14, Chapter 29, Acts of the 55th
24 Legislature, 1st Called Session, 1957, refers to the
25 composition and terms of office of the initial board of
26 directors. The revised law omits that language
27 relating to the initial board as executed. The omitted
28 law reads:

29 Sec. 14. . . . Immediately after
30 this Act becomes effective the following
31 named persons shall be the directors of the
32 Authority and shall constitute the Board of
33 Directors of said Authority:

34 Bill Schwertner, Schwertner, Texas;
35 D. A. Swope, Bartlett, Texas; D. D. Hine,
36 Route 1, Holland, Texas; Fred Harrison,
37 Jarrell, Texas; Leslie E. Moore, Bartlett,
38 Texas; and Willie Mason, Route 1, Bartlett,
39 Texas.

40 The Board of Directors herein
41 appointed shall serve until their
42 successors have been duly elected and
43 qualified. The first three directors named
44 above shall serve until the second Tuesday
45 in January, 1959, and the following three
46 directors shall serve until the second
47 Tuesday in January, 1960. . . .

1 (2) Section 14, Chapter 29, Acts of the 55th
2 Legislature, 1st Called Session, 1957, provides that
3 director elections shall be held on the second Tuesday
4 in January, with three directors elected each year.
5 The revised law omits that provision as superseded by
6 the 1995 enactment of Section 49.103, Water Code, by
7 Chapter 715, Acts of the 74th Legislature, Regular
8 Session. Throughout this chapter, the revised law
9 omits law that is superseded by Chapter 49, Water Code,
10 or that duplicates law contained in that chapter.
11 Chapter 49 (enacted in 1995) applies to the authority
12 under Sections 49.001 and 49.002 of that chapter.
13 Section 49.103(a), Water Code, provides for staggered
14 four-year terms for directors. Section 49.103(b),
15 Water Code, requires board elections to be held on the
16 uniform election date established by the Election Code
17 in May of each even-numbered year. The omitted law
18 reads:

19 Sec. 14. . . . An election for
20 directors shall be held on the second
21 Tuesday in January of each year and as
22 herein provided. Three [directors shall be
23 elected] in each even numbered year and
24 three in each odd numbered year. . . .

25 SUBCHAPTER C. POWERS AND DUTIES

26 Revised Law

27 Sec. 9020.101. GENERAL POWERS. The authority may exercise
28 the rights, privileges, and functions provided by this chapter.
29 (Acts 55th Leg., 1st C.S., Ch. 29, Sec. 1 (part).)

30 Source Law

31 Sec. 1. . . . [The Authority] . . . with the
32 power to exercise the rights, privileges and functions
33 hereinafter specified and

34 Revised Law

35 Sec. 9020.102. WATER CONTROL AND IMPROVEMENT DISTRICT
36 POWERS. In exercising the power for which the authority is created,
37 the authority has the powers conferred by general law on water
38 control and improvement districts, including the power to:

1 (1) construct, acquire, improve, maintain, and repair
2 a dam or other structure; and

3 (2) acquire land, easements, equipment, or other
4 property needed to use, control, and distribute water that may be
5 impounded, diverted, or controlled by the authority. (Acts 55th
6 Leg., 1st C.S., Ch. 29, Sec. 5.)

7 Source Law

8 Sec. 5. In exercising the power for which the
9 Authority is created, it shall have all of the
10 authority conferred by general law upon water control
11 and improvement districts, including, but not limited
12 to, the power to construct, acquire, improve, maintain
13 and repair dams or other structures and the
14 acquisition of land, easements, properties, or
15 equipment which may be needed to utilize, control, and
16 distribute any waters that may be impounded, diverted,
17 or controlled by the Authority.

18 Revisor's Note

19 Section 5, Chapter 29, Acts of the 55th
20 Legislature, 1st Called Session, 1957, refers to
21 authority "including, but not limited to," certain
22 powers. The revised law omits "but not limited to"
23 because Section 311.005(13), Government Code (Code
24 Construction Act), provides that "includes" and
25 "including" are terms of enlargement and not of
26 limitation and do not create a presumption that
27 components not expressed are excluded.

28 Revised Law

29 Sec. 9020.103. CONTROL OF WATER AND FLOODWATER;
30 RECLAMATION. The authority may:

31 (1) control, store, preserve, and distribute the water
32 and floodwater in the authority for the irrigation of arid land,
33 conservation, preservation, reclamation, and drainage of the lands
34 in the authority;

35 (2) carry out flood prevention measures to prevent
36 damage to the land and other property in the authority; and

37 (3) reclaim lands heretofore damaged because of the
38 prior failure to provide the facilities authorized to be
39 constructed under this chapter. (Acts 55th Leg., 1st C.S., Ch. 29,

1 Sec. 4.)

2 Source Law

3 Sec. 4. The Authority shall have and exercise
4 and is hereby vested with power to control, store,
5 preserve and distribute the water and floodwaters
6 within the area of the Authority for the irrigation of
7 arid land, conservation, preservation, reclamation,
8 and drainage of the lands within the Authority, and is
9 empowered to carry out flood prevention measures to
10 prevent damage to the land and property within the
11 Authority, and to reclaim lands heretofore damaged by
12 reason of the prior failure to provide the facilities
13 authorized to be constructed under the provisions of
14 this Act.

15 Revisor's Note

16 Section 4, Chapter 29, Acts of the 55th
17 Legislature, 1st Called Session, 1957, provides that
18 the authority "shall have and exercise and is hereby
19 vested with power to" perform certain acts. The
20 revised law substitutes "may" for the quoted language
21 because, in context, the terms are synonymous and
22 "may" is more commonly used.

23 Revised Law

24 Sec. 9020.104. COST OF RELOCATING OR ALTERING PROPERTY. If
25 the authority's exercise of the power of eminent domain, the power
26 of relocation, or any other power granted under this chapter makes
27 necessary relocating, raising, rerouting, changing the grade of, or
28 altering the construction of a highway, railroad, electric
29 transmission line, telephone or telegraph property or facility, or
30 pipeline, the necessary action shall be accomplished at the sole
31 expense of the authority. (Acts 55th Leg., 1st C.S., Ch. 29, Sec.
32 11a.)

33 Source Law

34 Sec. 11a. In the event that the Authority or any
35 subordinate district thereof, in the exercise of the
36 power of eminent domain or power of relocation, or any
37 other power granted hereunder, makes necessary the
38 relocation, raising, re-routing or changing the grade
39 of, or altering the construction of any highway,
40 railroad, electric transmission line, telephone or
41 telegraph properties and facilities, or pipeline, all
42 such necessary relocation, raising, re-routing,
43 changing of grade or alteration of construction shall
44 be accomplished at the sole expense of the Authority or
45 such subordinate district thereof.

1 SUBCHAPTER D. TAXES

2 Revised Law

3 Sec. 9020.151. IMPOSITION OF MAINTENANCE TAX; ELECTION
4 PROCEDURE. (a) The authority may impose a maintenance tax for the
5 purpose of maintaining structures, channeling, or other
6 improvements constructed by the authority or others in cooperation
7 with the authority.

8 (b) A maintenance tax election shall be called and notice
9 given in the same manner as for a bond election.

10 (c) This chapter does not prevent the calling of a
11 subsequent maintenance tax election to establish or increase the
12 amount of tax if the board determines that a maintenance tax
13 election is required. (Acts 55th Leg., 1st C.S., Ch. 29, Sec. 8
14 (part).)

15 Source Law

16 Sec. 8. . . . For the purpose of maintaining
17 the structures, channeling or other works of
18 improvements constructed by the Authority, districts,
19 or others in cooperation with the Authority or the
20 districts, the Authority and each of the individual
21 subordinate districts shall have the power to levy and
22 assess a maintenance tax, . . . The election shall be
23 called and notice given in the same manner as
24 authorized hereunder for a bond election, and . . .
25 nothing herein shall prevent the calling of subsequent
26 maintenance tax elections to establish or increase
27 the amount of the tax should the directors find such
28 election is required.

29 Revisor's Note

30 (1) Section 8, Chapter 29, Acts of the 55th
31 Legislature, 1st Called Session, 1957, provides that
32 the authority "shall have the power to levy and assess"
33 a maintenance tax. The revised law substitutes "may"
34 for "shall have the power to" because "may" is more
35 concise and is the substantive equivalent of the
36 quoted language. The revised law also substitutes
37 "impose" for "levy and assess" because "impose" is the
38 term generally used in Title 1, Tax Code, and includes
39 the levy and assessment of a tax.

40 (2) Section 8, Chapter 29, Acts of the 55th

1 Legislature, 1st Called Session, 1957, provides that a
2 maintenance tax may not be levied until the tax is
3 authorized by a majority of the voters participating
4 at an election held for that purpose. The section also
5 provides that an election for a maintenance tax may be
6 held at the same time as a bond election. The revised
7 law omits those provisions because they duplicate, in
8 substance, parts of Section 49.107, Water Code.
9 Section 8 also refers to "qualified property
10 taxpaying" voters. The revised law omits the quoted
11 language because Chapter 11, Election Code, governs
12 eligibility to vote in an election in this state and
13 allows only "qualified" voters to vote in an election,
14 and, in Hill v. Stone, 421 U.S. 289 (1975), the United
15 States Supreme Court held that property ownership as a
16 qualification for voting is an unconstitutional denial
17 of equal protection. The omitted law reads:

18 Sec. 8. . . . provided, however,
19 that no such maintenance tax shall be levied
20 until approved and authorized by a majority
21 of the resident qualified property
22 taxpaying voters participating at an
23 election called for that purpose. . . .
24 [The election] . . . may be held
25 simultaneously with such bond election, but
26 . . .

27 (3) Section 8, Chapter 29, Acts of the 55th
28 Legislature, 1st Called Session, 1957, states that a
29 maintenance tax election shall be held "in the same
30 manner as authorized hereunder for a bond election."
31 The revised law omits "authorized hereunder" because
32 neither Section 8 nor the rest of the act contains bond
33 election procedures.

34 (4) Section 8, Chapter 29, Acts of the 55th
35 Legislature, 1st Called Session, 1957, refers to
36 subsequent "maintainance" tax elections. The revised
37 law substitutes "maintenance" for "maintainance"
38 because it is clear that "maintainance" is a

1 typographical error and that the legislature intended
2 to use the word "maintenance."

3 Revised Law

4 Sec. 9020.152. MAINTENANCE TAX RATE. In calling a
5 maintenance tax election, the board must specify the maximum
6 proposed tax rate. To impose a maintenance tax at a rate that
7 exceeds the maximum proposed rate approved by the voters, the board
8 must submit the question of a tax rate increase to the voters.
9 (Acts 55th Leg., 1st C.S., Ch. 29, Sec. 8 (part).)

10 Source Law

11 Sec. 8. . . . In calling the election, the
12 directors shall specify the maximum rate of tax which
13 is sought to be levied, and no tax in excess of that
14 amount may be levied without submitting the question
15 of the increased rate of taxation to the electors
16 hereinabove described. . . .

17 Revisor's Note

18 (1) Section 8, Chapter 29, Acts of the 55th
19 Legislature, 1st Called Session, 1957, limits the tax
20 that may be "levied." The revised law substitutes
21 "impose" for "levied" for the reason stated in
22 Revisor's Note (1) to Section 9020.151.

23 (2) Section 8, Chapter 29, Acts of the 55th
24 Legislature, 1st Called Session, 1957, refers to
25 "electors." The revised law substitutes "voters" for
26 "electors" because "voters" is the term used in the
27 Election Code.

28 Revised Law

29 Sec. 9020.153. HEARING ON CHANGE IN METHOD OF TAXATION;
30 LIMITATION. (a) Except as provided by Subsection (b), the
31 authority may call a hearing, in the same manner as for the adoption
32 of the original plan of taxation, to consider changing the method of
33 taxation.

34 (b) After authority bonds are approved by the attorney
35 general or district court, the authority may not change its plan of
36 taxation. (Acts 55th Leg., 1st C.S., Ch. 29, Sec. 10.)

1 Source Law

2 Sec. 10. The Authority and each of its
3 subordinate districts, upon the adoption of the plan
4 or method of taxation, may call future hearings (in the
5 same manner as for the adoption of the original plan)
6 to consider a change in the method of taxation, but
7 once bonds are approved by the Attorney General or
8 District Court, the political subdivision issuing
9 those bonds may not thereafter change its plan of
10 taxation.

11 Revisor's Note

12 (1) Section 10, Chapter 29, Acts of the 55th
13 Legislature, 1st Called Session, 1957, provides that
14 the authority, "upon the adoption of the plan or method
15 of taxation," may call future hearings to consider
16 changing the method of taxation. The revised law omits
17 the quoted language as unnecessary because an initial
18 method of taxation must have been adopted before that
19 method could be changed.

20 (2) Section 10, Chapter 29, Acts of the 55th
21 Legislature, 1st Called Session, 1957, provides that
22 once bonds are approved by the attorney general or
23 district court, "the political subdivision issuing
24 those bonds" may not change its plan of taxation. At
25 the time of enactment, the act allowed for the
26 authority and any subordinate districts to issue
27 bonds. As explained in Revisor's Note (4) to Section
28 9020.005 of this chapter, a subordinate district was
29 not created during the period allowed. The revised law
30 substitutes "authority" for the quoted language
31 because the authority is the only political
32 subdivision to which the language now applies.

33 SUBCHAPTER E. BONDS

34 Revised Law

35 Sec. 9020.201. ISSUANCE OF BONDS. To accomplish an
36 authority purpose, the authority may issue bonds as provided by
37 general law for water control and improvement districts to acquire
38 money necessary to furnish land or easements or permanent

1 improvements on the land or easements. (Acts 55th Leg., 1st C.S.,
2 Ch. 29, Secs. 8 (part), 11 (part), 12 (part).)

3 Source Law

4 Sec. 8. For the accomplishment of any one or
5 more of the purposes for which the Authority and its
6 subordinate districts are created or authorized to be
7 created hereunder, each district and the Authority
8 . . . may issue bonds, in the manner hereinafter
9 provided, for the purpose of acquiring the funds
10 necessary to furnish land, easements or permanent
11 improvements thereon. . . .

12 Sec. 11. . . . the Authority and the
13 subordinate districts shall have the power to issue
14 bonds [secured by a pledge of revenues, taxes or both]
15 as provided by general law for water control and
16 improvement districts.

17 Sec. 12. All bonds issued by the Authority or
18 its subordinate districts shall be issued in the same
19 manner and with the same terms, upon the same
20 conditions, and with the same consideration and
21 provision as under the general law governing water
22 control and improvement districts. . . .

23 Revisor's Note

24 (1) Section 8, Chapter 29, Acts of the 55th
25 Legislature, 1st Called Session, 1957, refers to the
26 authority's power to cooperate with federal entities.
27 The revised law omits that provision because it
28 duplicates, in substance, provisions of Section
29 49.227, Water Code, which provide the authority with
30 the power to act jointly with any other person or
31 entity. The omitted law reads:

32 Sec. 8. . . . [each district and the
33 Authority] shall have the power and are
34 hereby empowered to cooperate with any
35 agency, representative, instrumentality,
36 or department of the Federal Government and
37

38 (2) Section 8, Chapter 29, Acts of the 55th
39 Legislature, 1st Called Session, 1957, provides that
40 the authority may issue bonds for certain purposes "in
41 the manner hereinafter provided." The revised law
42 omits the quoted language because the relevant
43 procedures for issuing the authority's bonds are
44 governed by the general law applicable to water
45 control and improvement districts as provided by

1 Section 9020.201.

2 (3) Section 8, Chapter 29, Acts of the 55th
3 Legislature, 1st Called Session, 1957, refers to the
4 authority's acquisition of "funds." The revised law
5 substitutes "money" for "funds" because, in context,
6 the meaning is the same and "money" is the more
7 commonly used term.

8 (4) Section 11, Chapter 29, Acts of the 55th
9 Legislature, 1st Called Session, 1957, provides that
10 bonds issued by the authority may be secured by a
11 pledge of revenues, taxes, or both as provided by
12 general law for water control and improvement
13 districts. The revised law omits that provision
14 because it duplicates general law. General law,
15 including bond provisions in Chapters 49 and 51, Water
16 Code, is sufficient on its own terms. The omitted law
17 reads:

18 Sec. 11. . . . [the Authority . . .
19 shall have the power to issue bonds] secured
20 by a pledge of revenues, taxes or both [as
21 provided by general law for water control
22 and improvement districts].

23 Revised Law

24 Sec. 9020.202. PLEDGE OF REVENUE TO PAY BONDS. When the
25 board selects a plan of taxation, the board may pledge authority
26 revenue to pay bonds authorized by voters. (Acts 55th Leg., 1st
27 C.S., Ch. 29, Sec. 9.)

28 Source Law

29 Sec. 9. If bonds are authorized by the
30 electorate under the provisions of Section 8 of this
31 Act, the directors may, at the time of selecting a plan
32 or plans of taxation, also authorize the pledging of
33 the revenues of the district to the payment of such
34 bonds.

35 Revisor's Note

36 Section 9, Chapter 29, Acts of the 55th
37 Legislature, 1st Called Session, 1957, provides that
38 the directors may authorize the pledging of authority
39 revenue to pay bonds if bonds are authorized by the

1 electorate "under the provisions of Section 8 of this
2 Act." The revised law omits the quoted language
3 because Section 8 does not provide specific procedures
4 for the authorization of bonds by the electorate.
5 Section 8 refers to bonds being issued "in the manner
6 hereinafter provided." The only relevant provisions
7 in Chapter 29 are in Sections 11 and 12, which provide
8 that bonds are issued under the general law governing
9 water control and improvement districts and do not
10 provide any other specific procedures for the
11 authorization of bonds (see Section 9020.201).

12 Revisor's Note
13 (End of Subchapter)

14 (1) Section 11, Chapter 29, Acts of the 55th
15 Legislature, 1st Called Session, 1957, authorizes the
16 authority to issue bonds in "addition to" other powers
17 the authority has in specific sections of the act. The
18 revised law omits the provision as surplus because, as
19 a principle of statutory construction, the various
20 provisions granting power to the authority must be
21 read cumulatively. The omitted law reads:

22 Sec. 11. In addition to the powers
23 granted under the provisions of Sections 8,
24 9 and 10 of this Act,

25 (2) Section 12, Chapter 29, Acts of the 55th
26 Legislature, 1st Called Session, 1957, permits the
27 authority to refund bonds as provided by Section 13 of
28 that chapter. Section 13 (revised in this chapter as
29 Section 9020.005) provides that the authority is
30 governed by the general law pertaining to water
31 control and improvement districts. The general laws
32 that pertain to the refunding bonds of a water control
33 and improvement district include Chapters 49 and 51,
34 Water Code, which apply to the authority on their own
35 terms, and Chapter 1207, Government Code, which
36 contains general authority for an issuer to issue

1 refunding securities. Chapter 1207 applies to the
2 authority because the authority is an issuer under
3 Section 1207.001, Government Code. The revised law
4 therefore omits the refunding bonds provision because
5 it duplicates, in substance, the provision revised as
6 Section 9020.005. The omitted law reads:

7 Sec. 12. . . . Such bonds may be
8 refunded as provided by the law adopted in
9 Section 13.

10 Revisor's Note
11 (End of Chapter)

12 (1) Section 3, Chapter 29, Acts of the 55th
13 Legislature, 1st Called Session, 1957, provides that
14 the authority shall conduct preliminary surveys and
15 develop a plan for the control and use of the waters of
16 Donahoe Creek, and that the authority's board must
17 adopt the survey and plan. Section 3 also requires the
18 authority to file a certified copy of the surveys and
19 plan with the State Board of Water Engineers. The
20 revised law omits that provision as executed because
21 the authority completed the surveys and plan and
22 submitted them to the State Board of Water Engineers.
23 The omitted law reads:

24 Sec. 3. The Authority shall conduct
25 preliminary surveys and develop a plan for
26 the control and use of the waters of Donahoe
27 Creek to the end that improvements upon any
28 one part of the watershed will be
29 mechanically and economically related to
30 the improvements of the entire watershed.
31 Upon the completion of such surveys and
32 plans, and their adoption by the directors
33 of the district, a certified copy thereof
34 shall be filed with the State Board of Water
35 Engineers for informational purposes.

36 (2) Section 6, Chapter 29, Acts of the 55th
37 Legislature, 1st Called Session, 1957, provides a
38 procedure for establishing within a limited period a
39 subordinate district to accomplish and carry into
40 effect plans approved by the authority and contains
41 other provisions related to a subordinate district

1 established by the authority. The revised law omits
2 those provisions for the reasons stated in Revisor's
3 Note (4) to Section 9020.005. The omitted law reads:

4 Sec. 6. Within ninety (90) days after
5 the preliminary surveys and plans have been
6 filed with the State Board of Water
7 Engineers, the directors of the Authority
8 may, upon the receipt of a petition executed
9 by twenty-five (25) persons who own
10 property within the Authority, call a
11 public hearing upon the question of whether
12 subordinate districts shall be created to
13 accomplish and carry into effect any
14 portion of plans theretofore approved by
15 the Authority. The petition shall be
16 sufficient to confer jurisdiction upon the
17 directors to call such hearing if it is
18 executed as aforesaid and if it describes
19 the particular portion or portions of the
20 plans which the petitioners believe might
21 be more feasibly executed if carried into
22 effect by a subordinate district. Notice of
23 hearing shall be given by the district in
24 the mode and manner prescribed for a hearing
25 on the adoption of a plan of taxation for a
26 water control and improvement district, and
27 the hearing may be adjourned from day to day
28 until all persons desiring to be heard and
29 present evidence have had an opportunity to
30 be heard and present evidence. Upon
31 conclusion of the hearing, the Board of
32 Directors of the Authority shall enter an
33 order granting or refusing the petition in
34 whole or in part. The petition, or portion
35 of the petition, shall be granted if the
36 directors find that it would be feasible for
37 a subordinate district to carry the plans
38 for the particular improvement into force
39 and effect. The decision of the directors
40 shall be final except as hereinafter
41 provided.

42 If the petition is granted, in whole or
43 in part, the directors of the Authority
44 shall forthwith prepare, execute and cause
45 a petition to be filed with the County Judge
46 of the county wherein the area of the
47 proposed subordinate district or districts
48 is to be located, or with the Board of Water
49 Engineers if the area of the proposed
50 subordinate district or districts is to be
51 located in more than one county. The
52 petition to the County Judge or the Board of
53 Water Engineers shall be executed by the
54 directors of the Authority (in lieu of the
55 requirements of the provisions of Section
56 10 of Chapter 25, Acts of the 39th
57 Legislature, 1925) but in all other
58 respects the provisions of the general law
59 applicable to water control and improvement
60 districts shall control as to the creation
61 of such subordinate district or districts.

62 The subordinate districts, if created,
63 shall have the same powers as conferred by
64 this Act upon the Authority, but such power
65 shall be effective only within the area of

1 the subordinate district and such district
2 shall only carry into effect the plans
3 adopted by the master district as
4 originally adopted or subsequently modified
5 with the approval of the directors of the
6 subordinate district. The subordinate
7 district may not extend its boundaries, but
8 may exercise the power of eminent domain
9 outside its boundaries in the manner
10 provided by general law for water control
11 and improvement districts.

12 Except as herein in this section
13 provided, the procedure for the creation of
14 such subordinate districts shall follow the
15 provisions of general law relating to water
16 control and improvement districts and the
17 order creating such districts, if the
18 petition is granted after hearing, shall
19 delineate the powers of the subordinate
20 district as set forth in the provisions of
21 this Act.

22 It is specifically provided that the
23 Authority may consider any and all
24 petitions for the creation of subordinate
25 districts at one hearing, it being the
26 purpose and intent of this Act to permit the
27 formation of local governmental units to
28 carry out the master district program
29 formulated by the Authority if the
30 directors of the Authority find such
31 procedure to be feasible and if the
32 Commissioners Court or the Board of Water
33 Engineers find (under the provisions of
34 Article 7880, subdivisions 19 or 21) that
35 the subordinate district should be created
36 and the organization of such subordinate
37 districts is subsequently confirmed by the
38 electors of the respective subordinate
39 districts.

40 If no petitions are presented, or if
41 the directors of the Authority deny the
42 petition or petitions, or if the
43 Commissioners Court or Board of Water
44 Engineers refuse to create a subordinate
45 district or if the confirmation election
46 fails to carry by a majority vote of those
47 participating in the election, then such
48 subordinate district shall not be created
49 and the duties and powers of the Authority
50 shall not be affected thereby.

51 If subordinate districts are created
52 under the provisions of this Act, the area,
53 duties and power of the Authority shall not
54 be affected thereby save and except that the
55 subordinate district shall carry the plans
56 of the Authority or approved modification
57 thereof into effect.

58 (3) Section 7, Chapter 29, Acts of the 55th
59 Legislature, 1st Called Session, 1957, provides that
60 the district is not required to hold a hearing for the
61 exclusion of land or for the confirmation of the
62 organization of the district. The revised law omits
63 the provision as executed. The provision is a

1 transition provision addressing the applicability of
2 provisions of the general law in effect at the time of
3 the district's creation that governed the creation of
4 water control and improvement districts. A district
5 created under the general law in effect at that time
6 would have been required at the time of its creation to
7 hold both a confirmation election and a hearing on the
8 exclusion of land from the district. The omitted
9 provision negates those general law requirements as
10 inapplicable to this legislatively created district.
11 The power or duty to hold a hearing to exclude land
12 subsequent to the creation of the district is governed
13 by Subchapter J, Chapter 49, Water Code, which applies
14 to the district under Sections 49.001 and 49.002 of
15 that code, and Subchapter O, Chapter 51, Water Code,
16 which applies to the district under Section 9020.102
17 of this chapter. The omitted law reads:

18 Sec. 7. It shall not be necessary for
19 the Authority to have a hearing for
20 exclusions of land or for the confirmation
21 of its organization.

22 (4) Section 15, Chapter 29, Acts of the 55th
23 Legislature, 1st Called Session, 1957, provides that
24 the act is severable. The revised law omits this
25 provision because the same result is produced by the
26 application of Section 311.032(c), Government Code
27 (Code Construction Act), which provides that a
28 provision of a statute is severable from each other
29 provision of the statute that can be given effect. The
30 omitted law reads:

31 Sec. 15. If any clause, sentence,
32 section or provision of this Act is found,
33 by a court of competent jurisdiction to
34 contravene the provision of the State or
35 Federal Constitution, the invalidity of
36 that portion shall not affect the remainder
37 of the bill, it being the intention of the
38 Legislature to enact the provisions herein
39 contained despite such partial invalidity.

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5 CHAPTER 9023. DUVAL COUNTY CONSERVATION AND RECLAMATION DISTRICT
6 SUBCHAPTER A. GENERAL PROVISIONS

7 Revised Law

8 Sec. 9023.001. DEFINITIONS. In this chapter:

- 9 (1) "Board" means the district's board of directors.
- 10 (2) "Director" means a member of the board.
- 11 (3) "District" means the Duval County Conservation and

12 Reclamation District. (Acts 51st Leg., R.S., Ch. 398, Sec. 1
13 (part); New.)

14 Source Law

15 Sec. 1. . . . [a . . . district] to be known as
16 the Duval County Conservation and Reclamation
17 District, hereinafter sometimes referred to as the
18 "District," and

19 Revisor's Note

20 The definitions of "board" and "director" are
21 added to the revised law for drafting convenience and
22 to eliminate frequent, unnecessary repetition of the
23 substance of the definitions.

24 Revised Law

25 Sec. 9023.002. NATURE OF DISTRICT. The district is:

- 26 (1) a conservation and reclamation district under
- 27 Section 59, Article XVI, Texas Constitution; and
- 28 (2) a municipal corporation. (Acts 51st Leg., R.S.,
- 29 Ch. 398, Secs. 1 (part), 13 (part).)

30 Source Law

31 Sec. 1. Under and pursuant to the provisions of
32 Article 16, Section 59, of the Constitution of Texas,
33 there is hereby created within the State of Texas, in
34 addition to the districts into which the state has
35 heretofore been divided, a conservation and
36 reclamation district

37 Sec. 13. [The Legislature] . . . declares the
38 District to be a governmental agency, a body politic
39 and corporate, and a municipal corporation.

1 Revisor's Note

2 (1) Section 1, Chapter 398, Acts of the 51st
3 Legislature, Regular Session, 1949, provides that the
4 district "is hereby created." The revised law omits
5 the quoted language as executed.

6 (2) Section 1, Chapter 398, Acts of the 51st
7 Legislature, Regular Session, 1949, states that the
8 district is created "within the State of Texas, in
9 addition to the districts into which the state has
10 heretofore been divided." The revised law omits the
11 quoted language because the absence of the language
12 does not imply that the legislature could create a
13 district outside its jurisdiction or that the district
14 is not in addition to any other districts.

15 (3) Section 13, Chapter 398, Acts of the 51st
16 Legislature, Regular Session, 1949, refers to the
17 district as a "governmental agency, a body politic and
18 corporate." The revised law omits the quoted language
19 because it duplicates a portion of Section 59(b),
20 Article XVI, Texas Constitution, which provides that a
21 conservation and reclamation district is a
22 governmental agency and a body politic and corporate.

23 Revised Law

24 Sec. 9023.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
25 The district is created to serve a public use and benefit.

26 (b) All land included in the boundaries of the district will
27 benefit from that inclusion.

28 (c) The district is essential to accomplish the purposes of
29 Section 59, Article XVI, Texas Constitution. (Acts 51st Leg.,
30 R.S., Ch. 398, Secs. 4 (part), 13 (part).)

31 Source Law

32 Sec. 4. It is hereby found and determined that
33 all of the lands included within the boundaries of the
34 District will be benefited and that the District is
35 created to serve a public use and benefit. . . .

36 Sec. 13. The Legislature hereby exercises the

1 authority conferred upon it by Section 59, Article 16
2 of the Constitution, and declares that the District
3 created by this Act is essential to the accomplishment
4 of the purposes of said constitutional provision,
5 finds that all of the land included therein will be
6 benefited thereby, and

7 Revisor's Note

8 Section 13, Chapter 398, Acts of the 51st
9 Legislature, Regular Session, 1949, provides that the
10 legislature "hereby exercises the authority conferred
11 upon it by" Section 59, Article XVI, Texas
12 Constitution, and "declares that the District created
13 by this Act" is essential to accomplish the purposes of
14 that provision. The revised law omits the quoted
15 language as executed.

16 Revised Law

17 Sec. 9023.004. DISTRICT TERRITORY. The district is
18 composed of the territory described by Section 1, Chapter 398, Acts
19 of the 51st Legislature, Regular Session, 1949, as that territory
20 may have been modified under:

- 21 (1) Subchapter O, Chapter 51, Water Code;
22 (2) Subchapter J, Chapter 49, Water Code;
23 (3) Subchapter E or the relevant parts of its
24 predecessor statute, former Section 4A, Chapter 398, Acts of the
25 51st Legislature, Regular Session, 1949; or
26 (4) other law. (New.)

27 Revisor's Note

28 The revision of the law governing the district
29 does not revise the statutory language describing the
30 district's territory because the description may not
31 be accurate on the effective date of the revision or at
32 the time of a later reading. For the reader's
33 convenience, the revised law includes a reference to
34 the statutory description of the district's territory
35 and references to statutory authority to change the
36 district's territory under Subchapter O, Chapter 51,
37 Water Code, applicable to water control and

1 improvement districts, under Subchapter J, Chapter 49,
2 Water Code, applicable to the district under Sections
3 49.001 and 49.002 of that chapter, and under
4 Subchapter E of this chapter, which was derived in
5 relevant part from Section 4A of the district's
6 enabling legislation. The revised law also includes a
7 reference to the general authority of the legislature
8 to enact a law to change the district's territory.

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Revised Law

11 Sec. 9023.051. COMPOSITION OF BOARD. The board is composed
12 of four elected directors. (Acts 51st Leg., R.S., Ch. 398, Secs.
13 3(a) (part), (b) (part), (g).)

14 Source Law

15 Sec. 3. (a) The management and control of the
16 District is hereby vested in a board of directors
17
18 (b) . . . [the board . . . shall be] . . .
19 elected

20 (g) If San Diego and the area within its
21 extraterritorial jurisdiction disannex under Section
22 4A of this Act, the number of board places is reduced
23 to four.

24 Revisor's Note

25 (1) Section 3(a), Chapter 398, Acts of the 51st
26 Legislature, Regular Session, 1949, provides that the
27 "management and control of the District is hereby
28 vested" in the board. The revised law omits the quoted
29 language because it duplicates in substance parts of
30 Sections 49.051 and 49.057, Water Code. Throughout
31 this chapter, the revised law omits law that is
32 superseded by Chapter 49, Water Code, or that
33 duplicates law contained in that chapter. Chapter 49,
34 Water Code, applies to the district under Sections
35 49.001 and 49.002 of that chapter.

36 (2) Section 3(b), Chapter 398, Acts of the 51st
37 Legislature, Regular Session, 1949, provides that the
38 board shall be composed of seven members except as

1 otherwise provided by that chapter. Section 3(g) of
2 Chapter 398 provides that the number of places on the
3 board is reduced to four if the City of San Diego and
4 the municipality's extraterritorial jurisdiction are
5 disannexed from the district. The City of San Diego
6 and the municipality's extraterritorial jurisdiction
7 were disannexed from the district in 1998. To reflect
8 that disannexation, the revised law provides that the
9 board is composed of four directors. In addition, the
10 provision requiring the board to be composed of seven
11 members except as otherwise provided by Chapter 398 is
12 omitted as obsolete. The omitted law reads:

13 (b) Except as otherwise provided by
14 this Act, the board of directors shall be
15 composed of seven members

16 (3) Section 3(b), Chapter 398, Acts of the 51st
17 Legislature, Regular Session, 1949, provides that a
18 director shall "have the same qualifications as
19 directors of Water Control and Improvement Districts."
20 The revised law omits the quoted language because
21 general law governing the qualifications of directors
22 of water control and improvement districts, including
23 Section 51.072, Water Code, applies to the district's
24 directors on its own terms. The omitted law reads:

25 (b) . . . [the board of directors]
26 . . . who shall have the same
27 qualifications as directors of Water
28 Control and Improvement Districts. . . .

29 Revised Law

30 Sec. 9023.052. ELECTION OF DIRECTORS. (a) Directors are
31 elected to positions according to the place system as provided by
32 this section.

33 (b) Except as provided by Subsection (c):

34 (1) a director elected to place 1 or 2 must be a
35 resident of Benavides and be elected by the voters of the district
36 who reside in Benavides and its extraterritorial jurisdiction; and

37 (2) a director elected to place 3 or 4 must be a

1 resident of, and be elected by the voters of the district who reside
2 in, the part of Duval County that is not within:

3 (A) the corporate limits or extraterritorial
4 jurisdiction of San Diego or Benavides; or

5 (B) the Freer Water Control and Improvement
6 District.

7 (c) If Benavides and the area within its extraterritorial
8 jurisdiction disannex under Subchapter E:

9 (1) a director who represents Benavides and the area
10 within its extraterritorial jurisdiction ceases to be a director on
11 the date disannexation takes effect;

12 (2) the remaining directors as soon as possible shall
13 order a special election to elect the appropriate number of
14 directors to fill the unexpired terms if the disannexation results
15 in vacancies on the board; and

16 (3) a director for each place on the board must be a
17 resident of the part of Duval County that is not within:

18 (A) the corporate limits or extraterritorial
19 jurisdiction of San Diego or Benavides; or

20 (B) the Freer Water Control and Improvement
21 District. (Acts 51st Leg., R.S., Ch. 398, Secs. 3(b) (part), (e),
22 (f).)

23 Source Law

24 (b) . . . [the board . . . shall be . . .
25 elected] to positions using the place system as
26 described in this section . . . A director elected to
27 place 4 or 5 must be a resident of Benavides and is
28 elected by the qualified voters of the District who are
29 residents of Benavides and its extraterritorial
30 jurisdiction. A director elected to place 6 or 7 must
31 be a resident of, and is elected by the qualified
32 voters of the District who are residents of, the part
33 of Duval County that is not within:

34 (1) the corporate limits or
35 extraterritorial jurisdiction of:

36 (A) San Diego; or

37 (B) Benavides; or

38 (2) the Freer Water Control and
39 Improvement District.

40 (e) If either San Diego or Benavides and the
41 area within its extraterritorial jurisdiction
42 disannex under Section 4A of this Act, a person on the
43 board who represents San Diego and the area within its
44 extraterritorial jurisdiction or Benavides and the

1 area within its extraterritorial jurisdiction ceases
2 to be a director on the date disannexation takes
3 effect. The remaining directors as soon as possible
4 shall call a special election to elect the appropriate
5 number of directors to fill the unexpired terms if the
6 disannexation results in vacancies on the board.

7 (f) If both San Diego and Benavides and the
8 areas within their extraterritorial jurisdictions
9 disannex under Section 4A of this Act, a director for
10 each place on the board must be a resident of the part
11 of Duval County that is not within:

12 (1) the corporate limits or
13 extraterritorial jurisdiction of:

14 (A) San Diego; or

15 (B) Benavides; or

16 (2) the Freer Water Control and
17 Improvement District.

18 Revisor's Note

19 (1) Section 3(b), Chapter 398, Acts of the 51st
20 Legislature, Regular Session, 1949, requires that a
21 director elected to place 1, 2, or 3 be a resident of
22 the City of San Diego and be elected by residents of
23 that municipality and its extraterritorial
24 jurisdiction. The revised law omits that provision as
25 obsolete because the City of San Diego and its
26 extraterritorial jurisdiction were disannexed from
27 the district in 1998. The revised law also
28 redesignates former places 4, 5, 6, and 7 as places 1,
29 2, 3, and 4 to reflect the designations used by the
30 district after the disannexation of the City of San
31 Diego and its extraterritorial jurisdiction. The
32 omitted law reads:

33 (b) . . . A director elected to place
34 1, 2, or 3 must be a resident of San Diego
35 and is elected by the qualified voters of
36 the District who are residents of San Diego
37 and its extraterritorial jurisdiction.
38 . . .

39 (2) Section 3(b), Chapter 398, Acts of the 51st
40 Legislature, Regular Session, 1949, refers to
41 "qualified" voters. Throughout this chapter, the
42 revised law omits "qualified" because Chapter 11,
43 Election Code, governs eligibility to vote in an
44 election in this state and allows only "qualified"
45 voters to vote in an election.

1 (3) Section 3(e), Chapter 398, Acts of the 51st
2 Legislature, Regular Session, 1949, refers to the duty
3 of the district's directors to "call" a special
4 election to elect directors to fill vacancies created
5 by the disannexation of district territory.
6 Throughout this chapter, the revised law substitutes
7 "order" for "call," "ordering" for "calling," and
8 "ordered" for "called" in the context of ordering an
9 election because "order" is the term used in Chapter 3,
10 Election Code.

11 (4) Section 3(e), Chapter 398, Acts of the 51st
12 Legislature, Regular Session, 1949, refers to changes
13 in the board of directors if the City of San Diego or
14 the City of Benavides and the area within the
15 applicable municipality's extraterritorial
16 jurisdiction are disannexed from the district, and
17 Section 3(f) refers to applicable residency
18 requirements for board members if both of those
19 municipalities and extraterritorial jurisdictions are
20 disannexed. The revised law omits as obsolete
21 references associated with the disannexation of the
22 City of San Diego and that municipality's
23 extraterritorial jurisdiction. See Revisor's Note (1)
24 to this section.

25 (5) Section 3(h), Chapter 398, Acts of the 51st
26 Legislature, Regular Session, 1949, provides for the
27 structure of the board if "Benavides and the area
28 within its extraterritorial jurisdiction" disannex
29 from the district. The portion of the provision
30 referencing directors who must be residents of the
31 City of San Diego or that municipality's
32 extraterritorial jurisdiction is omitted as obsolete.
33 See Revisor's Note (1) to this section. The remainder
34 of the provision is omitted as duplicative of Section

1 3(f) of Chapter 398, revised as Subsection (c)(3) of
2 this section. The omitted law reads:

3 (h) If Benavides and the area within
4 its extraterritorial jurisdiction disannex
5 under Section 4A of this Act:

6 (1) a director for place 4 must
7 be a resident of San Diego or its
8 extraterritorial jurisdiction if San Diego
9 and the area within its extraterritorial
10 jurisdiction have not previously
11 disannexed; and

12 (2) a director for place 5, or
13 for place 4 or place 5 if San Diego and the
14 area within its extraterritorial
15 jurisdiction have previously disannexed,
16 must be a resident of the part of Duval
17 County that is not within:

18 (A) the corporate limits
19 or extraterritorial jurisdiction of:

20 (i) San Diego; or

21 (ii) Benavides; or

22 (B) the Freer Water
23 Control and Improvement District.

24 Revisor's Note
25 (End of Subchapter)

26 (1) Section 3(a), Chapter 398, Acts of the 51st
27 Legislature, Regular Session, 1949, refers to the
28 powers and authority conferred and imposed on the
29 board under Chapter 25, Acts of the 39th Legislature,
30 Regular Session, 1925, as amended, as incorporated in
31 Chapter 3A, Title 128, Vernon's Texas Civil Statutes,
32 as amended. The relevant provisions of that chapter
33 were codified in 1971 as Chapter 51, Water Code.
34 Chapter 715, Acts of the 74th Legislature, Regular
35 Session, 1995, repealed many of the provisions of
36 Chapter 51 and enacted similar provisions in Chapter
37 49, Water Code. The revised law omits the reference to
38 the board's powers and authority because Chapters 49
39 and 51, Water Code, which both apply to the district on
40 their own terms, provide for the powers and authority
41 of the board. The revised law omits references to
42 "amendments thereto" with respect to Chapters 25 and
43 3A because under Section 311.027, Government Code
44 (Code Construction Act), a reference to a statute
45 applies to all reenactments, revisions, or amendments

1 of that statute unless expressly provided otherwise.

2 The omitted law reads:

3 (a) . . . [a board] . . . which shall
4 have all of the powers and authority
5 conferred and imposed upon boards of
6 directors of Water Control and Improvement
7 Districts organized under the provisions of
8 Chapter 25, Acts of the 39th Legislature
9 passed in 1925, and amendments thereto, as
10 incorporated in Title 128, Chapter 3A, of
11 Vernon's Civil Statutes of the State of
12 Texas and amendments thereto.

13 (2) Section 3(c), Chapter 398, Acts of the 51st
14 Legislature, Regular Session, 1949, provides that the
15 provisions of that act applicable to the board and its
16 members prevail over general law in case of a conflict
17 or other inconsistency. The revised law omits the
18 provision because, under general rules of statutory
19 construction, a statute automatically has the effect
20 of repealing prior conflicting enactments and is
21 ineffective to repeal subsequent legislation, and
22 because it duplicates in substance Section 311.026(b),
23 Government Code (Code Construction Act), which
24 provides that if there is a conflict between a general
25 provision of law and a special or local provision, the
26 special or local provision prevails unless the general
27 provision is the later enactment and the manifest
28 intent is that the general provision prevail. The
29 omitted law reads:

30 (c) In the event and to the extent
31 that any of the provisions of the General
32 Laws referred to in this Section are in
33 conflict with or inconsistent with any of
34 the provisions of this Act relating to the
35 powers, authority, and duties of the board
36 of directors and its members, the
37 provisions of this Act shall prevail.

38 (3) Section 3(d), Chapter 398, Acts of the 51st
39 Legislature, Regular Session, 1949, provides that
40 director elections shall be held "on the first Tuesday
41 in May" of each even-numbered year. The revised law
42 omits that provision because the district holds

1 director elections on a different date. See Chapter
2 1318, Acts of the 82nd Legislature, Regular Session,
3 2011, which amended Section 41.0052, Election Code, to
4 allow a political subdivision to change the date of its
5 general election for officers to another uniform date.
6 The omitted law reads:

7 (d) An election shall be held on the
8 first Tuesday in May of each even-numbered
9 year and

10 (4) Section 3(d), Chapter 398, Acts of the 51st
11 Legislature, Regular Session, 1949, states that a
12 director serves a four-year term. The revised law
13 omits the provision because it duplicates in substance
14 Section 49.103(a), Water Code. The omitted law reads:

15 (d) . . . the directors elected shall
16 each serve for a term of four years.

17 SUBCHAPTER C. POWERS AND DUTIES

18 Revised Law

19 Sec. 9023.101. WATER CONTROL AND IMPROVEMENT DISTRICT
20 POWERS. The district has the rights, powers, privileges, and
21 duties provided by general law applicable to a water control and
22 improvement district created under Section 59, Article XVI, Texas
23 Constitution, including Chapters 49 and 51, Water Code. (Acts 51st
24 Leg., R.S., Ch. 398, Sec. 2 (part); New.)

25 Source Law

26 Sec. 2. The District shall have and exercise,
27 and is hereby vested with all of the rights, powers,
28 privileges and duties conferred and imposed by the
29 General Laws of this State now in force or hereafter
30 enacted, applicable to water control and improvement
31 districts created under authority of Section 59,
32 Article 16 of the Constitution, but

33 Revisor's Note

34 (1) Section 2, Chapter 398, Acts of the 51st
35 Legislature, Regular Session, 1949, states that the
36 district "shall have and exercise, and is hereby
37 vested with" certain rights, powers, privileges, and
38 duties. The revised law substitutes "has" for the
39 quoted language because, in context, the terms are

1 synonymous and "has" is more commonly used.

2 (2) Section 2, Chapter 398, Acts of the 51st
3 Legislature, Regular Session, 1949, states that the
4 district has the rights, powers, privileges, and
5 duties "conferred and imposed" by general law. The
6 revised law substitutes "provided" for the quoted
7 language because regardless of whether a right, power,
8 privilege, or duty is "conferred" by general law or
9 "imposed" by general law, it is not necessary to
10 characterize in the revised law the nature of the
11 granting of that authority. In context, "provided" is
12 synonymous with "conferred and imposed" and "provided"
13 is more commonly used.

14 (3) Section 2, Chapter 398, Acts of the 51st
15 Legislature, Regular Session, 1949, refers to the
16 general laws of this state "now in force or hereafter
17 enacted." The revised law omits the quoted language as
18 unnecessary under accepted general principles of
19 statutory construction. The "[g]eneral [l]aws of this
20 [s]tate" means those laws "in force" at the time the
21 provision was adopted. It is unnecessary to state that
22 the district may be granted additional powers by later
23 enacted laws because those laws apply on their own
24 terms.

25 (4) Section 2, Chapter 398, Acts of the 51st
26 Legislature, Regular Session, 1949, refers to the
27 general laws "applicable to water control and
28 improvement districts." For the reader's convenience,
29 the revised law adds references to Chapter 49, Water
30 Code, applicable under Sections 49.001 and 49.002 of
31 that chapter to districts created under Section 59,
32 Article XVI, Texas Constitution, and Chapter 51, Water
33 Code, applicable to water control and improvement
34 districts.

1 (5) Section 2, Chapter 398, Acts of the 51st
2 Legislature, Regular Session, 1949, provides that the
3 act prevails over general law that applies to water
4 control and improvement districts and that is in
5 conflict or inconsistent with the act and that all
6 general laws applicable to water control and
7 improvement districts are incorporated by reference.
8 The revised law omits the portion of the provision
9 relating to the act prevailing over general law for the
10 reason stated in Revisor's Note (2) to the end of
11 Subchapter B. The revised law omits the portion of the
12 provision relating to incorporation of general laws
13 because the portion of Section 2, Chapter 398, revised
14 as this section already provides that those laws apply
15 to the district, and it is unnecessary to further
16 incorporate those laws in this chapter. The omitted
17 law reads:

18 Sec. 2. [The District shall have
19 . . . all of the rights, powers, privileges
20 and duties conferred and imposed by the
21 General Laws of this State . . . applicable
22 to water control and improvement districts
23 . . . but] to the extent that the provisions
24 of any such General Laws may be in conflict
25 or inconsistent with the provisions of this
26 Act, the provisions of this Act shall
27 prevail. All such General Laws are hereby
28 incorporated by reference with the same
29 effect as if incorporated in full in this
30 Act.

31 Revised Law

32 Sec. 9023.102. GENERAL CONTRACT POWERS. The board may
33 enter into a contract with any individual or any public or private
34 corporation, inside or outside the district, that the board
35 considers advisable and expedient to accomplish the district's
36 purposes. (Acts 51st Leg., R.S., Ch. 398, Sec. 11 (part).)

37 Source Law

38 Sec. 11. . . . the board of directors may
39 enter into a contract or contracts with any individual
40 or corporation, public or private, within the District
41 or outside the District, which the board of directors
42 may deem advisable and expedient in accomplishing the
43 purposes for which the District is created.

1 Revised Law

2 Sec. 9023.103. ACQUISITION OF PROPERTY. The district may
3 acquire property not already devoted to public use in the district
4 that the board considers necessary to accomplish the district's
5 objectives. (Acts 51st Leg., R.S., Ch. 398, Sec. 9 (part).)

6 Source Law

7 Sec. 9. The District shall have authority to
8 acquire property, real and personal, which is not
9 already devoted to a public use within the District
10 which within the discretion of the board of directors
11 is needed in accomplishing the objectives of the
12 District, and

13 Revisor's Note

14 (1) Section 9, Chapter 398, Acts of the 51st
15 Legislature, Regular Session, 1949, provides that the
16 district "shall have authority to" acquire property.
17 The revised law substitutes "may" for the quoted
18 language because that term is more concise and is the
19 substantive equivalent of the quoted language.

20 (2) Section 9, Chapter 398, Acts of the 51st
21 Legislature, Regular Session, 1949, refers to property
22 "real and personal." The revised law omits the quoted
23 language because under Section 311.005(4), Government
24 Code (Code Construction Act), "property" includes both
25 real and personal property.

26 (3) Section 9, Chapter 398, Acts of the 51st
27 Legislature, Regular Session, 1949, provides that, to
28 facilitate the acquisition of property, the district
29 has "all of the powers of eminent domain available to
30 water control and improvement districts under the
31 General Laws." The revised law omits the provision
32 because the general law described by the quoted
33 language, including Section 49.222, Water Code,
34 applies to the district on its own terms. The omitted
35 law reads:

36 Sec. 9. . . . to facilitate the
37 acquisition of property it shall have all of
38 the powers of eminent domain available to

1 water control and improvement districts
2 under the General Laws.

3 . . .

4 Revised Law

5 Sec. 9023.104. COST OF RELOCATING OR ALTERING PROPERTY. If
6 the district's exercise of the power of eminent domain, the power of
7 relocation, or any other power granted by this chapter, makes
8 necessary relocating, raising, rerouting, changing the grade of, or
9 altering the construction of a highway, railroad, electric
10 transmission line, pipeline, or telegraph or telephone property or
11 facility, the necessary action shall be accomplished at the sole
12 expense of the district. (Acts 51st Leg., R.S., Ch. 398, Sec. 9
13 (part).)

14 Source Law

15 Sec. 9. . . .

16 In the event that the District, in the exercise of
17 the power of eminent domain or power of relocation, or
18 any other power granted hereunder, makes necessary the
19 relocation, raising, rerouting or changing the grade
20 of, or altering the construction of any highway,
21 railroad, electric transmission line, telephone or
22 telegraph properties and facilities, or pipeline, all
23 such necessary relocation, raising, rerouting,
24 changing of grade or alteration of construction shall
25 be accomplished at the sole expense of the District.

26 Revised Law

27 Sec. 9023.105. WATER PERMIT ACQUIRED FROM MUNICIPALITY. A
28 water permit acquired by the district from a municipality in the
29 district must be acquired subject to a provision that, in case of a
30 shortage of water supply, the municipality has a right to receive
31 water from the district that is superior to the right of anyone else
32 to use water. (Acts 51st Leg., R.S., Ch. 398, Sec. 12 (part).)

33 Source Law

34 Sec. 12. . . . Provided, however, that any
35 permit acquired from a city within the District shall
36 be acquired subject to a provision that, in case of a
37 shortage of water supply, such city shall have a right
38 to receive water from the District, which shall be
39 superior to the right of any one else to use water.

40 Revisor's Note

41 Section 12, Chapter 398, Acts of the 51st
42 Legislature, Regular Session, 1949, authorizes the
43 district to acquire water rights from municipalities

1 and districts under certain terms and subject to
2 approval by the former State Board of Water Engineers.
3 The revised law omits the provision because it is
4 superseded by Section 49.2261, Water Code. Section
5 49.2261 provides in relevant part that a district may
6 acquire water rights under terms considered
7 advantageous to the district. The omitted law reads:

8 Sec. 12. The District shall have the
9 power to acquire water rights theretofore
10 granted by the State of Texas to cities or
11 districts situated wholly or partly within
12 the District or outside of the District
13 under terms to be negotiated between the
14 District and any such city, subject to
15 approval by the State Board of Water
16 Engineers of the terms of such
17 acquisition. . . .

18 Revisor's Note
19 (End of Subchapter)

20 Section 11, Chapter 398, Acts of the 51st
21 Legislature, Regular Session, 1949, provides that the
22 district has the authority to operate and maintain its
23 properties, plants, and facilities. The revised law
24 omits the provision because it duplicates in substance
25 provisions in Sections 49.211(a) and (b), Water Code.
26 The omitted law reads:

27 Sec. 11. In addition to the authority
28 vested in the District to operate and
29 maintain its properties, plants and
30 facilities,

31 SUBCHAPTER D. BONDS

32 Revised Law

33 Sec. 9023.151. AUTHORITY TO ISSUE BONDS. The district may
34 issue bonds pursuant to a board resolution for any purpose
35 permitted to water control and improvement districts, including the
36 acquisition by construction or otherwise of plants and improvements
37 for storing, treating, purifying, protecting, transporting,
38 transmitting, delivering, and disposing of, through sale or
39 otherwise, flood, storm, flow, or underground water for lawful
40 uses. (Acts 51st Leg., R.S., Ch. 398, Sec. 5 (part).)

1 (part).)

2 Source Law

3 Sec. 5. . . . Interest to accrue on the bonds
4 for a period not to exceed three (3) years from their
5 date may be appropriated and paid from the proceeds
6 from the sale of the bonds.
7 . . .

8 Revised Law

9 Sec. 9023.155. BONDS SECURED BY REVENUE; ADDITIONAL BONDS.

10 (a) In this section, "net revenues" means all income or increment
11 from the ownership and operation of improvements and facilities
12 operated by the district, minus the amount reasonably required to
13 provide for the administration, efficient operation, and adequate
14 maintenance of the improvements and facilities. The term does not
15 include money derived from taxation.

16 (b) District bonds may be secured by:

17 (1) a pledge of the district's net revenues; or

18 (2) a pledge of the district's net revenues and the
19 imposition of a continuing ad valorem tax described by Section
20 9023.156.

21 (c) The district may issue bonds secured as provided by
22 Subsection (b)(1) without submitting the question of the issuance
23 to an election.

24 (d) The district may not issue bonds secured as provided by
25 Subsection (b)(2) unless the bonds are authorized by a majority of
26 the votes cast in an election in the district.

27 (e) Within the board's discretion, the bonds may also be
28 secured by a lien on the physical properties of the district.

29 (f) The district may execute contracts, evidences of
30 pledge, deeds of trust, trust indentures, and other instruments
31 that fix a lien on net revenues and the physical properties of the
32 district that the board, in its discretion, determines are
33 necessary or convenient to evidence and secure the obligation of
34 the district to pay the principal of and interest on the bonds.

35 (g) The resolution authorizing the issuance of bonds
36 secured by a pledge of net revenues may:

1 (1) contain the conditions under which additional
2 bonds secured by a pledge of net revenues may be subsequently
3 issued;

4 (2) prescribe the conditions under which the district
5 has the right to release the lien on net revenues and on the
6 district's physical properties, if encumbered, by depositing at the
7 bank or place of payment money sufficient to pay:

8 (A) the principal of and interest on the bonds to
9 the date on which the bonds may become optional and any premium
10 payment stipulated in the resolution; or

11 (B) the principal of and interest on the bonds to
12 maturity if an option of prior payment is not reserved; or

13 (3) prescribe the conditions under which the
14 continuing ad valorem tax described by Section 9023.156, if any, to
15 be collected in any year during which any of the bonds are
16 outstanding may be reduced or omitted when net revenues are
17 sufficient to provide the money necessary for principal, interest,
18 and reserve requirements prescribed by this subchapter.

19 (h) Additional bonds described by Subsection (g)(1) must be
20 secured by a lien and pledge of net revenues that is inferior to the
21 lien and pledge securing the bonds originally issued unless the
22 additional bonds are issued in full compliance with the
23 restrictions applicable to additional bonds on a parity with the
24 bonds originally issued. (Acts 51st Leg., R.S., Ch. 398, Secs. 7,
25 8.)

26 Source Law

27 Sec. 7. The bonds may be secured by the pledge
28 of the net revenues of the District as hereinafter in
29 this Section defined without the necessity of
30 submitting the question of the issuance of such bonds
31 to an election, or both by the pledge of net revenues
32 and by the levying of the continuing tax as prescribed
33 in Section 6 hereof, but if secured in the latter
34 manner, the question of the issuance of such bonds must
35 first be submitted to a vote of the qualified voters of
36 such District who own taxable property in the District
37 and who have duly rendered same for taxation, and
38 adopted by not less than a majority of such qualified
39 voters voting at such election. Within the discretion
40 of the board of directors the bonds may be secured also
41 by a lien upon the physical properties of the District.
42 The expression "net revenues" as used herein shall be

1 understood to exclude any money derived from taxation,
2 but to include all income or increment which may grow
3 out of the ownership and operation of the improvements
4 or facilities operated by the District, less such part
5 of the District's revenue income as reasonably may be
6 required to provide for the administration, efficient
7 operation and adequate maintenance of the District's
8 improvements and facilities. The resolution or
9 resolutions pledging the net revenues may prescribe
10 the conditions under which the tax, if any, to be
11 collected in any year during which any of the bonds are
12 outstanding may be reduced or omitted when the net
13 revenues are sufficient to provide the money necessary
14 for principal, interest, and reserve requirements as
15 prescribed herein. The District is authorized to
16 execute such contracts, evidences of pledge, deeds of
17 trust, trust indentures, or other instruments fixing a
18 lien upon such net income and the physical properties
19 of the District which within the discretion of the
20 board of directors of the District are necessary or
21 convenient to evidence and secure the obligation of
22 the District to pay the principal of and interest on
23 such bonds.

24 Sec. 8. The resolution or resolutions
25 authorizing the issuance of bonds either wholly or
26 partially secured by a pledge of the net revenues of
27 the District may contain the conditions under which
28 additional bonds may be issued subsequently, to be
29 secured by a pledge of the net revenues of the
30 District, and unless such subsequent bonds are issued
31 in full compliance with the restrictions applicable to
32 additional bonds on a parity with the bonds originally
33 issued such additional bonds shall be secured by a lien
34 and pledge of said net revenues inferior to the lien
35 and pledge securing the bonds originally issued. Such
36 resolution or resolutions may prescribe the conditions
37 under which the District may have the right to release
38 the lien on the net revenues (and on its physical
39 properties if encumbered) by depositing at the bank or
40 place of payment, money sufficient to pay the
41 principal and interest to the date on which the bonds
42 may become optional plus any premium payment
43 stipulated in the resolution or resolutions, or
44 sufficient to pay the principal of and interest on the
45 bonds to maturity if an option of prior payment is not
46 reserved.

47 Revisor's Note

48 (1) Section 7, Chapter 398, Acts of the 51st
49 Legislature, Regular Session, 1949, refers to the
50 authority of the district to secure bonds by both the
51 pledge of the district's net revenues and "by the
52 levying" of a continuing tax. The revised law
53 substitutes "imposition" for "levying" because
54 "imposition" is the term generally used in Title 1, Tax
55 Code, and includes the levy of a tax.

56 (2) Section 7, Chapter 398, Acts of the 51st
57 Legislature, Regular Session, 1949, provides that the

1 voters of the district "who own taxable property in the
2 District and who have duly rendered same for taxation"
3 may vote in the bond authorization election. The
4 revised law omits the quoted language because in Hill
5 v. Stone, 421 U.S. 289 (1975), the United States
6 Supreme Court determined that property ownership as a
7 qualification for voting is an unconstitutional denial
8 of equal protection.

9 Revised Law

10 Sec. 9023.156. BONDS SECURED BY AD VALOREM TAXES. (a) This
11 section does not apply to district bonds secured only by a pledge of
12 net revenues as defined by Section 9023.155(a).

13 (b) If bonds have been voted, the board shall impose a
14 continuing ad valorem tax on all property in the district
15 sufficient:

16 (1) to pay the principal of and interest on the bonds
17 as the principal and interest respectively mature;

18 (2) to create and maintain any reserve required by the
19 resolution or resolutions authorizing the issuance of the bonds;

20 (3) to pay the expense of assessing and collecting the
21 tax; and

22 (4) for anticipated delinquencies in the tax payments.

23 (c) The board annually shall determine and set or cause to
24 be determined and set the rate of the ad valorem tax to be imposed
25 under this section. (Acts 51st Leg., R.S., Ch. 398, Sec. 6.)

26 Source Law

27 Sec. 6. Whenever bonds shall have been voted
28 within the District in accordance with the provisions
29 of law the board of directors shall levy a continuing
30 tax upon all property within the District sufficient
31 in amount to pay the interest on such bonds and the
32 principal thereof as such interest and principal
33 respectively mature and to create and maintain such
34 reserve as may be required in the resolution or
35 resolutions authorizing the issuance of such bonds,
36 and the board of directors of the District shall
37 annually determine and fix, or cause to be determined
38 and fixed, the rate of tax to be assessed and collected
39 for such year upon all property within said District in
40 an amount sufficient for such requirements of
41 principal and interest and to create and maintain such
42 reserve, including an amount sufficient to pay the

1 expense of assessing and collecting such tax, and for
2 anticipated delinquencies in tax payment. This
3 Section 6 shall not be applicable to bonds secured only
4 by a pledge of net revenues.

5 Revisor's Note

6 (1) Section 6, Chapter 398, Acts of the 51st
7 Legislature, Regular Session, 1949, refers to bonds
8 that have been voted "in accordance with the
9 provisions of law." The revised law omits the quoted
10 language because an election to authorize the issuance
11 of district bonds must be conducted in accordance with
12 law.

13 (2) Section 6, Chapter 398, Acts of the 51st
14 Legislature, Regular Session, 1949, refers to the
15 board's duty to "levy" a tax and to determine and fix
16 the rate of the tax to be "assessed and collected." The
17 revised law substitutes "impose" for "levy" and
18 "imposed" for "assessed and collected" because
19 "impose" is the term generally used in Title 1, Tax
20 Code, and includes the assessment, levying, and
21 collection of a tax.

22 (3) Section 6, Chapter 398, Acts of the 51st
23 Legislature, Regular Session, 1949, requires the board
24 to levy a continuing tax to pay the principal of and
25 interest on bonds. The revised law specifies that the
26 tax is an "ad valorem" tax because it is clear from the
27 source law that the tax is a property tax. Section
28 1(b), Article VIII, Texas Constitution, requires all
29 property that is taxed to be taxed in proportion to its
30 value, and accordingly "ad valorem" tax is the term
31 most commonly used in Texas law to refer to a tax on
32 property.

33 Revised Law

34 Sec. 9023.157. REFUNDING BONDS. (a) The district may issue
35 refunding bonds without an election.

36 (b) District bonds may be refunded by:

1 (1) the issuance and delivery to holders of refunding
2 bonds in lieu of the outstanding bonds; or

3 (2) the sale of refunding bonds and the use of the
4 proceeds for retiring the outstanding bonds. (Acts 51st Leg.,
5 R.S., Ch. 398, Sec. 5 (part).)

6 Source Law

7 Sec. 5. . . .

8 The bonds of the District may be refunded,
9 without the necessity of an election, either by the
10 issuance and delivery to holders of refunding bonds in
11 lieu of the outstanding bonds, or through the sale of
12 refunding bonds, and the use of the proceeds for
13 retiring the outstanding bonds,

14 Revisor's Note
15 (End of Subchapter)

16 (1) Section 5, Chapter 398, Acts of the 51st
17 Legislature, Regular Session, 1949, provides that
18 district bonds "may be sold at a price and under terms
19 determined by the board of directors to be the most
20 advantageous reasonably obtainable." The revised law
21 omits the quoted language because it is superseded by
22 general law. Section 1201.022, Government Code, as
23 amended in 2001, provides that an issuer may sell
24 public securities "under the terms determined by the
25 governing body of the issuer to be in the issuer's best
26 interests." Section 1201.022, Government Code,
27 applies to district bonds by application of Sections
28 1201.002 and 1201.003, Government Code. The omitted
29 law reads:

30 Sec. 5. . . . [Such bonds] . . . may
31 be sold at a price and under terms
32 determined by the board of directors to be
33 the most advantageous reasonably
34 obtainable,

35 (2) Section 5, Chapter 398, Acts of the 51st
36 Legislature, Regular Session, 1949, provides that the
37 interest cost of district bonds may not exceed six
38 percent per year. Section 5 also provides that the
39 average annual interest rate of district refunding
40 bonds, calculated to maturity, shall not be greater

1 than the average interest rate of the bonds refunded,
2 calculated to maturity. The revised law omits those
3 provisions as superseded by other law. Chapter 3, Acts
4 of the 61st Legislature, Regular Session, 1969
5 (Article 717k-2, Vernon's Texas Civil Statutes), now
6 Chapter 1204, Government Code, established a maximum
7 interest rate for public securities. Section 1204.006,
8 Government Code, permits a public agency to issue
9 public securities at any net effective interest rate
10 of 15 percent or less. Section 1204.006, Government
11 Code, applies to district bonds, including refunding
12 bonds, under Sections 1204.001 and 1204.002,
13 Government Code. The omitted law reads:

14 Sec. 5. . . . [Such bonds . . . may
15 be sold] . . . provided that the interest
16 cost to the District, calculated by use of
17 standard bond interest tables currently in
18 use by insurance companies and investment
19 houses does not exceed six per cent (6%) per
20 annum. . . . [The bonds of the District may
21 be refunded] . . . provided that the
22 average annual interest rate of the
23 refunding bonds, calculated to maturity,
24 shall not be greater than the average
25 interest rate of the bonds refunded,
26 calculated to maturity, and

27 (3) Section 5, Chapter 398, Acts of the 51st
28 Legislature, Regular Session, 1949, prohibits the
29 district from issuing bonds before the bonds and the
30 record supporting the bonds are approved by the
31 attorney general. The revised law omits that
32 provision because it duplicates in substance part of
33 Section 1202.003, Government Code. Section 1202.003,
34 Government Code, applies to district bonds under
35 Sections 1202.001 and 1202.003(c), Government Code.
36 The omitted law reads:

37 Sec. 5. . . .
38 No bonds shall be issued by the
39 District until the record supporting such
40 bonds and the bonds shall first have been
41 approved by the Attorney General. . . .

42 (4) Section 5, Chapter 398, Acts of the 51st

1 Legislature, Regular Session, 1949, provides that
2 after approval the bonds shall be registered with the
3 comptroller. The revised law omits that provision
4 because it duplicates in substance Section 1202.005,
5 Government Code. Section 1202.005, Government Code,
6 applies to district bonds under Sections 1202.001 and
7 1202.003(c), Government Code. The omitted law reads:

8 Sec. 5. . . . Bonds thus approved
9 shall be registered in the office of the
10 Comptroller of Public Accounts. . . .

11 (5) Section 5, Chapter 398, Acts of the 51st
12 Legislature, Regular Session, 1949, provides that
13 after approval and sale district bonds are negotiable
14 instruments and incontestable. The revised law omits
15 the reference to the bonds being negotiable
16 instruments because Section 1201.041, Government
17 Code, applicable to district bonds under Sections
18 1201.002 and 1201.003, Government Code, provides that
19 a public security is a negotiable instrument. The
20 revised law omits the reference to the bonds being
21 incontestable because it duplicates in substance
22 Section 1202.006, Government Code. Section 1202.006,
23 Government Code, applies to district bonds under
24 Sections 1202.001 and 1202.003(c), Government Code.
25 The omitted law reads:

26 Sec. 5. . . . Bonds thus approved by
27 the Attorney General, after sale by the
28 District, shall be fully negotiable
29 instruments and shall be incontestable.
30 . . .

31 (6) Section 5, Chapter 398, Acts of the 51st
32 Legislature, Regular Session, 1949, provides that
33 general law provisions "pertaining to the issuance of
34 bonds by Water Control and Improvement Districts"
35 apply to the issuance of district bonds if not
36 inconsistent with the provisions of Chapter 398. The
37 revised law omits the portion of the provision

1 relating to the applicability of those general law
2 provisions to the issuance of district bonds because
3 Section 2 of Chapter 398 (revised as Section 9023.101)
4 provides that the general law applicable to water
5 control and improvement districts applies to the
6 district. The revised law omits the portion of the
7 provision relating to the applicability of general law
8 provisions that are not "inconsistent" with Chapter
9 398 for the reasons stated in Revisor's Note (2) to the
10 end of Subchapter B. The omitted law reads:

11 Sec. 5. . . . Provisions of the law
12 pertaining to the issuance of bonds by Water
13 Control and Improvement Districts when not
14 inconsistent with the provisions of this
15 Act shall be applicable.

16 (7) Section 10, Chapter 398, Acts of the 51st
17 Legislature, Regular Session, 1949, lists the entities
18 for which district bonds are legal investments and
19 provides that district bonds may secure deposits of
20 public funds of the state or political subdivisions.
21 The revised law omits the provision relating to the
22 eligibility of district bonds to be considered as
23 investments for various entities because it duplicates
24 Section 49.186(a), Water Code. The revised law omits
25 the provision relating to deposits of state funds as
26 impliedly repealed by Section 404.0221, Government
27 Code (enacted in 1995), which lists eligible
28 collateral for deposits of state funds by the
29 comptroller. As to deposits of other funds, the
30 provision is impliedly repealed by Chapter 2257,
31 Government Code (enacted as Chapter 627, Acts of the
32 71st Legislature, Regular Session, 1989), which
33 governs eligible collateral for deposits of funds of
34 other public agencies, including political
35 subdivisions, and permits those deposits to be secured
36 by obligations issued by conservation and reclamation

1 districts. The omitted law reads:

2 Sec. 10. The bonds of the District
3 shall be and are hereby declared to be legal
4 and authorized investments for banks,
5 savings banks, trust companies, building
6 and loan associations, savings and loan
7 associations, insurance companies,
8 fiduciaries, trustees, guardians, and for
9 the sinking funds of cities, towns,
10 villages, counties, school districts, or
11 other political corporations, or
12 subdivisions of the State of Texas. Such
13 bonds shall be eligible to secure the
14 deposit of any and all public funds of the
15 State of Texas, and any and all public funds
16 of cities, towns, villages, counties,
17 school districts, or other political
18 corporations or subdivisions of the State
19 of Texas; and such bonds shall be lawful and
20 sufficient security for said deposits to
21 the extent of their value, when accompanied
22 by all unmatured coupons appurtenant
23 thereto.

24 SUBCHAPTER E. DISANNEXATION OF MUNICIPAL TERRITORY

25 Revised Law

26 Sec. 9023.201. DEFINITION. In this subchapter, "municipal
27 territory" means the territory located in the corporate boundaries
28 and the extraterritorial jurisdiction of a municipality located in
29 the district. (Acts 51st Leg., R.S., Ch. 398, Secs. 4A(a) (part),
30 (b) (part).)

31 Source Law

32 Sec. 4A. (a) A municipality within the District
33 and the area within the extraterritorial jurisdiction
34 of that municipality
35 (b) . . . within the corporate limits . . . of
36 the municipality

37 Revisor's Note

38 The definition of "municipal territory" is added
39 to the revised law for drafting convenience and to
40 eliminate frequent, unnecessary repetition of the
41 substance of the definition.

42 Revised Law

43 Sec. 9023.202. DISANNEXATION OF MUNICIPAL TERRITORY.
44 Municipal territory may be disannexed from the district under this
45 subchapter on petition for an election on disannexation and a vote
46 in favor of the disannexation by the majority of voters voting at an
47 election ordered for that purpose. (Acts 51st Leg., R.S., Ch. 398,

1 Sec. 4A(a) (part).)

2 Source Law

3 (a) [A municipality within the District and the
4 area within the extraterritorial jurisdiction of that
5 municipality] may be disannexed from the District on
6 petition for an election on disannexation and a
7 majority vote in favor of disannexation at the
8 election called for that purpose. . . .

9 Revised Law

10 Sec. 9023.203. PETITION. (a) A petition for an election to
11 disannex municipal territory under this subchapter must:

12 (1) be signed by at least the lesser of 250 registered
13 voters of the district who are residents of the municipal territory
14 or a number of registered voters equal to five percent of the total
15 votes cast in the municipal territory in the most recent district
16 election;

17 (2) state that the purpose of the petition is to order
18 an election to determine whether the municipal territory should be
19 disannexed; and

20 (3) include each petitioner's:

- 21 (A) signature;
- 22 (B) printed name;
- 23 (C) address;
- 24 (D) voting precinct;
- 25 (E) voter certificate number; and
- 26 (F) date of signing.

27 (b) The petition must be filed with the district manager.

28 (c) Not later than the 30th day after the date the petition
29 is filed, the district manager shall:

30 (1) verify the validity of the petition; and

31 (2) determine whether the petition contains the number
32 of signatures required to order an election. (Acts 51st Leg., R.S.,
33 Ch. 398, Secs. 4A(a) (part), (b) (part).)

34 Source Law

35 (a) . . . A petition for an election to
36 disannex must be signed by at least 250 qualified
37 voters of the District who are residents of the
38 municipality or its extraterritorial jurisdiction or a
39 number of qualified voters equal to five percent of the

1 total vote cast in the municipality and its
2 extraterritorial jurisdiction in the most recent
3 District election, whichever number is less. The
4 petition must state that its purpose is to call an
5 election to determine whether the affected
6 municipality and its extraterritorial jurisdiction
7 should be disannexed from the District. The petition
8 must include each petitioner's signature, printed
9 name, address, voting precinct, and voter certificate
10 number and the date on which the petitioner signed.

11 (b) A petition must be filed with the District
12 manager. Not later than the 30th day after the date on
13 which the petition is filed, the District manager
14 shall verify the validity of the petition and
15 determine whether the number of signatures required
16 for the calling of an election have been
17 included. . . .

18 Revisor's Note

19 Section 4A(a), Chapter 398, Acts of the 51st
20 Legislature, Regular Session, 1949, refers to a
21 petition signed by "qualified voters." The revised
22 law substitutes "registered voters" for "qualified
23 voters" because, in the context of eligibility to sign
24 a petition, Section 277.0021, Election Code, provides
25 that "qualified voter" means "registered voter."

26 Revised Law

27 Sec. 9023.204. ELECTION ORDER. (a) The board shall order
28 an election for the purpose of disannexation of municipal territory
29 under this subchapter if the district manager certifies the number
30 of signatures required for ordering the election.

31 (b) The board shall order the election not later than the
32 90th day after the date the district manager certifies the
33 sufficiency of the petition. (Acts 51st Leg., R.S., Ch. 398, Sec.
34 4A(b) (part).)

35 Source Law

36 (b) . . . If the District manager certifies the
37 number of signatures required for the calling of an
38 election, the board of directors of the District shall
39 call an election for the purpose of disannexation not
40 later than the 90th day after the date on which the
41 manager certifies the sufficiency of the
42 petition. . . .

43 Revised Law

44 Sec. 9023.205. BALLOT. The ballot for an election under
45 this subchapter must permit voting for one of the following three
46 propositions:

1 in the disannexed area."

2 Revised Law

3 Sec. 9023.206. ELECTION. (a) Only voters who reside in the
4 municipal territory to be disannexed under this subchapter may vote
5 in the disannexation election.

6 (b) The municipal territory is not disannexed from the
7 district if a majority of the total votes cast in the election is in
8 favor of the proposition stated in Section 9023.205(1).

9 (c) If the total vote in favor of the propositions stated in
10 Sections 9023.205(2) and (3) is a majority of the votes cast in the
11 election, the majority of the votes cast in the election is for
12 disannexation from the district. As between the two propositions,
13 the proposition that receives the greater number of votes prevails.

14 (d) If disannexation fails, an election under this
15 subchapter to disannex the same municipal territory may not be held
16 for one year. (Acts 51st Leg., R.S., Ch. 398, Secs. 4A(b) (part),
17 (d).)

18 Source Law

19 (b) . . . Only qualified voters who reside
20 within the corporate limits or extraterritorial
21 jurisdiction of the municipality to be disannexed may
22 vote in the disannexation election.

23 (d) If a majority of the total votes in the
24 election is in favor of proposition (1), the
25 municipality and the area within its extraterritorial
26 jurisdiction are not disannexed. If the total vote in
27 favor of propositions (2) and (3) is a majority of the
28 votes cast in the election, the majority of the vote in
29 the election is for disannexation. As between
30 propositions (2) and (3), the proposition that
31 receives the larger number of votes prevails. If
32 disannexation fails, an election under this section to
33 disannex the same municipality and the area within its
34 extraterritorial jurisdiction may not be held for one
35 year.

36 Revised Law

37 Sec. 9023.207. BOARD VOTE. (a) The directors shall vote to
38 disannex municipal territory if the majority of the votes cast in an
39 election under this subchapter is for disannexation.

40 (b) The directors shall vote to disannex the municipal
41 territory at the same board meeting at which the directors canvass
42 the election results. (Acts 51st Leg., R.S., Ch. 398, Sec. 4A(e))

1 (part).)

2 Source Law

3 (e) If a majority of the votes in the election is
4 for disannexation, the directors of the District shall
5 vote to disannex at the same board meeting at which the
6 directors canvass the election results. . . .

7 Revised Law

8 Sec. 9023.208. APPOINTMENT OF MASTER. Not later than the
9 30th day after the election results are canvassed and the board
10 votes to disannex municipal territory under Section 9023.207, the
11 executive director of the Texas Commission on Environmental Quality
12 shall appoint an independent master to oversee the distribution of
13 assets consistent with disannexation. (Acts 51st Leg., R.S., Ch.
14 398, Sec. 4A(e) (part).)

15 Source Law

16 (e) . . . Not later than the 30th day after the
17 canvass of the election results and the District's
18 disannexation vote, the executive director of the
19 Texas Natural Resource Conservation Commission shall
20 appoint an independent master to oversee the
21 distribution of assets consistent with
22 disannexation. . . .

23 Revisor's Note

24 (1) Section 4A(e), Chapter 398, Acts of the 51st
25 Legislature, Regular Session, 1949, refers to the
26 "District's" disannexation vote. The revised law
27 substitutes "board" for "District" to more accurately
28 reference the entity that votes to disannex municipal
29 territory under the revised law.

30 (2) Section 4A(e), Chapter 398, Acts of the 51st
31 Legislature, Regular Session, 1949, refers to the
32 "Texas Natural Resource Conservation Commission." The
33 revised law substitutes "Texas Commission on
34 Environmental Quality" for "Texas Natural Resource
35 Conservation Commission" to reflect a change in the
36 agency's name. The name of the Texas Natural Resource
37 Conservation Commission was changed to the Texas
38 Commission on Environmental Quality by Section 18.01,
39 Chapter 965, Acts of the 77th Legislature, Regular

1 Session, 2001. The revised law is drafted
2 accordingly.

3 Revised Law

4 Sec. 9023.209. DISTRIBUTION OF PROPERTY, RECEIVABLES, AND
5 OTHER ASSETS. (a) All infrastructure and real property, including
6 water and sewer lines, storage tanks, treatment plants, towers,
7 buildings, land, and other facilities located within municipal
8 territory disannexed under this subchapter that are related to the
9 provision of water and sewer services by the district in the
10 disannexed territory, shall revert to the disannexed municipality.

11 (b) All receivables from connections in municipal territory
12 disannexed under this subchapter transfer to the disannexed
13 municipality.

14 (c) Other assets, including vehicles, computers, office
15 furniture and equipment, and cash, shall be divided between the
16 district and the disannexed municipality by the master in
17 proportion to the population of the district or the disannexed
18 municipal territory. (Acts 51st Leg., R.S., Ch. 398, Sec. 4A(e)
19 (part).)

20 Source Law

21 (e) . . . All infrastructure and real property,
22 including water and sewer lines, storage tanks,
23 treatment plants, towers, buildings, land, and other
24 facilities within the corporate limits or
25 extraterritorial jurisdiction of the disannexed
26 municipality that are related to the provision of
27 water and sewer services by the District within the
28 disannexed municipality or its extraterritorial
29 jurisdiction, shall revert to the disannexed
30 municipality. All receivables from connections within
31 the corporate limits or extraterritorial jurisdiction
32 of the disannexed municipality transfer to the
33 municipality. Other assets, including vehicles,
34 computers, office furniture and equipment, and cash,
35 shall be divided between the District and the
36 municipality by the master in proportion to the number
37 of residents, according to the most recent decennial
38 federal census, living within the boundaries of the
39 District or within the boundaries of the municipality
40 and its extraterritorial jurisdiction.

41 Revisor's Note

42 Section 4A(e), Chapter 398, Acts of the 51st
43 Legislature, Regular Session, 1949, refers to the
44 "number of residents" of specified areas "according to

1 the most recent decennial federal census." The
2 revised law substitutes "population" for "number of
3 residents" because the "number of residents" in that
4 context is the same as the "population." The revised
5 law also omits the reference to the federal census
6 because Section 311.005(3), Government Code (Code
7 Construction Act), defines "population" to mean the
8 population shown by the most recent federal decennial
9 census.

10 Revised Law

11 Sec. 9023.210. PROVISION OF SERVICES OUTSIDE DISANNEXED
12 MUNICIPAL TERRITORY. (a) This section applies only to a municipal
13 water or sewer system established or acquired as a result of voter
14 approval of the proposition stated in Section 9023.205(2).

15 (b) A municipal water or sewer system may serve an area
16 immediately outside the extraterritorial jurisdiction of the
17 disannexed municipality if the residents of the area agree to be
18 served by the system. (Acts 51st Leg., R.S., Ch. 398, Sec. 4B(a).)

19 Source Law

20 Sec. 4B. (a) If a municipality and the area
21 within its extraterritorial jurisdiction disannex as
22 provided by Section 4A of this Act and the city council
23 of the disannexed municipality is required, as a
24 result of the approval of proposition (2) at the
25 disannexation election, to establish or acquire
26 systems to provide the water and sewer services
27 formerly provided by the District in the disannexed
28 area, a municipal water or sewer system established or
29 acquired by the city council of the disannexed
30 municipality may serve an area immediately outside the
31 extraterritorial jurisdiction of the disannexed
32 municipality if the residents of the area agree to be
33 served by that system.

34 Revisor's Note
35 (End of Subchapter)

36 Section 4B(b), Chapter 398, Acts of the 51st
37 Legislature, Regular Session, 1949, provides that the
38 Glossbrenner Substance Abuse Facility is disannexed
39 from the district and may be served by a municipal
40 water or sewer system if the City of San Diego and the
41 municipality's extraterritorial jurisdiction are

1 disannexed from the district as provided by Section
2 4A, Chapter 398, Acts of the 51st Legislature, Regular
3 Session, 1949, and if a municipal water or sewer system
4 is established or acquired as described by Section
5 4B(a) of that chapter. Following the disannexation of
6 the City of San Diego and the municipality's
7 extraterritorial jurisdiction in 1998, the
8 Glossbrenner Substance Abuse Facility was disannexed
9 from the district. Because the Glossbrenner Substance
10 Abuse Facility was disannexed from the district, the
11 revised law omits as executed the provision relating
12 to the disannexation of the facility. The omitted law
13 reads:

14 (b) If the City of San Diego and the
15 area within its extraterritorial
16 jurisdiction disannex as provided by
17 Section 4A of this Act and a municipal water
18 or sewer system is established or acquired
19 as described by Subsection (a) of this
20 section, the Glossbrenner Substance Abuse
21 Facility is disannexed from the District
22 effective on the date on which that system
23 is established or acquired, and that system
24 may serve that facility.

25 Revisor's Note
26 (End of Chapter)

27 (1) Section 4, Chapter 398, Acts of the 51st
28 Legislature, Regular Session, 1949, provides that it
29 is unnecessary to hold a confirmation election but
30 requires a hearing to be held to determine whether land
31 should be excluded from the district. The revised law
32 omits the provision as executed. The provision is a
33 transition provision addressing the applicability of
34 provisions of the general laws in effect at the time of
35 the district's creation that governed the creation of
36 water control and improvement districts. A district
37 created under the general laws in effect at that time
38 would have been required at the time of its creation to
39 hold both a confirmation election and a hearing on the
40 exclusion of land from the district. The omitted law

1 reads:

2 Sec. 4. . . . No election shall be
3 necessary for the purpose of confirming its
4 organization; provided, however, hearing
5 shall be held in the manner provided by law
6 to determine whether any land should be
7 excluded from the District.

8 (2) Section 14, Chapter 398, Acts of the 51st
9 Legislature, Regular Session, 1949, authorizes the
10 Commissioners Court of Duval County to provide funds
11 for the organization and preliminary expenses of the
12 district and provides for the repayment of the
13 contribution from the proceeds of the sale of the first
14 bonds issued by the district. The revised law omits
15 the provision as executed. The omitted law reads:

16 Sec. 14. The Commissioners Court of
17 Duval County is hereby authorized and
18 empowered to contribute out of any
19 available county funds to the organization
20 and preliminary expenses of the District,
21 provided, however, that such contribution
22 shall be repaid to the County out of the
23 proceeds derived from the sale of the first
24 bonds issued and sold by the District.

25 (3) Section 15, Chapter 398, Acts of the 51st
26 Legislature, Regular Session, 1949, and Section 5,
27 Chapter 452, Acts of the 58th Legislature, Regular
28 Session, 1963, provide that those acts are severable.
29 The revised law omits those provisions because the
30 same result is produced by the application of Section
31 311.032(c), Government Code (Code Construction Act),
32 which provides that a provision of a statute is
33 severable from each other provision of the statute
34 that can be given effect. The omitted law reads:

35 [Acts 51st Leg., R.S., Ch. 398]
36 Sec. 15. If any provision of this Act
37 or the application thereof to any person or
38 circumstance shall be held to be invalid,
39 the remainder of the Act and the application
40 of such provision to other persons or
41 circumstances shall not be affected
42 thereby.

43 [Acts 58th Leg., R.S., Ch. 452]
44 Sec. 5. If any provision of this Act
45 or the application thereof to any person or
46 circumstance shall be held to be invalid,

1 the remainder of the Act and the application
2 of such provision to other persons or
3 circumstances shall not be affected
4 thereby.

5 (4) Section 4, Chapter 908, Acts of the 75th
6 Legislature, Regular Session, 1997, provides for the
7 necessary transition of the board following changes
8 made to the board by that act. The revised law omits
9 that provision as executed. The omitted law reads:

10 Sec. 4. (a) This Act takes effect
11 September 1, 1997.

12 (b) Directors serving on August 31,
13 1997, serve until their successors are
14 elected and have qualified under this
15 section. The additional positions on the
16 district board created by Section 3,
17 Chapter 398, Acts of the 51st Legislature,
18 Regular Session, 1949 (Article 8280-138,
19 Vernon's Texas Civil Statutes), as amended
20 by this Act, shall be filled at the election
21 to be held in May 1998, and until that time
22 the District is governed by a board of four
23 directors.

24 (c) The two directors elected at the
25 May 1994 election and the two directors
26 elected at the May 1995 election serve until
27 the May 1998 election as provided by Section
28 50(b), Chapter 715, Acts of the 74th
29 Legislature, Regular Session, 1995.

30 (d) Except as provided by Subsection
31 (f) of this section, seven directors shall
32 be elected at the May 1998 election. Those
33 directors shall draw lots to determine
34 which three directors serve two-year terms
35 and which four directors serve four-year
36 terms. Successor directors serve four-year
37 terms.

38 (e) If, before the May 1998 election,
39 the City of Benavides has disannexed as
40 provided by Section 4A, Chapter 398, Acts of
41 the 51st Legislature, Regular Session, 1949
42 (Article 8280-138, Vernon's Texas Civil
43 Statutes), as added by this Act, and the
44 City of San Diego has not disannexed, four
45 directors elected at that election must be
46 residents of San Diego or its
47 extraterritorial jurisdiction, and three
48 directors elected must be residents of that
49 part of Duval County that is not within the
50 corporate limits or extraterritorial
51 jurisdiction of San Diego or Benavides or
52 within the Freer Water Control and
53 Improvement District.

54 (f) If, before the May 1998 election,
55 the City of San Diego has disannexed as
56 provided by Section 4A, Chapter 398, Acts of
57 the 51st Legislature, Regular Session, 1949
58 (Article 8280-138, Vernon's Texas Civil
59 Statutes), as added by this Act, four
60 directors shall be elected at that
61 election. If the City of Benavides has not
62 disannexed before that election, two
63 directors elected at that election must be

1 residents of Benavides or its
 2 extraterritorial jurisdiction, and two
 3 directors elected must be residents of that
 4 part of Duval County that is not within the
 5 corporate limits or extraterritorial
 6 jurisdiction of San Diego or Benavides or
 7 within the Freer Water Control and
 8 Improvement District. If the City of
 9 Benavides has disannexed before that
 10 election, all four directors elected must
 11 be residents of that part of Duval County
 12 that is not within the corporate limits or
 13 extraterritorial jurisdiction of San Diego
 14 or Benavides or within the Freer Water
 15 Control and Improvement District. Those
 16 directors shall draw lots to determine
 17 which two directors serve two-year terms
 18 and which two directors serve four-year
 19 terms. Successor directors serve four-year
 20 terms.

21 CHAPTER 9028. CHOCTAW WATERSHED WATER IMPROVEMENT DISTRICT

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1 CHAPTER 9028. CHOCTAW WATERSHED WATER IMPROVEMENT DISTRICT

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Revised Law

4 Sec. 9028.001. DEFINITIONS. In this chapter:

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

6 (2) "Director" means a board member.

7 (3) "District" means the Choctaw Watershed Water
8 Improvement District. (Acts 56th Leg., R.S., Ch. 33, Sec. 1 (part);
9 New.)

10 Source Law

11 Sec. 1. . . . [a water control and improvement
12 district] to be known as "Choctaw Watershed Water
13 Improvement District," hereinafter at times called
14 "District."

15 Revisor's Note

16 The definitions of "board" and "director" are
17 added to the revised law for drafting convenience and
18 to eliminate frequent, unnecessary repetition of the
19 substance of the definitions.

20 Revised Law

21 Sec. 9028.002. NATURE OF DISTRICT. The district is a water
22 control and improvement district under Section 59, Article XVI,
23 Texas Constitution. (Acts 56th Leg., R.S., Ch. 33, Sec. 1 (part).)

24 Source Law

25 Sec. 1. Under and pursuant to the provisions of
26 Article XVI, Section 59, Constitution of Texas, there
27 is hereby created a water control and improvement
28 district

29 Revisor's Note

30 Section 1, Chapter 33, Acts of the 56th
31 Legislature, Regular Session, 1959, provides that the
32 district "is hereby created" under Section 59, Article
33 XVI, Texas Constitution. The revised law omits the
34 quoted language as executed.

35 Revised Law

36 Sec. 9028.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
37 The district is created to serve a public use and benefit.

1 (b) All land and other property included in the boundaries
2 of the district will benefit from the district and the
3 improvements, works, and measures constructed and accomplished by
4 the district.

5 (c) The district is essential to accomplish the purposes of
6 Section 59, Article XVI, Texas Constitution. (Acts 56th Leg., R.S.,
7 Ch. 33, Secs. 6 (part), 7 (part).)

8 Source Law

9 Sec. 6. It is hereby found and determined that
10 all of the lands and other property included within the
11 boundaries of the District will be benefited by the
12 District and its improvements, works and measures to
13 be constructed and accomplished and that the District
14 is created to serve a public use and benefit. . . .

15 Sec. 7. The Legislature hereby exercises the
16 authority conferred upon it by Section 59, Article
17 XVI, Constitution of Texas, and declares that said
18 District is essential to the accomplishment of the
19 purposes of said Constitutional provision, and

20 Revisor's Note

21 (1) Section 7, Chapter 33, Acts of the 56th
22 Legislature, Regular Session, 1959, provides that the
23 legislature "hereby exercises the authority conferred
24 upon it by" Section 59, Article XVI, Texas
25 Constitution. The revised law omits the quoted
26 language as executed.

27 (2) Section 7, Chapter 33, Acts of the 56th
28 Legislature, Regular Session, 1959, provides that the
29 district is "a governmental agency, a body politic and
30 corporate." The revised law omits that provision
31 because it duplicates a portion of Section 59(b),
32 Article XVI, Texas Constitution, which provides that a
33 conservation and reclamation district is a
34 governmental agency and body politic and corporate.
35 The omitted law reads:

36 Sec. 7. [The Legislature] . . .
37 declares the District to be a governmental
38 agency, a body politic and corporate.

39 Revised Law

40 Sec. 9028.004. DISTRICT TERRITORY. The district is

1 composed of the territory described by Section 2, Chapter 33, Acts
2 of the 56th Legislature, Regular Session, 1959, as that territory
3 may have been modified under:

- 4 (1) Subchapter O, Chapter 51, Water Code;
- 5 (2) Subchapter J, Chapter 49, Water Code; or
- 6 (3) other law. (New.)

7 Revisor's Note

8 The revision of the law governing the district
9 does not revise the statutory language describing the
10 territory of the district to avoid the lengthy
11 recitation of the description and because that
12 description may not be accurate on the effective date
13 of the revision or at the time of a later reading. For
14 the reader's convenience, the revised law includes a
15 reference to the statutory description of the
16 district's territory and references to statutory
17 authority to change the district's territory under
18 Subchapter O, Chapter 51, Water Code, applicable to
19 water control and improvement districts, and under
20 Subchapter J, Chapter 49, Water Code, applicable to
21 the district under Sections 49.001 and 49.002 of that
22 chapter. The revised law also includes a reference to
23 the general authority of the legislature to enact a law
24 to change the district's territory.

25 SUBCHAPTER B. BOARD OF DIRECTORS

26 Revised Law

27 Sec. 9028.051. COMPOSITION OF BOARD. The board is composed
28 of five elected directors. (Acts 56th Leg., R.S., Ch. 33, Secs.
29 5(a) (part), (c) (part).)

30 Source Law

31 Sec. 5. (a) The management and control of the
32 District is hereby vested in a Board of five (5)
33 Directors

34 (c) . . . elections for directors shall be held
35

1 Revisor's Note

2 Section 5(a), Chapter 33, Acts of the 56th
3 Legislature, Regular Session, 1959, provides that the
4 "management and control of the District is hereby
5 vested" in the board. The revised law omits the quoted
6 language because it duplicates in substance Sections
7 49.051 and 49.057, Water Code. Throughout this
8 chapter, the revised law omits law that is superseded
9 by Chapter 49, Water Code, or that duplicates law
10 contained in that chapter. Chapter 49, Water Code,
11 applies to the district under Sections 49.001 and
12 49.002 of that chapter.

13 Revisor's Note
14 (End of Subchapter)

15 (1) Section 5(a), Chapter 33, Acts of the 56th
16 Legislature, Regular Session, 1959, refers to the
17 powers and authorities conferred and imposed on the
18 board under Chapter 25, Acts of the 39th Legislature,
19 Regular Session, 1925. The relevant provisions of
20 that chapter were codified in 1971 as Chapter 51, Water
21 Code. Chapter 715, Acts of the 74th Legislature,
22 Regular Session, 1995, repealed many of the provisions
23 of Chapter 51 and enacted similar provisions in
24 Chapter 49, Water Code. The revised law omits the
25 reference to the board's powers and authorities
26 because Chapters 49 and 51, Water Code, which both
27 apply to the district on their own terms, provide for
28 the powers and authorities of the board. The revised
29 law omits "amendments and additions thereto" because
30 under Section 311.027, Government Code (Code
31 Construction Act), a reference to a statute applies to
32 all reenactments, revisions, or amendments of that
33 statute unless expressly provided otherwise. The
34 omitted law reads:

35 Sec. 5. (a) . . . [a Board] . . .

1 which shall have all the powers and
2 authorities conferred and imposed upon
3 boards of directors of water control and
4 improvement districts organized under the
5 provisions of Chapter 25, Acts of the
6 Thirty-ninth Legislature of Texas, passed
7 in 1925, and amendments and additions
8 thereto. . . .

9 (2) Section 5(a), Chapter 33, Acts of the 56th
10 Legislature, Regular Session, 1959, provides that each
11 director shall serve until the director's successor is
12 elected or appointed and qualified. The revised law
13 omits that provision because Section 17, Article XVI,
14 Texas Constitution, requires an officer in this state
15 to continue to perform the officer's official duties
16 until a successor has qualified. The omitted law
17 reads:

18 Sec. 5. (a) . . . Each director
19 shall serve for his term of office as herein
20 provided, and thereafter until his
21 successor shall be elected or appointed and
22 qualified. . . .

23 (3) Section 5, Chapter 33, Acts of the 56th
24 Legislature, Regular Session, 1959, provides for the
25 appointment and terms of the initial board of
26 directors of the district, the initial meeting and
27 organization of the board, and the election of
28 subsequent directors. The revised law omits as
29 executed those provisions pertaining to the
30 appointment and terms of initial directors and the
31 initial board meeting and organization. The
32 provisions of Section 5 that require the election of
33 subsequent directors to be held as provided by general
34 laws relating to water control and improvement
35 districts are omitted because those provisions
36 duplicate parts of Subchapter D, Chapter 49, Water
37 Code, and parts of Subchapter C, Chapter 51, Water
38 Code, which govern director elections. The omitted
39 law reads:

40 Sec. 5. (a) . . . The first Board of
41 Directors appointed herein shall meet and

1 organize as is provided by the General Laws
2 and shall within sixty (60) days after this
3 Act becomes effective file their official
4 bonds and shall subscribe to the
5 Constitutional oath of office.

6 (b) The following named persons be
7 and the same are hereby appointed directors
8 of said District and shall constitute the
9 Board of Directors of said District: Garnet
10 McGraw, Pat Tillman, Grady Lankford, Nelson
11 Rogers, Virgil Atnip, all residing and
12 owning property within said District. If
13 any of the aforementioned persons shall
14 die, become incapacitated or otherwise not
15 be qualified to assume his duties under this
16 Act, the remaining directors shall appoint
17 his successor.

18 (c) The above named directors shall
19 serve until the first Tuesday after the
20 first Monday in November, 1960, on which
21 date the first election of directors shall
22 be held in accordance with the provisions of
23 Section 37 of Chapter 25, Acts of the
24 Thirty-ninth Legislature, as amended by
25 Section 6 of Chapter 107, Acts of the First
26 Called Session of the Fortieth Legislature.
27 Thereafter, directors of the District shall
28 be chosen and [elections for directors
29 shall be held] in accordance with the
30 provisions of the General Laws relating to
31 water control and improvement districts.

32 SUBCHAPTER C. POWERS AND DUTIES

33 Revised Law

34 Sec. 9028.101. WATER CONTROL AND IMPROVEMENT DISTRICT
35 POWERS. The district has the rights, powers, privileges, and
36 duties provided by general law applicable to a water control and
37 improvement district created under Section 59, Article XVI, Texas
38 Constitution, including Chapters 49 and 51, Water Code. (Acts 56th
39 Leg., R.S., Ch. 33, Sec. 3 (part); New.)

40 Source Law

41 Sec. 3. The District shall have and exercise and
42 is hereby vested with all the rights, powers,
43 privileges and duties conferred and imposed by the
44 General Laws of this State now in force or hereafter
45 enacted applicable to water control and improvement
46 districts created under the authority of Section 59,
47 Article XVI, Constitution of Texas, but

48 Revisor's Note

49 (1) Section 3, Chapter 33, Acts of the 56th
50 Legislature, Regular Session, 1959, states that the
51 district "shall have and exercise and is hereby vested
52 with" certain rights, powers, privileges, and duties.
53 The revised law substitutes "has" for the quoted

1 language because, in context, the terms are synonymous
2 and "has" is more commonly used.

3 (2) Section 3, Chapter 33, Acts of the 56th
4 Legislature, Regular Session, 1959, states that the
5 district has the rights, powers, privileges, and
6 duties "conferred and imposed" by general law. The
7 revised law substitutes "provided" for the quoted
8 language because regardless of whether a right, power,
9 privilege, or duty is "conferred" by general law or
10 "imposed" by general law, it is not necessary to
11 characterize the nature of that grant in the revised
12 law. In context, "provided" is synonymous with
13 "conferred and imposed" and "provided" is more
14 commonly used.

15 (3) Section 3, Chapter 33, Acts of the 56th
16 Legislature, Regular Session, 1959, refers to the
17 general laws of this state "now in force or hereafter
18 enacted." The revised law omits the quoted language
19 because it duplicates accepted general principles of
20 statutory construction. The "[g]eneral [l]aws of this
21 [s]tate" means those laws "in force" at the time the
22 provision was adopted. It is unnecessary to state that
23 the district may be granted additional powers by later
24 enacted laws because those laws apply on their own
25 terms.

26 (4) Section 3, Chapter 33, Acts of the 56th
27 Legislature, Regular Session, 1959, refers to the
28 general laws "applicable to water control and
29 improvement districts." For the reader's convenience,
30 the revised law adds references to Chapter 49, Water
31 Code, generally applicable under Sections 49.001 and
32 49.002 of that chapter to districts created under
33 Section 59, Article XVI, Texas Constitution, and
34 Chapter 51, Water Code, specifically applicable to

1 water control and improvement districts.

2 (5) Section 3, Chapter 33, Acts of the 56th
3 Legislature, Regular Session, 1959, provides that the
4 act prevails over general law that applies to water
5 control and improvement districts and that is in
6 conflict or inconsistent with the act and that all
7 general laws applicable to water control and
8 improvement districts are incorporated by reference.
9 The revised law omits the portion of the provision
10 relating to the act prevailing over general law
11 because it duplicates Section 311.026(b), Government
12 Code (Code Construction Act). The revised law omits
13 the portion of the provision relating to incorporation
14 of general laws because Section 3 of Chapter 33
15 (revised as this section) already provides that those
16 laws apply to the district, and it is unnecessary to
17 repeat that authority. The omitted law reads:

18 Sec. 3. [The District shall have and
19 exercise and is hereby vested with all the
20 rights, powers, privileges and duties
21 conferred and imposed by the General Laws of
22 this State now in force or hereafter enacted
23 applicable to water control and improvement
24 districts created under the authority of
25 Section 59, Article XVI, Constitution of
26 Texas, but] to the extent that the
27 provisions of any such General Laws may be
28 in conflict or inconsistent with the
29 provisions of this Act, the provisions of
30 this Act shall prevail. Any such General
31 Laws are hereby incorporated by reference
32 with the same effect as if incorporated in
33 this Act.

34 Revised Law

35 Sec. 9028.102. COST OF RELOCATING OR ALTERING PROPERTY. If
36 the district's exercise of the power of eminent domain, the power of
37 relocation, or any other power granted by this chapter makes
38 necessary relocating, raising, rerouting, changing the grade of, or
39 altering the construction of a highway, railroad, electric
40 transmission line, pipeline, or telephone or telegraph property or
41 facility, the necessary action shall be accomplished at the sole
42 expense of the district. (Acts 56th Leg., R.S., Ch. 33, Sec. 8

1 (part).)

2 Source Law

3 Sec. 8. . . . In the event that the District,
4 in the exercise of the power of eminent domain or power
5 of relocation, or any other power granted hereunder,
6 makes necessary the relocation, raising, re-routing or
7 changing the grade of, or altering the construction of
8 any highway, railroad, electric transmission line,
9 telephone or telegraph properties and facilities, or
10 pipeline, all such necessary relocation, raising,
11 re-routing, changing of grade or alteration of
12 construction shall be accomplished at the sole expense
13 of the District.

14 Revised Law

15 Sec. 9028.103. WATERSHED PROTECTION AND FLOOD PREVENTION
16 ACT. Subject to Section 9028.154, the district has the power
17 necessary to fully qualify for and gain the full benefits of the
18 Watershed Protection and Flood Prevention Act (16 U.S.C. Section
19 1001 et seq.), including:

20 (1) all powers necessary to carry out the projects,
21 works, and improvements contemplated by the Watershed Protection
22 and Flood Prevention Act;

23 (2) the power to secure a loan or loans from the proper
24 agencies of the federal government for the purpose of defraying the
25 costs and expenses of the district in connection with carrying out
26 its projects, works, and improvements under the Watershed
27 Protection and Flood Prevention Act; and

28 (3) if necessary, the power to issue bonds as
29 collateral for a loan described by Subdivision (2). (Acts 56th
30 Leg., R.S., Ch. 33, Sec. 4 (part); New.)

31 Source Law

32 Sec. 4. . . . [Public Law 566, Eighty-third
33 Congress, Chapter 656, 2nd Session, H.R. 6788, as
34 amended by Public Law 1018, Eighty-fourth Congress,
35 Chapter 1027, 2nd Session, H.R. 8750] It is the
36 intention of the Legislature to create the District
37 with all the powers and authority necessary to fully
38 qualify and gain the full benefits of said public laws,
39 including, but not limited to, all powers and
40 authority necessary or requisite to carry out the
41 projects and works and improvements contemplated by
42 said public laws and the power and authority to secure
43 a loan or loans from the proper agencies or departments
44 of the Federal Government, and if necessary to issue
45 bonds of the District as collateral or security
46 therefor, for the purpose of defraying the costs and
47 expenses of the District in connection with the

1 carrying out of its projects and works and
2 improvements. . . .

3 Revisor's Note

4 (1) For the reader's convenience, the revised
5 law includes a cross-reference to Section 9028.154 of
6 this chapter, which requires voter approval of loans
7 from the federal government to the district.

8 (2) Section 4, Chapter 33, Acts of the 56th
9 Legislature, Regular Session, 1959, authorizes the
10 district to cooperate with federal entities to receive
11 benefits under Public Law 566, Eighty-third Congress,
12 Chapter 656, 2nd Session, H.R. 6788, as amended, now
13 codified as the Watershed Protection and Flood
14 Prevention Act (16 U.S.C. Section 1001 et seq.). The
15 revised law omits the provision because, to the extent
16 it authorizes the district to receive various benefits
17 under the Watershed Protection and Flood Prevention
18 Act, it duplicates in substance a later part of Section
19 4, revised as Section 9028.103 of this chapter, which
20 provides that the district has "all the powers and
21 authority necessary to fully qualify and gain the full
22 benefits" of that act, and to the extent it authorizes
23 the district to cooperate with federal entities to
24 receive those benefits, it duplicates in substance
25 Section 49.227, Water Code, which provides the
26 district with the power to act jointly with the federal
27 government in the performance of any of the powers
28 permitted by law. The omitted law reads:

29 Sec. 4. In addition to the powers
30 contained in said General Laws, the
31 District shall have and possess all powers
32 necessary or requisite to cooperate fully
33 with the Federal Government, its agencies,
34 departments and representatives thereof in
35 taking advantage of, and in securing and
36 getting assistance, aid, benefits, grants,
37 loans, credit and money as provided in
38 Public Law 566, Eighty-third Congress,
39 Chapter 656, 2nd Session, H.R. 6788, as
40 amended by Public Law 1018, Eighty-fourth
41 Congress, Chapter 1027, 2nd Session, H.R.
42 8750, and as same may be hereafter amended.

1 . . .

2 (3) Section 4, Chapter 33, Acts of the 56th
3 Legislature, Regular Session, 1959, provides that
4 "[i]t is the intention of the Legislature to create"
5 the district with certain powers. The revised law
6 omits the quoted language as unnecessary because it is
7 implied that a statute expresses the intent of the
8 legislature and also because the creation of the
9 district has already been accomplished. See also the
10 revisor's note to Section 9028.002.

11 (4) Section 4, Chapter 33, Acts of the 56th
12 Legislature, Regular Session, 1959, provides that the
13 district has the "powers and authority" to qualify for
14 certain benefits and take certain actions, including
15 the "power and authority" to secure a loan from the
16 federal government. The revised law omits "authority"
17 because, in this context, "authority" is included in
18 the meaning of "powers" or "power."

19 (5) Section 4, Chapter 33, Acts of the 56th
20 Legislature, Regular Session, 1959, refers to "said
21 public laws," meaning Public Law 566, Eighty-third
22 Congress, Chapter 656, 2nd Session, H.R. 6788, as
23 amended by Public Law 1018, Eighty-fourth Congress,
24 Chapter 1027, 2nd Session, H.R. 8750. As stated in
25 Revisor's Note (2), the public law is now codified as
26 the Watershed Protection and Flood Prevention Act (16
27 U.S.C. Section 1001 et seq.). The revised law is
28 drafted accordingly.

29 (6) Section 4, Chapter 33, Acts of the 56th
30 Legislature, Regular Session, 1959, refers to powers
31 and authority "including, but not limited to" certain
32 powers and authority. The revised law omits "but not
33 limited to" because Section 311.005(13), Government
34 Code (Code Construction Act), provides that "includes"
35 and "including" are terms of enlargement and not of

1 limitation and do not create a presumption that
2 components not expressed are excluded.

3 (7) Section 4, Chapter 33, Acts of the 56th
4 Legislature, Regular Session, 1959, provides that the
5 district has powers that are "necessary or requisite"
6 to take certain actions. The revised law omits
7 "requisite" because, in this context, "requisite" is
8 included in the meaning of "necessary."

9 (8) Section 4, Chapter 33, Acts of the 56th
10 Legislature, Regular Session, 1959, refers to
11 "agencies or departments" of the federal government.
12 The revised law omits "departments" because in context
13 the meaning of that term is included in the meaning of
14 "agencies."

15 (9) Section 4, Chapter 33, Acts of the 56th
16 Legislature, Regular Session, 1959, authorizes the
17 district to issue bonds "as collateral or security."
18 The revised law omits "security" because the meaning
19 of that term is included in the meaning of
20 "collateral."

21 (10) Section 4, Chapter 33, Acts of the 56th
22 Legislature, Regular Session, 1959, provides that
23 certain federal laws that are applicable to the
24 district are enacted into that act by reference and
25 made applicable to the district. The revised law omits
26 that provision because a law that applies to the
27 district applies on its own terms and does not need to
28 be enacted by reference or made applicable to the
29 district under any additional law. The omitted law
30 reads:

31 Sec. 4. . . . [Public Law 566,
32 Eighty-third Congress, Chapter 656, 2nd
33 Session, H.R. 6788, as amended by Public Law
34 1018, Eighty-fourth Congress, Chapter 1027,
35 2nd Session, H.R. 8750, and as same may be
36 hereafter amended.] . . . The provisions
37 of said public laws that are applicable to
38 the District are hereby enacted into this

1 Act by reference and are made applicable to
2 the District.

3 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

4 Revised Law

5 Sec. 9028.151. TAX METHOD. (a) The district shall use the
6 ad valorem plan of taxation.

7 (b) The board is not required to hold a hearing on the
8 adoption of a plan of taxation. (Acts 56th Leg., R.S., Ch. 33, Sec.
9 6 (part).)

10 Source Law

11 Sec. 6. . . . It shall not be necessary for the
12 Board of Directors to hold a hearing on the adoption of
13 a plan of taxation and the ad valorem plan of taxation
14 shall be used by the District. . . .

15 Revised Law

16 Sec. 9028.152. LIMITATION ON TAX RATE. The district may not
17 impose taxes under this subchapter at a rate that exceeds five cents
18 per \$100 valuation. (Acts 56th Leg., R.S., Ch. 33, Sec. 6 (part).)

19 Source Law

20 Sec. 6. . . . [ad valorem plan of taxation shall
21 be used by the District.] Provided, however, that
22 taxes imposed by the District shall never exceed five
23 cents (5¢) per One Hundred Dollar (\$100)
24 valuation. . . .

25 Revisor's Note

26 Section 6, Chapter 33, Acts of the 56th
27 Legislature, Regular Session, 1959, requires the use
28 of county tax rolls to value property in the district
29 for tax purposes. The revised law omits the provision
30 because it duplicates Section 18(b), Article VIII,
31 Texas Constitution, and Section 6.01, Tax Code.
32 Section 18(b) requires the legislature by general law
33 to provide for a single appraisal in each county of all
34 property subject to ad valorem taxation by the county
35 and all other taxing units located in the county.
36 Section 6.01 establishes an appraisal district to
37 appraise property in each county and requires each
38 taxing unit that imposes ad valorem taxes on property
39 in the appraisal district to use that appraisal.

1 Section 6.01, Tax Code, applies to the district under
2 Section 1.02, Tax Code. The omitted law reads:

3 Sec. 6. . . . The District shall use
4 for tax purposes the same valuations for the
5 property within the District as that
6 carried on the county tax rolls for state
7 and county purposes; and

8 Revised Law

9 Sec. 9028.153. TAX ASSESSOR-COLLECTOR. The Grayson County
10 tax assessor-collector shall collect taxes for the district and
11 make them available for district purposes. (Acts 56th Leg., R.S.,
12 Ch. 33, Sec. 6 (part).)

13 Source Law

14 Sec. 6. . . . the Grayson County Assessor and
15 Collector of taxes is directed to collect taxes herein
16 provided for, and to make them available for the
17 purposes herein set out.

18 Revised Law

19 Sec. 9028.154. ELECTION REQUIRED FOR FEDERAL LOAN. The
20 district may not consummate a loan from the federal government
21 unless the loan is authorized by a majority of the votes cast in a
22 district election. (Acts 56th Leg., R.S., Ch. 33, Sec. 9 (part).)

23 Source Law

24 Sec. 9. No loan shall be consummated by the
25 District from the Federal Government and . . . unless
26 authorized by a majority of the votes cast at an
27 election at which only qualified voters who reside in
28 the District, and who own taxable property therein,
29 and who have duly rendered same for taxation. . . .

30 Revisor's Note

31 Section 9, Chapter 33, Acts of the 56th
32 Legislature, Regular Session, 1959, provides that
33 "only qualified voters who reside in the District, and
34 who own taxable property therein, and who have duly
35 rendered same for taxation" may vote in an election to
36 authorize a loan from the federal government to the
37 district. The revised law omits the reference to
38 "qualified voters who reside in the District" as
39 unnecessary in this context because Chapter 11,
40 Election Code, governs eligibility to vote in an

1 election in this state and allows only qualified
2 voters who are residents of the territory covered by
3 the election to vote in an election. The revised law
4 also omits the reference to voting by persons who own
5 taxable property and render that property for taxation
6 because in Hill v. Stone, 421 U.S. 289 (1975), the
7 United States Supreme Court determined that property
8 ownership as a qualification for voting is an
9 unconstitutional denial of equal protection.

10 Revised Law

11 Sec. 9028.155. APPROVAL OF AND FUNDING FOR CERTAIN PLANS
12 FOR WORKS AND IMPROVEMENTS. (a) In this section, "commission"
13 means the Texas Commission on Environmental Quality.

14 (b) This section applies only to plans contemplated by the
15 district for works and improvements, or amendments to the plans,
16 that are prepared by the Natural Resources Conservation Service of
17 the United States Department of Agriculture and approved by the
18 district's board.

19 (c) An engineer's report covering the plans and
20 improvements to be constructed, and the maps, plats, profiles, and
21 data fully showing and explaining the plans and improvements, are
22 not required to be filed in the district office before an election
23 is held to authorize the issuance of bonds for the works and
24 improvements. The plans and specifications, engineering reports,
25 profiles, maps, and other data, and subsequent amendments to those
26 items, are not required to be approved by the commission before the
27 bonds are issued.

28 (d) Before the district may spend any money for the
29 construction of any works and improvements, the commission must
30 approve the portion of the works and improvements to be
31 constructed. The commission's advance approval for the entire
32 project contemplated by the district is not required. The
33 commission may approve on a separate or individual basis the
34 portion of the entire project or works and improvements:

1 (1) to be constructed at a particular time; and
2 (2) on which plans and specifications of the Natural
3 Resources Conservation Service have been prepared and submitted by
4 the board to the commission. (Acts 56th Leg., R.S., Ch. 33, Sec.
5 10; New.)

6 Source Law

7 Sec. 10. If the plans for works and improvements
8 or amendments thereto contemplated by the District are
9 prepared by the Soil Conservation Service, United
10 States Department of Agriculture, and approved by the
11 District's directors it shall not be necessary for an
12 engineer's report covering the plans and improvements
13 to be constructed, together with the maps, plats,
14 profiles and data fully showing and explaining same to
15 be filed in the office of the District before an
16 election is held to authorize the issuance of bonds in
17 connection with such works and improvements. It shall
18 not be necessary for such plans and specifications,
19 engineering reports, profiles, maps and other data, or
20 subsequent amendments thereto to be approved by the
21 State Board of Water Engineers prior to the issuance of
22 such bonds; provided, however, that before the
23 expenditure of any funds for the construction of any
24 works and improvements, the approval of the State
25 Board of Water Engineers shall be secured for that
26 portion of the works and improvements to be
27 constructed. It shall not be necessary for advance
28 approval to be given for the entire project
29 contemplated by the District, but approval may be
30 secured or given on a separate or individual basis for
31 that portion of the entire project or works and
32 improvements to be constructed at any particular time
33 and on which plans and specifications of the Soil
34 Conservation Service, United States Department of
35 Agriculture, have been prepared and submitted by the
36 Directors to the State Board of Water Engineers.

37 Revisor's Note

38 (1) The definition of "commission" is added to
39 the revised law for drafting convenience and to
40 eliminate unnecessary repetition of the substance of
41 the definition.

42 (2) Section 10, Chapter 33, Acts of the 56th
43 Legislature, Regular Session, 1959, refers to the
44 "Soil Conservation Service, United States Department
45 of Agriculture." The Natural Resources Conservation
46 Service of the United States Department of Agriculture
47 has succeeded to the relevant functions of the Soil
48 Conservation Service, and the revised law is drafted
49 accordingly.

1 negotiable bonds in the manner provided by General Law
2 for water control and improvement districts. . . .

3 Revisor's Note

4 (1) For the reader's convenience, the revised
5 law includes a cross-reference to Section 9028.202 of
6 this chapter, which requires voter approval for bond
7 issuance.

8 (2) Section 8, Chapter 33, Acts of the 56th
9 Legislature, Regular Session, 1959, refers to the
10 district's "powers or authority." The revised law
11 omits the reference to "authority" for the reason
12 stated in Revisor's Note (4) to Section 9028.103.

13 (3) Section 8, Chapter 33, Acts of the 56th
14 Legislature, Regular Session, 1959, authorizes the
15 district to issue bonds to carry out functions
16 provided by "Chapter 25 of the General Laws of the
17 Thirty-ninth Legislature, Regular Session, and the
18 several amendments thereof." Chapter 25 was
19 incorporated in Chapter 3A, Title 128, Revised
20 Statutes. That chapter was codified in 1971 as Chapter
21 51, Water Code. Chapter 715, Acts of the 74th
22 Legislature, Regular Session, 1995, repealed many of
23 the provisions of Chapter 51 and enacted similar
24 provisions in Chapter 49, Water Code. To reflect those
25 changes, the revised law substitutes a reference to
26 "Chapter 49 or 51, Water Code," for the reference to
27 Chapter 25. The revised law omits the reference to "the
28 several amendments thereof" for the reason stated in
29 Revisor's Note (1) at the end of Subchapter B.

30 (4) Section 8, Chapter 33, Acts of the 56th
31 Legislature, Regular Session, 1959, authorizes the
32 district to issue "negotiable" bonds. The revised law
33 omits "negotiable" because under Section 1201.041,
34 Government Code, a public security is a negotiable
35 instrument. Section 1201.041 applies to district

1 bonds under Section 1201.002, Government Code.

2 Revised Law

3 Sec. 9028.202. BOND ELECTION REQUIRED. The district may
4 not issue bonds unless the bonds are authorized by a majority of the
5 votes cast in a district election. (Acts 56th Leg., R.S., Ch. 33,
6 Sec. 9 (part).)

7 Source Law

8 Sec. 9. . . . no bonds shall hereafter be issued
9 unless authorized by a majority of the votes cast at an
10 election at which only qualified voters who reside in
11 the District, and who own taxable property therein,
12 and who have duly rendered same for taxation. . . .

13 Revisor's Note

14 (1) Section 9, Chapter 33, Acts of the 56th
15 Legislature, Regular Session, 1959, provides that "no
16 bonds shall hereafter be issued unless authorized by a
17 majority of the votes cast at an election." The
18 revised law omits "hereafter" because Section 311.022,
19 Government Code (Code Construction Act), provides that
20 a statute operates prospectively unless expressly made
21 retrospective.

22 (2) Section 9, Chapter 33, Acts of the 56th
23 Legislature, Regular Session, 1959, provides that
24 "only qualified voters who reside in the District, and
25 who own taxable property therein, and who have duly
26 rendered same for taxation" may vote in an election to
27 authorize district bonds. The revised law omits the
28 quoted language for the reason stated in the revisor's
29 note to Section 9028.154.

30 (3) Section 9, Chapter 33, Acts of the 56th
31 Legislature, Regular Session, 1959, provides that
32 after voter authorization, approval by the attorney
33 general, and registration by the comptroller, district
34 bonds are incontestable. The revised law omits that
35 provision because to the extent it requires voter
36 authorization, it duplicates an earlier part of

1 Section 9, revised as this section, which already
2 requires voter authorization to issue bonds, and to
3 the extent it requires attorney general approval and
4 registration by the comptroller, it duplicates in
5 substance Section 1202.006, Government Code, which
6 provides that after approval and registration, bonds
7 are incontestable for any reason. Section 1202.006
8 applies to district bonds under Sections 1202.001 and
9 1202.003(c), Government Code. The omitted law reads:

10 Sec. 9. . . . When a majority of the
11 votes cast favor the proposition and upon
12 approval of the bonds by the Attorney
13 General and registration by the Comptroller
14 they shall be incontestable.

15 Revisor's Note
16 (End of Chapter)

17 (1) Section 6, Chapter 33, Acts of the 56th
18 Legislature, Regular Session, 1959, provides that it
19 is unnecessary to hold a confirmation election but
20 requires a hearing to be held to determine whether land
21 should be excluded from the district. The revised law
22 omits the provision as executed. The provision is a
23 transition provision addressing the applicability of
24 provisions of the general laws in effect at the time of
25 the district's creation that governed the creation of
26 water control and improvement districts. A district
27 created under the general laws in effect at that time
28 would have been required at the time of its creation to
29 hold both a confirmation election and a hearing on the
30 exclusion of land from the district. The omitted law
31 reads:

32 Sec. 6. . . . No election shall be
33 necessary for the purpose of confirming its
34 organization. Provided, however, that a
35 hearing shall be held to determine whether
36 any lands included within the boundaries of
37 said District shall be excluded. . . .

38 (2) Section 11, Chapter 33, Acts of the 56th
39 Legislature, Regular Session, 1959, provides that the

1 act is severable. The revised law omits that provision
 2 because the same result is produced by application of
 3 Section 311.032, Government Code (Code Construction
 4 Act), which provides that a provision of a statute is
 5 severable from each other provision of the statute
 6 that can be given effect. The omitted law reads:

7 Sec. 11. If any word, phrase, clause,
 8 sentence, paragraph, or provision of this
 9 Act is held to be invalid or
 10 unconstitutional by a court of competent
 11 jurisdiction in this State, it is the
 12 intention of the Legislature that the
 13 remaining provisions thereof shall be
 14 effective, and that such remaining portions
 15 shall remain in full force and effect.

16 CHAPTER 9045. FALLBROOK UTILITY DISTRICT

17 SUBCHAPTER A. GENERAL PROVISIONS

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17		CHAPTER 9045. FALLBROOK UTILITY DISTRICT	
18		SUBCHAPTER A. GENERAL PROVISIONS	
19		<u>Revised Law</u>	
20	Sec. 9045.001.	DEFINITIONS. In this chapter:	
21		(1) "Board" means the district's board of directors.	
22		(2) "Director" means a board member.	
23		(3) "District" means the Fallbrook Utility District of	
24	Harris County, Texas. (Acts 61st Leg., R.S., Ch. 633, Sec. 1		
25	(part); New.)		
26		<u>Source Law</u>	
27	Sec. 1. . . . [a . . . district] . . . to be		
28	known as "Fallbrook Utility District" of Harris		
29	County, Texas, hereinafter called the "district,"		
30		
31		<u>Revisor's Note</u>	
32	The definitions of "board" and "director" are		
33	added to the revised law for drafting convenience and		
34	to eliminate frequent, unnecessary repetition of the		
35	substance of the definitions.		

1 chapter will benefit the people of this state and improve their
2 property and industries.

3 (e) The district in carrying out the purposes of this
4 chapter will be performing an essential public function under the
5 Texas Constitution. (Acts 61st Leg., R.S., Ch. 633, Secs. 1 (part),
6 4, 21 (part).)

7 Source Law

8 Sec. 1. . . . The creation and establishment of
9 the district is hereby declared to be essential to the
10 accomplishment of the purposes of Article XVI, Section
11 59, Constitution of Texas.

12 Sec. 4. It is determined and found that all of
13 the land and other property included within the
14 boundaries of the district will be benefited by the
15 works and project which are to be accomplished by the
16 district pursuant to the powers conferred by the
17 provisions of Article XVI, Section 59, Constitution of
18 Texas, and that said district was and is created to
19 serve a public use and benefit.

20 Sec. 21. The accomplishment of the purposes
21 stated in this Act being for the benefit of the people
22 of this state and for the improvement of their
23 properties and industries, the district in carrying
24 out the purposes of this Act will be performing an
25 essential public function under the Constitution,
26 and

27 Revisor's Note

28 Section 1, Chapter 633, Acts of the 61st
29 Legislature, Regular Session, 1969, states that the
30 "creation and establishment" of the district is
31 "hereby declared to be" essential to accomplish the
32 purposes of Section 59, Article XVI, Texas
33 Constitution. The revised law omits the quoted
34 language as executed.

35 Revised Law

36 Sec. 9045.004. DISTRICT TERRITORY. (a) The district is
37 composed of the territory described by Section 2, Chapter 633, Acts
38 of the 61st Legislature, Regular Session, 1969, as that territory
39 may have been modified under:

- 40 (1) Subchapter O, Chapter 51, Water Code;
41 (2) Subchapter J, Chapter 49, Water Code;
42 (3) Section 9045.005 or its predecessor statute,

1 former Section 9, Chapter 633, Acts of the 61st Legislature,
2 Regular Session, 1969; or

3 (4) other law.

4 (b) The boundaries and field notes of the district form a
5 closure. A mistake in the field notes or in copying the field notes
6 in the legislative process does not affect:

7 (1) the district's organization, existence, or
8 validity;

9 (2) the district's right to issue any type of bond for
10 a purpose for which the district is created or to pay the principal
11 of and interest on the bond;

12 (3) the district's right to impose a tax; or

13 (4) in any other manner, the legality or operation of
14 the district or the board. (Acts 61st Leg., R.S., Ch. 633, Sec. 3;
15 New.)

16 Source Law

17 Sec. 3. It is determined and found that the
18 boundaries and field notes of the district form a
19 closure; and if any mistake is made in copying the
20 field notes in the legislative process, or otherwise a
21 mistake is made in the field notes, it shall in no way
22 affect the organization, existence and validity of the
23 district, or the right of the district to issue any
24 type of bonds or refunding bonds for the purposes for
25 which the district is created, or to pay the principal
26 and interest thereon, or the right to assess, levy and
27 collect taxes, or in any other manner affect the
28 legality or operation of the district or its governing
29 body.

30 Revisor's Note

31 (1) The revision of the law governing the
32 district does not revise the statutory language
33 describing the territory of the district to avoid the
34 lengthy recitation of the description and because that
35 description may not be accurate on the effective date
36 of the revision or at the time of a later reading. For
37 the reader's convenience, the revised law includes
38 references to the statutory description of the
39 district's territory and to statutory authority to
40 change the district's territory under Subchapter O,

1 Chapter 51, Water Code, applicable to water control
2 and improvement districts, Subchapter J, Chapter 49,
3 Water Code, applicable to the district under Sections
4 49.001 and 49.002 of that chapter, and Section
5 9045.005 of this chapter or Section 9, Chapter 633,
6 Acts of the 61st Legislature, Regular Session, 1969,
7 from which Section 9045.005 is derived. The revised
8 law also includes a reference to the general authority
9 of the legislature to enact other laws to change the
10 district's territory.

11 (2) Section 3, Chapter 633, Acts of the 61st
12 Legislature, Regular Session, 1969, provides that a
13 mistake in the description of the district's
14 boundaries does not affect the right of the district to
15 issue "any type of bonds or refunding bonds." The
16 revised law omits "refunding bonds" because refunding
17 bonds are included in the meaning of "any type of
18 bonds."

19 (3) Section 3, Chapter 633, Acts of the 61st
20 Legislature, Regular Session, 1969, refers to the
21 district's right to "assess, levy and collect" a tax.
22 Throughout this chapter, the revised law substitutes
23 "impose" for "levy" or "assess, levy and collect"
24 because "impose" is the term generally used in Title 1,
25 Tax Code, and includes the assessment, levying, and
26 collection of a tax.

27 Revised Law

28 Sec. 9045.005. EXPANSION OF DISTRICT. (a) If land is
29 annexed to the district under Section 49.301 or 51.714, Water Code,
30 the board may require the petitioners to:

31 (1) assume the petitioners' pro rata share of the voted
32 but unissued bonds of the district; and

33 (2) authorize the board to impose a tax on the
34 petitioners' property to pay for the bonds after the bonds have been

1 issued.

2 (b) If land is annexed to the district under Section 49.302,
3 Water Code, the board may submit to the voters of the area to be
4 annexed a proposition on the question of the assumption by the area
5 to be annexed of its part of the voted but not yet issued or sold tax
6 or tax-revenue bonds of the district and the imposition of an ad
7 valorem tax on taxable property in the area to be annexed along with
8 a tax in the rest of the district for the payment of the bonds.

9 (c) If the petitioners consent or if the election results
10 favorably, the district may issue its voted but unissued tax or
11 tax-revenue bonds regardless of changes to district boundaries
12 since the voting or authorization of those bonds. (Acts 61st Leg.,
13 R.S., Ch. 633, Sec. 9 (part).)

14 Source Law

15 Sec. 9. [Land may be added to or annexed to the
16 district] . . . provided, however, that the board of
17 directors may require the petitioners, if land is
18 being added in the manner provided by Article 7880-75,
19 Vernon's Texas Civil Statutes to assume their pro rata
20 share of the voted but unissued bonds of the district
21 and authorize the board to levy a tax on their property
22 in payment for such unissued bonds, when issued, or if
23 land is being annexed in the manner provided by Article
24 7880-75b, Vernon's Texas Civil Statutes, the board may
25 also submit a proposition to the property taxpaying
26 voters of the area to be annexed on the question of the
27 assumption by the area to be annexed of its part of the
28 tax or tax-revenue bonds of the district theretofore
29 voted but not yet issued or sold and the levy of an ad
30 valorem tax on all taxable property within the area to
31 be annexed along with the tax in the rest of the
32 district for the payment thereof. If the petitioners
33 consent or if the election results favorably, the
34 district shall be authorized to issue its voted but
35 unissued tax or tax-revenue bonds even though the
36 boundaries of the district have been changed since the
37 voting or authorization of such bonds.

38 Revisor's Note

39 (1) Section 9, Chapter 633, Acts of the 61st
40 Legislature, Regular Session, 1969, provides that the
41 district may add or annex land in the manner provided
42 by Chapter 3A, Title 128, Vernon's Texas Civil
43 Statutes, as amended. The revised law omits that
44 provision as unnecessary. The relevant provisions of
45 that statute were codified by Chapter 58, Acts of the

1 62nd Legislature, Regular Session, 1971, as Subchapter
2 O, Chapter 51, Water Code. Chapter 715, Acts of the
3 74th Legislature, Regular Session, 1995, repealed some
4 of the relevant provisions of Subchapter O, Chapter
5 51, Water Code, and enacted Subchapter J, Chapter 49,
6 Water Code, to govern the addition of land to a water
7 control and improvement district and certain other
8 districts. Subchapter J, Chapter 49, Water Code,
9 applies to the district without an express reference
10 to Subchapter J by this chapter. The remaining
11 relevant provisions of Subchapter O, Chapter 51, Water
12 Code, apply to the district under Section 5, Chapter
13 633, Acts of the 61st Legislature, Regular Session,
14 1969, revised in this chapter as Section 9045.101,
15 without an express reference to those provisions.

16 The revised law omits "as amended" because, under
17 Section 311.027, Government Code (Code Construction
18 Act), a reference to a statute applies to all
19 reenactments, revisions, or amendments of that
20 statute, unless expressly provided otherwise. The
21 omitted law reads:

22 Sec. 9. Land may be added to or
23 annexed to the district in the manner now or
24 hereafter provided by Chapter 3A, Title
25 128, Vernon's Texas Civil Statutes, as
26 amended;

27 (2) Section 9, Chapter 633, Acts of the 61st
28 Legislature, Regular Session, 1969, refers to Article
29 7880-75, Vernon's Texas Civil Statutes. Article
30 7880-75 was codified by Chapter 58, Acts of the 62nd
31 Legislature, Regular Session, 1971, as Sections
32 51.714-51.717, Water Code. Section 2, Chapter 778,
33 Acts of the 74th Legislature, Regular Session, 1995,
34 amended Section 51.714, Water Code, relating to the
35 addition of land to a water control and improvement
36 district by the petition of the landowner. Without

1 reference to that amendment, Chapter 715, Acts of the
2 74th Legislature, Regular Session, 1995, repealed
3 Sections 51.714-51.717, Water Code, and enacted
4 Section 49.301, Water Code, to govern the addition of
5 land to certain districts by the petition of the
6 landowner. The revised law is drafted accordingly.

7 (3) Section 9, Chapter 633, Acts of the 61st
8 Legislature, Regular Session, 1969, refers to Article
9 7880-75b, Vernon's Texas Civil Statutes. Article
10 7880-75b was codified by Chapter 58, Acts of the 62nd
11 Legislature, Regular Session, 1971, as Sections
12 51.718-51.724, Water Code, relating to the addition of
13 land to a water control and improvement district by the
14 petition of less than all the landowners. Chapter 715,
15 Acts of the 74th Legislature, Regular Session, 1995,
16 repealed Sections 51.718-51.724, Water Code, and
17 enacted Section 49.302, Water Code, to govern the
18 addition of land to certain water districts, including
19 water control and improvement districts, by the
20 petition of less than all the landowners. The revised
21 law is drafted accordingly.

22 (4) Section 9, Chapter 633, Acts of the 61st
23 Legislature, Regular Session, 1969, refers to
24 "property taxpaying voters." The revised law omits
25 "property taxpaying" because in Hill v. Stone, 421
26 U.S. 289 (1975), the United States Supreme Court
27 determined that property ownership as a qualification
28 for voting is an unconstitutional denial of equal
29 protection.

30 Revised Law

31 Sec. 9045.006. HEARINGS FOR EXCLUSION OF LAND. (a) The
32 board is not required to call or hold a hearing on the exclusion of
33 land or other property from the district; provided, however, that
34 the board shall hold a hearing if an owner of land or other property

1 located in the district files a written petition for a hearing with
2 the board secretary before the district's first bond election is
3 called.

4 (b) The board may act on the petition in the same manner that
5 it may act on a petition for the addition of land under Section
6 49.301 or 51.714, Water Code. A notice of hearing is not required.

7 (c) The board on its own motion may call and hold an
8 exclusion hearing under general law. (Acts 61st Leg., R.S., Ch.
9 633, Sec. 7.)

10 Source Law

11 Sec. 7. It shall not be necessary for the board
12 of directors to call or hold a hearing on the
13 exclusions of land or other property from the
14 district; provided, however, that the board shall hold
15 such hearing upon the written petition of any
16 landowner or other property owner within the district
17 filed with the secretary of the board prior to the
18 calling of the first bond election for the district.
19 The board may act on said petition in the same manner
20 that it may act on a petition for the addition of land
21 under Article 7880-75, Vernon's Texas Civil Statutes
22 and no notice of hearing shall be required. The board
23 on its own motion may call and hold an exclusions
24 hearing or hearings in the manner provided by the
25 general law.

26 Revisor's Note

27 (1) Section 7, Chapter 633, Acts of the 61st
28 Legislature, Regular Session, 1969, provides that it
29 is not necessary for the board to call or hold a
30 hearing on the exclusion of land or other property from
31 the district unless the board receives a written
32 petition for such a hearing from an owner of land or
33 other property in the district before the calling of
34 the district's first bond election. The section also
35 provides the manner by which the board may act on the
36 petition and provides that the authority not to call or
37 hold an exclusion hearing does not prevent the board on
38 its own motion from calling and holding such a hearing
39 under general law. While the provisions relating to
40 the holding of an exclusion hearing on receipt of a
41 petition before the calling of the district's first

1 bond election and the manner by which the board may act
2 on that petition would normally be omitted as executed
3 because the district has held a bond election and the
4 provision relating to the applicability of general law
5 would normally be omitted as applicable on its own
6 terms, the revised law retains those provisions to
7 preserve the ambiguity created by the provision giving
8 the board discretion not to call or hold an exclusion
9 hearing. It is unclear whether that provision was
10 intended to apply only until the first bond election
11 was called or whether it was intended to continue to
12 apply after that election was called. The revised law
13 is drafted accordingly.

14 (2) Section 7, Chapter 633, Acts of the 61st
15 Legislature, Regular Session, 1969, refers to "Article
16 7880-75, Vernon's Texas Civil Statutes." The revised
17 law substitutes references to Sections 49.301 and
18 51.714, Water Code, for the quoted language for the
19 reason stated in Revisor's Note (2) to Section
20 9045.005.

21 Revised Law

22 Sec. 9045.007. STATE POLICY REGARDING WASTE DISPOSAL. The
23 district's powers and duties are subject to the state policy of
24 encouraging the development and use of integrated area-wide waste
25 collection, treatment, and disposal systems to serve the waste
26 disposal needs of this state's residents, if integrated systems can
27 reasonably be provided for an area, so as to avoid the economic
28 burden on residents and the impact on state water quality caused by
29 the construction and operation of numerous small waste collection,
30 treatment, and disposal facilities. (Acts 61st Leg., R.S., Ch.
31 633, Sec. 5 (part).)

32 Source Law

33 Sec. 5. . . . The powers and duties conferred on
34 the district are granted subject to the policy of the
35 state to encourage the development and use of
36 integrated area-wide waste collection, treatment and

1 disposal systems to serve the waste disposal needs of
2 the citizens of the state, it being an objective of the
3 policy to avoid the economical burden to the people and
4 the impact on the quality of the waters in the state
5 which result from the construction and operation of
6 numerous small waste collection, treatment and
7 disposal facilities to serve an area when an
8 integrated area-wide waste collection, treatment and
9 disposal system for the area can be reasonably
10 provided.

11 Revisor's Note

12 Section 5, Chapter 633, Acts of the 61st
13 Legislature, Regular Session, 1969, refers to
14 "citizens" of the state. The revised law substitutes
15 "residents" for "citizens" because, in the context of
16 this section, "citizens" and "residents" are
17 synonymous and "residents" is more commonly used.

18 Revisor's Note
19 (End of Subchapter)

20 (1) Section 5, Chapter 633, Acts of the 61st
21 Legislature, Regular Session, 1969, provides that the
22 act prevails over any general law that applies to a
23 water control and improvement district and that is in
24 conflict or inconsistent with the act. The revised law
25 omits the provision because the provision duplicates
26 in substance Section 311.026(b), Government Code (Code
27 Construction Act), which provides that if there is a
28 conflict between a general provision of law and a
29 special or local provision, the special or local
30 provision prevails unless the general provision is the
31 later enactment and the manifest intent is that the
32 general provision prevail. The omitted law reads:

33 Sec. 5. [The district shall have and
34 exercise, and is hereby vested with, all of
35 the rights, powers, privileges, authority
36 and functions conferred and imposed by the
37 general laws of this state now in force or
38 hereafter enacted, applicable to water
39 control and improvement districts created
40 under authority of Article XVI, Section 59,
41 Constitution of Texas, including without
42 limitation those conferred by Chapter 3A,
43 Title 128, Vernon's Texas Civil Statutes;
44 but] to the extent that the provisions of
45 any such general laws may be in conflict or
46 inconsistent with the provisions of this
47 Act, the provisions of this Act shall

1 prevail. . . .

2 (2) Section 5, Chapter 633, Acts of the 61st
3 Legislature, Regular Session, 1969, provides that any
4 general law applicable to water control and
5 improvement districts is adopted and incorporated by
6 reference. The revised law omits the language because
7 it is not necessary to duplicate by means of adoption
8 and incorporation the substance of general laws
9 applicable to the district. The omitted law reads:

10 Sec. 5. . . . All such general laws
11 are hereby adopted and incorporated by
12 reference with the same effect as if
13 incorporated in full in this Act. . . .

14 (3) Section 5, Chapter 633, Acts of the 61st
15 Legislature, Regular Session, 1969, refers to the
16 continuing right of this state to supervise the
17 district through the Texas Water Rights Commission.
18 The revised law omits the provision because the Texas
19 Commission on Environmental Quality is the successor
20 to the Texas Water Rights Commission, and therefore
21 the provision duplicates in substance part of Section
22 12.081, Water Code, which subjects certain special
23 districts and authorities, including the district, to
24 supervision by the Texas Commission on Environmental
25 Quality. The omitted law reads:

26 Sec. 5. . . . The rights, powers,
27 privileges, authority and functions herein
28 granted to the district shall be subject to
29 the continuing right of supervision of the
30 state, to be exercised by and through the
31 Texas Water Rights Commission. . . .

32 (4) Section 20, Chapter 633, Acts of the 61st
33 Legislature, Regular Session, 1969, provides that
34 Article 970a, Vernon's Texas Civil Statutes (Municipal
35 Annexation Act), does not apply to the creation of the
36 district. The revised law omits that provision as
37 executed. The omitted law reads:

38 Sec. 20. This district is hereby
39 created notwithstanding any of the
40 provisions of the Municipal Annexation Act,

1 being Article 970a, Vernon's Texas Civil
2 Statutes, as amended, and to the extent of
3 the creation of the district only, said
4 Article 970a shall have no
5 application. . . .

6 (5) Section 20, Chapter 633, Acts of the 61st
7 Legislature, Regular Session, 1969, provides that the
8 district is subject to certain other laws. The revised
9 law omits that provision because the laws cited, as
10 codified, apply by their own terms. In 1987, Article
11 970a, Vernon's Texas Civil Statutes (Municipal
12 Annexation Act), was codified as Chapters 42 and 43,
13 Local Government Code, and Section 212.003, Local
14 Government Code, and Article 1182c-1, Vernon's Texas
15 Civil Statutes, was codified as Sections 43.074,
16 43.075, and 43.081, Local Government Code.

17 The revised law omits the reference to "as
18 amended" with respect to Article 1182c-1 for the
19 reason stated in Revisor's Note (1) to Section
20 9045.005. The omitted law reads:

21 Sec. 20. . . . In all other respects,
22 the district hereby created is expressly
23 made subject to all provisions of said
24 Article 970a. District shall also be
25 subject to the provisions of Article
26 1182c-1, Vernon's Texas Civil Statutes, as
27 amended.

28 SUBCHAPTER B. DISTRICT ADMINISTRATION

29 Revised Law

30 Sec. 9045.051. COMPOSITION OF BOARD. The board consists of
31 five elected directors. (Acts 61st Leg., R.S., Ch. 633, Sec. 10
32 (part).)

33 Source Law

34 Sec. 10. All powers of the district shall be
35 exercised by a board of five directors. . . .
36 Succeeding directors shall be elected or

37 Revisor's Note

38 (1) Section 10, Chapter 633, Acts of the 61st
39 Legislature, Regular Session, 1969, provides that
40 "[a]ll powers of the district shall be exercised by"
41 the board. The revised law omits that provision

1 because it duplicates in substance provisions of
2 Sections 49.051 and 49.057, Water Code. Throughout
3 this chapter, the revised law omits law that is
4 superseded by Chapter 49, Water Code, or that
5 duplicates law contained in that chapter. Chapter 49,
6 Water Code, applies to the district under Sections
7 49.001 and 49.002 of that chapter.

8 (2) Section 10, Chapter 633, Acts of the 61st
9 Legislature, Regular Session, 1969, refers to
10 "[s]ucceeding directors" to distinguish the
11 succeeding directors from the initial directors named
12 in that section. The revised law omits "succeeding"
13 because all provisions referring to initial directors
14 are omitted as executed and the distinction is no
15 longer required.

16 Revised Law

17 Sec. 9045.052. APPOINTMENT OF TREASURER. The board may
18 appoint the treasurer. (Acts 61st Leg., R.S., Ch. 633, Sec. 10
19 (part).)

20 Source Law

21 Sec. 10. . . . The treasurer may be appointed
22 by the board, and

23 Revised Law

24 Sec. 9045.053. DIRECTOR AND TREASURER BONDS. (a) Each
25 director shall qualify by giving bond in the amount of \$5,000 for
26 the faithful performance of the director's duties.

27 (b) The directors' bonds shall be recorded in a record kept
28 for that purpose in the district's office.

29 (c) The treasurer shall give bond in the amount required by
30 the board. The treasurer's bond shall be conditioned on the
31 treasurer's faithful accounting for all money that comes into the
32 treasurer's custody as treasurer of the district. (Acts 61st Leg.,
33 R.S., Ch. 633, Sec. 10 (part).)

34 Source Law

35 Sec. 10. . . . Each director shall qualify by

1 . . . giving bond in the amount of \$5,000 for the
2 faithful performance of his duties. . . . The bonds of
3 directors . . . shall be recorded in a record kept for
4 that purpose in the office of the district. . . . The
5 treasurer . . . shall give bond in such amount as may
6 be required by the board and conditioned that he or it
7 will faithfully account for all money which shall come
8 into his or its custody as treasurer of the district.

9 Revisor's Note

10 (1) Section 10, Chapter 633, Acts of the 61st
11 Legislature, Regular Session, 1969, provides that each
12 director shall qualify by subscribing to the
13 constitutional oath of office. The revised law omits
14 that provision because Section 1, Article XVI, Texas
15 Constitution, requires all officers in this state to
16 take the oath (or affirmation) before assuming office.
17 The omitted law reads:

18 Sec. 10. . . . [Each director shall
19 qualify] by subscribing to the
20 constitutional oath of office and

21 (2) Section 10, Chapter 633, Acts of the 61st
22 Legislature, Regular Session, 1969, requires the
23 district to pay the cost of a director's bond and the
24 bond to be approved by the board. The revised law
25 omits that provision because it duplicates in
26 substance Section 49.055(c), Water Code. The omitted
27 law reads:

28 Sec. 10. . . . The cost of such bond
29 shall be paid by the district. . . . [The
30 bonds of directors] elected or appointed
31 after the directors named below shall be
32 approved by the district's board of
33 directors and

34 (3) Section 10, Chapter 633, Acts of the 61st
35 Legislature, Regular Session, 1969, requires each
36 director to give bond and provides that "[s]uch bond"
37 shall be approved by the county judge and filed in the
38 office of the county clerk of the county or counties
39 within which the district is located. That section
40 also provides that the bonds of directors elected or
41 appointed after the initial directors shall be
42 approved by the board and shall be recorded in a record

1 Legislature, Regular Session, 1971, as Section 51.082,
2 Water Code. Chapter 715, Acts of the 74th Legislature,
3 Regular Session, 1995, repealed Section 51.082, Water
4 Code, and enacted Section 49.105, Water Code, to
5 govern a vacancy in the office of director of certain
6 districts, including water control and improvement
7 districts. The revised law is drafted accordingly.

8 (2) Section 10, Chapter 633, Acts of the 61st
9 Legislature, Regular Session, 1969, refers to a
10 vacancy in the office of director "because of the
11 failure or refusal of one or more directors to qualify
12 or serve, or because of his or their death or
13 incapacitation, or for any other reason." The revised
14 law omits the quoted language because it merely
15 describes every manner in which a vacancy may occur
16 without limiting in any way the board's duty to fill a
17 vacancy.

18 (3) Section 10, Chapter 633, Acts of the 61st
19 Legislature, Regular Session, 1969, requires that
20 certain vacancies on the board be filled by the county
21 judge of "the county in which the district is located."
22 Throughout this chapter, the revised law substitutes
23 "Harris County" for the quoted language because Harris
24 County is the county in which the district is located.

25 Revised Law

26 Sec. 9045.055. BOARD PRESIDENT'S POWER TO EXECUTE
27 CONTRACTS. The board president may execute all contracts,
28 including construction contracts, entered into by the board on
29 behalf of the district. (Acts 61st Leg., R.S., Ch. 633, Sec. 10
30 (part).)

31 Source Law

32 Sec. 10. . . . The president may execute all
33 contracts, construction or otherwise, entered into by
34 the board of directors on behalf of the district. . . .

1 Revised Law

2 Sec. 9045.056. ABSENCE OR INACTION OF BOARD PRESIDENT. (a)
3 When the board president is absent or fails or declines to act, the
4 board vice president shall perform all duties and exercise all
5 power that this chapter or general law gives the president.

6 (b) If the board president is absent from a board meeting,
7 the board vice president may sign an order adopted or other action
8 taken at the meeting, or the board may authorize the president to
9 sign the order or other action. (Acts 61st Leg., R.S., Ch. 633,
10 Sec. 10 (part).)

11 Source Law

12 Sec. 10. . . . The vice president shall perform
13 all duties and exercise all power conferred by this Act
14 or the general law upon the president when the
15 president is absent or fails or declines to act. Any
16 order adopted or other action taken at a meeting of the
17 board of directors at which the president is absent may
18 be signed by the vice president, or the board may
19 authorize the president to sign such order or other
20 action. . . .

21 Revised Law

22 Sec. 9045.057. DISTRICT OFFICE. (a) The board shall
23 designate, establish, and maintain a district office as provided by
24 Section 49.062, Water Code.

25 (b) The board may establish a second district office outside
26 the district. If the board establishes a district office outside
27 the district, the board shall give notice of the location of that
28 office by:

29 (1) filing a copy of the board resolution that
30 establishes the location of the office:

31 (A) with the Texas Commission on Environmental
32 Quality; and

33 (B) in the water control and improvement district
34 records of Harris County; and

35 (2) publishing the location of the office in a
36 newspaper of general circulation in Harris County.

37 (c) A district office may be a private residence, office, or
38 dwelling. A district office that is a private residence, office, or

1 dwelling is a public place for matters relating to the district's
2 business.

3 (d) The board shall give notice of any change in the
4 location of the district office outside the district in the manner
5 required by Subsection (b). (Acts 61st Leg., R.S., Ch. 633, Sec.
6 15.)

7 Source Law

8 Sec. 15. The board of directors shall
9 designate, establish and maintain a district office as
10 provided by Article 7880-44, Vernon's Texas Civil
11 Statutes, and, in addition, may establish a second
12 district office outside the district. Either or both
13 district offices so established and maintained may be
14 a private residence, office or dwelling in which event
15 such private residence, office or dwelling is hereby
16 declared a public place for matters relating to the
17 district's business.

18 If the board of directors establishes a district
19 office outside the district, it shall give notice of
20 the location of that district office by filing a true
21 copy of its resolution establishing the location of
22 such district office with the Texas Water Rights
23 Commission, by filing a true copy in the Water Control
24 and Improvement District records of the county in
25 which the district is located and also by publishing
26 the location in a newspaper of general circulation in
27 said county.

28 If the location of the district office outside
29 the district is thereafter changed, notice of such
30 change shall be given in the same manner.

31 Revisor's Note

32 (1) Section 15, Chapter 633, Acts of the 61st
33 Legislature, Regular Session, 1969, refers to Article
34 7880-44, Vernon's Texas Civil Statutes. Article
35 7880-44 was codified by Chapter 58, Acts of the 62nd
36 Legislature, Regular Session, 1971, as Sections 51.094
37 and 51.096, Water Code, relating to the district
38 office and the minutes and records of the district,
39 respectively. Chapter 1248, Acts of the 71st
40 Legislature, Regular Session, 1989, repealed Section
41 51.096, Water Code, and enacted Section 50.029, Water
42 Code, relating to the keeping of minutes and records
43 for the district. Chapter 715, Acts of the 74th
44 Legislature, Regular Session, 1995, repealed Sections
45 50.029 and 51.094, Water Code, and enacted Section

1 49.062, Water Code, to govern the designation of
2 offices for certain districts, including water control
3 and improvement districts. The revised law is drafted
4 accordingly.

5 (2) Section 15, Chapter 633, Acts of the 61st
6 Legislature, Regular Session, 1969, refers to a "true
7 copy" of a document. The revised law omits "true"
8 because a copy, by definition, accurately reflects the
9 content of the original document.

10 (3) Section 15, Chapter 633, Acts of the 61st
11 Legislature, Regular Session, 1969, refers to the
12 "Texas Water Rights Commission." The revised law
13 substitutes "Texas Commission on Environmental
14 Quality" for "Texas Water Rights Commission" to
15 reflect the current name of the agency with the
16 relevant regulatory authority.

17 Revisor's Note
18 (End of Subchapter)

19 (1) Section 10, Chapter 633, Acts of the 61st
20 Legislature, Regular Session, 1969, provides that each
21 director shall serve until the director's successor is
22 elected or appointed and qualified. The revised law
23 omits that provision because Section 17, Article XVI,
24 Texas Constitution, requires an officer in this state
25 to continue to perform the officer's duties until a
26 successor has qualified. The omitted law reads:

27 Sec. 10. . . . Each director shall
28 serve for his term of office as herein
29 provided, and thereafter until his
30 successor shall be elected or appointed and
31 qualified. . . .

32 (2) Section 10, Chapter 633, Acts of the 61st
33 Legislature, Regular Session, 1969, names the initial
34 directors, requires them to qualify to serve as
35 directors before the first board meeting, and provides
36 that the named directors or their successors shall
37 serve until the second Tuesday in January 1971. The

1 revised law omits those provisions as executed. The
2 omitted law reads:

3 Sec. 10. . . . Immediately after
4 this Act becomes effective, the following
5 named persons shall be the directors of the
6 district and shall constitute the board of
7 directors of the district:

8 L. B. Rutledge
9 William S. O'Donnell
10 Fred W. Boulware
11 Gerard E. O'Donnell
12 John V. Carlson

13 Said persons shall file their bonds as soon
14 as practicable after the effective date of
15 this Act and shall otherwise be fully
16 qualified to serve as director prior to the
17 first meeting of the board of directors.
18 . . . The directors named above or their
19 duly appointed successor or successors
20 shall serve until the second Tuesday in
21 January, 1971. . . .

22 (3) Section 10, Chapter 633, Acts of the 61st
23 Legislature, Regular Session, 1969, provides for
24 directors to be elected or appointed and to serve for
25 the term and in the manner provided by Article 7880-37,
26 Vernon's Texas Civil Statutes. Article 7880-37 was
27 codified by Chapter 58, Acts of the 62nd Legislature,
28 Regular Session, 1971, as Section 51.073, Water Code.
29 Chapter 715, Acts of the 74th Legislature, Regular
30 Session, 1995, repealed Section 51.073, Water Code,
31 and enacted Section 49.103, Water Code, to govern the
32 terms of office of a director of a water control and
33 improvement district and certain other water districts
34 that are required by law to elect their directors.
35 Section 49.103, Water Code, applies to the district
36 without an express reference to that section by this
37 chapter. The revised law omits "appointed" because it
38 is clear from the context of Section 10 that the
39 reference applies only to directors appointed to fill
40 vacancies as provided by Chapter 49, Water Code. The
41 omitted law reads:

42 Sec. 10. . . . [Succeeding directors
43 shall be elected or] appointed and shall
44 serve for the term and in the manner
45 provided by Article 7880-37, Vernon's Texas

1 Civil Statutes. . . .

2 (4) Section 10, Chapter 633, Acts of the 61st
3 Legislature, Regular Session, 1969, provides that
4 three directors constitute a quorum and that a
5 concurrence of three directors is sufficient in all
6 matters relating to the business of the district,
7 including certain construction matters. The revised
8 law omits that provision because it duplicates in
9 substance Section 49.053, Water Code. The omitted law
10 reads:

11 Sec. 10. . . . Three directors shall
12 constitute a quorum of any meeting, and a
13 concurrence of three shall be sufficient in
14 all matters pertaining to the business of
15 the district including the letting of
16 construction contracts and the drawing of
17 warrants in payment for construction work,
18 the purchase of existing facilities, and
19 matters relating to construction
20 work. . . .

21 (5) Section 10, Chapter 633, Acts of the 61st
22 Legislature, Regular Session, 1969, provides for the
23 selection of officers by the board. The revised law
24 omits those provisions because they duplicate in
25 substance Section 49.054, Water Code. The omitted law
26 reads:

27 Sec. 10. . . . The board shall select
28 from its number a president, vice
29 president, secretary and such other
30 officers as in the judgment of the board are
31 necessary. . . .

32 SUBCHAPTER C. POWERS AND DUTIES

33 Revised Law

34 Sec. 9045.101. WATER CONTROL AND IMPROVEMENT DISTRICT
35 POWERS. The district has all of the rights, powers, privileges, and
36 functions provided by general law applicable to water control and
37 improvement districts created under Section 59, Article XVI, Texas
38 Constitution, including Chapters 49 and 51, Water Code. (Acts 61st
39 Leg., R.S., Ch. 633, Sec. 5 (part).)

40 Source Law

41 Sec. 5. The district shall have and exercise,
42 and is hereby vested with, all of the rights, powers,

1 privileges, authority and functions conferred and
2 imposed by the general laws of this state now in force
3 or hereafter enacted, applicable to water control and
4 improvement districts created under authority of
5 Article XVI, Section 59, Constitution of Texas,
6 including without limitation those conferred by
7 Chapter 3A, Title 128, Vernon's Texas Civil Statutes;
8 but

9 Revisor's Note

10 (1) Section 5, Chapter 633, Acts of the 61st
11 Legislature, Regular Session, 1969, provides that the
12 district "shall have and exercise, and is hereby
13 vested with" certain powers. The revised law
14 substitutes "has" for the quoted language because, in
15 context, the terms are synonymous and "has" is more
16 commonly used.

17 (2) Section 5, Chapter 633, Acts of the 61st
18 Legislature, Regular Session, 1969, refers to "rights,
19 powers, privileges, [and] authority" of the district.
20 The revised law omits "authority" as included in the
21 meaning of "powers."

22 (3) Section 5, Chapter 633, Acts of the 61st
23 Legislature, Regular Session, 1969, states that the
24 district has the rights, powers, privileges,
25 authority, and functions "conferred and imposed" by
26 general law. The revised law substitutes "provided"
27 for the quoted language because regardless of whether
28 a right, power, privilege, authority, or function is
29 "conferred" by general law or "imposed" by general
30 law, it is not necessary to characterize in the revised
31 law the nature of the granting of that authority. In
32 context, "provided" is synonymous with "conferred and
33 imposed" and "provided" is more commonly used.

34 (4) Section 5, Chapter 633, Acts of the 61st
35 Legislature, Regular Session, 1969, states that the
36 district has the rights, powers, privileges,
37 authority, and functions conferred by the general laws
38 of this state "now in force or hereafter enacted." The

1 revised law omits the quoted language as unnecessary
2 under accepted general principles of statutory
3 construction. The "general laws of this state" means
4 those laws "in force" at the time the provision was
5 adopted. It is unnecessary to state that the district
6 may be granted additional powers by later enacted laws
7 because those laws apply on their own terms.

8 (5) Section 5, Chapter 633, Acts of the 61st
9 Legislature, Regular Session, 1969, grants the
10 district certain powers, "including without
11 limitation" the powers conferred by Chapter 3A, Title
12 128, Vernon's Texas Civil Statutes. The revised law
13 omits "without limitation" because Section
14 311.005(13), Government Code (Code Construction Act),
15 provides that "includes" and "including" are terms of
16 enlargement and not limitation and do not create a
17 presumption that components not expressed are
18 excluded.

19 (6) Section 5, Chapter 633, Acts of the 61st
20 Legislature, Regular Session, 1969, refers to "Chapter
21 3A, Title 128, Vernon's Texas Civil Statutes." The
22 relevant provisions of that statute were codified by
23 Chapter 58, Acts of the 62nd Legislature, Regular
24 Session, 1971, as Chapter 51, Water Code. In 1995,
25 Chapter 715, Acts of the 74th Legislature, Regular
26 Session, repealed many provisions of Chapter 51, Water
27 Code, and enacted similar provisions in Chapter 49,
28 Water Code. To reflect those changes, the revised law
29 substitutes a reference to Chapters 49 and 51, Water
30 Code, for the reference to "Chapter 3A, Title 128,
31 Vernon's Texas Civil Statutes."

32 Revised Law

33 Sec. 9045.102. ADDITIONAL POWERS. (a) The district may:

34 (1) make, purchase, construct, lease, or otherwise

1 acquire property, works, facilities, or improvements, existing or
2 to be made, constructed, or acquired, inside or outside the
3 district's boundaries and necessary to carry out the powers granted
4 by this chapter or general law; or

5 (2) enter into a contract with a person on terms the
6 board considers desirable, fair, and advantageous for:

7 (A) the purchase or sale of water;

8 (B) the transportation, treatment, and disposal
9 of the domestic, industrial, or communal wastes of the district or
10 others;

11 (C) the continuing and orderly development of
12 land and property in the district through the purchase,
13 construction, or installation of facilities, works, or
14 improvements that the district is otherwise authorized to do or
15 perform so that, to the greatest extent reasonably possible,
16 considering sound engineering and economic practices, all of the
17 land and property may ultimately receive the services of the
18 facilities, works, or improvements; and

19 (D) the performance of any of the rights or
20 powers granted by this chapter or general law relating to water
21 control and improvement districts.

22 (b) A contract under Subsection (a)(2) may not have a
23 duration of more than 40 years. (Acts 61st Leg., R.S., Ch. 633,
24 Sec. 5 (part).)

25 Source Law

26 Sec. 5. . . . Not by way of limitation, the
27 district shall have and is hereby expressly granted
28 the following rights, powers, privileges and
29 functions:

30 (a) The power and authority to make, purchase,
31 construct, lease, or otherwise acquire property,
32 works, facilities and improvements (whether
33 previously existing or to be made, constructed or
34 acquired) within or without the boundaries of the
35 district necessary to carry out the powers and
36 authority granted by this Act and the general laws.

37 (b) The right, power and authority to enter into
38 contracts of not exceeding 40 years' duration with
39 persons, corporations, public or private, municipal
40 corporations, political subdivisions of the State of
41 Texas, and others, on such terms and conditions as the
42 board of directors may deem desirable, fair and
43 advantageous for:

1 (1) the purchase and sale of water, or
2 either;
3 (2) the transportation, treatment and
4 disposal of its domestic, industrial or communal
5 wastes or the transportation, treatment and disposal
6 of domestic, industrial or communal wastes of others;
7 (3) the continuing and orderly development
8 of the lands and property within the district through
9 the purchase, construction or installation of
10 facilities, works or improvements which the district
11 may otherwise be empowered and authorized to do or
12 perform so that, to the greatest extent reasonably
13 possible, considering sound engineering and economic
14 practices, all of such lands and property may be placed
15 in a position to ultimately receive the services of
16 such facilities, works or improvements; and
17 (4) the performance of any of the rights or
18 powers granted in this Act and the general laws
19 relating to water control and improvement
20 districts. . . .

21 Revisor's Note

22 (1) Section 5, Chapter 633, Acts of the 61st
23 Legislature, Regular Session, 1969, provides that,
24 "[n]ot by way of limitation," the district is granted
25 certain specified rights, powers, privileges, and
26 functions. The revised law omits the quoted language
27 because it is an accepted general principle of
28 statutory construction that a grant of a right, power,
29 privilege, or function does not act as a limitation.
30 The general principle applies to this revision.

31 (2) Section 5, Chapter 633, Acts of the 61st
32 Legislature, Regular Session, 1969, provides that the
33 district "shall have and is hereby expressly granted
34 the following rights, powers, privileges and
35 functions" and that the district has the "power and
36 authority" and the "right, power and authority" to
37 take certain actions. The revised law substitutes
38 "may" for the quoted language because that term is more
39 concise and is the substantive equivalent of the
40 quoted language.

41 (3) Section 5, Chapter 633, Acts of the 61st
42 Legislature, Regular Session, 1969, refers to the
43 district's "powers and authority granted by this Act
44 and the general laws." The revised law omits

1 "authority" for the reason stated in Revisor's Note (2)
2 to Section 9045.101.

3 (4) Section 5, Chapter 633, Acts of the 61st
4 Legislature, Regular Session, 1969, refers to the
5 power of the district to enter into contracts with
6 persons and with "corporations, public or private,
7 municipal corporations, political subdivisions of the
8 State of Texas, and others." The revised law omits the
9 quoted language because under Section 311.005(2),
10 Government Code (Code Construction Act), "person" is
11 defined to include any legal entity.

12 (5) Section 5, Chapter 633, Acts of the 61st
13 Legislature, Regular Session, 1969, provides that the
14 district may enter into a contract on "terms and
15 conditions" the board considers desirable, fair, and
16 advantageous. The revised law omits "conditions"
17 because "conditions" is included in the meaning of
18 "terms."

19 (6) Section 5, Chapter 633, Acts of the 61st
20 Legislature, Regular Session, 1969, refers to
21 activities the district is "empowered and authorized"
22 to do or perform. The revised law omits "empowered" in
23 this context as included in the meaning of
24 "authorized."

25 Revised Law

26 Sec. 9045.103. LIMIT ON EMINENT DOMAIN. The district may
27 exercise the power of eminent domain only:

- 28 (1) in Harris County; and
29 (2) when necessary to carry out the purposes for which
30 the district was created. (Acts 61st Leg., R.S., Ch. 633, Sec. 13
31 (part).)

32 Source Law

33 Sec. 13. The power of eminent domain of the
34 district shall be limited to the county in which the
35 district is situated, and to situations where the
36 exercise of such power is necessary to carry out the

1 purposes of its creation. . . .

2 Revised Law

3 Sec. 9045.104. COST OF RELOCATING OR ALTERING PROPERTY.

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

10 (b) If the district's exercise of the power of eminent
11 domain makes necessary relocating, raising, lowering, rerouting,
12 changing the grade of, or altering the construction of a highway,
13 railroad, electric transmission line, telegraph or telephone
14 property or facility, or pipeline, the necessary action shall be
15 accomplished at the sole expense of the district. (Acts 61st Leg.,
16 R.S., Ch. 633, Sec. 13 (part).)

17 Source Law

18 Sec. 13. . . . In the event that the district,
19 in the exercise of the power granted hereunder, makes
20 necessary the relocation, raising, lowering,
21 rerouting or changing the grade of or altering the
22 construction of, any highway, railroad, electric
23 transmission line, telegraph or telephone properties
24 and facilities, or pipeline, all such necessary
25 relocation, raising, lowering, rerouting, changing of
26 grade or alteration of construction shall be
27 accomplished at the sole expense of the district. The
28 term "sole expense" shall mean the actual cost of such
29 relocation, raising, lowering, rerouting, or change in
30 grade or alteration of construction in providing
31 comparable replacement without enhancement of such
32 facilities, after deducting therefrom the net salvage
33 value derived from the old facility.

34 Revised Law

35 Sec. 9045.105. NOTICE OF ELECTION. Notice of an election
36 may be given under the hand of the board president or secretary.
37 (Acts 61st Leg., R.S., Ch. 633, Sec. 18 (part).)

38 Source Law

39 Sec. 18. Notice of all elections may be given
40 under the hand of either the president or the secretary
41 of the district. . . .

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Revised Law

3 Sec. 9045.151. TAX METHOD. (a) The district shall use the
4 ad valorem plan of taxation.

5 (b) The board is not required to call or hold a hearing on
6 the adoption of a plan of taxation. (Acts 61st Leg., R.S., Ch. 633,
7 Sec. 8.)

8 Source Law

9 Sec. 8. The ad valorem plan of taxation shall be
10 used by the district and it shall not be necessary for
11 the board of directors to call or hold a hearing on the
12 adoption of a plan of taxation.

13 Revised Law

14 Sec. 9045.152. DISTRICT ACCOUNTS. The district shall keep
15 a complete system of the district's accounts. (Acts 61st Leg.,
16 R.S., Ch. 633, Sec. 14 (part).)

17 Source Law

18 Sec. 14. . . . A complete system of accounts
19 shall be kept by the district and

20 Revised Law

21 Sec. 9045.153. COPY OF AUDIT REPORT. A copy of the audit
22 report prepared under Subchapter G, Chapter 49, Water Code, shall
23 be delivered:

24 (1) to each director; and

25 (2) to a holder of at least 25 percent of the
26 outstanding bonds of the district, on request. (Acts 61st Leg.,
27 R.S., Ch. 633, Sec. 14 (part); New.)

28 Source Law

29 Sec. 14. . . . A written report of the audit
30 shall be delivered to each member of the board of
31 directors . . . a copy of such audit report shall be
32 delivered upon request to the holder or holders of at
33 least 25 percent of the then outstanding bonds of the
34 district; and

35 Revisor's Note

36 (1) Section 14, Chapter 633, Acts of the 61st
37 Legislature, Regular Session, 1969, refers to various
38 audit procedures, including who may receive a copy of
39 the audit report. As detailed in the revisor's notes

1 that follow, procedures contained in Section 14 that
2 conflict with Subchapter G, Chapter 49, Water Code,
3 have been omitted as superseded by Section 49.191(b),
4 Water Code, which states that Subchapter G "shall take
5 precedence over all prior statutory enactments."
6 Subchapter G, Chapter 49, Water Code, was enacted in
7 1995 by Section 2, Chapter 715, Acts of the 74th
8 Legislature, Regular Session. For context and the
9 convenience of the reader, the revised law adds a
10 reference to the audit report required by Subchapter
11 G, Chapter 49, Water Code.

12 (2) Section 14, Chapter 633, Acts of the 61st
13 Legislature, Regular Session, 1969, provides that an
14 annual audit of the district's affairs shall be
15 prepared by an independent certified public accountant
16 or a firm of independent certified public accountants
17 of recognized integrity and ability. The revised law
18 omits that provision as superseded by Sections
19 49.191(b) and (c), Water Code (enacted by Section 2,
20 Chapter 715, Acts of the 74th Legislature, Regular
21 Session, 1995). The omitted law reads:

22 Sec. 14. . . . an audit of its
23 affairs for each year shall be prepared by
24 an independent certified public accountant,
25 or a firm of independent certified public
26 accountants, of recognized integrity and
27 ability. . . .

28 (3) Section 14, Chapter 633, Acts of the 61st
29 Legislature, Regular Session, 1969, provides that a
30 written report of the audit shall be delivered to each
31 board member not later than 90 days after the close of
32 each fiscal year. The revised law omits the deadline
33 for delivery of the report as superseded by Sections
34 49.191(b) and (d), Water Code (enacted by Section 2,
35 Chapter 715, Acts of the 74th Legislature, Regular
36 Session, 1995). The omitted law reads:

37 Sec. 14. . . . [A written report of

1 the audit shall be delivered to each member
2 of the board of directors] not later than 90
3 days after the close of each fiscal year;
4 and

5 (4) Section 14, Chapter 633, Acts of the 61st
6 Legislature, Regular Session, 1969, provides that at
7 least five copies of the audit report shall be
8 delivered to the district office and that one of those
9 copies shall constitute a public record. The revised
10 law omits those provisions as superseded by Sections
11 49.191(b), 49.194(c), and 49.196(b), Water Code
12 (enacted by Section 2, Chapter 715, Acts of the 74th
13 Legislature, Regular Session, 1995). The omitted law
14 reads:

15 Sec. 14. . . . at least five
16 additional copies of said audit shall be
17 delivered to the office of the district, one
18 of which shall be kept on file, and shall
19 constitute a public record open to
20 inspection by any interested person or
21 persons within normal office hours;
22 and

23 (5) Section 14, Chapter 633, Acts of the 61st
24 Legislature, Regular Session, 1969, provides that one
25 copy of the audit report shall be filed with the Texas
26 Water Rights Commission. The revised law omits that
27 provision as superseded by Sections 49.191(b) and
28 49.194(a), Water Code (enacted by Section 2, Chapter
29 715, Acts of the 74th Legislature, Regular Session,
30 1995). The omitted law reads:

31 Sec. 14. . . . one copy of such audit
32 report shall be filed with the Texas Water
33 Rights Commission. . . .

34 (6) Section 14, Chapter 633, Acts of the 61st
35 Legislature, Regular Session, 1969, provides that the
36 district shall pay the cost of the audit. The revised
37 law omits that provision because it duplicates Section
38 49.191(a), Water Code. The omitted law reads:

39 Sec. 14. . . . The cost of such audit
40 shall be paid for by the district.

1 Revised Law

2 Sec. 9045.154. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED.

3 The district is not required to pay a tax or assessment on:

4 (1) district property; or

5 (2) a purchase made by the district. (Acts 61st Leg.,
6 R.S., Ch. 633, Sec. 21 (part).)

7 Source Law

8 Sec. 21. . . . the district shall not be
9 required to pay any tax or assessment on its properties
10 or any part thereof or on any purchases made by the
11 district.

12 Revised Law

13 Sec. 9045.155. DEPOSITORY. (a) The board shall select one
14 or more banks in this state to act as depository for the district's
15 money.

16 (b) To the extent that money in the depository bank is not
17 insured by the Federal Deposit Insurance Corporation, the money
18 must be secured in the manner provided by law for the security of
19 county funds.

20 (c) A director may be a shareholder in a bank that is a
21 depository of district money. (Acts 61st Leg., R.S., Ch. 633, Sec.
22 14 (part).)

23 Source Law

24 Sec. 14. The board of directors of the district
25 shall select any bank or banks in the State of Texas to
26 act as depository or depositories for the funds of the
27 district. To the extent that funds in the depository
28 bank or banks are not insured by the Federal Deposit
29 Insurance Corporation, they shall be secured in the
30 manner provided by law for the security of county
31 funds. Any director of the district may be a
32 shareholder in said depository bank or banks. . . .

33 Revisor's Note

34 Section 14, Chapter 633, Acts of the 61st
35 Legislature, Regular Session, 1969, refers to the
36 district's "funds." Throughout this chapter, the
37 revised law substitutes "money" for "funds" because,
38 in the context of district funds, the meaning is the
39 same and "money" is the more commonly used term.

1 amended, provided, however, that bonds payable solely
2 from net revenues may be issued by resolution or order
3 of the board of directors and no election therefor
4 shall be necessary.

5 The bonds issued hereunder may be payable from
6 all or any designated part or parts of the revenues of
7 the district's properties and facilities or under
8 specific contracts, as may be provided in the orders or
9 resolutions authorizing the issuance of such bonds;
10 and,

11 Revisor's Note

12 (1) Section 12, Chapter 633, Acts of the 61st
13 Legislature, Regular Session, 1969, authorizes the
14 district to issue "negotiable" bonds. The revised law
15 omits "negotiable" because, under Section 1201.041,
16 Government Code, a public security is a negotiable
17 instrument. Section 1201.041 applies to district
18 bonds under Sections 1201.002 and 1201.003, Government
19 Code.

20 (2) Section 12, Chapter 633, Acts of the 61st
21 Legislature, Regular Session, 1969, provides that
22 district bonds shall be issued in the manner provided
23 and as authorized by "Article 7880-90a, Vernon's Texas
24 Civil Statutes and Chapter 3A of Title 128, Vernon's
25 Texas Civil Statutes." The revised law substitutes a
26 reference to Chapters 49 and 51, Water Code, for the
27 source law reference to Chapter 3A, Title 128, Vernon's
28 Texas Civil Statutes, for the reasons stated in
29 Revisor's Note (6) to Section 9045.101. Further,
30 because Article 7880-90a was codified by Chapter 58,
31 Acts of the 62nd Legislature, Regular Session, 1971,
32 as Sections 51.450-51.454, Water Code, the revised law
33 omits an additional reference to those specific
34 sections of Chapter 51 as unnecessary.

35 (3) Section 12, Chapter 633, Acts of the 61st
36 Legislature, Regular Session, 1969, refers to the
37 district's authority to issue bonds under Chapter 3A,
38 Title 128, and Article 7880-90a, Vernon's Texas Civil
39 Statutes, "as presently or hereafter amended." The

1 revised law omits the quoted language because, as
2 explained in Revisor's Note (1) to Section 9045.005,
3 Section 311.027, Government Code (Code Construction
4 Act), already provides that a reference to a statute
5 applies to all reenactments, revisions, or amendments
6 of that statute, unless expressly provided otherwise.

7 (4) Section 12, Chapter 633, Acts of the 61st
8 Legislature, Regular Session, 1969, provides that
9 Chapter 3A, Title 128, Vernon's Texas Civil Statutes,
10 applies to district bonds except when Chapter 3A is
11 inconsistent or in conflict with Section 12. The
12 revised law omits this provision for the reason stated
13 in Revisor's Note (1) to the end of Subchapter A. The
14 omitted law reads:

15 Sec. 12. . . . except as the same may
16 be inconsistent or in conflict with the
17 provisions of this Act, the provisions of
18 said Chapter 3A of Title 128, Vernon's Texas
19 Civil Statutes, as presently or hereafter
20 amended, shall apply to all bonds issued
21 under the provisions of this Act (the
22 provisions of this Act to govern and take
23 precedence in the event of any such
24 inconsistency or conflict). . . .

25 Revised Law

26 Sec. 9045.202. ADDITIONAL SECURITY. (a) Within the
27 discretion of the board, bonds issued under this subchapter may be
28 additionally secured by a deed of trust or mortgage lien on physical
29 property of the district and franchises, easements, water rights
30 and appropriation permits, leases, contracts, and all rights
31 appurtenant to that property, vesting in the trustee:

32 (1) the power to sell the property for payment of the
33 debt;

34 (2) the power to operate the property; and

35 (3) all other powers to further secure the bonds.

36 (b) A purchaser under a sale under the deed of trust or
37 mortgage lien, if one is given:

38 (1) is the absolute owner of the property, facilities,
39 and rights purchased; and

1 (2) may maintain and operate the property and
2 facilities. (Acts 61st Leg., R.S., Ch. 633, Sec. 12 (part).)

3 Source Law

4 Sec. 12. . . . Such bonds, within the
5 discretion of the board of directors, may be
6 additionally secured by a deed of trust or mortgage
7 lien upon part or all of the physical properties of the
8 district, and franchises, easements, water rights and
9 appropriation permits, leases, and contracts and all
10 rights appurtenant to such properties, vesting in the
11 trustee power to sell such properties for payment of
12 the indebtedness, power to operate the properties and
13 all other powers and authority for the further
14 security of the bonds. . . . Any purchaser under a
15 sale under the deed of trust or mortgage lien, where
16 one is given, shall be absolute owner of the
17 properties, facilities and rights so purchased and
18 shall have the right to maintain and operate
19 same. . . .

20 Revisor's Note

21 Section 12, Chapter 633, Acts of the 61st
22 Legislature, Regular Session, 1969, refers to a
23 trustee's "powers and authority" to further secure the
24 bonds. The revised law omits "authority" for the
25 reason stated in Revisor's Note (2) to Section
26 9045.101.

27 Revised Law

28 Sec. 9045.203. TRUST INDENTURE. A trust indenture created
29 under Section 9045.202, regardless of the existence of a deed of
30 trust or mortgage lien on the property, may:

31 (1) contain provisions prescribed by the board for the
32 security of the bonds and the preservation of the trust estate;

33 (2) provide for amendment or modification of the trust
34 indenture;

35 (3) provide for the issuance of bonds to replace lost
36 or mutilated bonds;

37 (4) condition the right to spend district money or
38 sell district property on the approval of a licensed engineer
39 selected as provided by the trust indenture; and

40 (5) provide for the investment of district money.

41 (Acts 61st Leg., R.S., Ch. 633, Sec. 12 (part).)

1 obligations payable from the pledged revenue or reserve the right
2 to issue additional bonds to be secured by a pledge of and payable
3 from the revenue on a parity with, or subordinate to, the lien and
4 pledge in support of the bonds being issued, subject to any
5 conditions set forth in the order or resolution; and

6 (4) include any other provision or covenant, as the
7 board determines, that is not prohibited by the Texas Constitution
8 or this chapter.

9 (b) The board may adopt and cause to be executed any other
10 proceeding or instrument necessary or convenient in the issuance of
11 the bonds. (Acts 61st Leg., R.S., Ch. 633, Sec. 12 (part).)

12 Source Law

13 Sec. 12. . . . In the orders or resolutions
14 authorizing the issuance of any revenue, tax-revenue,
15 revenue refunding, or tax-revenue refunding bonds
16 authorized hereunder, the district's board of
17 directors may provide for the flow of funds, the
18 establishment and maintenance of the interest and
19 sinking fund or funds, reserve fund or funds, and other
20 funds, and may make additional covenants with respect
21 to the bonds and the pledged revenues and the operation
22 and maintenance of those improvements and facilities
23 (the revenues of which are pledged), including
24 provisions for the operation or for the leasing of all
25 or any part of said improvements and facilities and the
26 use or pledge of moneys derived from such operation
27 contracts and leases, as such board may deem
28 appropriate. Such orders or resolutions may also
29 prohibit the further issuance of bonds or other
30 obligations payable from the pledged revenues, or may
31 reserve the right to issue additional bonds to be
32 secured by a pledge of and payable from said revenues
33 on a parity with, or subordinate to, the lien and
34 pledge in support of the bonds being issued, subject to
35 such conditions as are set forth in such orders or
36 resolutions. Such orders or resolutions may contain
37 other provisions and covenants, as the district's
38 board may determine, not prohibited by the
39 Constitution of Texas or by this Act, and said board
40 may adopt and cause to be executed any other
41 proceedings or instruments necessary and/or
42 convenient in the issuance of any such bonds. . . .

43 Revised Law

44 Sec. 9045.205. USE OF BOND PROCEEDS. (a) The district may
45 appropriate or set aside out of proceeds from the sale of district
46 bonds an amount for:

47 (1) the payment of interest, administrative, and
48 operating expenses expected to accrue during the period of
49 construction, as may be provided in the bond orders or resolutions;

1 and

2 (2) the payment of all expenses incurred and to be
3 incurred in the issuance, sale, and delivery of the bonds.

4 (b) For purposes of this section, the period of construction
5 may not exceed three years. (Acts 61st Leg., R.S., Ch. 633, Sec. 12
6 (part).)

7 Source Law

8 Sec. 12. . . . From the proceeds of sale of any
9 bonds issued hereunder, the district may appropriate
10 or set aside out of the bond proceeds an amount for the
11 payment of interest, administrative and operating
12 expenses expected to accrue during the period of
13 construction, (such period not to exceed three years),
14 as may be provided in the bond orders or resolutions,
15 and an amount necessary to pay all expenses incurred
16 and to be incurred in the issuance, sale and delivery
17 of the bonds. . . .

18 Revisor's Note
19 (End of Subchapter)

20 (1) Section 11, Chapter 633, Acts of the 61st
21 Legislature, Regular Session, 1969, provides that the
22 district shall comply with the requirements of Article
23 7880-139, Vernon's Texas Civil Statutes. Article
24 7880-139 was codified by Chapter 58, Acts of the 62nd
25 Legislature, Regular Session, 1971, as Sections 51.421
26 and 51.422, Water Code. Chapter 715, Acts of the 74th
27 Legislature, Regular Session, 1995, repealed Sections
28 51.421 and 51.422, Water Code, and enacted Sections
29 49.181 and 49.182, Water Code, to govern the authority
30 of the Texas Commission on Environmental Quality over
31 the issuance of district bonds and supervision by the
32 commission of projects and improvements,
33 respectively. The revised law omits this provision
34 because Sections 49.181 and 49.182, Water Code, apply
35 to the district on their own terms, without an express
36 reference to those sections in this chapter. The
37 omitted law reads:

38 Sec. 11. The district shall comply
39 with the requirements of Article 7880-139,
40 Vernon's Texas Civil Statutes as it
41 presently exists or as it may be hereafter
42 amended.

1 (2) Section 12, Chapter 633, Acts of the 61st
2 Legislature, Regular Session, 1969, provides for the
3 investment or placement of money established in a bond
4 order. The revised law omits that provision because it
5 duplicates in substance Section 49.157, Water Code,
6 and is superseded by Subchapter A, Chapter 2256,
7 Government Code (enacted as Chapter 889, Acts of the
8 70th Legislature, Regular Session, 1987). The omitted
9 law reads:

10 Sec. 12. . . . Moneys in the interest
11 and sinking fund or funds and the reserve
12 fund or funds, and in the other fund or
13 funds established or provided for in the
14 bond orders or resolutions may be invested
15 in such manner and in such securities as may
16 be provided in the bond order or orders or
17 may be placed on interest-bearing time
18 deposit. . . .

19 (3) Section 12, Chapter 633, Acts of the 61st
20 Legislature, Regular Session, 1969, provides that bond
21 proceeds may be invested in securities of the United
22 States or placed on interest-bearing time deposit.
23 The revised law omits that provision as superseded by
24 Subchapter A, Chapter 2256, Government Code (enacted
25 as Chapter 889, Acts of the 70th Legislature, Regular
26 Session, 1987). The omitted law reads:

27 Sec. 12. . . . Until such time as the
28 bond proceeds are needed to carry out the
29 bond purpose, such proceeds may be invested
30 in securities of the United States
31 Government or any agency thereof or may be
32 placed on interest-bearing time deposit,
33 either or both. . . .

34 (4) Section 12, Chapter 633, Acts of the 61st
35 Legislature, Regular Session, 1969, provides that
36 district bonds may be registered as to principal or as
37 to principal and interest. The revised law omits that
38 provision because it duplicates in substance Section
39 1201.024, Government Code, which applies to district
40 bonds under Sections 1201.002 and 1201.003, Government
41 Code. The omitted law reads:

1 Sec. 12. . . . Any such revenue
2 bonds, tax bonds, revenue refunding bonds,
3 or tax-revenue refunding bonds hereinafter
4 mentioned may be registrable as to
5 principal, or as to both principal and
6 interest. . . .

7 (5) Section 12, Chapter 633, Acts of the 61st
8 Legislature, Regular Session, 1969, authorizes the
9 district to issue refunding bonds for district bonds
10 and provides procedures applicable to refunding bonds.
11 The revised law omits those provisions because they
12 duplicate in substance Section 51.438, Water Code,
13 which provides general authority for a district to
14 issue refunding securities and prescribes procedures
15 applicable to those refunding securities. Section
16 51.438 applies to the district under Section 5,
17 Chapter 633, Acts of the 61st Legislature, Regular
18 Session, 1969, revised as Section 9045.101 of this
19 chapter. The omitted law reads:

20 Sec. 12. . . . By orders or
21 resolutions adopted by its board of
22 directors, said district shall have the
23 power and authority to issue tax or revenue
24 refunding bonds or tax-revenue refunding
25 bonds to refund revenue bonds or
26 tax-revenue bonds (either original bonds or
27 refunding bonds) theretofore issued by such
28 district. Said refunding bonds shall be
29 approved by the attorney general as in the
30 case of original bonds, and shall be
31 registered by the comptroller of public
32 accounts upon the surrender and
33 cancellation of the bonds to be refunded,
34 but in lieu thereof, the orders or
35 resolutions authorizing their issuance may
36 provide that they shall be sold and the
37 proceeds thereof deposited in the place or
38 places where the underlying bonds are
39 payable, in which case the refunding bonds
40 may be issued provided an amount sufficient
41 to pay the interest and principal on the
42 underlying bonds to their maturity dates,
43 or to their option dates if said bonds have
44 been duly called for payment prior to
45 maturity according to their terms, has been
46 so deposited in the place or places where
47 said underlying bonds are payable, and the
48 comptroller of public accounts shall
49 register them without the surrender and
50 cancellation of the underlying bonds. . . .

51 (6) Section 12, Chapter 633, Acts of the 61st
52 Legislature, Regular Session, 1969, requires district

1 bonds to be examined and approved by the attorney
2 general and registered with the comptroller. Those
3 provisions are omitted because they duplicate in
4 substance Sections 1202.003 and 1202.005, Government
5 Code. Section 1202.003 provides for the review and
6 approval of obligations by the attorney general.
7 Section 1202.005 provides for the registration of the
8 obligations with the comptroller. Chapter 1202,
9 Government Code, applies to district bonds under
10 Sections 1202.001 and 1202.003(c), Government Code.
11 The omitted law reads:

12 Sec. 12. . . . After any bonds have
13 been authorized by the district hereunder,
14 such bonds and the record relating to their
15 issuance shall be submitted to the Attorney
16 General of the State of Texas for his
17 examination as to the validity thereof, and
18 after said attorney general has approved
19 the same, such bonds shall be registered by
20 the Comptroller of Public Accounts of the
21 State of Texas. . . .

22 (7) Section 12, Chapter 633, Acts of the 61st
23 Legislature, Regular Session, 1969, provides that
24 after approval and registration, district bonds are
25 incontestable except for forgery or fraud. The
26 revised law omits that provision as impliedly repealed
27 by Section 1202.006, Government Code (enacted as
28 Section 3.002(d), Chapter 53, Acts of the 70th
29 Legislature, 2nd Called Session, 1987). Section
30 1202.006, Government Code, provides that after
31 approval and registration, bonds are incontestable for
32 any reason. Section 1202.006 applies to district
33 bonds under Sections 1202.001 and 1202.003(c),
34 Government Code. The omitted law reads:

35 Sec. 12. . . . When such bonds have
36 been approved by the attorney general,
37 registered by the comptroller of public
38 accounts, and delivered to the purchasers,
39 they shall thereafter be incontestable
40 except for forgery or fraud. . . .

41 (8) Section 12, Chapter 633, Acts of the 61st

1 Legislature, Regular Session, 1969, details various
2 procedures regarding approval of bond contracts and
3 proceedings by the attorney general. The revised law
4 omits the portion of Section 12 regarding the validity
5 and incontestability of a contract the proceeds of
6 which are pledged to the payment of a bond as impliedly
7 repealed by Section 1202.006, Government Code (enacted
8 as Section 3.002(d), Chapter 53, Acts of the 70th
9 Legislature, 2nd Called Session, 1987). Section
10 1202.006, Government Code, provides that after
11 approval and registration of the bond, the bond and
12 contract are incontestable for any reason. Section
13 1202.006 applies to district bonds under Sections
14 1202.001 and 1202.003(c), Government Code. The
15 omitted law reads:

16 Sec. 12. . . . When any bonds recite
17 that they are secured partially or
18 otherwise by a pledge of the proceeds of a
19 contract or contracts made between the
20 district and another party or parties
21 (private or public) a copy of such contract
22 or contracts and the proceedings
23 authorizing the same may or may not be
24 submitted to the attorney general along
25 with the bond record and, if so submitted,
26 the approval by the attorney general of the
27 bonds shall constitute an approval of such
28 contract or contracts, and thereafter the
29 contract or contracts shall be
30 incontestable for any cause except for
31 forgery or fraud.

32 (9) Section 16, Chapter 633, Acts of the 61st
33 Legislature, Regular Session, 1969, provides that the
34 district's board of directors may sell bonds at a price
35 and on terms determined by the board of directors of
36 the district, except that the bonds may not be sold for
37 an amount less than provided by law. The revised law
38 omits those provisions as duplicative of other law or
39 unnecessary. The revised law omits the price and terms
40 provision because it duplicates language in Section
41 1204.006(b), Government Code, that allows an issuer to
42 sell bonds at any price, and Section 1201.022(a),

1 Government Code, which provides that a public security
2 may be issued with specified characteristics, on
3 specified terms, or in a specified manner. Section
4 1204.006, Government Code, applies to district bonds
5 under Sections 1204.001 and 1204.002 of that code.
6 Section 1201.022, Government Code, applies to district
7 bonds under Sections 1201.002 and 1201.003 of that
8 code.

9 The revised law omits the provision prohibiting
10 the sale of bonds for an amount less than provided by
11 law because a law that sets a minimum price for
12 district bonds would apply by its own terms and does
13 not require a reference. The omitted law reads:

14 Sec. 16. Bonds of the district may be
15 sold at a price and upon the terms
16 determined by the board of directors of the
17 district, except that such bonds shall not
18 be sold for a less amount than provided by
19 law. . . .

20 (10) Section 16, Chapter 633, Acts of the 61st
21 Legislature, Regular Session, 1969, provides that the
22 district may sell bonds only after soliciting bids.
23 The revised law omits that provision because it
24 duplicates in substance Section 49.183(a), Water Code.
25 The omitted law reads:

26 Sec. 16. . . . No bonds shall be sold
27 by the district until it has solicited bids
28 therefor.

29 (11) Section 17, Chapter 633, Acts of the 61st
30 Legislature, Regular Session, 1969, provides that
31 elections to authorize district bonds must be held
32 under applicable general law. Section 17 also
33 provides that if the first bond election fails, any
34 provision of the general law relating to the
35 dissolution of a district when a bond election fails
36 does not apply to the district. The revised law omits
37 the provision relating to the first bond election as
38 executed. The revised law omits the provision

1 requiring bond elections to be held under applicable
2 general law because the provision duplicates in
3 substance Section 49.101, Water Code. The omitted law
4 reads:

5 Sec. 17. All elections to authorize
6 the issuance of bonds by the district shall
7 be held pursuant to the general law
8 applicable to water control and improvement
9 districts; provided, however, that if the
10 first bond election fails, Article
11 7880-77b, Vernon's Texas Civil Statutes, or
12 any other provision of the general law
13 pertaining to dissolution of the district
14 when a bond election fails, shall not apply.

15 (12) Section 19, Chapter 633, Acts of the 61st
16 Legislature, Regular Session, 1969, lists the entities
17 for which district bonds are legal investments and
18 provides that district bonds may secure deposits of
19 public funds of the state or political subdivisions.
20 The revised law omits the provision relating to the
21 eligibility of district bonds to be considered as
22 investments for various entities because it duplicates
23 Section 49.186(a), Water Code. The revised law omits
24 the provision relating to deposits of state funds as
25 impliedly repealed by Section 404.0221, Government
26 Code (enacted in 1995), which lists eligible
27 collateral for deposits of state funds by the
28 comptroller. As to deposits of other funds, the
29 provision is impliedly repealed by Chapter 2257,
30 Government Code (enacted as Chapter 627, Acts of the
31 71st Legislature, Regular Session, 1989), which
32 governs eligible collateral for deposits of funds of
33 other public agencies, including political
34 subdivisions, and permits those deposits to be secured
35 by obligations issued by conservation and reclamation
36 districts. The omitted law reads:

37 Sec. 19. All bonds and refunding
38 bonds of the district shall be and are
39 hereby declared to be legal, eligible and
40 authorized investments for banks, savings
41 and loan associations, insurance companies,

1 fiduciaries, and for the sinking funds of
2 cities, towns, villages, counties, school
3 districts, or other political corporations
4 or subdivisions of the State of Texas and
5 for all public funds of the State of Texas
6 or its agencies, including the State
7 Permanent School Fund. Such bonds and
8 refunding bonds shall be eligible to secure
9 the deposit of any and all public funds of
10 the State of Texas, cities, towns,
11 villages, counties, school districts, or
12 other political corporations or
13 subdivisions of the State of Texas; and such
14 bonds shall be lawful and sufficient
15 security for said deposits to the extent of
16 their face value, when accompanied by all
17 unmatured coupons appurtenant thereto.

18 Revisor's Note
19 (End of Chapter)

20 (1) Section 6, Chapter 633, Acts of the 61st
21 Legislature, Regular Session, 1969, provides that it
22 is unnecessary for the board of directors to hold an
23 election to confirm the district's organization and
24 that the district is validly created from and after the
25 passage of that act. The revised law omits that
26 provision as executed. The omitted law reads:

27 Sec. 6. It shall not be necessary for
28 the board of directors to call or hold an
29 election to confirm the organization of the
30 district and such district shall be validly
31 created from and after the passage of this
32 Act.

33 (2) Section 18, Chapter 633, Acts of the 61st
34 Legislature, Regular Session, 1969, provides that the
35 board shall canvass the returns of all elections. The
36 revised law omits that requirement because it
37 duplicates in substance Section 67.002, Election Code,
38 which requires the governing body of a political
39 subdivision that orders an election to canvass the
40 returns. Section 18 also provides that the board shall
41 canvass the election returns "as soon as reasonably
42 practicable after an election." The revised law omits
43 that provision as superseded by Section 67.003,
44 Election Code (enacted by Section 1, Chapter 211, Acts
45 of the 69th Legislature, Regular Session, 1985).
46 Chapter 67, Election Code, applies to district

1 elections under Sections 1.002(a) and 67.001 of that
2 code and supersedes that provision of Section 18
3 because Section 1.002(b), Election Code, provides that
4 the Election Code supersedes a conflicting statute
5 unless the statute expressly provides otherwise. The
6 omitted law reads:

7 Sec. 18. . . . The returns of all
8 elections shall be canvassed by the board of
9 directors of the district as soon as
10 reasonably practicable after an election.

11 (3) Section 22, Chapter 633, Acts of the 61st
12 Legislature, Regular Session, 1969, provides that the
13 act is severable. The revised law omits that provision
14 because it duplicates Section 311.032, Government Code
15 (Code Construction Act), which states that a provision
16 of a statute is severable from each other provision of
17 the statute that can be given effect. The omitted law
18 reads:

19 Sec. 22. If any word, phrase, clause,
20 paragraph, sentence, part, portion or
21 provision of this Act or the application
22 thereof to any person or circumstance shall
23 be held to be invalid or unconstitutional,
24 the remainder of the Act shall nevertheless
25 be valid, and the Legislature hereby
26 declares that this Act would have been
27 enacted without such invalid or
28 unconstitutional word, phrase, clause,
29 paragraph, sentence, part, portion or
30 provision.

31 (4) Section 23, Chapter 633, Acts of the 61st
32 Legislature, Regular Session, 1969, contains
33 legislative findings relating to the performance of
34 certain requirements under Section 59(d), Article XVI,
35 Texas Constitution. The revised law omits that
36 provision as executed. The omitted law reads:

37 Sec. 23. It is determined and found
38 that a proper and legal notice of the
39 intention to introduce this Act, setting
40 forth the general substance of this Act, has
41 been published at least 30 days and not more
42 than 90 days prior to the introduction of
43 this Act in the Legislature of Texas, in a
44 newspaper having general circulation in
45 Harris County, Texas; that a copy of such
46 notice and a copy of this Act have been

1 delivered to the Governor of Texas who has
2 submitted such notice and Act to the Texas
3 Water Rights Commission, and said Texas
4 Water Rights Commission has filed its
5 recommendation as to such Act with the
6 Governor, Lieutenant Governor and Speaker
7 of the House of Representatives of Texas
8 within 30 days from the date such notice and
9 Act were received by the Texas Water Rights
10 Commission; and that all the requirements
11 and provisions of Article XVI, Section
12 59(d), Constitution of the State of Texas
13 have been fulfilled and accomplished as
14 therein provided.

15 CHAPTER 9049. HARRIS COUNTY WATER CONTROL AND IMPROVEMENT

16 DISTRICT-FONDREN ROAD

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35 CHAPTER 9049. HARRIS COUNTY WATER CONTROL AND IMPROVEMENT

36 DISTRICT-FONDREN ROAD

37 SUBCHAPTER A. GENERAL PROVISIONS

38 Revised Law

39 Sec. 9049.001. DEFINITIONS. In this chapter:
40 (1) "Board" means the district's board of directors.
41 (2) "Director" means a board member.

1 (3) "District" means the Harris County Water Control
2 and Improvement District-Fondren Road. (Acts 58th Leg., R.S., Ch.
3 246, Sec. 1 (part); New.)

4 Source Law

5 Sec. 1. . . . [a . . . district] . . . to be
6 known as "Harris County Water Control and Improvement
7 District-Fondren Road," hereinafter called the
8 "District,"

9 Revisor's Note

10 The definitions of "board" and "director" are
11 added to the revised law for drafting convenience and
12 to eliminate frequent, unnecessary repetition of the
13 substance of the definitions.

14 Revised Law

15 Sec. 9049.002. NATURE OF DISTRICT. The district is a
16 conservation and reclamation district in Harris County created
17 under Section 59, Article XVI, Texas Constitution. (Acts 58th
18 Leg., R.S., Ch. 246, Sec. 1 (part).)

19 Source Law

20 Sec. 1. Under and pursuant to the provisions of
21 Article 16, Section 59, of the Constitution of Texas, a
22 conservation and reclamation district is hereby
23 created and established in Harris County, Texas, . . .
24 which shall be a governmental agency and a body politic
25 and corporate. . . .

26 Revisor's Note

27 (1) Section 1, Chapter 246, Acts of the 58th
28 Legislature, Regular Session, 1963, provides that the
29 district is "created and established" in Harris
30 County, Texas. The revised law omits "established"
31 because the meaning of that word is included in the
32 meaning of "created."

33 (2) Section 1, Chapter 246, Acts of the 58th
34 Legislature, Regular Session, 1963, refers to the
35 district as "a governmental agency and a body politic
36 and corporate." The revised law omits the quoted
37 language because it duplicates a portion of Section
38 59(b), Article XVI, Texas Constitution, which provides

1 that a conservation and reclamation district is a
2 governmental agency and a body politic and corporate.

3 Revised Law

4 Sec. 9049.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
5 The district is created to serve a public use and benefit.

6 (b) All land and other property included in the boundaries
7 of the district will benefit from the works and projects
8 accomplished by the district under the powers conferred by Section
9 59, Article XVI, Texas Constitution.

10 (c) The district is essential to accomplish the purposes of
11 Section 59, Article XVI, Texas Constitution. (Acts 58th Leg., R.S.,
12 Ch. 246, Secs. 1 (part), 3; Acts 60th Leg., R.S., Ch. 611, Sec. 5.)

13 Source Law

14 [Acts 58th Leg., R.S., Ch. 246]

15 Sec. 1. . . . The creation and establishment of
16 the District is hereby declared to be essential to the
17 accomplishment of the purposes of Article 16, Section
18 59, of the Constitution of Texas.

19 Sec. 3. It is expressly determined and found
20 that all of the land and other property included within
21 the area and boundaries of the District (Harris County
22 Water Control and Improvement District-Fondren Road)
23 will be benefited by the works and projects which are
24 to be accomplished by the District pursuant to the
25 powers conferred by the provisions of Article XVI,
26 Section 59, of the Constitution of Texas, and that said
27 District was and is created to serve a public use and
28 benefit.

29 [Acts 60th Leg., R.S., Ch. 611]

30 Sec. 5. It is determined and found that the land
31 added herein to the district, the original area of the
32 district, and all of the land and other property
33 included within the area and boundaries of the
34 district as herein enlarged will be benefited by the
35 works and projects which are to be accomplished by the
36 district pursuant to the powers conferred by the
37 provisions of Article 16, Section 59, of the
38 Constitution of Texas, and that said district was and
39 is created to serve a public use and benefit.

40 Revisor's Note

41 (1) Section 1, Chapter 246, Acts of the 58th
42 Legislature, Regular Session, 1963, states that the
43 "creation and establishment" of the district is
44 "hereby declared to be" essential to accomplish the
45 purposes of Section 59, Article XVI, Texas
46 Constitution. The revised law omits the quoted

1 language as executed.

2 (2) Section 3, Chapter 246, Acts of the 58th
3 Legislature, Regular Session, 1963, and Section 5,
4 Chapter 611, Acts of the 60th Legislature, Regular
5 Session, 1967, refer to land and other property
6 included "within the area and boundaries" of the
7 district. The revised law omits the reference to
8 "area" because property included in the "area" of the
9 district is synonymous with property included in the
10 "boundaries" of the district.

11 Revised Law

12 Sec. 9049.004. DISTRICT TERRITORY. (a) The district is
13 composed of the territory described by Section 2, Chapter 246, Acts
14 of the 58th Legislature, Regular Session, 1963, as amended by
15 Sections 1 and 3, Chapter 611, Acts of the 60th Legislature, Regular
16 Session, 1967, as that territory may have been modified under:

- 17 (1) Subchapter O, Chapter 51, Water Code;
18 (2) Subchapter J, Chapter 49, Water Code; or
19 (3) other law.

20 (b) The boundaries and field notes of the district form a
21 closure. A mistake in the field notes or in copying the field notes
22 in the legislative process does not affect:

- 23 (1) the district's organization, existence, or
24 validity;
25 (2) the district's right to issue bonds or to pay the
26 principal of and interest on the bonds;
27 (3) the district's right to impose a tax; or
28 (4) the legality or operation of the district or the
29 board. (Acts 58th Leg., R.S., Ch. 246, Sec. 4; Acts 60th Leg., R.S.,
30 Ch. 611, Secs. 2, 4; New.)

31 Source Law

32 [Acts 58th Leg., R.S., Ch. 246]
33 Sec. 4. It is determined and found by the
34 Legislature that the boundaries and field notes of
35 said District form a closure, and if any mistake is
36 made in copying the field notes in the legislative
37 process, or otherwise a mistake is made in the field

1 notes, it shall in no way or manner affect the
2 organization, existence and validity of said District,
3 and the right of said District to issue bonds or
4 refunding bonds, or to pay the principal and interest
5 thereon, and the right to assess, levy and collect
6 taxes, or in any manner affect the legality or
7 operation of said District or its governing body.

8 [Acts 60th Leg., R.S., Ch. 611]

9 Sec. 2. It is expressly determined, and the
10 Legislature hereby finds that the boundaries of said
11 added land form a closure, and if any mistake is made
12 in copying the field notes in the legislative process,
13 or otherwise a mistake is found to have occurred in the
14 field notes, it shall in no way or manner affect the
15 existence or validity of said addition, nor shall it in
16 any manner affect the right of the district to which it
17 is added and of which it is henceforth a part, to issue
18 bonds or refunding bonds, or to pay the principal and
19 interest thereon, or the right to assess, levy and
20 collect taxes, or in any other manner affect the
21 legality or operation of the district as enlarged or
22 its governing body.

23 Sec. 4. It is expressly determined, and the
24 Legislature hereby finds that the boundaries of said
25 district as redefined in Section 3 hereof form a
26 closure, and if any mistake is made in copying the
27 field notes in the legislative process, or otherwise a
28 mistake is found to have occurred in the field notes,
29 it shall in no way or manner affect the organization,
30 existence or validity of said district as enlarged and
31 redefined, or its right to issue bonds or refunding
32 bonds, or to pay the principal and interest thereon, or
33 the right to assess, levy and collect taxes, or in any
34 other manner affect the legality or operation of the
35 district or its governing body.

36 Revisor's Note

37 (1) The revision of the law governing the
38 district does not revise the statutory language
39 describing the territory of the district to avoid the
40 lengthy recitation of the description and because that
41 description may not be accurate on the effective date
42 of the revision or at the time of a later reading. For
43 the reader's convenience, the revised law includes a
44 reference to the statutory description of the
45 district's territory and references to statutory
46 authority to change the district's territory under
47 Subchapter O, Chapter 51, Water Code, applicable to
48 water control and improvement districts, and under
49 Subchapter J, Chapter 49, Water Code, applicable to
50 the district under Sections 49.001 and 49.002 of that
51 chapter. The revised law also includes a reference to

1 the general authority of the legislature to enact a law
2 to change the district's territory.

3 (2) Section 4, Chapter 246, Acts of the 58th
4 Legislature, Regular Session, 1963, and Sections 2 and
5 4, Chapter 611, Acts of the 60th Legislature, Regular
6 Session, 1967, provide that a mistake in the
7 description of the district's boundaries does not
8 affect the right of the district to issue "bonds or
9 refunding bonds." The revised law omits "refunding
10 bonds" because refunding bonds are included in the
11 meaning of "bonds."

12 (3) Section 4, Chapter 246, Acts of the 58th
13 Legislature, Regular Session, 1963, and Sections 2 and
14 4, Chapter 611, Acts of the 60th Legislature, Regular
15 Session, 1967, refer to the district's authority to
16 "assess, levy and collect" taxes. The revised law
17 substitutes "impose" for "assess, levy and collect"
18 because "impose" is the term generally used in Title 1,
19 Tax Code, and includes the assessment, levy, or
20 collection of a tax.

21 SUBCHAPTER B. BOARD OF DIRECTORS

22 Revised Law

23 Sec. 9049.051. BOARD OF DIRECTORS. (a) The board consists
24 of five elected directors.

25 (b) To be appointed as a director a person must reside in
26 this state, but such director is not required to reside in the
27 district. (Acts 58th Leg., R.S., Ch. 246, Sec. 7 (part).)

28 Source Law

29 Sec. 7. All powers of the District shall be
30 exercised by a board of five (5) directors. . . . No
31 person shall be appointed a director unless he resides
32 in the State of Texas, but such directors do not have
33 to reside within the boundaries of the District. . . .
34 Succeeding directors shall be elected or . . . as
35 provided for in this Act. . . .

36 Revisor's Note

37 (1) Section 7, Chapter 246, Acts of the 58th

1 Legislature, Regular Session, 1963, provides that
2 "[a]ll powers of the District shall be exercised by"
3 the board. The revised law omits the quoted language
4 because it duplicates in substance provisions of
5 Sections 49.051 and 49.057, Water Code. The revised
6 law omits law that is superseded by Chapter 49, Water
7 Code, or that duplicates law contained in that
8 chapter. Chapter 49, Water Code, applies to the
9 district under Sections 49.001 and 49.002 of that
10 chapter.

11 (2) Section 7, Chapter 246, Acts of the 58th
12 Legislature, Regular Session, 1963, refers to
13 "[s]ucceeding directors" to distinguish the
14 succeeding directors from the initial directors named
15 in that section. The revised law omits "succeeding"
16 because all provisions referring to initial directors
17 are omitted as executed and the distinction is no
18 longer required.

19 Revised Law

20 Sec. 9049.052. APPOINTMENT OF SECRETARY AND TREASURER. The
21 board shall appoint a secretary and a treasurer, who are not
22 required to be directors. The board may combine the offices of
23 secretary and treasurer. (Acts 58th Leg., R.S., Ch. 246, Sec. 7
24 (part).)

25 Source Law

26 Sec. 7. . . . The board shall also appoint a
27 secretary and a treasurer who may or may not be members
28 of the board, and it may combine those offices. . . .

29 Revised Law

30 Sec. 9049.053. DIRECTOR'S AND TREASURER'S BONDS. (a) Each
31 director shall give bond in the amount of \$5,000 conditioned on the
32 faithful performance of the director's duties.

33 (b) The treasurer shall give bond in the amount required by
34 the board. The treasurer's bond shall be conditioned on the
35 treasurer's faithful accounting for all money that comes into the

1 treasurer's custody as treasurer of the district. (Acts 58th Leg.,
2 R.S., Ch. 246, Sec. 7 (part).)

3 Source Law

4 Sec. 7. . . . Such directors . . . each shall
5 give bond in the amount of Five Thousand Dollars
6 (\$5,000) for the faithful performance of his duties,
7 The treasurer shall give bond in such amount as
8 may be required by the board of directors. The
9 condition of such bond shall be that he will faithfully
10 account for all money which shall come into his custody
11 as treasurer of the District. . . .

12 Revisor's Note

13 (1) Section 7, Chapter 246, Acts of the 58th
14 Legislature, Regular Session, 1963, provides that a
15 director shall subscribe to the oath of office. The
16 revised law omits that provision because Section 1,
17 Article XVI, Texas Constitution, requires all officers
18 in this state to take the oath (or affirmation) before
19 assuming office. The omitted law reads:

20 Sec. 7. . . . [Such directors] shall
21 subscribe to the oath of office, and

22 (2) Section 7, Chapter 246, Acts of the 58th
23 Legislature, Regular Session, 1963, requires the
24 district to pay the cost of a director's bond. The
25 revised law omits that provision because it duplicates
26 in substance Section 49.055(c), Water Code. The
27 omitted law reads:

28 Sec. 7. . . . [Such directors shall
29 . . . give bond] . . . the cost of which
30 shall be paid by the District. . . .

31 Revised Law

32 Sec. 9049.054. VOTE BY BOARD PRESIDENT. The board
33 president has the same right to vote as any other director. (Acts
34 58th Leg., R.S., Ch. 246, Sec. 7 (part).)

35 Source Law

36 Sec. 7. . . . The president . . . shall have the
37 same right to vote as any other director. . . .

38 Revised Law

39 Sec. 9049.055. ABSENCE OR INACTION OF BOARD PRESIDENT.
40 When the board president is absent or fails or declines to act, the

1 board vice president shall perform all duties and exercise all
2 power this chapter gives the president. (Acts 58th Leg., R.S., Ch.
3 246, Sec. 7 (part).)

4 Source Law

5 Sec. 7. . . . The vice-president shall perform
6 all duties and exercise all power conferred by this Act
7 upon the president when the president is absent or
8 fails or declines to act. . . .

9 Revisor's Note
10 (End of Subchapter)

11 (1) Section 7, Chapter 246, Acts of the 58th
12 Legislature, Regular Session, 1963, provides that each
13 director shall serve until the director's successor is
14 elected or appointed and qualified. The revised law
15 omits that provision because Section 17, Article XVI,
16 Texas Constitution, requires an officer to continue to
17 perform the officer's duties until a successor has
18 qualified. The omitted law reads:

19 Sec. 7. . . . Each director shall
20 serve for his term of office as herein
21 provided, and thereafter until his
22 successor shall be elected or appointed and
23 qualified. . . .

24 (2) Section 7, Chapter 246, Acts of the 58th
25 Legislature, Regular Session, 1963, provides that a
26 majority of directors constitutes a quorum. The
27 revised law omits that provision because it duplicates
28 Section 49.053, Water Code. The omitted law reads:

29 Sec. 7. . . . A majority shall
30 constitute a quorum. . . .

31 (3) Section 7, Chapter 246, Acts of the 58th
32 Legislature, Regular Session, 1963, names the initial
33 board members, provides for filling a vacancy on that
34 board, and provides for their terms of office. Because
35 the initial board members' terms have expired, the
36 revised law omits the language as executed. The
37 omitted law reads:

38 Sec. 7. . . . Immediately after this
39 Act becomes effective, the following named
40 persons shall be the directors of said

1 District and shall constitute the board of
2 directors of said District:

3 William H. Shoemaker
4 Marvin E. Leggett
5 George O. Castleberry
6 W. Thomas Willey
7 J. Brown Cutbirth, Jr.

8 all residing within the State of Texas. If
9 any of the aforementioned persons shall
10 die, become incapacitated or otherwise not
11 be qualified to assume their duties under
12 this Act, the remaining directors shall
13 appoint his successor. . . . The first two
14 (2) named directors aforementioned shall
15 serve until the second Tuesday in January,
16 1964, or as herein provided, and the
17 following three (3) named directors shall
18 serve until the second Tuesday in January,
19 1965, or as herein provided. . . .

20 (4) Section 7, Chapter 246, Acts of the 58th
21 Legislature, Regular Session, 1963, describes the
22 procedure for filling a board vacancy. The revised law
23 omits that provision because it duplicates in
24 substance Section 49.105, Water Code, which
25 establishes procedures for filling a board vacancy.
26 The revised law also omits "appointed" from the
27 provision on electing or appointing succeeding
28 directors under Section 7 because the term can refer
29 only to an appointment to fill a vacancy, which
30 duplicates Section 49.105(a), Water Code. The omitted
31 law reads:

32 Sec. 7. . . . [Succeeding directors
33 shall be elected or] appointed [as provided
34 for in this Act.] . . . Any vacancy
35 occurring in the board of directors shall be
36 filled for the unexpired term by a majority
37 of the remaining directors. . . .

38 (5) Section 7, Chapter 246, Acts of the 58th
39 Legislature, Regular Session, 1963, provides that
40 director elections shall be held "on the second
41 Tuesday in January" of each year. The revised law
42 omits that provision as superseded by Section
43 49.103(b), Water Code, enacted in 1995. That section
44 requires board elections to be held on the uniform
45 election date provided by Section 41.001, Election
46 Code, in May of each even-numbered year. The omitted

1 law reads:

2 Sec. 7. . . . An election for the
3 election of directors shall be held on the
4 second Tuesday in January of each year
5 beginning in 1964, and as herein provided.
6 Two (2) directors shall be elected in each
7 even-numbered year and three (3) in each
8 odd-numbered year. . . .

9 (6) Section 7, Chapter 246, Acts of the 58th
10 Legislature, Regular Session, 1963, provides that the
11 board of directors shall order yearly director
12 elections. The revised law omits the reference to
13 yearly elections as superseded by Section 49.103(b),
14 Water Code, for the reason stated in Revisor's Note
15 (5). The revised law omits the requirement that the
16 board order the elections because it duplicates in
17 substance Section 3.004, Election Code, which provides
18 that the governing body of a political subdivision
19 that has elective offices shall order the general
20 election for those officers. The omitted law reads:

21 Sec. 7. . . . The yearly elections
22 shall be ordered by the board of
23 directors. . . .

24 (7) Section 7, Chapter 246, Acts of the 58th
25 Legislature, Regular Session, 1963, requires the board
26 to elect officers and assigns certain powers and
27 duties to the board's president. The revised law omits
28 those provisions because they duplicate in substance
29 Sections 49.054(a) and (c), Water Code. The omitted
30 law reads:

31 Sec. 7. . . . The board of directors
32 shall elect from its number a president and
33 a vice-president of the District, and such
34 other officers as in the judgment of the
35 board are necessary. [The president] shall
36 be the chief executive officer of the
37 District and the presiding officer of the
38 board, and

39 (8) Section 7, Chapter 246, Acts of the 58th
40 Legislature, Regular Session, 1963, requires the board
41 to adopt a seal for the district. The revised law
42 omits that provision because it duplicates Section

1 49.061, Water Code. The omitted law reads:

2 Sec. 7. . . . The board shall adopt a
3 seal for the District.

4 SUBCHAPTER C. POWERS AND DUTIES

5 Revised Law

6 Sec. 9049.101. WATER CONTROL AND IMPROVEMENT DISTRICT
7 POWERS. The district has the rights, powers, privileges, and
8 duties provided by general law applicable to a water control and
9 improvement district created under Section 59, Article XVI, Texas
10 Constitution, including Chapters 49 and 51, Water Code. (Acts 58th
11 Leg., R.S., Ch. 246, Sec. 5 (part); New.)

12 Source Law

13 Sec. 5. The District shall have and exercise,
14 and is hereby vested with, all of the rights, powers,
15 privileges, authority and duties conferred and imposed
16 by the General Laws of this state now in force or
17 hereafter enacted, applicable to water control and
18 improvement districts created under authority of
19 Section 59, Article XVI, of the Constitution, but
20

21 Revisor's Note

22 (1) Section 5, Chapter 246, Acts of the 58th
23 Legislature, Regular Session, 1963, states that the
24 district "shall have and exercise, and is hereby
25 vested with," certain rights, powers, privileges,
26 authority, and duties. The revised law substitutes
27 "has" for the quoted language because, in context, the
28 terms are synonymous and "has" is more commonly used.

29 (2) Section 5, Chapter 246, Acts of the 58th
30 Legislature, Regular Session, 1963, refers to "rights,
31 powers, privileges, [and] authority" of the district.
32 The revised law omits "authority" as included in the
33 meaning of "powers."

34 (3) Section 5, Chapter 246, Acts of the 58th
35 Legislature, Regular Session, 1963, refers to the
36 general laws of this state "now in force or hereafter
37 enacted." The revised law omits the quoted language as
38 unnecessary under accepted general principles of

1 statutory construction. The "General Laws of this
2 state" means those laws "in force" at the time the
3 provision was adopted. It is unnecessary to state that
4 the district may be granted additional powers by later
5 enacted laws because those laws apply on their own
6 terms.

7 (4) Section 5, Chapter 246, Acts of the 58th
8 Legislature, Regular Session, 1963, refers to the
9 general laws "applicable to water control and
10 improvement districts." For the reader's convenience,
11 the revised law adds references to Chapter 51, Water
12 Code, specifically applicable to water control and
13 improvement districts, and to Chapter 49, Water Code,
14 generally applicable under Sections 49.001 and 49.002
15 of that chapter to many types of districts created
16 under Section 59, Article XVI, Texas Constitution,
17 including water control and improvement districts.

18 (5) Section 5, Chapter 246, Acts of the 58th
19 Legislature, Regular Session, 1963, provides that the
20 act prevails over general law that applies to water
21 control and improvement districts and that is in
22 conflict or inconsistent with the act, and that all
23 general laws applicable to water control and
24 improvement districts are adopted and incorporated by
25 reference. The revised law omits the portion of the
26 provision relating to the act prevailing over general
27 law because it duplicates in substance Section
28 311.026(b), Government Code (Code Construction Act).
29 The revised law omits the portion of the provision
30 relating to adoption and incorporation of general laws
31 because Section 5 of Chapter 246 (revised as this
32 section) already provides that those laws apply to the
33 district, and it is unnecessary to repeat that
34 authority. The omitted law reads:

1 Sec. 5. [The District shall have and
2 exercise, and is hereby vested with, all of
3 the rights, powers, privileges, authority
4 and duties conferred and imposed by the
5 General Laws of this state now in force or
6 hereafter enacted, applicable to water
7 control and improvement districts created
8 under authority of Section 59, Article XVI,
9 of the Constitution, but] to the extent that
10 the provisions of any such General Laws may
11 be in conflict or inconsistent with the
12 provisions of this Act, the provisions of
13 this Act shall prevail. All such General
14 Laws are hereby adopted and incorporated by
15 reference with the same effect as if
16 incorporated in full in this Act. . . .

17 Revised Law

18 Sec. 9049.102. LIMIT ON EMINENT DOMAIN POWER. The district
19 may exercise the power of eminent domain only in Harris County.
20 (Acts 58th Leg., R.S., Ch. 246, Sec. 9 (part).)

21 Source Law

22 Sec. 9. The power of eminent domain of the
23 District shall be limited to Harris County,
24 Texas. . . .

25 Revised Law

26 Sec. 9049.103. COST OF RELOCATING OR ALTERING PROPERTY. If
27 the district's exercise of the power of eminent domain, the power of
28 relocation, or any other power granted by this chapter makes
29 necessary relocating, raising, rerouting, changing the grade of, or
30 altering the construction of a highway, railroad, electric
31 transmission line, telephone or telegraph property or facility, or
32 pipeline, the necessary action shall be accomplished at the sole
33 expense of the district. (Acts 58th Leg., R.S., Ch. 246, Sec. 9
34 (part).)

35 Source Law

36 Sec. 9. . . . In the event that the District, in
37 the exercise of the power of eminent domain or power of
38 relocation, or any other power granted hereunder,
39 makes necessary the relocation, raising, rerouting or
40 changing the grade of, or altering the construction of
41 any highway, railroad, electric transmission line,
42 telephone or telegraph properties and facilities, or
43 pipeline, all such necessary relocation, raising,
44 rerouting, changing of grade or alteration of
45 construction shall be accomplished at the sole expense
46 of the District.

47 Revisor's Note
48 (End of Subchapter)

49 Section 7, Chapter 246, Acts of the 58th

1 Legislature, Regular Session, 1963, requires the board
2 to employ certain employees. The revised law omits
3 that provision because it duplicates in substance part
4 of Section 49.057, Water Code. The omitted law reads:

5 Sec. 7. . . . The board shall appoint
6 all necessary engineers, attorneys and
7 other employees. . . .

8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

9 Revised Law

10 Sec. 9049.151. TAX METHOD. (a) The district shall use the
11 ad valorem plan of taxation.

12 (b) The board is not required to hold a hearing on the
13 adoption of a plan of taxation. (Acts 58th Leg., R.S., Ch. 246,
14 Sec. 5(part).)

15 Source Law

16 Sec. 5. . . . It shall not be necessary for the
17 board of directors to hold a hearing on the adoption of
18 a plan of taxation, but the ad valorem plan of taxation
19 shall be used by the District.

20 Revisor's Note
21 (End of Chapter)

22 (1) Section 6, Chapter 246, Acts of the 58th
23 Legislature, Regular Session, 1963, provides that the
24 board of directors is not required to call a
25 confirmation election or hold a hearing on the
26 exclusion of land. The revised law omits the provision
27 as executed. The provision is a transition provision
28 addressing the applicability of provisions of the
29 general laws in effect at the time of the district's
30 creation that governed the creation of water control
31 and improvement districts. A district created under
32 the general laws in effect at that time would have been
33 required at the time of its creation to hold both a
34 confirmation election and a hearing on the exclusion
35 of land from the district. The omitted provision
36 negates those general law requirements as inapplicable
37 to this legislatively created district. The power or

1 duty to hold a hearing to exclude land subsequent to
2 the creation of the district is governed by Subchapter
3 J, Chapter 49, Water Code, which applies to the
4 district under Sections 49.001 and 49.002 of that
5 code, and Subchapter O, Chapter 51, Water Code, which
6 applies to the district under Section 9049.101 of this
7 chapter. The omitted law reads:

8 Sec. 6. It shall not be necessary for
9 the board of directors to call a
10 confirmation election or to hold a hearing
11 on the exclusion of lands from the District.

12 (2) Section 10, Chapter 611, Acts of the 60th
13 Legislature, Regular Session, 1967, recites
14 legislative findings that the procedural requirements
15 for the creation of the district under Section 59(d),
16 Article XVI, Texas Constitution, including proper
17 legal notice and the filing of recommendations, have
18 been accomplished. The revised law omits that
19 provision as executed. The omitted law reads:

20 Sec. 10. It is determined and found
21 that a proper and legal notice of the
22 intention to introduce this Act, setting
23 forth the general substance of this Act, has
24 been published at least 30 days and not more
25 than 90 days prior to the introduction of
26 this Act in the Legislature of Texas, in a
27 newspaper having general circulation in the
28 county or counties in which this district or
29 any part thereof is located; that a copy of
30 such notice and a copy of this Act have been
31 delivered to the Governor of Texas who has
32 submitted such notice and Act to the Texas
33 Water Rights Commission, and said Texas
34 Water Rights Commission has filed its
35 recommendation as to such Act with the
36 Governor, Lieutenant Governor and Speaker
37 of the House of Representatives of Texas
38 within 30 days from the date such notice and
39 Act were received by the Texas Water Rights
40 Commission; and that all the requirements
41 and provisions of Article 16, Section
42 59(d), of the Constitution of the State of
43 Texas, have been fulfilled and accomplished
44 as therein provided.

45 (3) Section 10, Chapter 246, Acts of the 58th
46 Legislature, Regular Session, 1963, and Section 12,
47 Chapter 611, Acts of the 60th Legislature, Regular
48 Session, 1967, provide that the acts are severable.

1 The revised law omits those provisions because the
2 same result is produced by application of Section
3 311.032, Government Code (Code Construction Act),
4 which provides that a provision of a statute is
5 severable from each other provision of the statute
6 that can be given effect. The omitted law reads:

7 [Acts 58th Leg., R.S., Ch. 246]

8 Sec. 10. If any word, phrase, clause,
9 paragraph, sentence, part, portion, or
10 provision of this Act or the application
11 thereof to any person or circumstance shall
12 be held to be invalid or unconstitutional,
13 the remainder of the Act shall nevertheless
14 be valid, and the Legislature hereby
15 declares that the Act would have been
16 enacted without such invalid or
17 unconstitutional word, phrase, clause,
18 paragraph, sentence, part, portion, or
19 provision.

20 [Acts 60th Leg., R.S., Ch. 611]

21 Sec. 12. If any word, phrase, clause,
22 paragraph, sentence, part, portion or
23 provision of this Act or the application
24 thereof to any person or circumstance shall
25 be held to be invalid or unconstitutional,
26 the remainder of this Act shall
27 nevertheless be valid, and the Legislature
28 hereby declares that this Act would have
29 been enacted without such invalid or
30 unconstitutional word, phrase, clause,
31 paragraph, sentence, part, portion or
32 provision.

33 (4) Sections 6 and 7, Chapter 611, Acts of the
34 60th Legislature, Regular Session, 1967, ratify,
35 confirm, approve, and validate the establishment of
36 the district and any proceedings or actions of the
37 district or its governing body, and Section 9 of that
38 chapter provides that the act does not validate a
39 proceeding, election, or hearing that is the subject
40 of a suit or pending litigation and that is ultimately
41 determined to be invalid. The provisions are omitted
42 from the revised law because they served their purpose
43 on the day they took effect and are executed law.
44 Section 311.031(a)(2), Government Code (Code
45 Construction Act), provides that the repeal of a
46 statute does not affect any validation previously made

1 under the statute. The omitted law reads:

2 Sec. 6. All proceedings and actions
3 had and taken in the creation of the
4 district and in the appointment or election
5 of directors, all proceedings and actions
6 had and taken by the board of directors of
7 the district, all notices for all elections
8 and hearings, and any and all proceedings or
9 actions relating to any of the foregoing are
10 hereby in all things and all respects
11 ratified, confirmed, approved, and
12 validated, notwithstanding that any of the
13 aforementioned proceedings and actions may
14 not in all respects have been had in
15 accordance with law or statutory
16 provisions.

17 Sec. 7. The organization of said
18 district and all proceedings, elections and
19 hearings relating thereto and the
20 boundaries of said district, and all
21 purposes for which said district was
22 created, are hereby in all things and all
23 respects ratified, confirmed, approved, and
24 validated.

25 Sec. 9. This Act shall not be
26 construed as validating any proceeding,
27 election or hearing, the validity of which
28 is being contested or is under attack in any
29 suit or litigation pending at the time this
30 Act becomes effective, if such suit or
31 litigation is ultimately determined against
32 the validity thereof.

33 (5) Section 8, Chapter 246, Acts of the 58th
34 Legislature, Regular Session, 1963, provides that
35 after approval and registration district bonds are
36 "negotiable, valid, legal, and binding obligations"
37 and incontestable for any reason. Section 8, Chapter
38 611, Acts of the 60th Legislature, Regular Session,
39 1967, provides that after approval and registration
40 district bonds are "binding, legal, valid, and
41 enforceable obligations" and incontestable for any
42 reason. The revised law omits the reference in Section
43 8, Chapter 246, to the bonds being negotiable because
44 Section 1201.041, Government Code, applicable to
45 district bonds under Sections 1201.002 and 1201.003,
46 Government Code, provides that a public security is a
47 negotiable instrument. The revised law omits the rest
48 of the provisions in Section 8, Chapter 246, and
49 Section 8, Chapter 611, in its entirety because they

1 duplicate in substance Section 1202.006, Government
2 Code. Section 1202.006, Government Code, applies to
3 district bonds under Sections 1202.001 and 1202.003,
4 Government Code. The omitted law reads:

5 [Acts 58th Leg., R.S., Ch. 246]

6 Sec. 8. When bonds or refunding bonds
7 have been issued by the District and said
8 bonds or refunding bonds have been approved
9 by the Attorney General of Texas and
10 registered by the Comptroller of Public
11 Accounts, said bonds or refunding bonds
12 shall be negotiable, valid, legal, and
13 binding obligations and shall be
14 incontestable for any cause. . . .

15 [Acts 60th Leg., R.S., Ch. 611]

16 Sec. 8. When bonds of the district
17 have been voted at an election held for and
18 within the district, and the Attorney
19 General has approved such bonds, and they
20 have been registered by the Comptroller of
21 Public Accounts of the State of Texas, and
22 sold and delivered, such bonds shall be
23 binding, legal, valid, and enforceable
24 obligations of said district, and such
25 bonds shall be incontestable for any cause.

26 (6) Section 8, Chapter 246, Acts of the 58th
27 Legislature, Regular Session, 1963, provides that,
28 before issuing any construction bonds, the district
29 shall submit plans to the Texas Water Commission for
30 approval in accordance with Article 7880-139, Vernon's
31 Texas Civil Statutes, and that the district's project
32 is subject to inspection during construction as
33 provided by that article. Article 7880-139 was
34 codified by Chapter 58, Acts of the 62nd Legislature,
35 Regular Session, 1971, as Sections 51.421 and 51.422,
36 Water Code. Chapter 715, Acts of the 74th Legislature,
37 Regular Session, 1995, repealed Sections 51.421 and
38 51.422, Water Code, and enacted Sections 49.181 and
39 49.182, Water Code, to govern the authority of the
40 Texas Commission on Environmental Quality over the
41 issuance of district bonds and supervision by the
42 commission of projects and improvements,
43 respectively. The revised law therefore omits the
44 plan submission and inspection provisions in Section 8

1 because Sections 49.181 and 49.182, Water Code, apply
2 to the district on their own terms. The omitted law
3 reads:

4 Sec. 8. . . . Provided, however,
5 that before issuing any construction bonds
6 said District shall submit plans and
7 specifications therefor to the Texas Water
8 Commission (successor to State Board of
9 Water Engineers) for approval in the manner
10 required by Acts of the 57th Legislature,
11 Regular Session, Chapter 336, 1961,
12 codified in Vernon's Annotated Civil
13 Statutes of Texas as Article 7880-139, and
14 said District's project and improvements
15 during the course of construction shall be
16 subject to inspection in the manner
17 provided by said Article 7880-139.

18 (7) Section 11, Chapter 611, Acts of the 60th
19 Legislature, Regular Session, 1967, lists the entities
20 for which district bonds are legal investments and
21 provides that district bonds may secure deposits of
22 public funds of political subdivisions of this state.
23 The revised law omits the provision relating to the
24 eligibility of district bonds to be considered as
25 investments for various entities because it duplicates
26 Section 49.186(a), Water Code. The revised law omits
27 the provision relating to securing deposits of funds
28 of political subdivisions because the provision is
29 impliedly repealed by Chapter 2257, Government Code
30 (enacted in 1989 as Article 2529d, Vernon's Texas Civil
31 Statutes), which governs eligible collateral for
32 deposits of funds of certain public agencies,
33 including political subdivisions, and permits those
34 deposits to be secured by obligations issued by
35 conservation and reclamation districts. The omitted
36 law reads:

37 Sec. 11. All bonds and refunding
38 bonds of the district shall be and are
39 hereby declared to be legal, eligible and
40 authorized investments for banks, savings
41 and loan associations, insurance companies,
42 fiduciaries, trustees, and for the sinking
43 funds of cities, towns, villages, counties,
44 school districts, or other political
45 corporations or subdivisions of the State

1 of Texas. Such bonds and refunding bonds
 2 shall be eligible to secure the deposit of
 3 any and all public funds of cities, towns,
 4 villages, counties, school districts, or
 5 other political corporations or
 6 subdivisions of the State of Texas; and such
 7 bonds shall be lawful and sufficient
 8 security for said deposits to the extent of
 9 their face value, when accompanied by all
 10 unmatured coupons appurtenant thereto.

11 CHAPTER 9050. INVERNESS FOREST IMPROVEMENT DISTRICT

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5 CHAPTER 9050. INVERNESS FOREST IMPROVEMENT DISTRICT

6 SUBCHAPTER A. GENERAL PROVISIONS

7 Revised Law

8 Sec. 9050.001. DEFINITIONS. In this chapter:

- 9 (1) "Board" means the district's board of directors.
- 10 (2) "Director" means a board member.
- 11 (3) "District" means the Inverness Forest Improvement

12 District. (Acts 59th Leg., R.S., Ch. 605, Sec. 1 (part); New.)

13 Source Law

14 Sec. 1. . . . [a . . . district] . . . to be
15 known as "Inverness Forest Improvement District";
16 hereinafter called the "District,"

17 Revisor's Note

18 The definitions of "board" and "director" are
19 added to the revised law for drafting convenience and
20 to eliminate frequent, unnecessary repetition of the
21 substance of the definitions.

22 Revised Law

23 Sec. 9050.002. NATURE OF DISTRICT. The district is a
24 conservation and reclamation district in Harris County created
25 under Section 59, Article XVI, Texas Constitution. (Acts 59th
26 Leg., R.S., Ch. 605, Sec. 1 (part).)

27 Source Law

28 Sec. 1. Under and pursuant to the provisions of
29 Article 16, Section 59 of the Constitution of Texas, a
30 conservation and reclamation district is hereby
31 created and established in Harris County, Texas, . . .
32 which shall be a governmental agency and a body politic
33 and corporate. . . .

34 Revisor's Note

35 (1) Section 1, Chapter 605, Acts of the 59th
36 Legislature, Regular Session, 1965, provides that the
37 district is "created and established" in Harris
38 County, Texas. The revised law omits "established"

1 because the meaning of that word is included in the
2 meaning of "created."

3 (2) Section 1, Chapter 605, Acts of the 59th
4 Legislature, Regular Session, 1965, refers to the
5 district as "a governmental agency and a body politic
6 and corporate." The revised law omits the quoted
7 language because it duplicates a portion of Section
8 59(b), Article XVI, Texas Constitution, which provides
9 that a conservation and reclamation district is a
10 governmental agency and a body politic and corporate.

11 Revised Law

12 Sec. 9050.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
13 The district is created to serve a public use and benefit.

14 (b) All land and other property included in the boundaries
15 of the district will benefit from the works and projects
16 accomplished by the district under the powers conferred by Section
17 59, Article XVI, Texas Constitution.

18 (c) The district is essential to accomplish the purposes of
19 Section 59, Article XVI, Texas Constitution.

20 (d) The accomplishment of the purposes stated in this
21 chapter will benefit the people of this state and improve their
22 property and industries.

23 (e) The district in carrying out the purposes of this
24 chapter will be performing an essential public function under the
25 Texas Constitution. (Acts 59th Leg., R.S., Ch. 605, Secs. 1 (part),
26 4, 22 (part).)

27 Source Law

28 Sec. 1. . . . The creation and establishment of
29 the District is hereby declared to be essential to the
30 accomplishment of the purposes of Article 16, Section
31 59 of the Constitution of Texas.

32 Sec. 4. It is determined and found that all of
33 the land and other property included within the area
34 and boundaries of the District will be benefited by the
35 works and project which are to be accomplished by the
36 District pursuant to the powers conferred by the
37 provisions of Article 16, Section 59, of the
38 Constitution of Texas, and that said District was and
39 is created to serve a public use and benefit.

1 Sec. 22. The accomplishment of the purposes
2 stated in this Act being for the benefit of the people
3 of this State and for the improvement of their
4 properties and industries, the District in carrying
5 out the purpose of this Act will be performing an
6 essential public function under the Constitution,
7 and

8 Revisor's Note

9 (1) Section 1, Chapter 605, Acts of the 59th
10 Legislature, Regular Session, 1965, states that the
11 "creation and establishment" of the district is
12 "hereby declared to be" essential to accomplish the
13 purposes of Section 59, Article XVI, Texas
14 Constitution. The revised law omits the quoted
15 language as executed.

16 (2) Section 4, Chapter 605, Acts of the 59th
17 Legislature, Regular Session, 1965, refers to land and
18 other property included "within the area and
19 boundaries of the District." The revised law omits the
20 reference to "area" because property included in the
21 "area . . . of the District" is synonymous with
22 property included in the "boundaries of the District."

23 Revised Law

24 Sec. 9050.004. DISTRICT TERRITORY. (a) The district is
25 composed of the territory described by Section 2, Chapter 605, Acts
26 of the 59th Legislature, Regular Session, 1965, as that territory
27 may have been modified under:

28 (1) Subchapter O, Chapter 51, Water Code;

29 (2) Subchapter J, Chapter 49, Water Code;

30 (3) Section 9050.005 of this chapter or its
31 predecessor statute, former Section 16, Chapter 605, Acts of the
32 59th Legislature, Regular Session, 1965; or

33 (4) other law.

34 (b) The boundaries and field notes of the district form a
35 closure. A mistake in the field notes or in copying the field notes
36 in the legislative process does not affect:

37 (1) the district's organization, existence, or
38 validity;

1 (2) the district's right to issue any type or kind of
2 bond for a purpose for which the district is created or to pay the
3 principal of and interest on the bond;

4 (3) the district's right to impose a tax; or

5 (4) the legality or operation of the district or the
6 board. (Acts 59th Leg., R.S., Ch. 605, Sec. 3; New.)

7 Source Law

8 Sec. 3. It is determined and found that the
9 boundaries and field notes of the District form a
10 closure, and if any mistake is made in copying the
11 field notes in the legislative process, or otherwise a
12 mistake is made in the field notes, it shall in no way
13 or manner affect the organization, existence and
14 validity of the District, or the right of the District
15 to issue any type or kind of bonds or refunding bonds
16 for the purposes for which the District is created, or
17 to pay the principal and interest thereon, or the right
18 to access, levy and collect taxes, or the legality or
19 operation of the District or its governing body, which
20 shall be a Board of Directors as hereinafter provided.

21 Revisor's Note

22 (1) The revision of the law governing the
23 district does not revise the statutory language
24 describing the territory of the district to avoid the
25 lengthy recitation of the description and because that
26 description may not be accurate on the effective date
27 of the revision or at the time of a later reading. For
28 the reader's convenience, the revised law includes a
29 reference to the statutory description of the
30 district's territory and references to statutory
31 authority to change the district's territory under
32 Subchapter O, Chapter 51, Water Code, applicable to
33 water control and improvement districts, Subchapter J,
34 Chapter 49, Water Code, applicable to the district
35 under Sections 49.001 and 49.002 of that chapter, and
36 Section 9050.005 of this chapter or Section 16,
37 Chapter 605, Acts of the 59th Legislature, Regular
38 Session, 1965, from which Section 9050.005 was
39 derived. The revised law also includes a reference to
40 the general authority of the legislature to enact

1 other laws to change the district's territory.

2 (2) Section 3, Chapter 605, Acts of the 59th
3 Legislature, Regular Session, 1965, provides that a
4 mistake in the description of the district's
5 boundaries does not affect the right of the district to
6 issue "any type or kind of bonds or refunding bonds."
7 The revised law omits "refunding bonds" because
8 refunding bonds are included in the meaning of "any
9 type or kind of bonds."

10 (3) Section 3, Chapter 605, Acts of the 59th
11 Legislature, Regular Session, 1965, refers to the
12 district's right to "access, levy and collect" a tax.
13 It is clear from the context of the section that
14 "access" is a typographical error and that the
15 legislature intended to use the word "assess." The
16 revised law substitutes "impose" for "access, levy and
17 collect" because "impose" is the term generally used
18 in Title 1, Tax Code, and includes the assessment,
19 levying, and collection of a tax.

20 Revised Law

21 Sec. 9050.005. EXPANSION OF DISTRICT. (a) Except as
22 otherwise provided by this section, the district may annex
23 territory as provided by Section 49.302, Water Code.

24 (b) Territory may not be annexed to the district without the
25 written consent of at least a three-fourths majority of all
26 landowners in the territory to be annexed whose land must also
27 constitute at least three-fourths of the value of all land in the
28 territory to be annexed, as shown by the tax rolls of the county in
29 which the territory to be annexed is located.

30 (c) A person who owns land or an interest in land affected by
31 the annexation may, on or before the 30th day after the date of the
32 canvassing order of the election for the annexation, file in the
33 district court in the county in which the district is located a
34 petition to review, set aside, modify, or suspend the annexation.

1 After the period for filing the suit has expired, the annexation is:

- 2 (1) conclusive for all purposes; and
- 3 (2) not subject to judicial review. (Acts 59th Leg.,
- 4 R.S., Ch. 605, Sec. 16 (part).)

5 Source Law

6 Sec. 16. Article 7880-75b, Revised Civil
7 Statutes of Texas, 1925, as amended, shall be
8 applicable to this District in all respects except
9 that no territory may be annexed to this District
10 pursuant to said Article without the written consent
11 of at least a three-fourths majority of the landowners
12 within the territory to be annexed, such three-fourths
13 majority to be both in number of landowners and in
14 value of land as shown by the tax rolls of the county in
15 which is situated the territory to be annexed. . . .
16 Anyone owning land or an interest in land affected by
17 such annexation may within thirty (30) days of the date
18 of the canvassing order of such elections file a
19 petition to review, set aside, modify or suspend such
20 annexation in the district court in the county where
21 the District lies. After said thirty (30) days has
22 expired for the filing of such suit, there shall be no
23 judicial review of said annexation and said annexation
24 shall be conclusive for all purposes.

25 Revisor's Note

26 (1) Section 16, Chapter 605, Acts of the 59th
27 Legislature, Regular Session, 1965, refers to "Article
28 7880-75b, Revised Civil Statutes of Texas, 1925, as
29 amended." Article 7880-75b was codified by Chapter
30 58, Acts of the 62nd Legislature, Regular Session,
31 1971, as Sections 51.718-51.724, Water Code, relating
32 to the addition of land to a water control and
33 improvement district and certain other districts by
34 the petition of less than all the landowners. Chapter
35 715, Acts of the 74th Legislature, Regular Session,
36 1995, repealed Sections 51.718-51.724, Water Code, and
37 enacted Section 49.302, Water Code, to govern the
38 addition of land to certain water districts, including
39 water control and improvement districts, by the
40 petition of less than all the landowners. The revised
41 law is drafted accordingly. The revised law omits the
42 reference to "as amended" throughout this chapter
43 because under Section 311.027, Government Code (Code

1 Construction Act), a reference to a statute applies to
2 all reenactments, revisions, or amendments of that
3 statute unless expressly provided otherwise.

4 (2) Section 16, Chapter 605, Acts of the 59th
5 Legislature, Regular Session, 1965, specifies that
6 certain annexation procedures related to hearings and
7 elections provided by Article 7880-75b, Revised Civil
8 Statutes of Texas, apply to the district. Section
9 49.302, Water Code, is the successor statute to
10 Article 7880-75b, as explained by Revisor's Note (1).
11 The revised law provides that, with certain
12 exceptions, Section 49.302, Water Code, applies to the
13 annexation of property by the district. Accordingly,
14 a reference to the specific procedures provided by
15 Section 49.302, Water Code, is unnecessary. The
16 omitted law reads:

17 Sec. 16. . . . The provisions of said
18 Article 7880-75b pertaining to the holding
19 of a hearing on the proposed annexation and
20 for having an election within the District
21 and a separate election within the
22 territory to be annexed and requiring said
23 annexation to be ratified by the vote
24 required in said Act, shall be applicable to
25 this District. . . .

26 Revised Law

27 Sec. 9050.006. HEARINGS FOR EXCLUSION OF LAND. (a) The
28 board is not required to call or hold a hearing on the exclusion of
29 land or other property from the district; provided, however, that
30 the board shall hold a hearing if an owner of land or other property
31 located in the district files a written request for a hearing with
32 the board secretary before the district's first bond election is
33 called.

34 (b) This section may not be construed to prevent the board
35 on its own motion from calling and holding an exclusion hearing
36 under general law. (Acts 59th Leg., R.S., Ch. 605, Sec. 7.)

37 Source Law

38 Sec. 7. It shall not be necessary for the Board
39 of Directors to call or hold a hearing on the

1 exclusions of land or other property from the
2 District; provided, however, that the Board of
3 Directors shall hold such hearing upon the written
4 request of any land or other property owner within the
5 District filed with the Secretary of the Board prior to
6 the calling of the first bond election for the
7 District. Nothing in this Section shall be construed
8 to prevent the Board on its own motion from calling and
9 holding an exclusions hearing or hearings pursuant to
10 the provisions of the General Law.

11 Revisor's Note

12 Section 7, Chapter 605, Acts of the 59th
13 Legislature, Regular Session, 1965, provides that it
14 is not necessary for the board to call or hold a
15 hearing on the exclusion of land or other property from
16 the district unless the board receives a written
17 request for such a hearing from an owner of land or
18 other property in the district before the calling of
19 the district's first bond election. The section also
20 provides that the authority not to call or hold an
21 exclusion hearing does not prevent the board on its own
22 motion from calling and holding such a hearing under
23 general law. While the provision relating to the
24 holding of an exclusion hearing on receipt of a request
25 before the calling of the district's first bond
26 election would normally be omitted as executed because
27 the district has held a bond election and the provision
28 relating to the applicability of general law would
29 normally be omitted as applicable on its own terms, the
30 revised law retains those provisions to preserve the
31 ambiguity created by the provision giving the board
32 discretion not to call or hold an exclusion hearing.
33 It is unclear whether that provision was intended to
34 apply only until the first bond election was called or
35 whether it was intended to continue to apply after that
36 election was called. The revised law is drafted
37 accordingly.

38 Revisor's Note
39 (End of Subchapter)

40 (1) Section 13, Chapter 605, Acts of the 59th

1 Legislature, Regular Session, 1965, states that
2 Article 970a, Revised Civil Statutes of Texas
3 (Municipal Annexation Act), does not apply to the
4 creation of the district. The revised law omits that
5 provision as executed. The omitted law reads:

6 Sec. 13. This District is hereby
7 created notwithstanding any of the
8 provisions of the Municipal Annexation Act,
9 being Article 970a, Revised Civil Statutes
10 of Texas, 1925, as amended, and to the
11 extent of the creation of the District only,
12 said Article 970a shall have no
13 application. . . .

14 (2) Section 13, Chapter 605, Acts of the 59th
15 Legislature, Regular Session, 1965, provides that
16 Article 970a, Revised Civil Statutes of Texas
17 (Municipal Annexation Act), applies to the district in
18 all respects other than creation. In 1987, Article
19 970a was codified as part of Chapters 42 and 43, Local
20 Government Code, and Section 212.003, Local Government
21 Code. The revised law omits the provision because the
22 relevant provisions of Chapters 42 and 43, Local
23 Government Code, and Section 212.003, Local Government
24 Code, apply on their own terms. The omitted law reads:

25 Sec. 13. . . . In all other respects,
26 the District hereby created is expressly
27 made subject to all provisions of said
28 Article 970a.

29 SUBCHAPTER B. DISTRICT ADMINISTRATION

30 Revised Law

31 Sec. 9050.051. BOARD OF DIRECTORS. (a) The board consists
32 of five elected directors.

33 (b) To be appointed as a director, a person must:

34 (1) be at least 18 years of age; and

35 (2) reside in this state.

36 (c) Such director is not required to reside in the district.

37 (d) Such director is not required to own land in the
38 district, but before the district awards any construction
39 contracts, each director must own land in the district subject to

1 district taxation. (Acts 59th Leg., R.S., Ch. 605, Sec. 9 (part).)

2 Source Law

3 Sec. 9. All powers of the District shall be
4 exercised by a board of five (5) directors. . . . No
5 person shall be appointed a Director unless such
6 person is twenty-one (21) years of age or over and a
7 resident of the State of Texas. Such Director shall not
8 be required to reside within the boundaries of the
9 District. Such Director shall not be required to own
10 land in the District prior to the awarding of
11 construction contracts by the District, but before any
12 such contract is awarded, each Director shall be
13 required to own land situated within the District and
14 subject to taxation by the District. . . . Succeeding
15 Directors shall be elected or . . . as provided for in
16 this Act. . . .

17 Revisor's Note

18 (1) Section 9, Chapter 605, Acts of the 59th
19 Legislature, Regular Session, 1965, provides that
20 "[a]ll powers of the District shall be exercised by"
21 the board. The revised law omits the quoted language
22 because it duplicates in substance provisions of
23 Sections 49.051 and 49.057, Water Code. Throughout
24 this chapter, the revised law omits law that is
25 superseded by Chapter 49, Water Code, or that
26 duplicates law contained in that chapter. Chapter 49,
27 Water Code, applies to the district under Sections
28 49.001 and 49.002 of that chapter.

29 (2) Section 9, Chapter 605, Acts of the 59th
30 Legislature, Regular Session, 1965, states that a
31 person must be "twenty-one (21) years of age or over"
32 to qualify for appointment to the board. The revised
33 law substitutes "18" for "21" because Section 129.001,
34 Civil Practice and Remedies Code, establishes 18 years
35 as the age of majority in this state. Section 129.002,
36 Civil Practice and Remedies Code, provides that a law
37 adopted before August 27, 1973, that extends a right,
38 privilege, or obligation to an individual on the basis
39 of a minimum age of 19, 20, or 21 years shall be
40 interpreted as prescribing a minimum age of 18 years.
41 Section 9 was enacted in 1965 and has not been amended.

1 BOARD MEETING. (a) The board secretary shall sign the minutes of
2 each board meeting.

3 (b) If the board secretary is absent from a board meeting,
4 the board shall name a secretary pro tem for the meeting who may:

5 (1) exercise all powers and duties of the secretary
6 for the meeting;

7 (2) sign the minutes of the meeting; and

8 (3) attest all orders passed or other action taken at
9 the meeting. (Acts 59th Leg., R.S., Ch. 605, Sec. 9 (part).)

10 Source Law

11 Sec. 9. . . . The secretary shall keep and sign
12 the minutes of the meetings of the Board of Directors;
13 and in his absence at any board meeting, a secretary
14 pro tem shall be named for that meeting who may
15 exercise all the duties and powers of the secretary for
16 such meeting, sign the minutes thereof, and attest all
17 orders passed or other action taken at such meeting.
18 The secretary shall be the custodian of all minutes and
19 records of the District. . . .

20 Revisor's Note

21 Section 9, Chapter 605, Acts of the 59th
22 Legislature, Regular Session, 1965, provides that the
23 board secretary shall "keep" the minutes of board
24 meetings and that "[t]he secretary shall be the
25 custodian of all minutes and records of the District."
26 The revised law omits the quoted language because it
27 duplicates in substance part of Section 49.054(c),
28 Water Code.

29 Revised Law

30 Sec. 9050.054. VOTE BY BOARD PRESIDENT. The board
31 president has the same right to vote as any other director. (Acts
32 59th Leg., R.S., Ch. 605, Sec. 9 (part).)

33 Source Law

34 Sec. 9. . . . The president . . . shall have the
35 same right to vote as any other Director. . . .

36 Revised Law

37 Sec. 9050.055. ABSENCE OR INACTION OF BOARD PRESIDENT.
38 When the board president is absent or fails or declines to act, the
39 board vice president shall perform all duties and exercise all

1 power this chapter or general law gives the president. (Acts 59th
2 Leg., R.S., Ch. 605, Sec. 9 (part).)

3 Source Law

4 Sec. 9. . . . The vice president shall perform
5 all duties and exercise all power conferred by this Act
6 or the General Law upon the president when the
7 president is absent or fails or declines to act. . . .

8 Revisor's Note
9 (End of Subchapter)

10 (1) Section 9, Chapter 605, Acts of the 59th
11 Legislature, Regular Session, 1965, provides that each
12 director shall serve until the director's successor is
13 elected or appointed and qualified. The revised law
14 omits that provision because Section 17, Article XVI,
15 Texas Constitution, requires an officer to continue to
16 perform the officer's duties until a successor has
17 qualified. The omitted law reads:

18 Sec. 9. . . . Each director shall
19 serve for his term of office as herein
20 provided, and thereafter until his
21 successor shall be elected or appointed and
22 qualified. . . .

23 (2) Section 9, Chapter 605, Acts of the 59th
24 Legislature, Regular Session, 1965, provides that a
25 majority of directors constitutes a quorum. The
26 revised law omits that provision because it duplicates
27 Section 49.053, Water Code. The omitted law reads:

28 Sec. 9. . . . A majority of Directors
29 shall constitute a quorum. . . .

30 (3) Section 9, Chapter 605, Acts of the 59th
31 Legislature, Regular Session, 1965, names the initial
32 board members, provides for filling a vacancy on that
33 board, and provides for their terms of office. Because
34 the initial board members' terms have expired, the
35 revised law omits the language as executed. The
36 omitted law reads:

37 Sec. 9. . . . Immediately after this
38 Act becomes effective, the following named
39 persons, all of whom are twenty-one (21)
40 years of age or over and residents of the
41 State of Texas, shall be the Directors of

1 the District and shall constitute the Board
2 of Directors of the District:

3 Donald McGregor, Jr.
4 Ernest W. Roe
5 Bert B. Adkins
6 H. H. Dupre, Jr.
7 Donald McGregor, Sr.

8 If any of the aforementioned persons shall
9 fail or refuse to serve, die, become
10 incapacitated or otherwise not be qualified
11 to assume the duties of a Director of the
12 District under this Act, the remaining
13 Directors shall appoint a successor or
14 successors. . . . The first two of the
15 above-named Directors shall serve until the
16 second Tuesday in January 1966, or as herein
17 provided; and the following three of the
18 above-named Directors shall serve until the
19 second Tuesday in January 1967, or as herein
20 provided. . . .

21 (4) Section 9, Chapter 605, Acts of the 59th
22 Legislature, Regular Session, 1965, describes the
23 procedure for filling a board vacancy. The revised law
24 omits that provision because it duplicates in
25 substance Section 49.105, Water Code, which
26 establishes procedures for filling a board vacancy.
27 The revised law also omits "appointed" from the
28 provision on electing or appointing succeeding
29 directors under Section 9 because the term can refer
30 only to an appointment to fill a vacancy, which
31 duplicates Section 49.105(a), Water Code. The omitted
32 law reads:

33 Sec. 9. . . . [Succeeding Directors
34 shall be elected or] appointed [as provided
35 for in this Act.] . . . Any vacancy
36 occurring in the Board of Directors shall be
37 filled for the unexpired term by a majority
38 of the remaining Directors. . . .

39 (5) Section 9, Chapter 605, Acts of the 59th
40 Legislature, Regular Session, 1965, provides that
41 director elections shall be held "on the second
42 Tuesday in January" of each year. The revised law
43 omits that provision as superseded by Section
44 49.103(b), Water Code, enacted in 1995. That section
45 requires board elections to be held on the uniform
46 election date provided by Section 41.001, Election
47 Code, in May of each even-numbered year. In addition,

1 Chapter 1318, Acts of the 82nd Legislature, Regular
2 Session, 2011, amended Section 41.0052, Election Code,
3 to allow a political subdivision, not later than
4 December 31, 2012, to change the date of its general
5 election for officers to the November uniform election
6 date. The omitted law reads:

7 Sec. 9. . . . An election for
8 Directors shall be held on the second
9 Tuesday in January of each year beginning in
10 1966, and two Directors shall be elected in
11 that year and in each even-numbered year
12 thereafter, and three in each odd-numbered
13 year thereafter. . . .

14 (6) Section 9, Chapter 605, Acts of the 59th
15 Legislature, Regular Session, 1965, provides that the
16 board of directors shall order annual director
17 elections. The revised law omits the reference to
18 annual elections as superseded by Section 49.103(b),
19 Water Code, for the reason stated in Revisor's Note
20 (5). The revised law omits the requirement that the
21 board order the elections because it duplicates in
22 substance Section 3.004, Election Code, which provides
23 that the governing body of a political subdivision
24 that has elective offices shall order the general
25 election for those officers. The omitted law reads:

26 Sec. 9. . . . The annual elections
27 shall be ordered by the Board of
28 Directors. . . .

29 (7) Section 9, Chapter 605, Acts of the 59th
30 Legislature, Regular Session, 1965, requires the board
31 to elect officers and assigns certain powers and
32 duties to the board's president. The revised law omits
33 those provisions because they duplicate in substance
34 Sections 49.054(a) and (c), Water Code. The omitted
35 law reads:

36 Sec. 9. . . . The Board of Directors
37 shall elect from its number a president, a
38 vice president and a secretary of the Board
39 of Directors and of the District, and such
40 other officers as in the judgment of the
41 Board are necessary. [The president] shall

1 be the chief executive officer of the
2 District and the presiding officer of the
3 Board, and

4 (8) Section 9, Chapter 605, Acts of the 59th
5 Legislature, Regular Session, 1965, requires the board
6 to adopt a seal for the district. The revised law
7 omits that provision because it duplicates Section
8 49.061, Water Code. The omitted law reads:

9 Sec. 9. . . . The Board shall adopt a
10 seal for the District.

11 SUBCHAPTER C. POWERS AND DUTIES

12 Revised Law

13 Sec. 9050.101. WATER CONTROL AND IMPROVEMENT DISTRICT
14 POWERS. The district has the rights, powers, privileges, and
15 duties provided by general law applicable to a water control and
16 improvement district created under Section 59, Article XVI, Texas
17 Constitution, including Chapters 49 and 51, Water Code. (Acts 59th
18 Leg., R.S., Ch. 605, Sec. 5 (part); New.)

19 Source Law

20 Sec. 5. The District shall have and exercise,
21 and is hereby vested with, all of the rights, powers,
22 privileges, authority and duties conferred and imposed
23 by the General Laws of this State now in force or
24 hereafter enacted, applicable to water control and
25 improvement districts created under authority of
26 Article 16, Section 59 of the Constitution; but

27 Revisor's Note

28 (1) Section 5, Chapter 605, Acts of the 59th
29 Legislature, Regular Session, 1965, states that the
30 district "shall have and exercise, and is hereby
31 vested with," certain rights, powers, privileges,
32 authority, and duties. The revised law substitutes
33 "has" for the quoted language because, in context, the
34 terms are synonymous and "has" is more commonly used.

35 (2) Section 5, Chapter 605, Acts of the 59th
36 Legislature, Regular Session, 1965, refers to "rights,
37 powers, privileges, [and] authority" of the district.
38 The revised law omits "authority" as included in the
39 meaning of "powers."

1 (3) Section 5, Chapter 605, Acts of the 59th
2 Legislature, Regular Session, 1965, states that the
3 district has the rights, powers, privileges,
4 authority, and duties "conferred and imposed" by
5 general law. The revised law substitutes "provided"
6 for the quoted language because regardless of whether
7 a right, power, privilege, authority, or duty is
8 "conferred" by general law or "imposed" by general
9 law, it is not necessary to characterize in the revised
10 law the nature of the granting of that authority. In
11 context, "provided" is synonymous with "conferred and
12 imposed" and "provided" is more commonly used.

13 (4) Section 5, Chapter 605, Acts of the 59th
14 Legislature, Regular Session, 1965, refers to the
15 general laws of this state "now in force or hereafter
16 enacted." The revised law omits the quoted language as
17 unnecessary under accepted general principles of
18 statutory construction. The "General Laws of this
19 State" means those laws "in force" at the time the
20 provision was adopted. It is unnecessary to state that
21 the district may be granted additional powers by later
22 enacted laws because those laws apply on their own
23 terms.

24 (5) Section 5, Chapter 605, Acts of the 59th
25 Legislature, Regular Session, 1965, refers to the
26 general laws "applicable to water control and
27 improvement districts." For the reader's convenience,
28 the revised law adds references to Chapter 51, Water
29 Code, applicable to water control and improvement
30 districts, and to Chapter 49, Water Code, applicable
31 under Sections 49.001 and 49.002 of that chapter to
32 many types of districts created under Section 59,
33 Article XVI, Texas Constitution, including water
34 control and improvement districts.

1 (6) Section 5, Chapter 605, Acts of the 59th
2 Legislature, Regular Session, 1965, provides that the
3 act prevails over general law that applies to water
4 control and improvement districts and that is in
5 conflict or inconsistent with the act, and that all
6 general laws applicable to water control and
7 improvement districts are adopted and incorporated by
8 reference. The revised law omits the portion of the
9 provision relating to the act prevailing over general
10 law because it duplicates in substance Section
11 311.026(b), Government Code (Code Construction Act),
12 which provides that if there is a conflict between a
13 general provision of law and a special or local
14 provision, the special or local provision prevails
15 unless the general provision is the later enactment
16 and the manifest intent is that the general provision
17 prevail. The revised law omits the portion of the
18 provision relating to adoption and incorporation of
19 general laws because Section 5 of Chapter 605 (revised
20 as this section) already provides that those laws
21 apply to the district, and it is unnecessary to repeat
22 that authority by adopting and incorporating those
23 laws by reference. The omitted law reads:

24 Sec. 5. [The District shall have and
25 exercise, and is hereby vested with, all of
26 the rights, powers, privileges, authority
27 and duties conferred and imposed by the
28 General Laws of this State now in force or
29 hereafter enacted, applicable to water
30 control and improvement districts created
31 under authority of Article 16, Section 59 of
32 the Constitution; but] to the extent that
33 the provisions of any such General Laws may
34 be in conflict or inconsistent with the
35 provisions of this Act, the provisions of
36 this Act shall prevail. All such General
37 Laws are hereby adopted and incorporated by
38 reference with the same effect as if
39 incorporated in full in this Act.

40 Revised Law

41 Sec. 9050.102. ADDITIONAL POWERS. (a) The district may:

42 (1) purchase, construct, or otherwise acquire a

1 waterworks system, sanitary sewer system, storm sewer system, or
2 drainage facility or any part of those systems or facilities;

3 (2) make any purchase, construction, improvement,
4 extension, addition, or repair necessary to a system or facility
5 described by Subdivision (1);

6 (3) purchase or otherwise acquire, operate, and
7 maintain any land, right-of-way, easement, site, equipment,
8 building, plant, structure, or facility necessary for a system or
9 facility described by Subdivision (1); and

10 (4) sell water and other services.

11 (b) The district may exercise any of the rights or powers
12 granted by this chapter inside or outside the district's
13 boundaries, but only in Harris County. (Acts 59th Leg., R.S., Ch.
14 605, Sec. 17 (part).)

15 Source Law

16 Sec. 17. In no manner limiting the right, power
17 or authority of the District, as heretofore granted,
18 but specifically granting to the District the right,
19 power and authority to purchase and construct, or to
20 purchase or construct, or otherwise to acquire
21 waterworks systems, sanitary sewer systems, storm
22 sewer systems and drainage facilities, or parts of
23 such systems or facilities, and to make any and all
24 necessary purchases, constructions, improvements,
25 extensions, additions, and repairs thereto, and to
26 purchase or acquire all necessary land, rights-of-way,
27 easements, sites, equipment, buildings, plants,
28 structures and facilities therefor and to operate and
29 maintain same, and to sell water and other services.
30 The District may exercise any of the rights, powers,
31 and authorities granted in this Act within or without
32 the boundaries of the District, but only within the
33 boundaries of Harris County, Texas. . . .

34 Revisor's Note

35 (1) Section 17, Chapter 605, Acts of the 59th
36 Legislature, Regular Session, 1965, provides that
37 "[i]n no manner limiting the right, power or authority
38 of the District, as heretofore granted," the district
39 has certain powers. The revised law omits the quoted
40 language because it is an accepted general principle
41 of statutory construction that a grant of a right,
42 power, or authority does not act as a limitation. The
43 general principle applies to this revision.

1 at the sole expense of the district. (Acts 59th Leg., R.S., Ch.
2 605, Sec. 12 (part).)

3 Source Law

4 Sec. 12. . . . In the event that the District,
5 in the exercise of the power of eminent domain or power
6 of relocation, or any other power granted hereunder,
7 makes necessary the relocation, raising, rerouting or
8 changing the grade of, or altering the construction
9 of, any highway, railroad, electric transmission line,
10 telegraph or telephone properties and facilities, or
11 pipeline, all such necessary relocation, raising,
12 rerouting, changing of grade or alteration of
13 construction shall be accomplished at the sole expense
14 of the District. The term "sole expense" shall mean the
15 actual cost of such relocation, raising, lowering,
16 rerouting, or change in grade or alteration of
17 construction in providing comparable replacement
18 without enhancement of such facilities, after
19 deducting therefrom the net salvage value derived from
20 the old facility.

21 Revised Law

22 Sec. 9050.105. NOTICE OF ELECTION. Notice of an election
23 may be given under the hand of the board president or secretary.
24 (Acts 59th Leg., R.S., Ch. 605, Sec. 20.)

25 Source Law

26 Sec. 20. Notice of all elections may be given
27 under the hand of either the president or the secretary
28 of the District.

29 Revised Law

30 Sec. 9050.106. EFFECT OF ANNEXATION BY MUNICIPALITY. (a)
31 Notwithstanding Section 43.075(d)(3), Local Government Code, if a
32 municipality annexes all of the territory in the district, the
33 municipality is not required to assume the duties of the district to
34 provide flood control services or to operate or maintain the
35 levees, retainage ponds, pumps, mitigation channel, or other flood
36 control facilities, improvements, or properties that the district
37 operates and maintains or is required to operate and maintain.

38 (b) The municipality may elect to assume none, part, or all
39 of the duties described by Subsection (a). The municipality shall
40 state in the ordinance annexing the territory which duties, if any,
41 the municipality elects to assume.

42 (c) If the municipality elects to assume none or part of the
43 duties described by Subsection (a), the district is not abolished

1 and continues to exist for the exclusive purpose of performing the
2 duties the municipality does not assume. The district is not
3 required to transfer to the municipality money received from
4 maintenance taxes before the date of annexation and may continue to
5 impose a maintenance tax as necessary to perform the duties the
6 municipality does not assume. The district may retain other
7 property and assets, including money from the district's operation
8 and maintenance account, as the district considers necessary to
9 perform those duties.

10 (d) At any time after annexation the municipality by
11 ordinance may assume the remaining duties and assets retained by
12 the district and the district's debts, liabilities, and
13 obligations. The municipality shall provide the board written
14 notice of the assumption at least 120 days before the date the
15 assumption takes effect. The district is abolished on the date the
16 assumption takes effect. (Acts 59th Leg., R.S., Ch. 605, Sec. 17B.)

17 Source Law

18 Sec. 17B. (a) Notwithstanding Section
19 43.075(d)(3), Local Government Code, if a municipality
20 annexes all of the territory included in the District,
21 the municipality is not required to assume the duties
22 of the District to provide flood control services or to
23 operate or maintain the levees, retainage ponds,
24 pumps, mitigation channel, or other flood control
25 facilities, improvements, or properties that the
26 District operates and maintains or is required to
27 operate and maintain. The municipality may elect to
28 assume none, part, or all of those duties. The
29 municipality shall state in the ordinance annexing the
30 territory which duties, if any, the municipality
31 elects to assume.

32 (b) If the municipality elects to assume none or
33 only part of the duties described in Subsection (a) of
34 this section, the District is not abolished and
35 continues to exist for the exclusive purpose of
36 performing the duties the municipality does not
37 assume. The District is not required to transfer to the
38 municipality funds received from maintenance taxes
39 before the date of annexation and may continue to levy
40 and collect a maintenance tax as prescribed by Section
41 17A of this Act as necessary to perform the duties the
42 municipality does not assume. The District may also
43 retain other property and assets, including funds from
44 the District's operation and maintenance account, as
45 the District considers necessary to perform those
46 duties.

47 (c) At any time after annexation the
48 municipality by ordinance may assume the remaining
49 duties and assets retained by the District and the
50 District's debts, liabilities, and obligations. The
51 municipality shall provide the directors of the

1 District written notice of the assumption at least 120
2 days before the date the assumption takes effect. The
3 District is abolished on the date the assumption takes
4 effect.

5 Revisor's Note

6 (1) Section 17B(b), Chapter 605, Acts of the
7 59th Legislature, Regular Session, 1965, authorizes
8 the district to "levy and collect" a tax. The revised
9 law substitutes "impose" for "levy and collect" for
10 the reason stated in Revisor's Note (3) to Section
11 9050.004.

12 (2) Section 17B(b), Chapter 605, Acts of the
13 59th Legislature, Regular Session, 1965, refers to the
14 district's "funds." The revised law substitutes
15 "money" for "funds" because, in the context of
16 district funds, the meaning is the same and "money" is
17 the more commonly used term.

18 (3) Section 17B(b), Chapter 605, Acts of the
19 59th Legislature, Regular Session, 1965, authorizes
20 the district to impose a maintenance tax "as
21 prescribed by Section 17A of this Act" for certain
22 purposes. The revised law omits the quoted language
23 because Section 17A, Chapter 605, Acts of the 59th
24 Legislature, Regular Session, 1965, is omitted from
25 the revised law for the reason stated in the revisor's
26 note at the end of Subchapter D.

27 Revisor's Note
28 (End of Subchapter)

29 (1) Section 9, Chapter 605, Acts of the 59th
30 Legislature, Regular Session, 1965, requires the board
31 to employ certain employees. The revised law omits
32 that provision because it duplicates in substance part
33 of Section 49.057, Water Code. The omitted law reads:

34 Sec. 9. . . . The Board shall appoint
35 all necessary engineers, attorneys,
36 auditors and other employees. . . .

37 (2) Section 21, Chapter 605, Acts of the 59th
38 Legislature, Regular Session, 1965, provides that the

1 board shall canvass the returns of all elections. The
2 revised law omits that requirement because it
3 duplicates in substance Section 67.002, Election Code,
4 which requires the governing body of a political
5 subdivision that orders an election to canvass the
6 returns. Section 21 also provides a time frame for the
7 canvass to take place. The revised law omits that
8 provision as superseded by Section 67.003, Election
9 Code (enacted by Section 1, Chapter 211, Acts of the
10 69th Legislature, Regular Session, 1985). Chapter 67,
11 Election Code, applies to district elections under
12 Sections 1.002(a) and 67.001 of that code and
13 supersedes that provision of Section 21 because
14 Section 1.002(b), Election Code, provides that the
15 Election Code supersedes a conflicting statute unless
16 the statute expressly provides otherwise. The omitted
17 law reads:

18 Sec. 21. The returns of all elections
19 may be canvassed by the Board of Directors
20 of the District at any time within seven (7)
21 days after the holding of an election, or as
22 soon thereafter as reasonably practicable.

23 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

24 Revised Law

25 Sec. 9050.151. TAX METHOD. (a) The district shall use the
26 ad valorem plan of taxation.

27 (b) The board is not required to call or hold a hearing on
28 the adoption of a plan of taxation. (Acts 59th Leg., R.S., Ch. 605,
29 Sec. 8.)

30 Source Law

31 Sec. 8. It shall not be necessary for the Board
32 of Directors to call or hold a hearing on the adoption
33 of a plan of taxation, but the ad valorem plan of
34 taxation shall be used by the District.

35 Revised Law

36 Sec. 9050.152. DEPOSITORY. (a) The board shall select one
37 or more banks or trust companies in this state to act as a
38 depository of bond proceeds or of revenue derived from the

1 operation of district facilities.

2 (b) The depository shall, as determined by the board:

3 (1) furnish indemnity bonds;

4 (2) pledge securities; or

5 (3) meet any other requirements. (Acts 59th Leg.,
6 R.S., Ch. 605, Sec. 15.)

7 Source Law

8 Sec. 15. The Board of Directors of the District
9 shall select any bank or trust company in the State of
10 Texas to act as depository of the proceeds of the bonds
11 or revenues derived from the operation of the
12 facilities of the District, and said depository shall
13 furnish such indemnity bonds or pledge such securities
14 or meet such other requirements as determined by the
15 Board of Directors of the District. The District may
16 select one or more depositories.

17 Revised Law

18 Sec. 9050.153. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED.

19 The district is not required to pay a tax or assessment on:

20 (1) a district project or any part of the project; or

21 (2) a district purchase. (Acts 59th Leg., R.S., Ch.
22 605, Sec. 22 (part).)

23 Source Law

24 Sec. 22. . . . the District shall not be
25 required to pay any tax or assessment on the project or
26 any part thereof or on any purchases made by the
27 District, and

28 Revisor's Note
29 (End of Subchapter)

30 Section 17A, Chapter 605, Acts of the 59th
31 Legislature, Regular Session, 1965, authorizes the
32 district to impose a maintenance tax and use
33 maintenance tax funds as provided by Sections
34 51.360-51.362, Water Code. Chapter 715, Acts of the
35 74th Legislature, Regular Session, 1995, repealed
36 those sections of the Water Code and enacted Section
37 49.107, Water Code, which authorizes the imposition of
38 a maintenance tax for certain purposes. The revised
39 law therefore omits Section 17A because it duplicates
40 in substance Section 49.107, Water Code. The omitted

1 law reads:

2 Sec. 17A. The District may levy and
3 collect a maintenance tax and use
4 maintenance tax funds as provided by
5 Sections 51.360-51.362, Water Code.

6 SUBCHAPTER E. BONDS

7 Revised Law

8 Sec. 9050.201. AUTHORITY TO ISSUE BONDS. The district may:

9 (1) issue bonds of any kind to carry out any purpose
10 authorized by this chapter; and

11 (2) provide for and make payment for the bonds and for
12 any expense necessarily incurred in connection with the issuance of
13 the bonds. (Acts 59th Leg., R.S., Ch. 605, Sec. 17 (part).)

14 Source Law

15 Sec. 17. . . . In addition to the powers and
16 purposes authorized by the General Law pertaining to
17 water control and improvement districts, the District
18 may issue any kind of bonds or refunding bonds for any
19 or all of such purposes herein provided and provide and
20 make payment therefor and for necessary expenses in
21 connection therewith.

22 Revisor's Note

23 (1) Section 17, Chapter 605, Acts of the 59th
24 Legislature, Regular Session, 1965, provides that
25 "[i]n addition to the powers and purposes authorized
26 by the General Law pertaining to water control and
27 improvement districts," the district may issue bonds
28 for certain purposes. The revised law omits the quoted
29 language as unnecessary because an accepted general
30 principle of statutory construction requires a statute
31 to be given cumulative effect with other statutes
32 unless it provides otherwise or unless the statutes
33 are in conflict. That general principle applies to the
34 revised law.

35 (2) Section 17, Chapter 605, Acts of the 59th
36 Legislature, Regular Session, 1965, authorizes the
37 district to issue "any kind of bonds or refunding
38 bonds." The revised law omits "refunding bonds" for
39 the reason stated in Revisor's Note (2) to Section

1 9050.004.

2 Revised Law

3 Sec. 9050.202. FAILED BOND ELECTION. (a) A general law,
4 including Sections 51.781-51.791, Water Code, that provides for
5 calling a hearing on the dissolution of a district after a failed
6 district bond election does not apply to the district.

7 (b) After the expiration of six months from the date of a
8 failed bond election, the board may call a subsequent bond
9 election.

10 (c) The district continues to exist and retain its full
11 power to function and operate regardless of the outcome of a bond
12 election. (Acts 59th Leg., R.S., Ch. 605, Sec. 19.)

13 Source Law

14 Sec. 19. The provisions of Article 7880-77b,
15 Revised Civil Statutes of Texas, 1925, as amended, or
16 any other general law, pertaining to the calling of a
17 hearing for the determination of the dissolution of a
18 District where a bond election has failed shall be
19 inapplicable to this District, and this District shall
20 continue to exist and shall have full power to function
21 and operate regardless of the outcome of any bond
22 election. Upon the failure of any bond election, a
23 subsequent bond election may be called after the
24 expiration of six months from the date of the bond
25 election which failed.

26 Revisor's Note

27 Section 19, Chapter 605, Acts of the 59th
28 Legislature, Regular Session, 1965, provides that
29 "[t]he provisions of Article 7880-77b, Revised Civil
30 Statutes of Texas, 1925, as amended," do not apply to
31 the district. Article 7880-77b was codified by
32 Chapter 58, Acts of the 62nd Legislature, Regular
33 Session, 1971, as Sections 51.781-51.792, Water Code,
34 which address the dissolution of a district before the
35 issuance of bonds. The revised law does not refer to
36 Section 51.792, Water Code, because that section was
37 repealed by Section 85(6), Chapter 1248, Acts of the
38 71st Legislature, Regular Session, 1989. The revised
39 law is drafted accordingly.

1 Revised Law

2 Sec. 9050.203. BONDS EXEMPT FROM TAXATION. A bond issued
3 under this chapter, the transfer of the bond, and income from the
4 bond, including profits made on the sale of the bond, are exempt
5 from taxation in this state. (Acts 59th Leg., R.S., Ch. 605, Sec.
6 22 (part).)

7 Source Law

8 Sec. 22. . . . the bonds issued hereunder and
9 their transfer and the income therefrom, including the
10 profits made on the sale thereof, shall at all times be
11 free from taxation within this State.

12 Revisor's Note
13 (End of Subchapter)

14 (1) Section 10, Chapter 605, Acts of the 59th
15 Legislature, Regular Session, 1965, provides that,
16 before issuing any construction bonds, the district
17 shall submit plans to the Texas Water Commission for
18 approval in accordance with Article 7880-139, Vernon's
19 Texas Civil Statutes, and that the district's project
20 is subject to inspection during construction as
21 provided by that article. Article 7880-139 was
22 codified by Chapter 58, Acts of the 62nd Legislature,
23 Regular Session, 1971, as Sections 51.421 and 51.422,
24 Water Code. Chapter 715, Acts of the 74th Legislature,
25 Regular Session, 1995, repealed Sections 51.421 and
26 51.422, Water Code, and enacted Sections 49.181 and
27 49.182, Water Code, to govern the authority of the
28 Texas Commission on Environmental Quality over the
29 issuance of district bonds and supervision by the
30 commission of projects and improvements,
31 respectively. The revised law therefore omits Section
32 10 because Sections 49.181 and 49.182, Water Code,
33 apply to the district on their own terms. The omitted
34 law reads:

35 Sec. 10. Before issuing any
36 construction bonds, the District shall
37 submit plans and specifications therefor to
38 the Texas Water Commission for approval in

1 the manner required by Article 7880-139,
2 Revised Civil Statutes of Texas, as
3 amended; and District's project and
4 improvements during the course of
5 construction shall be subject to inspection
6 in the manner provided by said Article
7 7880-139.

8 (2) Section 11, Chapter 605, Acts of the 59th
9 Legislature, Regular Session, 1965, provides that
10 after approval and registration district bonds are
11 negotiable, valid, and binding obligations and
12 incontestable for any reason. The revised law omits
13 the reference to the bonds being negotiable because
14 Section 1201.041, Government Code, applicable to
15 district bonds under Sections 1201.002 and 1201.003,
16 Government Code, provides that a public security is a
17 negotiable instrument. The revised law omits the rest
18 of this provision because it duplicates in substance
19 Section 1202.006, Government Code. Section 1202.006,
20 Government Code, applies to district bonds under
21 Sections 1202.001 and 1202.003(c), Government Code.
22 The omitted law reads:

23 Sec. 11. When any kind of bonds or
24 refunding bonds have been approved by the
25 Attorney General of Texas, registered by
26 the Comptroller of Public Accounts of the
27 State of Texas, and issued by the District,
28 such bonds or refunding bonds shall be
29 negotiable, legal, valid and binding
30 obligations of the District and shall be
31 incontestable for any cause.

32 (3) Section 18, Chapter 605, Acts of the 59th
33 Legislature, Regular Session, 1965, provides that the
34 district's board of directors may sell bonds at a price
35 and on terms determined by the board of directors of
36 the district, except that the bonds may not be sold for
37 an amount less than provided by law. The revised law
38 omits those provisions as duplicative of other law or
39 unnecessary. The revised law omits the price and terms
40 provision because it duplicates language in Section
41 1204.006(b), Government Code, that allows an issuer to
42 sell bonds at any price, and Section 1201.022(a),

1 Government Code, which provides that a public security
2 may be issued with specified characteristics, on
3 specified terms, or in a specified manner. Section
4 1204.006, Government Code, applies to district bonds
5 under Sections 1204.001 and 1204.002 of that code.
6 Section 1201.022, Government Code, applies to district
7 bonds under Sections 1201.002 and 1201.003 of that
8 code.

9 The revised law omits the provision prohibiting
10 the sale of bonds for an amount less than provided by
11 law because a law that sets a minimum price for
12 district bonds would apply by its own terms and does
13 not require a reference. The omitted law reads:

14 Sec. 18. Bonds of the District may be
15 sold at a price and upon the terms
16 determined by the Board of Directors of the
17 District, except that such bonds shall not
18 be sold for a less amount than provided by
19 law.

20 (4) Section 23, Chapter 605, Acts of the 59th
21 Legislature, Regular Session, 1965, lists the entities
22 for which district bonds are legal investments and
23 provides that district bonds may secure deposits of
24 public funds of political subdivisions of this state.
25 The revised law omits the provision relating to the
26 eligibility of district bonds to be considered as
27 investments for various entities because it duplicates
28 Section 49.186(a), Water Code. While Section 23 lists
29 "guardians" and Section 49.186(a), Water Code, does
30 not, Section 49.186(a) includes "fiduciaries," and a
31 guardian is a fiduciary. The revised law omits the
32 provision relating to securing deposits of funds of
33 political subdivisions because the provision is
34 impliedly repealed by Chapter 2257, Government Code
35 (enacted in 1989 as Article 2529d, Vernon's Texas Civil
36 Statutes), which governs eligible collateral for
37 deposits of funds of certain public agencies,

1 including political subdivisions, and permits those
2 deposits to be secured by obligations issued by
3 conservation and reclamation districts. The omitted
4 law reads:

5 Sec. 23. All bonds and refunding
6 bonds of the District shall be and are
7 hereby declared to be legal, eligible and
8 authorized investments for banks, savings
9 and loan associations, insurance companies,
10 fiduciaries, trustees, guardians, and for
11 the sinking funds of cities, towns,
12 villages, counties, school districts, or
13 other political corporations or
14 subdivisions of the State of Texas. Such
15 bonds and refunding bonds shall be eligible
16 to secure the deposit of any and all public
17 funds of cities, towns, villages, counties,
18 school districts, or other political
19 corporations or subdivisions of the State
20 of Texas; and such bonds shall be lawful and
21 sufficient security for said deposits to
22 the extent of their value, when accompanied
23 by all unmatured coupons appurtenant
24 thereto.

25 Revisor's Note
26 (End of Chapter)

27 (1) Section 6, Chapter 605, Acts of the 59th
28 Legislature, Regular Session, 1965, provides that it
29 is unnecessary for the board of directors to hold an
30 election to confirm the district's creation. The
31 revised law omits that provision as executed. The
32 omitted law reads:

33 Sec. 6. It shall not be necessary for
34 the Board of Directors to call or hold a
35 confirmation election for the confirmation
36 of the District.

37 (2) Section 14, Chapter 605, Acts of the 59th
38 Legislature, Regular Session, 1965, Section 2, Chapter
39 101, Acts of the 60th Legislature, Regular Session,
40 1967, and Section 2, Chapter 579, Acts of the 61st
41 Legislature, Regular Session, 1969, contain
42 legislative findings relating to the performance of
43 certain requirements under Section 59(d), Article XVI,
44 Texas Constitution. The revised law omits those
45 provisions as executed. The omitted law reads:

46 [Acts 59th Leg., R.S., Ch. 605]

1 Sec. 14. It is determined and found
2 that a proper and legal notice of the
3 intention to introduce this Act, setting
4 forth the general substance of this Act, has
5 been published at least thirty (30) days and
6 not more than ninety (90) days prior to the
7 introduction of this Act in the Legislature
8 of Texas, in a newspaper having general
9 circulation in Harris County, Texas; that a
10 copy of such notice and a copy of this Act
11 have been delivered to the Governor of Texas
12 who has submitted such notice and Act to the
13 Texas Water Commission, and said Texas
14 Water Commission has filed its
15 recommendation as to such Act with the
16 Governor, Lieutenant Governor and Speaker
17 of the House of Representatives of Texas
18 within thirty (30) days from the date such
19 notice and Act were received by the Texas
20 Water Commission; and that all the
21 requirements and provisions of Article 16,
22 Section 59(d) of the Constitution of the
23 State of Texas have been fulfilled and
24 accomplished as therein provided.

25 [Acts 60th Leg., R.S., Ch. 101]

26 Sec. 2. It is determined and found
27 that a proper and legal notice of the
28 intention to introduce this Act, setting
29 forth the general substance of this Act, has
30 been published at least thirty (30) days and
31 not more than ninety (90) days prior to the
32 introduction of this Act in the Legislature
33 of Texas, in a newspaper having general
34 circulation in Harris County, Texas; that a
35 copy of such notice and a copy of this Act
36 have been delivered to the Governor of Texas
37 who has submitted such notice and Act to the
38 Texas Water Rights Commission, and said
39 Texas Water Rights Commission has filed its
40 recommendation as to such Act with the
41 Governor, Lieutenant Governor and Speaker
42 of the House of Representatives of Texas
43 within thirty (30) days from the date such
44 notice and Act were received by the Texas
45 Water Rights Commission; and that all the
46 requirements and provisions of Article 16,
47 Section 59(d) of the Constitution of the
48 State of Texas have been fulfilled and
49 accomplished as therein provided.

50 [Acts 61st Leg., R.S., Ch. 579]

51 Sec. 2. The Legislature specifically
52 finds and declares that the requirements of
53 Article XVI, Section 59(d), Constitution of
54 Texas, have been done and accomplished in
55 due course and time, and in due order, and
56 that the Legislature has the power and
57 authority to enact this Act.

58 (3) Section 24, Chapter 605, Acts of the 59th
59 Legislature, Regular Session, 1965, Section 3, Chapter
60 101, Acts of the 60th Legislature, Regular Session,
61 1967, and Section 3, Chapter 579, Acts of the 61st
62 Legislature, Regular Session, 1969, provide that those

1 acts are severable. The revised law omits those
2 provisions because the same result is produced by
3 application of Section 311.032, Government Code (Code
4 Construction Act), which provides that a provision of
5 a statute is severable from each other provision of the
6 statute that can be given effect. The omitted law
7 reads:

8 [Acts 59th Leg., R.S., Ch. 605]

9 Sec. 24. If any word, phrase, clause,
10 paragraph, sentence, part, portion, or
11 provision of this Act or the application
12 thereof to any person or circumstance shall
13 be held to be invalid or unconstitutional,
14 the remainder of the Act shall nevertheless
15 be valid, and the Legislature hereby
16 declares that this Act would have been
17 enacted without such invalid or
18 unconstitutional word, phrase, clause,
19 paragraph, sentence, part, portion, or
20 provision.

21 [Acts 60th Leg., R.S., Ch. 101]

22 Sec. 3. If any word, phrase, clause,
23 paragraph, sentence, part, portion, or
24 provision of this Act or the application
25 thereof to any person or circumstance shall
26 be held to be invalid or unconstitutional,
27 the remainder of the Act shall nevertheless
28 be valid, and the Legislature hereby
29 declares that this Act would have been
30 enacted without such invalid or
31 unconstitutional word, phrase, clause,
32 paragraph, sentence, part, portion, or
33 provision.

34 [Acts 61st Leg., R.S., Ch. 579]

35 Sec. 3. If any word, phrase, clause,
36 paragraph, sentence, part, portion, or
37 provision of this Act or the application
38 thereof to any person or circumstance shall
39 be held to be invalid or unconstitutional,
40 the remainder of the Act shall nevertheless
41 be valid, and the Legislature hereby
42 declares that this Act would have been
43 enacted without such invalid or
44 unconstitutional word, phrase, clause,
45 paragraph, sentence, part, portion, or
46 provision.

47 CHAPTER 9051. JEFFERSON COUNTY WATER CONTROL AND IMPROVEMENT

48 DISTRICT NO. 10

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13 CHAPTER 9051. JEFFERSON COUNTY WATER CONTROL AND IMPROVEMENT

14 DISTRICT NO. 10

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Revised Law

17 Sec. 9051.001. DEFINITIONS. In this chapter:

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

19 (2) "Director" means a board member.

20 (3) "District" means the Jefferson County Water

21 Control and Improvement District No. 10. (Acts 54th Leg., R.S., Ch.

22 245, Sec. 1 (part); New.)

23 Source Law

24 Sec. 1. . . . [a conservation and reclamation

25 district] to be known as "Jefferson County Water

26 Control and Improvement District Number 10,"

27 Revisor's Note

28 The definitions of "board" and "director" are

29 added to the revised law for drafting convenience and

30 to eliminate frequent, unnecessary repetition of the

31 substance of the definitions.

32 Revised Law

33 Sec. 9051.002. NATURE OF DISTRICT. The district is a

34 conservation and reclamation district in Jefferson County created

35 under Section 59, Article XVI, Texas Constitution, for the purposes

1 of:

2 (1) controlling, conserving, protecting, preserving,
3 distributing, and using surface water;

4 (2) producing, distributing, and using groundwater;
5 and

6 (3) regulating, controlling, and disposing of
7 sewerage, waste, and other refuse to prevent the contamination of
8 the public waters. (Acts 54th Leg., R.S., Ch. 245, Secs. 1 (part),
9 2 (part), 3 (part).)

10 Source Law

11 Sec. 1. Pursuant to and as expressly authorized
12 by Section 59 of Article XVI of the Constitution of the
13 State of Texas and in addition to the Districts into
14 which the State has heretofore been divided, there is
15 hereby created a conservation and reclamation district
16 [to be known as "Jefferson County Water Control and
17 Improvement District Number 10,"] which shall be
18 recognized to be a governmental agency and body
19 politic and corporate of this State.

20 Sec. 2. . . . by this Act the District shall be
21 fully created and established within the boundaries
22 hereinafter defined and Without limiting the
23 generality of the foregoing, the District hereby
24 created shall be for the purpose of controlling,
25 conserving, protecting, preserving, distributing and
26 utilizing surface waters; for the purpose of
27 producing, distributing and utilizing subsurface or
28 underground waters; and for the purpose of regulating,
29 controlling and disposing of sewerage, waste, and
30 other refuse to prevent the contamination of the
31 public waters. . . .

32 Sec. 3. The District hereby created and
33 established, situated wholly within Jefferson County,
34 Texas,

35 Revisor's Note

36 (1) Section 1, Chapter 245, Acts of the 54th
37 Legislature, Regular Session, 1955, states that the
38 district is created "in addition to the Districts into
39 which the State has heretofore been divided." The
40 revised law omits the quoted language as unnecessary
41 because the absence of the language does not imply that
42 the legislature could create a district outside its
43 jurisdiction or that the district is not in addition to
44 any other districts.

45 (2) Section 1, Chapter 245, Acts of the 54th
46 Legislature, Regular Session, 1955, provides that the

1 Jefferson County Water Control and Improvement
2 District No. 10 is "a conservation and reclamation
3 district . . . which shall be recognized to be a
4 governmental agency and body politic and corporate."
5 The revised law omits the quoted language because it
6 duplicates in substance a portion of Section 59(b),
7 Article XVI, Texas Constitution, which provides that a
8 conservation and reclamation district is a
9 governmental agency and a body politic and corporate.

10 (3) Sections 2 and 3, Chapter 245, Acts of the
11 54th Legislature, Regular Session, 1955, refer to the
12 creation and establishment of the district. The
13 revised law omits "fully created and established" and
14 "hereby created and established" as executed.

15 (4) Section 2, Chapter 245, Acts of the 54th
16 Legislature, Regular Session, 1955, provides that
17 "[w]ithout limiting the generality of the foregoing"
18 the district is created for certain purposes. The
19 revised law omits the quoted language because under
20 Section 311.021(2), Government Code (Code
21 Construction Act), it is presumed that all parts of a
22 statute are intended to be effective. Any applicable
23 limitations apply by their own terms.

24 (5) Section 2, Chapter 245, Acts of the 54th
25 Legislature, Regular Session, 1955, refers to
26 "subsurface or underground waters." The revised law
27 substitutes "groundwater" for "subsurface or
28 underground waters" because that is the term used in
29 Chapter 36, Water Code, and is the more commonly used
30 and modern term.

31 Revised Law

32 Sec. 9051.003. LEGISLATIVE FINDING. The legislature finds
33 that the district is essential to the accomplishment of the
34 purposes of Section 59, Article XVI, Texas Constitution. (Acts 54th

1 Leg., R.S., Ch. 245, Sec. 11 (part).)

2 Source Law

3 Sec. 11. The Legislature hereby declares [that
4 the enactment hereof is in fulfillment of a duty
5 conferred upon it] by Section 59 of Article XVI of the
6 Constitution of Texas . . . that the District herein
7 created is essential to the accomplishment of the
8 purposes of said Constitutional provision; and

9 Revised Law

10 Sec. 9051.004. LIBERAL CONSTRUCTION OF CHAPTER. This
11 chapter shall be liberally construed to effect its purposes. (Acts
12 54th Leg., R.S., Ch. 245, Sec. 11 (part).)

13 Source Law

14 Sec. 11. . . . All the terms and provisions of
15 this Act are to be liberally construed to effectuate
16 the purposes herein set forth.

17 Revised Law

18 Sec. 9051.005. CORRECTION OF INVALID PROCEDURES. If a
19 court holds that any procedure under this chapter violates the
20 constitution of this state or of the United States, the district by
21 resolution may provide an alternative procedure that conforms with
22 the constitution. (Acts 54th Leg., R.S., Ch. 245, Sec. 12 (part).)

23 Source Law

24 Sec. 12. . . . [Federal or State Constitutions]
25 Where any procedure hereunder may be held by
26 any court to be violative of either of such
27 Constitutions, the District shall have the power by
28 resolution to provide an alternative procedure
29 conformable with such Constitutions. . . .

30 Revisor's Note

31 Section 12, Chapter 245, Acts of the 54th
32 Legislature, Regular Session, 1955, provides that the
33 act may not be construed to violate the federal or
34 state constitution and requires that action under the
35 act comply with the constitutions. The revised law
36 omits the reference to the federal constitution
37 because, under the Supremacy Clause of the United
38 States Constitution (Clause 2, Article VI), federal
39 law always takes precedence over a state statute. The
40 revised law omits the reference to the state

1 constitution because the state legislature cannot
2 modify constitutional provisions by statute. The
3 omitted law reads:

4 Sec. 12. Nothing in this Act shall be
5 construed to violate any provision of the
6 Federal or State Constitutions, and all
7 acts done under this Act shall be done in
8 such a manner as will conform thereto,
9 whether herein expressly provided or
10 not. . . .

11 Revisor's Note
12 (End of Subchapter)

13 Section 11, Chapter 245, Acts of the 54th
14 Legislature, Regular Session, 1955, contains a
15 legislative declaration of a constitutional "duty" to
16 enact Chapter 245 as law and a legislative finding
17 regarding the operation of that chapter. The revised
18 law omits the declaration by the legislature as
19 executed and omits the finding because it has no
20 substantive effect. The omitted law reads:

21 Sec. 11. [The Legislature hereby
22 declares] that the enactment hereof is in
23 fulfillment of a duty conferred upon it [by
24 Section 59 of Article XVI of the
25 Constitution of Texas] wherein it is
26 empowered to pass such laws as may be
27 appropriate in the preservation and
28 conservation of the natural resources of
29 the State; . . . that this Act operates on a
30 subject in which the State at large is
31 interested. . . .

32 SUBCHAPTER B. DISTRICT TERRITORY AND ANNEXATION

33 Revised Law

34 Sec. 9051.051. DISTRICT TERRITORY. The district is
35 composed of the territory described by Section 3, Chapter 245, Acts
36 of the 54th Legislature, Regular Session, 1955, as that territory
37 may have been modified under:

- 38 (1) Subchapter O, Chapter 51, Water Code;
39 (2) Subchapter J, Chapter 49, Water Code; or
40 (3) other law. (New.)

41 Revisor's Note

42 The revision of the law governing the district
43 does not revise the statutory language describing the

1 territory of the district to avoid the lengthy
2 recitation of the description and because that
3 description may not be accurate on the effective date
4 of the revision or at the time of a later reading. For
5 the reader's convenience, the revised law includes a
6 reference to the statutory description of the
7 district's territory and references to statutory
8 authority to change the district's territory under
9 Subchapter O, Chapter 51, Water Code, applicable to
10 water control and improvement districts, and under
11 Subchapter J, Chapter 49, Water Code, applicable to
12 the district under Sections 49.001 and 49.002 of that
13 chapter. The revised law also includes a reference to
14 the general authority of the legislature to enact a law
15 to change the district's territory.

16 Revised Law

17 Sec. 9051.052. ANNEXATION OF DISTRICT TERRITORY BY
18 MUNICIPALITY. Territory contained in the district may not be
19 annexed, either wholly or partly, by a municipality unless the
20 annexation is approved by a majority of the voters voting in a
21 single election held jointly in the municipality and the district
22 for that purpose. (Acts 54th Leg., R.S., Ch. 245, Sec. 3A.)

23 Source Law

24 Sec. 3A. Territory contained within the
25 District may not be annexed, either in whole or part,
26 by a municipality unless the annexation is approved by
27 a majority of the voters voting in a single election
28 called and held jointly in the municipality and the
29 District for that purpose.

30 Revisor's Note

31 Section 3A, Chapter 245, Acts of the 54th
32 Legislature, Regular Session, 1955, refers to an
33 election being "called and held." The revised law
34 omits "called" because, in this context, the meaning
35 of that term is included in the meaning of "held."
36 Under Chapter 3, Election Code, all elections must be
37 ordered (called) before they may be held.

1 SUBCHAPTER C. DISTRICT ADMINISTRATION

2 Revised Law

3 Sec. 9051.101. COMPOSITION OF BOARD; TERMS. The board
4 consists of five elected directors who serve staggered four-year
5 terms that begin on May 16 following their election. (Acts 54th
6 Leg., R.S., Ch. 245, Sec. 4 (part).)

7 Source Law

8 Sec. 4. The District's powers shall be exercised
9 through a Board of Directors consisting of five (5)
10 members. . . . The successors to the first Board of
11 Directors shall be elected by the qualified voters of
12 the District. . . . Directors . . . shall be elected
13 for staggered four-year terms, commencing on May 16th
14 following their election. . . .

15 Revisor's Note

16 (1) Section 4, Chapter 245, Acts of the 54th
17 Legislature, Regular Session, 1955, provides that
18 "[t]he District's powers shall be exercised through"
19 the board. The revised law omits the provision because
20 it duplicates in substance provisions of Sections
21 49.051 and 49.057, Water Code. Throughout this
22 chapter, the revised law omits law that is superseded
23 by Chapter 49, Water Code, or that duplicates law
24 contained in that chapter. Chapter 49 applies to the
25 district under Sections 49.001 and 49.002 of that
26 chapter.

27 (2) Section 4, Chapter 245, Acts of the 54th
28 Legislature, Regular Session, 1955, provides that the
29 directors shall be elected by the "qualified voters of
30 the District." The revised law omits the quoted
31 language as unnecessary in this context because
32 Chapter 11, Election Code, governs eligibility to vote
33 in an election in this state and allows only
34 "qualified" voters who are residents of the territory
35 covered by the election to vote in an election.

36 (3) Section 4, Chapter 245, Acts of the 54th
37 Legislature, Regular Session, 1955, refers to the

1 appointment of directors for terms that end in 1956 and
2 1957 and the election of directors for terms beginning
3 in 1956 and 1957. The revised law omits those
4 provisions as executed. The omitted law reads:

5 Sec. 4. . . . The Governor, with the
6 advice and consent of the Senate, shall
7 appoint two (2) members to the Board of
8 Directors to serve for a term expiring on
9 the 15th day of April, 1956, and three (3)
10 members to serve for a term expiring on the
11 15th day of April, 1957. . . . Two (2)
12 Directors shall be elected on the first
13 Saturday in April, 1956, and three (3) on
14 the first Saturday in April, 1957, and
15

16 (4) Section 4, Chapter 245, Acts of the 54th
17 Legislature, Regular Session, 1955, provides for the
18 election of directors in even-numbered years on the
19 first Saturday in May. The revised law omits the
20 provision as superseded by Section 49.103(b), Water
21 Code, as amended in 2005, which requires directors'
22 elections to be held on the uniform election date in
23 May of even-numbered years. Under Section 41.001(a),
24 Election Code, the uniform election date in May is the
25 second Saturday of that month. The omitted law reads:

26 Sec. 4. . . . each even-numbered
27 year thereafter on the first Saturday in May
28 two or three [Directors], as appropriate,
29 [shall be elected]

30 (5) Section 4, Chapter 245, Acts of the 54th
31 Legislature, Regular Session, 1955, provides that a
32 director holds office until the director's successor
33 has been elected and qualified for office. The revised
34 law omits that provision because it duplicates Section
35 17, Article XVI, Texas Constitution, which provides
36 that an officer in this state is to continue to perform
37 the officer's duties until the successor has
38 qualified. The omitted law reads:

39 Sec. 4. . . . [Each director] . . .
40 shall hold office until his successor has
41 been elected and has qualified. . . .

1 Revised Law

2 Sec. 9051.102. QUALIFICATIONS FOR OFFICE. A director must:

3 (1) be a resident, qualified voter; and

4 (2) own taxable property in the district. (Acts 54th
5 Leg., R.S., Ch. 245, Sec. 4 (part).)

6 Source Law

7 Sec. 4. . . . All members of the Board of
8 Directors shall be resident qualified electors, owning
9 taxable property within the area comprising the
10 District. . . .

11 Revisor's Note

12 Section 4, Chapter 245, Acts of the 54th
13 Legislature, Regular Session, 1955, refers to
14 "electors." The revised law substitutes "voter" for
15 "electors" because "voter" is the term used in the
16 Election Code.

17 Revised Law

18 Sec. 9051.103. DIRECTOR'S BOND. (a) Each director must
19 qualify by giving bond in the amount of \$5,000 for the faithful
20 performance of the director's duties.

21 (b) The bond must be recorded in the official bond records
22 of the county. (Acts 54th Leg., R.S., Ch. 245, Sec. 4 (part).)

23 Source Law

24 Sec. 4. . . . When appointed or elected as
25 aforesaid, the members of said Board of Directors
26 shall qualify by taking the oath of office and
27 executing the bonds hereinafter prescribed, and
28 Each Director shall subscribe to the
29 Constitutional oath of office and give bond for the
30 faithful performance of his duties in the amount of
31 Five Thousand Dollars (\$5,000.00) and The
32 aforesaid official bonds shall be recorded in the
33 Official Bond Records of the county. . . .

34 Revisor's Note

35 Section 4, Chapter 245, Acts of the 54th
36 Legislature, Regular Session, 1955, provides that each
37 director must qualify by "taking the oath of office"
38 and shall "subscribe to the Constitutional oath of
39 office." The revised law omits those provisions
40 because Section 1, Article XVI, Texas Constitution,

1 requires all officers to take the oath (or
2 affirmation) before assuming office.

3 Revised Law

4 Sec. 9051.104. QUORUM. Any three members of the board
5 constitute a quorum. (Acts 54th Leg., R.S., Ch. 245, Sec. 4
6 (part).)

7 Source Law

8 Sec. 4. . . . Any three (3) members of the Board
9 shall constitute a quorum for the adoption or passage
10 of any resolution or order or the transaction of any
11 business of the District. . . .

12 Revisor's Note

13 Section 4, Chapter 245, Acts of the 54th
14 Legislature, Regular Session, 1955, provides that any
15 three members of the board constitute a quorum "for the
16 adoption or passage of any resolution or order or the
17 transaction of any business of the District." The
18 revised law omits the quoted language because "quorum"
19 means the number of persons or votes necessary for a
20 body to act.

21 Revised Law

22 Sec. 9051.105. OFFICERS. The board shall elect from among
23 its members a president, a vice president, and a
24 secretary-treasurer. (Acts 54th Leg., R.S., Ch. 245, Sec. 4
25 (part).)

26 Source Law

27 Sec. 4. . . . Board of Directors . . . shall
28 organize by electing one (1) of their number as
29 president, one (1) as vice-president, and one (1) as
30 secretary-treasurer. . . .

31 Revised Law

32 Sec. 9051.106. EMPLOYEES. The board may employ engineers,
33 attorneys, and other technical or nontechnical employees or
34 assistants and set and provide the amount and manner of their
35 compensation. (Acts 54th Leg., R.S., Ch. 245, Sec. 4 (part).)

36 Source Law

37 Sec. 4. . . . The Board of Directors . . . may
38 employ engineers, attorneys and all other technical

1 and non-technical employees or assistants and fix and
2 provide the amount and manner of their compensation,
3 and

4 Revisor's Note

5 Section 4, Chapter 245, Acts of the 54th
6 Legislature, Regular Session, 1955, provides that the
7 board shall "fix" the amount of compensation of
8 district employees. Throughout this chapter, in this
9 and similar contexts, the revised law substitutes
10 "set" for "fix" because the terms are synonymous in
11 these contexts and "set" is more commonly used.

12 Revised Law

13 Sec. 9051.107. EXPENDITURES. The board may provide for the
14 payment of expenditures considered essential to the proper
15 maintenance and administration of the district. (Acts 54th Leg.,
16 R.S., Ch. 245, Sec. 4 (part).)

17 Source Law

18 Sec. 4. . . . The Board of Directors . . . may
19 provide for the payment of expenditures deemed
20 essential to the proper maintenance and administration
21 of the District. . . .

22 Revised Law

23 Sec. 9051.108. COMPENSATION OF DIRECTORS. (a) A director
24 shall receive a fee of \$3 per day for attending each board meeting,
25 except that not more than \$6 per day may be paid to a director for
26 meetings held in any one calendar month.

27 (b) In all areas of conflict with Subsection (a) of this
28 section, Section 49.060, Water Code, takes precedence.

29 (c) A director's compensation may be increased as
30 authorized by Section 49.060, Water Code, by resolution adopted by
31 the board in accordance with Subsection (e) of that section on or
32 after September 1, 1995. (Acts 54th Leg., R.S., Ch. 245, Sec. 4
33 (part); New.)

34 Source Law

35 Sec. 4. . . . The members of the Board of
36 Directors shall receive a fee of Three Dollars (\$3.00)
37 per day for attending each meeting of the Board,
38 provided that not more than Six Dollars (\$6.00) shall
39 be paid to any Director for meetings held in any one
40 calendar month.

1 Revisor's Note

2 Section 4, Chapter 245, Acts of the 54th
3 Legislature, Regular Session, 1955, provides that
4 "[t]he members of the Board of Directors shall receive
5 a fee of Three Dollars (\$3.00) per day for attending
6 each meeting of the Board, provided that not more than
7 Six Dollars (\$6.00) shall be paid to any Director for
8 meetings held in any one calendar month." Section
9 49.060, Water Code, enacted in 1995 and applicable by
10 its own terms to the district, also provides for a
11 director's fees of office, computed on a rate per day
12 of certain service, and, under Subsection (a-1) of
13 that section, enacted in 2003, requires the board of
14 each district to adopt a resolution limiting a
15 director's total annual fees of office. Section
16 49.060(e) provides that, in all areas of conflict,
17 Section 49.060 takes precedence over all prior
18 statutory enactments and that, if the enactment of
19 that section would result in a fee increase, the
20 increase does not apply to a district unless the board
21 by resolution authorizes payment of the higher fees.
22 It is unclear to what extent the quoted language may be
23 in conflict with Section 49.060. To preserve the
24 ambiguity, the revised law includes the substance of
25 the quoted language and adds provisions necessary to
26 preserve the effect of Section 49.060 to the extent of
27 a conflict with that language.

28 Revised Law

29 Sec. 9051.109. BUDGET. (a) Before the adoption of the
30 district's annual tax rate, the president of the board must
31 prepare, or have prepared, and the board must approve a budget to
32 cover all proposed expenditures of the district for the succeeding
33 tax year.

34 (b) The budget must:

1 (1) be itemized to make as clear as practicable a
2 comparison between the expenditures included in the proposed budget
3 and the actual expenditures for the same or similar purposes for the
4 preceding tax year;

5 (2) show as definitely as possible each project for
6 which appropriations are included in the budget and the estimated
7 amount of money included in the budget for each project; and

8 (3) contain a complete financial statement of the
9 district showing:

10 (A) all outstanding obligations;

11 (B) the cash on hand to the credit of each fund;

12 (C) the money received from all sources during
13 the preceding year;

14 (D) the money available from all sources during
15 the succeeding year;

16 (E) the estimated revenue available to cover the
17 proposed budget; and

18 (F) the estimated tax rate required for the
19 succeeding tax year. (Acts 54th Leg., R.S., Ch. 245, Sec. 6 (part).)

20 Source Law

21 Sec. 6. . . . Prior to the time above specified
22 for the fixing of the District's annual tax rate, the
23 president of the Board of Directors shall prepare, or
24 cause to be prepared, and the Board of Directors shall
25 have officially and finally approved, a budget to
26 cover all proposed expenditures of the District for
27 the succeeding tax year. Such budget shall be itemized
28 so as to make as clear as practicable a comparison
29 between the expenditures included in the proposed
30 budget and the actual expenditures for the same or
31 similar purposes for the preceding tax year. Said
32 budget shall be prepared so as to show as definitely as
33 possible each of the various projects for which
34 appropriations are set up in the budget, and the
35 estimated amount of money carried in the budget for
36 each of such projects. The budget shall also contain a
37 complete financial statement of the District showing
38 all outstanding obligations, the cash on hand to the
39 credit of each and every fund, the funds received from
40 all sources during the previous year, the funds
41 available from all sources during the ensuing year,
42 the estimated revenue available to cover the proposed
43 budget, and the estimated rate of tax which will be
44 required for the succeeding tax year.

45 Revisor's Note

46 (1) Section 6, Chapter 245, Acts of the 54th

1 Legislature, Regular Session, 1955, refers to the
2 "fixing" of the district's annual tax rate. The
3 revised law substitutes "adoption" for "fixing" to
4 conform to the terminology used in Section 26.05, Tax
5 Code.

6 (2) Section 6, Chapter 245, Acts of the 54th
7 Legislature, Regular Session, 1955, refers to "funds"
8 received by or available to the district. The revised
9 law substitutes "money" for "funds" because, in that
10 context, the meaning is the same and "money" is the
11 more commonly used term.

12 Revisor's Note
13 (End of Subchapter)

14 (1) Section 4, Chapter 245, Acts of the 54th
15 Legislature, Regular Session, 1955, provides that
16 directors' elections must be held in the manner
17 provided by "Chapter 25 of the General Laws adopted by
18 the 39th Legislature at its Regular Session in 1925, as
19 amended." Chapter 25 was incorporated in Chapter 3A,
20 Title 128, Revised Statutes. The pertinent provisions
21 of that chapter were codified in 1971 as Subchapter C,
22 Chapter 51, Water Code. Chapter 715, Acts of the 74th
23 Legislature, Regular Session, 1995, repealed many of
24 the provisions of Subchapter C, Chapter 51, Water
25 Code, and enacted similar provisions in Subchapter D,
26 Chapter 49, Water Code. The revised law omits the
27 reference to the election provisions because Chapter
28 51, Water Code, applies to the district under Section
29 9051.151 of this chapter and Chapter 49, Water Code,
30 applies to the district under that section and
31 Sections 49.001 and 49.002, Water Code. The revised
32 law omits "as amended" because under Section 311.027,
33 Government Code (Code Construction Act), a reference
34 to a statute applies to all reenactments, revisions,
35 or amendments of that statute unless expressly

1 provided otherwise. The omitted law reads:

2 Sec. 4. . . . The elections herein
3 provided for shall be called, conducted and
4 canvassed in the manner provided by Chapter
5 25 of the General Laws adopted by the 39th
6 Legislature at its Regular Session in 1925,
7 as amended. . . .

8 (2) Section 4, Chapter 245, Acts of the 54th
9 Legislature, Regular Session, 1955, describes the
10 procedure for filling a board vacancy. The revised law
11 omits that provision because it duplicates in
12 substance Section 49.105(a), Water Code. The omitted
13 law reads:

14 Sec. 4. . . . The Board of Directors
15 shall fill all vacancies on the Board by
16 appointment and such appointees shall hold
17 office for the unexpired term for which they
18 were appointed. . . .

19 (3) Section 1, Chapter 1449, Acts of the 75th
20 Legislature, Regular Session, 1997, amended Section 4,
21 Chapter 245, Acts of the 54th Legislature, Regular
22 Session, 1955, to change the date for electing
23 directors and the terms of directors. Section 2 of
24 Chapter 1449 provided transition procedures regarding
25 the election and terms of certain directors and
26 provided that successor directors serve staggered
27 four-year terms as provided by Section 4 of Chapter
28 245, as amended by that act. The revised law omits the
29 transition procedures regarding the election and terms
30 of certain directors as executed. In addition, the
31 revised law omits the provision requiring that
32 successor directors serve staggered four-year terms as
33 provided by Section 4 of Chapter 245, as amended,
34 because the relevant provisions of that section are
35 revised in this chapter as Section 9051.101, and that
36 section applies by its own terms to the terms of
37 directors. The omitted law reads:

38 Sec. 2. (a) Notwithstanding Section
39 4, Chapter 245, Acts of the 54th
40 Legislature, Regular Session, 1955, as

1 amended by this Act, the Jefferson County
2 Water Control and Improvement District
3 No. 10 shall be governed by the board of
4 directors serving on September 1, 1997,
5 until the board elected on May 2, 1998, in
6 accordance with Subsection (b) of this
7 section takes office.

8 (b) On May 2, 1998, five directors
9 shall be elected to the board of directors
10 of the Jefferson County Water Control and
11 Improvement District No. 10. The directors
12 shall draw lots after election to select two
13 directors to serve two-year terms and three
14 directors to serve four-year terms.
15 Successor directors serve staggered
16 four-year terms as provided by Section 4,
17 Chapter 245, Acts of the 54th Legislature,
18 Regular Session, 1955, as amended by this
19 Act.

20 SUBCHAPTER D. POWERS AND DUTIES

21 Revised Law

22 Sec. 9051.151. GENERAL POWERS. (a) Except as otherwise
23 provided by this chapter, the district has all the powers and duties
24 granted to water control and improvement districts by Chapters 49
25 and 51, Water Code, and all other laws applicable to water control
26 and improvement districts.

27 (b) The district may formulate and execute any plan
28 considered essential to the accomplishment of the purposes for
29 which it is created. (Acts 54th Leg., R.S., Ch. 245, Sec. 2 (part).)

30 Source Law

31 Sec. 2. That, except as otherwise provided
32 herein, the District shall have all the powers,
33 authority and duties granted to water control and
34 improvement districts by Chapter 3A, of Title 128 of
35 the Revised Civil Statutes of Texas, 1925, and all
36 amendments and additions thereto heretofore or
37 hereafter enacted, and all other laws of Texas
38 applicable to water control and improvement
39 districts. . . . It shall, however, have the power to
40 formulate and execute any and all plans deemed
41 essential to the accomplishment of the purposes for
42 which it is created. . . .

43 Revisor's Note

44 (1) Section 2, Chapter 245, Acts of the 54th
45 Legislature, Regular Session, 1955, refers to
46 "powers, authority and duties." The revised law omits
47 "authority" in this context because "authority" is
48 included in the meaning of "powers."

49 (2) Section 2, Chapter 245, Acts of the 54th

1 Legislature, Regular Session, 1955, refers to
2 "Chapter 3A, of Title 128 of the Revised Civil Statutes
3 of Texas, 1925, and all amendments and additions
4 thereto heretofore or hereafter enacted." The revised
5 law substitutes a reference to Chapter 51, Water Code,
6 for the quoted language because the relevant
7 provisions of Chapter 3A, Title 128, Revised Statutes,
8 were codified in 1971 as Chapter 51, Water Code. For
9 the reader's convenience, the revised law includes a
10 reference to Chapter 49, Water Code, because Chapter
11 715, Acts of the 74th Legislature, Regular Session,
12 1995, repealed many provisions of Chapter 51, Water
13 Code, and enacted similar provisions in Chapter 49,
14 Water Code. The revised law omits the reference to
15 "all amendments and additions thereto heretofore or
16 hereafter enacted" because under Section 311.027,
17 Government Code (Code Construction Act), a reference
18 to a statute applies to all reenactments, revisions,
19 or amendments of that statute unless expressly
20 provided otherwise.

21 Revised Law

22 Sec. 9051.152. DISTRICT PROPERTY. (a) The district may
23 acquire, maintain, use, and operate property of any kind or any
24 interest in property necessary to the exercise of the powers,
25 rights, privileges, and functions of the district under this
26 chapter.

27 (b) The district may acquire property or an interest in
28 property as provided by Subsection (a) by purchase, construction,
29 lease, gift, or any other manner. (Acts 54th Leg., R.S., Ch. 245,
30 Sec. 8.)

31 Source Law

32 Sec. 8. The District herein created is
33 authorized to acquire by purchase, construction,
34 lease, gift, or in any other lawful manner, and to
35 maintain, use and operate any and all property of any
36 kind, real, personal or mixed, or any interest therein
37 necessary to the exercise of the powers, rights,

1 privileges and functions possessed by the District
2 under this Act.

3 Revisor's Note

4 (1) Section 8, Chapter 245, Acts of the 54th
5 Legislature, Regular Session, 1955, provides that the
6 district is authorized to acquire property in any
7 "lawful manner." The revised law omits "lawful"
8 because, as a general principle of law, the district is
9 authorized to perform only acts that are lawful.

10 (2) Section 8, Chapter 245, Acts of the 54th
11 Legislature, Regular Session, 1955, refers to
12 "property of any kind, real, personal or mixed." The
13 revised law omits the reference to "real, personal or
14 mixed" property because under Section 311.005(4),
15 Government Code (Code Construction Act), "property"
16 includes both real and personal property, and "mixed"
17 property is property consisting of both real and
18 personal property.

19 Revised Law

20 Sec. 9051.153. COST OF RELOCATING OR ALTERING PROPERTY. If
21 the district's exercise of the power of eminent domain, the power of
22 relocation, or any other power granted by this chapter makes
23 necessary relocating, raising, rerouting, changing the grade of, or
24 altering the construction of a highway, railroad, electric
25 transmission line, telegraph or telephone property or facility, or
26 pipeline, the necessary action shall be accomplished at the sole
27 expense of the district. (Acts 54th Leg., R.S., Ch. 245, Sec. 8A.)

28 Source Law

29 Sec. 8A. In the event that the District, in the
30 exercise of the power of eminent domain or power of
31 relocation, or any other power granted hereunder,
32 makes necessary the relocation, raising, rerouting or
33 changing the grade of, or altering the construction of
34 any highway, railroad, electric transmission line,
35 telephone or telegraph properties and facilities, or
36 pipeline, all such necessary relocation, raising,
37 rerouting, changing of grade or alteration of
38 construction shall be accomplished at the sole expense
39 of the district.

1 Revised Law

2 Sec. 9051.154. POWERS RELATING TO WATERWORKS OR SANITARY
3 SEWER SYSTEM. The district may purchase, construct, or otherwise
4 acquire a waterworks or sanitary sewer system and may:

- 5 (1) own and operate the system; and
6 (2) construct an addition, extension, or improvement
7 to the system. (Acts 54th Leg., R.S., Ch. 245, Sec. 2 (part).)

8 Source Law

9 Sec. 2. . . . The District is expressly
10 authorized to purchase, construct or otherwise acquire
11 a waterworks and sanitary sewer system, either or
12 both, to own and operate the same, and to construct
13 additions, extensions and improvements thereto.

14 Revised Law

15 Sec. 9051.155. CHARGES, FEES, AND TOLLS; PENALTY FOR
16 FAILURE TO PAY. The district may set and collect charges, fees, or
17 tolls for the services of its water and sanitary systems and
18 facilities and impose penalties for the failure to pay when due
19 those charges, fees, or tolls. (Acts 54th Leg., R.S., Ch. 245, Sec.
20 7.)

21 Source Law

22 Sec. 7. The District shall have the right to fix
23 and collect charges, fees or tolls for the services of
24 its water and sanitary systems and facilities, and the
25 District shall have the right to impose penalties for
26 failure to pay when due such charges, fees or tolls.

27 Revised Law

28 Sec. 9051.156. SURVEYS AND INVESTIGATIONS. The board may
29 conduct or arrange for a survey or an engineering investigation to
30 provide information for the district to facilitate the
31 accomplishment of a district purpose. (Acts 54th Leg., R.S., Ch.
32 245, Sec. 4 (part).)

33 Source Law

34 Sec. 4. . . . The Board of Directors from time
35 to time shall be authorized to make or cause to be made
36 surveys and engineering investigations for the
37 information of the District to facilitate the
38 accomplishment of the purposes for which the District
39 is created, and

40 Revisor's Note

41 Section 4, Chapter 245, Acts of the 54th

1 Legislature, Regular Session, 1955, refers to the
2 board's authority to conduct surveys and engineering
3 investigations "from time to time." The revised law
4 omits the quoted language because the power to take an
5 action includes the power to act "from time to time."

6 Revised Law

7 Sec. 9051.157. LIMITATION ON DISTRICT POWERS RELATING TO
8 GROUNDWATER. The district may not adopt or enforce a rule relating
9 to or require a permit for the production or use of groundwater by
10 others. (Acts 54th Leg., R.S., Ch. 245, Sec. 2 (part).)

11 Source Law

12 Sec. 2. . . . Such District, however, shall not
13 have the power to formulate, promulgate or enforce any
14 rules or regulations pertaining to the production or
15 use of underground waters by others or to require
16 permits from them to produce or use underground
17 waters. . . .

18 Revisor's Note

19 (1) Section 2, Chapter 245, Acts of the 54th
20 Legislature, Regular Session, 1955, restricts the
21 district's power to "formulate, promulgate or enforce"
22 certain rules and regulations. The revised law
23 substitutes "adopt" for "formulate" and "promulgate"
24 because, in context, both "formulate" and "promulgate"
25 are included in the meaning of "adopt" and "adopt" is
26 the more commonly used term.

27 (2) Section 2, Chapter 245, Acts of the 54th
28 Legislature, Regular Session, 1955, refers to "rules
29 or regulations" of the district. The revised law
30 substitutes "rules" for "rules or regulations" because
31 in context the terms are synonymous and under Section
32 311.005(5), Government Code (Code Construction Act), a
33 rule is defined to include a regulation.

34 (3) Section 2, Chapter 245, Acts of the 54th
35 Legislature, Regular Session, 1955, refers to
36 "underground waters." The revised law substitutes
37 "groundwater" for "underground waters" for the reason

1 stated in Revisor's Note (5) to Section 9051.002.

2 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

3 Revised Law

4 Sec. 9051.201. TAX METHOD. The district shall use the ad
5 valorem plan of taxation. (Acts 54th Leg., R.S., Ch. 245, Sec. 2
6 (part).)

7 Source Law

8 Sec. 2. . . . [the District] . . . the ad
9 valorem plan of taxation shall be used by it. . . .

10 Revised Law

11 Sec. 9051.202. AUTHORITY TO IMPOSE TAX; TAX ELECTION. (a)
12 If a tax is authorized at an election under Section 49.107, Water
13 Code, the district may impose a tax to provide money:

14 (1) necessary to construct or acquire, maintain, and
15 operate improvements, works, plants, and facilities considered
16 essential or beneficial to the district; or

17 (2) adequate to defray the cost of the maintenance,
18 operation, and administration of the district.

19 (b) An election for the imposition of taxes authorized by
20 this section must be ordered by the board. (Acts 54th Leg., R.S.,
21 Ch. 245, Sec. 5 (part).)

22 Source Law

23 Sec. 5. The District may upon a favorable
24 majority vote of the qualified property taxpaying
25 electors of the District, voting at an election held
26 for that purpose, levy, assess and collect a tax to
27 provide funds necessary to construct or acquire,
28 maintain and operate improvements, works, plants and
29 facilities deemed essential or beneficial to the
30 District and also when so authorized at an election may
31 levy, assess and collect a tax to provide funds
32 adequate to defray the cost of the maintenance and
33 operation and for administration of the District.
34 Elections for the voting of such tax shall be ordered
35 by the Board of Directors and shall be held and
36 conducted in the manner provided by Chapter 25,
37 General Laws of the 39th Legislature, Regular Session,
38 1925, as amended. . . .

39 Revisor's Note

40 (1) Section 5, Chapter 245, Acts of the 54th
41 Legislature, Regular Session, 1955, provides that the
42 district may impose taxes if authorized by "a

1 favorable majority vote of the qualified property
2 taxpaying electors of the District, voting at an
3 election held for that purpose." The revised law
4 substitutes a reference to Section 49.107, Water Code,
5 parts of which duplicate in substance provisions of
6 Section 5.

7 To the extent that Section 5 limits the election
8 to "qualified" voters, the revised law omits the
9 requirement in this context for the reason stated in
10 Revisor's Note (2) to Section 9051.101.

11 To the extent that Section 5 purports to limit the
12 election to "property taxpaying electors," the revised
13 law omits the requirement because in Hill v. Stone, 421
14 U.S. 289 (1975), the United States Supreme Court
15 determined that property ownership as a qualification
16 for voting is an unconstitutional denial of equal
17 protection.

18 (2) Section 5, Chapter 245, Acts of the 54th
19 Legislature, Regular Session, 1955, refers to the
20 district's power to "levy, assess and collect" a tax.
21 The revised law throughout this chapter substitutes
22 "impose" for "levy, assess and collect" because
23 "impose" is the term generally used in Title 1, Tax
24 Code, and includes the levy, assessment, and
25 collection of an ad valorem tax.

26 (3) Section 5, Chapter 245, Acts of the 54th
27 Legislature, Regular Session, 1955, authorizes the
28 district to levy, assess, and collect a tax to provide
29 "funds" necessary or adequate for certain purposes.
30 The revised law substitutes "money" for "funds" for
31 the reason stated in Revisor's Note (2) to Section
32 9051.109.

33 (4) Section 5, Chapter 245, Acts of the 54th
34 Legislature, Regular Session, 1955, provides that tax

1 elections "shall be held and conducted in the manner
2 provided by Chapter 25, General Laws of the 39th
3 Legislature, Regular Session, 1925, as amended." The
4 revised law omits the quoted language for the reason
5 stated in Revisor's Note (1) at the end of Subchapter
6 C.

7 (5) Section 5, Chapter 245, Acts of the 54th
8 Legislature, Regular Session, 1955, provides that
9 taxes levied by the district constitute a lien on the
10 property against which they are levied and assessed
11 and that limitations do not bar the collection or
12 enforcement of those taxes. The revised law omits the
13 provision to the effect that taxes imposed by the
14 district constitute a lien on the property taxed
15 because it duplicates in substance Section 32.01, Tax
16 Code, which provides that a tax lien attaches to
17 property to secure the payment of all taxes,
18 penalties, and interest imposed on the property. The
19 revised law omits the provision to the effect that
20 limitations do not bar the collection or enforcement
21 of those taxes because it was repealed by Section 6(b),
22 Chapter 841, Acts of the 66th Legislature, Regular
23 Session, 1979, which repealed all "general, local, and
24 special laws" that conflicted with that act. The 1979
25 act enacted the Property Tax Code (Title 1, Tax Code),
26 a comprehensive, substantive codification of the laws
27 governing the administration of ad valorem taxes.
28 Section 33.05, Tax Code, provides for a statute of
29 limitations on suits to collect delinquent taxes.
30 Sections 32.01 and 33.05, Tax Code, apply to the
31 district under Section 1.02, Tax Code. The omitted law
32 reads:

33 Sec. 5. . . . All taxes levied by
34 the District for any purpose shall
35 constitute a lien on the property against
36 which such taxes are levied and assessed and

1 limitations shall not bar the collection or
2 enforcement thereof.

3 Revised Law

4 Sec. 9051.203. TAX ASSESSOR AND COLLECTOR. The board shall
5 appoint a tax assessor and collector. (Acts 54th Leg., R.S., Ch.
6 245, Sec. 6 (part).)

7 Source Law

8 Sec. 6. Prior to the issuance of bonds payable
9 wholly or partially from ad valorem taxes and prior to
10 the levy of taxes for any other purpose, the Board of
11 Directors shall appoint a Tax Assessor and Collector
12 and

13 Revisor's Note

14 Section 6, Chapter 245, Acts of the 54th
15 Legislature, Regular Session, 1955, provides that
16 before issuing bonds payable wholly or partly from ad
17 valorem taxes and before levying taxes for any other
18 purpose, the board shall appoint a tax assessor and
19 collector. The revised law omits the language about
20 the initial bonds and the initial imposition of taxes
21 as executed. The district has issued bonds payable
22 wholly or partly from ad valorem taxes and has imposed
23 taxes.

24 Revised Law

25 Sec. 9051.204. TAX RATE. The board shall set the tax rate
26 of the district annually and certify the rate to the tax assessor
27 and collector. (Acts 54th Leg., R.S., Ch. 245, Sec. 6 (part).)

28 Source Law

29 Sec. 6. . . . it shall be the duty of the Board
30 to fix the tax rate of the District for the current
31 year and to certify such rate to the Assessor and
32 Collector

33 Revisor's Note
34 (End of Subchapter)

35 (1) Section 6, Chapter 245, Acts of the 54th
36 Legislature, Regular Session, 1955, provides that the
37 district's board shall appoint a board of equalization
38 and equalize valuations. The revised law omits those
39 provisions because they were repealed by Section 6(b),

1 Chapter 841, Acts of the 66th Legislature, Regular
2 Session, 1979, which repealed all "general, local, and
3 special laws" that conflicted with that act. The 1979
4 act enacted the Property Tax Code (Title 1, Tax Code),
5 a comprehensive, substantive codification of the laws
6 governing the administration of ad valorem taxes.
7 Under Title 1, boards of equalization were replaced by
8 the appraisal review board for each appraisal
9 district. The omitted law reads:

10 Sec. 6. . . . [the Board of Directors
11 shall appoint] . . . a Board of
12 Equalization consisting of five (5)
13 members, and shall cause . . . valuations
14 to be equalized and . . . The Board of
15 Equalization shall be appointed
16 annually. . . .

17 (2) Section 6, Chapter 245, Acts of the 54th
18 Legislature, Regular Session, 1955, provides that the
19 district's board shall cause taxes to be assessed. The
20 revised law omits that provision because it was
21 repealed by Section 6(b), Chapter 841, Acts of the 66th
22 Legislature, Regular Session, 1979. See Revisor's
23 Note (1). Title 1, Tax Code, provides the exclusive
24 procedures for the assessment and collection of taxes
25 by a taxing unit, including the district. Section
26 6.23(b), Tax Code, provides that the assessor and
27 collector for a taxing unit other than a county shall
28 assess, collect, or assess and collect taxes, as
29 applicable, for the unit. Section 6.23(b), Tax Code,
30 applies to the district under Section 1.02, Tax Code.
31 The omitted law reads:

32 Sec. 6. . . . [the Board of Directors
33 . . . shall cause] taxes to be assessed,
34

35 (3) Section 6, Chapter 245, Acts of the 54th
36 Legislature, Regular Session, 1955, provides that the
37 district's board shall have tax rolls prepared. The
38 revised law omits that provision because it was

1 repealed by Section 6(b), Chapter 841, Acts of the 66th
2 Legislature, Regular Session, 1979. See Revisor's
3 Note (1). Section 26.09(a), Tax Code, requires the
4 assessor for a taxing unit other than a county to
5 calculate the tax imposed on each property included on
6 the appraisal roll for the unit. Section 26.09(e), Tax
7 Code, requires the assessor for a taxing unit to enter
8 on the appraisal roll for the unit the amount of tax
9 imposed on each property included on the roll and
10 submit it to the governing body of the unit for
11 approval and provides that the appraisal roll with
12 amounts of tax entered as approved by the governing
13 body constitutes the unit's tax roll. Section 26.09,
14 Tax Code, applies to the district under Section 1.02,
15 Tax Code. The omitted law reads:

16 Sec. 6. . . . [the Board of Directors
17 . . . shall cause] . . . tax rolls to be
18 prepared. . . .

19 (4) Section 6, Chapter 245, Acts of the 54th
20 Legislature, Regular Session, 1955, provides that
21 certain tax-related general laws relating to water
22 control and improvement districts apply to the
23 district. The revised law omits that provision as
24 unnecessary. To the extent those laws conflict with
25 Title 1, Tax Code, the provision is repealed by Section
26 6(b), Chapter 841, Acts of the 66th Legislature,
27 Regular Session, 1979. See Revisor's Note (1). To the
28 extent those laws do not conflict with Title 1, Tax
29 Code, the provision duplicates in substance that part
30 of Section 9051.151 of this chapter that provides that
31 the district has all the powers and duties granted by
32 laws applicable to water control and improvement
33 districts. The omitted law reads:

34 Sec. 6. . . . Where applicable and
35 not in conflict herewith, the General Laws
36 relating to water control and improvement
37 districts with reference to Tax Assessors

1 and Collectors, Board of Equalization, tax
2 rolls and the levy and collection of taxes
3 and delinquent taxes, shall be applicable
4 to this District. . . . All provisions of
5 the General Laws pertaining to the levy,
6 assessment and collection of ad valorem
7 taxes by water control and improvement
8 districts, including the enforcement
9 thereof, and the processes for the
10 collection of delinquent taxes therein
11 provided shall be applicable to the
12 District herein created. . . .

13 (5) Section 6, Chapter 245, Acts of the 54th
14 Legislature, Regular Session, 1955, requires the board
15 to adopt the tax rate of the district within 10 days
16 after the tax assessor and collector certifies the
17 assessed valuation of property to the board and
18 requires the board to certify the rate to the tax
19 assessor and collector immediately after adopting it.
20 The revised law omits the provisions regarding the
21 timing of the adoption and certification of the tax
22 rate because they were repealed by Section 6(b),
23 Chapter 841, Acts of the 66th Legislature, Regular
24 Session, 1979. See Revisor's Note (1). Section 26.05,
25 Tax Code, requires the governing body of each taxing
26 unit, before the later of September 30 or the 60th day
27 after the date the certified appraisal roll is
28 received by the taxing unit, to adopt a tax rate for
29 the current tax year and notify the assessor for the
30 unit of the rate adopted. Section 26.05, Tax Code,
31 formerly applied to the district under Section 1.02,
32 Tax Code. Chapter 1423, Acts of the 77th Legislature,
33 Regular Session, 2001, subsequently enacted Section
34 49.107(g), Water Code, which provides that certain
35 sections of the Tax Code, including Section 26.05, Tax
36 Code, do not apply to a district that is subject to
37 Chapter 49, Water Code, including the district. To the
38 extent that Chapter 49, Water Code, establishes
39 procedures for the adoption of a tax rate and
40 notification of the rate adopted, the district is

1 and its property. (Acts 54th Leg., R.S., Ch. 245, Sec. 9(c)
2 (part).)

3 Source Law

4 (c) . . . The term "net revenues" as used in
5 this Act shall mean the gross revenues of the District
6 after deduction of such amounts therefrom as are
7 necessary to pay the cost of maintaining and operating
8 the District and its properties.

9 Revised Law

10 Sec. 9051.252. ISSUANCE OF BONDS. (a) To accomplish
11 district purposes, the board may borrow money, issue bonds, and
12 prescribe the method of payment of the bonds by the use of net
13 revenue, taxes, or both net revenue and taxes.

14 (b) Bonds must be authorized by a board resolution.

15 (c) In the resolution authorizing the bonds, the district
16 may set aside an amount from the bond proceeds for:

17 (1) the payment of interest expected to accrue during
18 construction; and

19 (2) a reserve interest and sinking fund.

20 (d) Bond proceeds may be used to pay all expenses
21 necessarily incurred in accomplishing district purposes, including
22 the expenses of issuing and selling the bonds.

23 (e) Pending the use of bond proceeds for the purpose for
24 which the bonds were issued, the board may invest the proceeds in
25 obligations of the United States. (Acts 54th Leg., R.S., Ch. 245,
26 Secs. 9(a), (b) (part), (f).)

27 Source Law

28 Sec. 9. (a) In the accomplishment of the
29 purposes for which the District is created, the Board
30 of Directors is hereby authorized to borrow money, to
31 issue bonds and to prescribe the method of payment
32 thereof either by the use of net revenues, taxes, or
33 both.

34 (b) Bonds shall be authorized by resolution of
35 the Board of Directors,

36 (f) From the proceeds of the sale of bonds, the
37 District may set aside an amount for the payment of
38 interest expected to accrue during the construction,
39 and a reserve interest and sinking fund, which such
40 provisions shall be made in the resolution authorizing
41 the bonds. Proceeds from the sale of bonds may also be
42 used for the payment of all expenses necessarily
43 incurred in accomplishing the purposes for which this
44 District is created, including expenses of issuing and

1 selling the bonds. Pending the use of bond proceeds
2 for the purpose for which the bonds were issued, the
3 Board of Directors may invest same in obligations of
4 the United States of America.

5 Revised Law

6 Sec. 9051.253. FORM OF BONDS. District bonds must be:

7 (1) signed by the president; and

8 (2) attested by the secretary. (Acts 54th Leg., R.S.,
9 Ch. 245, Sec. 9(b) (part).)

10 Source Law

11 (b) . . . They shall be signed by the president
12 and attested by the secretary and

13 Revised Law

14 Sec. 9051.254. ELECTION FOR BONDS PAYABLE FROM AD VALOREM
15 TAXES. (a) Bonds, other than refunding bonds, payable wholly or
16 partly from ad valorem taxes may not be issued unless authorized by
17 a majority of the district voters voting at an election.

18 (b) The board may order an election under this section
19 without a petition. The order must specify:

20 (1) the time and places at which the election will be
21 held;

22 (2) the purpose for which the bonds will be issued;

23 (3) the maximum amount of the bonds;

24 (4) the maximum maturity of the bonds;

25 (5) the maximum interest rate;

26 (6) the form of the ballot; and

27 (7) the presiding judge for each voting place.

28 (c) Notice of the election must be given by publishing a
29 substantial copy of the order in a newspaper of general circulation
30 in the district. The notice must be published once each week for
31 two consecutive weeks. The first publication must be at least 14
32 days before the date of the election. (Acts 54th Leg., R.S., Ch.
33 245, Sec. 9(i) (part).)

34 Source Law

35 (i) . . . No bonds payable wholly or partially
36 from ad valorem taxes (except refunding bonds) shall
37 be issued unless authorized by an election at which
38 only the qualified voters who reside in the District,
39 who own taxable property therein, and who have duly

1 rendered the same for taxation, shall be qualified to
2 vote, and unless a majority of the votes cast at said
3 election is in favor of the issuance of the bonds.
4 Bond elections may be called by the Board of Directors
5 without a petition. The resolution calling the
6 election shall specify the time and places of holding
7 the same, the purpose for which the bonds are to be
8 issued, the maximum amount thereof, the maximum
9 maturity thereof, the maximum interest rate, the form
10 of the ballot, and the presiding judge for each voting
11 place. . . . Notice of the election shall be given by
12 publishing a substantial copy of the resolution
13 calling the election in a newspaper or newspapers
14 having general circulation in the District once each
15 week for two consecutive weeks. The first publication
16 shall be at least fourteen (14) days prior to the
17 election. . . .

18 Revisor's Note

19 (1) Section 9(i), Chapter 245, Acts of the 54th
20 Legislature, Regular Session, 1955, provides that the
21 district may not issue bonds payable from ad valorem
22 taxes unless authorized by a majority of "the
23 qualified voters who reside in the District, who own
24 taxable property therein, and who have duly rendered
25 the same for taxation." The revised law omits the
26 reference to "qualified voters who reside in the
27 District" for the reason stated in Revisor's Note (2)
28 to Section 9051.101. The revised law omits the
29 reference to voting only by persons who own taxable
30 property and render that property for taxation for the
31 reason stated in Revisor's Note (1) to Section
32 9051.202.

33 (2) Section 9(i), Chapter 245, Acts of the 54th
34 Legislature, Regular Session, 1955, provides that an
35 election may be "called" by the board and refers to the
36 "resolution calling the election." The revised law
37 substitutes "order" for the quoted language because
38 "called" or "calling" is included in the meaning of
39 holding an election. Under Chapter 3, Election Code,
40 all elections must be ordered (called) before they may
41 be held.

42 (3) Section 9(i), Chapter 245, Acts of the 54th
43 Legislature, Regular Session, 1955, provides that the

1 presiding judge serving at each voting place shall
2 appoint the necessary assistant judges and clerks for
3 holding the election. The revised law omits the
4 provision as superseded by the 1985 enactment of the
5 Election Code, applicable to the district under
6 Section 1.002, Election Code. Chapter 32, Election
7 Code, governs the selection of election judges and
8 clerks. The omitted law reads:

9 (i) . . . The presiding judge serving
10 at each voting place shall appoint the
11 necessary assistant judges and clerks for
12 holding such election. . . .

13 (4) Section 9(i), Chapter 245, Acts of the 54th
14 Legislature, Regular Session, 1955, requires that
15 election returns be made to the board. The revised law
16 omits that requirement because it duplicates in
17 substance Sections 66.022 and 66.051(a), Election
18 Code. Section 9(i) also requires the board to canvass
19 the election returns. The revised law omits that
20 requirement because it duplicates in substance Section
21 67.002, Election Code. The omitted law reads:

22 (i) . . . The returns of the election
23 shall be made to and canvassed by the Board
24 of Directors of the District. . . .

25 (5) Section 9(i), Chapter 245, Acts of the 54th
26 Legislature, Regular Session, 1955, provides that the
27 general laws relating to elections apply to an
28 election under that section, except as otherwise
29 provided by that act. The revised law omits that
30 provision because Section 1.002, Election Code,
31 provides that the Election Code applies to all
32 elections held in this state. An exception to the
33 application of the Election Code would apply by its own
34 terms. The omitted law reads:

35 (i) . . . The General Laws relating
36 to elections shall be applicable to
37 elections held under this Section of this
38 Act, except as otherwise provided in this
39 Act.

1 Revised Law

2 Sec. 9051.255. BONDS PAYABLE FROM AD VALOREM TAXES; TAX
3 RATE. (a) If bonds are issued payable wholly or partly from ad
4 valorem taxes, the board shall impose a tax sufficient to pay the
5 bonds and the interest on the bonds as the bonds and interest become
6 due.

7 (b) The board may adopt the rate of a tax imposed under
8 Subsection (a) for any year after giving consideration to the money
9 received from the pledged revenue that may be available for payment
10 of principal and interest to the extent and in the manner permitted
11 by the resolution authorizing the issuance of the bonds. (Acts 54th
12 Leg., R.S., Ch. 245, Sec. 9(d).)

13 Source Law

14 (d) Where bonds are issued payable wholly or
15 partially from ad valorem taxes, it shall be the duty
16 of the Board of Directors to levy a tax sufficient to
17 pay the bonds and the interest thereon as such bonds
18 and interest become due, but the rate of the tax for
19 any year may be fixed after giving consideration to the
20 money received from the pledged revenues which may be
21 available for the payment of the principal and
22 interest to the extent and in the manner permitted by
23 the resolution authorizing the issuance of the bonds.

24 Revisor's Note

25 Section 9(d), Chapter 245, Acts of the 54th
26 Legislature, Regular Session, 1955, provides that the
27 rate of the property tax for any year may be "fixed" by
28 the board. The revised law substitutes "adopt" for
29 "fixed" for the reason stated in Revisor's Note (1) to
30 Section 9051.109.

31 Revised Law

32 Sec. 9051.256. ELECTION NOT REQUIRED FOR CERTAIN BONDS.
33 Bonds payable solely from the district's net revenue, from the
34 proceeds of any water contract, or from any source other than ad
35 valorem taxes may be issued pursuant to a board resolution without a
36 hearing or election. (Acts 54th Leg., R.S., Ch. 245, Sec. 9(i)
37 (part).)

38 Source Law

39 (i) Bonds payable wholly from the District's net

1 revenues, or from the proceeds of any water contract,
2 or by any means other than ad valorem taxes, may be
3 issued pursuant to resolution of the Board of
4 Directors without the necessity of any hearing or
5 election. . . .

6 Revised Law

7 Sec. 9051.257. BONDS SECURED BY REVENUE; ADDITIONAL BONDS.
8 District bonds may be secured by a pledge of all or part of the net
9 revenue of the district, or by the net revenue of one or more
10 contracts made before or after the issuance of the bonds, or other
11 revenue in the manner specified by board resolution. The pledge may
12 reserve the right, under conditions specified by the pledge, to
13 issue additional bonds that will be on a parity with or subordinate
14 to the bonds then being issued. (Acts 54th Leg., R.S., Ch. 245,
15 Sec. 9(c) (part).)

16 Source Law

17 (c) Bonds may be secured by a pledge of all or
18 any part of the net revenues of the District, or by the
19 net revenues of any one or more contracts theretofore
20 or thereafter made, or other revenues in such manner as
21 may be specified by resolution of the Board of
22 Directors. Any such pledge may reserve the right,
23 under conditions therein specified, to issue
24 additional bonds which will be on a parity with or
25 subordinate to the bonds then being issued. . . .

26 Revised Law

27 Sec. 9051.258. CHARGES FOR DISTRICT SERVICES. If district
28 bonds payable wholly or partly from revenue are issued, the board
29 shall set by contract with the persons who contract with it for a
30 water supply or water or sewer facilities the rates of compensation
31 for water sold and water or sewer services provided by the district.
32 The rates must be sufficient to pay:

33 (1) the expense of operating and maintaining the
34 district and its facilities; and

35 (2) all obligations incurred by the district as they
36 mature, including the reserve fund and other funds as may be
37 provided for the bonds or other contracts under the terms of the
38 bonds or other contracts and as may be provided in the board
39 resolution pertaining to the bonds or other contracts. (Acts 54th
40 Leg., R.S., Ch. 245, Sec. 9(e).)

1 Source Law

2 (e) Where bonds payable wholly or partially from
3 revenues are issued it shall be the duty of the Board
4 of Directors to fix by contract with all cities,
5 persons, firms, corporations or public agencies which
6 may contract with it for a water supply or water and/or
7 sewer facilities, such rates or compensation for water
8 sold and water and/or sewer services furnished by the
9 District as will be sufficient to pay the expenses of
10 operating and maintaining the District and its
11 facilities and to pay, as they mature, all such
12 obligations incurred by it, including such reserve and
13 other funds as may be provided for the bonds or other
14 contracts under the terms thereof, and as may be
15 provided in the Board of Directors resolution
16 pertaining thereto.

17 Revisor's Note

18 (1) Section 9(e), Chapter 245, Acts of the 54th
19 Legislature, Regular Session, 1955, refers to
20 contracts with "cities, persons, firms, corporations
21 or public agencies." The revised law omits the
22 references to "cities," "firms," "corporations," and
23 "public agencies" because under Section 311.005(2),
24 Government Code (Code Construction Act), "person" is
25 defined to include any legal entity.

26 (2) Section 9(e), Chapter 245, Acts of the 54th
27 Legislature, Regular Session, 1955, provides that
28 "rates or compensation" set by the board for water sold
29 and water or sewer services provided by the district
30 must be sufficient to pay certain expenses. The
31 revised law substitutes a reference to "rates of
32 compensation" because it is clear from the context
33 that "rates or compensation" is a typographical error
34 and that the legislature intended to refer to "rates of
35 compensation" for water sold and water or sewer
36 services provided.

37 Revised Law

38 Sec. 9051.259. REFUNDING BONDS. (a) The board may issue
39 refunding bonds without an election to refund outstanding bonds
40 issued under this subchapter and interest on those bonds.

41 (b) Refunding bonds may be issued to refund bonds of more

1 than one series.

2 (c) In the case of bonds secured wholly or partly by net
3 revenue, the district may:

4 (1) combine the pledges for the outstanding bonds for
5 the security of the refunding bonds; or

6 (2) secure the refunding bonds by a pledge of other or
7 additional revenue.

8 (d) The provisions of this subchapter regarding the
9 issuance of other bonds and the rights and remedies of the holders
10 apply to refunding bonds. (Acts 54th Leg., R.S., Ch. 245, Sec.
11 9(h).)

12 Source Law

13 (h) The Board of Directors is authorized to
14 issue refunding bonds for the purpose of refunding any
15 outstanding bonds authorized by this Act and interest
16 thereon without the necessity of an election. Such
17 refunding bonds may be issued to refund more than one
18 series of outstanding bonds, and in the case of bonds
19 secured in whole or in part by net revenues, the
20 District may combine the pledges for the outstanding
21 bonds for the security of the refunding bonds, and may
22 secure them by other or additional revenues. The
23 provisions of this Act with reference to the issuance
24 of other bonds and their approval by the Attorney
25 General and the rights and remedies of the holders
26 shall be applicable to refunding bonds.

27 Revisor's Note

28 Section 9(h), Chapter 245, Acts of the 54th
29 Legislature, Regular Session, 1955, refers to the
30 "approval by the Attorney General" of refunding bonds.
31 The revised law omits the quoted language because it
32 duplicates in substance Section 1202.003, Government
33 Code. Throughout this chapter, the revised law omits
34 law that is superseded by Chapter 1202, Government
35 Code, or that duplicates law contained in that
36 chapter. Chapter 1202, Government Code, applies under
37 Sections 1202.001 and 1202.003(c), Government Code.

38 Revised Law

39 Sec. 9051.260. BONDS EXEMPT FROM TAXATION. A bond issued
40 under this chapter, the transfer of the bond, and the income from
41 the bond, including profits on the sale of the bond, are exempt from

1 taxation by this state or by any political subdivision of this
2 state. (Acts 54th Leg., R.S., Ch. 245, Sec. 10.)

3 Source Law

4 Sec. 10. The bonds issued hereunder and their
5 transfer and the income therefrom, including the
6 profits on the sale thereof, shall at all times be free
7 from taxation by the State or by any municipal
8 corporation, county, or other political subdivision or
9 taxing district of the State.

10 Revisor's Note

11 Section 10, Chapter 245, Acts of the 54th
12 Legislature, Regular Session, 1955, refers to a
13 "municipal corporation, county, or other political
14 subdivision or taxing district of the State." The
15 revised law omits the references to "municipal
16 corporation," "county," and "taxing district"
17 because, in context, the terms are included in the
18 meaning of "political subdivision" of this state.

19 Revisor's Note
20 (End of Subchapter)

21 (1) Section 9(b), Chapter 245, Acts of the 54th
22 Legislature, Regular Session, 1955, provides that
23 district bonds shall bear the date or dates and mature
24 at the time or times determined by the board. The
25 revised law omits the provision because it duplicates
26 in substance provisions of Sections 1201.021,
27 1201.022, and 1201.024, Government Code, which provide
28 for the characteristics, terms of issuance, and form
29 of a public security. Throughout this chapter, the
30 revised law omits law that is superseded by Chapter
31 1201, Government Code, or that duplicates law
32 contained in that chapter. Chapter 1201, Government
33 Code, applies to district bonds under Sections
34 1201.002 and 1201.003, Government Code. The omitted
35 law reads:

36 (b) [Bonds] . . . shall bear such
37 date or dates, mature at such time or times,
38 and . . . as the Board of Directors may
39 determine. . . .

1 (2) Section 9(b), Chapter 245, Acts of the 54th
2 Legislature, Regular Session, 1955, provides that
3 district bonds shall bear interest at the rate or rates
4 determined by the board. The revised law omits that
5 provision because it duplicates Sections 1201.021(2)
6 and 1201.025, Government Code. The omitted law reads:

7 (b) [Bonds . . . shall] . . . bear
8 interest at such rate or rates [as the Board
9 of Directors may determine.] . . .

10 (3) Section 9(b), Chapter 245, Acts of the 54th
11 Legislature, Regular Session, 1955, provides that
12 district bonds must bear the seal of the district. The
13 revised law omits that provision because it is
14 superseded by Section 1201.026(a), Government Code
15 (enacted as Section 3, Bond Procedures Act of 1981
16 (Article 717k-6, Vernon's Texas Civil Statutes)),
17 which provides that bonds may be signed with or without
18 a seal. The omitted law reads:

19 (b) . . . [They] . . . shall have the
20 seal of the District impressed thereon.
21 . . .

22 (4) Section 9(b), Chapter 245, Acts of the 54th
23 Legislature, Regular Session, 1955, provides that
24 district bonds may be sold at a price and under terms
25 that the board determines to be the most advantageous
26 and reasonable obtainable. The revised law omits that
27 provision because it duplicates or is superseded by
28 provisions of general law. Section 1204.006(b),
29 Government Code, enacted as Section 2(a), Chapter 3,
30 Acts of the 61st Legislature, Regular Session, 1969
31 (Article 717k-2, Vernon's Texas Civil Statutes),
32 provides that an issuer may sell public securities "at
33 any price." Section 1204.006(b), Government Code,
34 applies to district bonds under Sections 1204.001 and
35 1204.002, Government Code. Section 1201.022,
36 Government Code, as amended in 2001, provides that an

1 issuer may sell public securities "under the terms
2 determined by the governing body of the issuer to be in
3 the issuer's best interests." The omitted law reads:

4 (b) . . . All bonds may be sold at
5 such price and under such terms as may be
6 determined by the Board of Directors to be
7 the most advantageous and reasonable
8 obtainable,

9 (5) Section 9(b), Chapter 245, Acts of the 54th
10 Legislature, Regular Session, 1955, provides that the
11 interest cost to the district for district bonds may
12 not exceed six percent per year. The revised law omits
13 that provision as superseded by other law. Chapter 3,
14 Acts of the 61st Legislature, Regular Session, 1969
15 (Article 717k-2, Vernon's Texas Civil Statutes), now
16 Chapter 1204, Government Code, established a maximum
17 interest rate for public securities. Section
18 1204.006, Government Code, reflecting the 1981
19 amendment of Article 717k-2 by Section 1, Chapter 61,
20 Acts of the 67th Legislature, Regular Session, permits
21 a public agency to issue public securities at any net
22 effective interest rate of 15 percent or less. Section
23 1204.006, Government Code, applies to district bonds
24 under Sections 1204.001 and 1204.002, Government Code.
25 The omitted law reads:

26 (b) . . . [All bonds may be sold]
27 . . . provided that the interest cost to the
28 District, calculated by use of standard
29 bond interest tables currently in use by
30 insurance companies and investment houses
31 does not exceed six per cent (6%) per
32 annum. . . .

33 (6) Section 9(b), Chapter 245, Acts of the 54th
34 Legislature, Regular Session, 1955, provides that
35 district bonds may be redeemed before maturity at the
36 time and price specified in the resolution authorizing
37 the bonds. The revised law omits that provision
38 because it duplicates Sections 1201.021 and 1201.022,
39 Government Code, which provide that a public security

1 may be redeemed before maturity and be payable in
2 specified amounts and at specified times. The omitted
3 law reads:

4 (b) . . . Within the discretion of
5 the Board, bonds may be made callable and
6 subject to redemption prior to their
7 maturity at such time and at such prices as
8 may be prescribed in the authorizing
9 resolution. . . .

10 (7) Section 9(b), Chapter 245, Acts of the 54th
11 Legislature, Regular Session, 1955, provides that
12 interest on district bonds may be payable annually or
13 semiannually in the discretion of the board. The
14 revised law omits that provision because it is
15 superseded by Section 1201.021, Government Code
16 (enacted as Section 3, Bond Procedures Act of 1981
17 (Article 717k-6, Vernon's Texas Civil Statutes)),
18 which provides in part that a public security may be
19 payable at the times and in the amounts specified by
20 the governing body of the issuer. The omitted law
21 reads:

22 (b) . . . Interest on all bonds shall
23 be payable annually or semi-annually within
24 the discretion of the Board of Directors.
25 . . .

26 (8) Section 9(b), Chapter 245, Acts of the 54th
27 Legislature, Regular Session, 1955, states that bonds
28 may be issued in "one or more than one series and from
29 time to time as required in carrying out the purpose of
30 this Act." The revised law omits "one or more than one
31 series" because it duplicates a provision of Section
32 1201.022, Government Code. The revised law omits
33 "from time to time" because the power to issue bonds
34 implies the power to do so at any time. The revised law
35 omits "as required in carrying out the purpose of this
36 Act" because Section 9(a), Chapter 245, Acts of the
37 54th Legislature, Regular Session, 1955, revised in
38 Section 9051.252, authorizes the district to issue

1 bonds to accomplish the purposes for which the
2 district was created. The omitted law reads:

3 (b) . . . Bonds may be issued in one
4 or more than one series and from time to
5 time as required in carrying out the purpose
6 of this Act.

7 (9) Section 9(g), Chapter 245, Acts of the 54th
8 Legislature, Regular Session, 1955, provides that
9 bonds issued by the district are "negotiable
10 instruments within the meaning of the Negotiable
11 Instruments Laws of this State." The revised law omits
12 that provision because the Uniform Negotiable
13 Instruments Act (Articles 5932-5948, Revised
14 Statutes) was repealed in 1965 when the Uniform
15 Commercial Code was adopted (see Title I, Business &
16 Commerce Code) and because the provision duplicates in
17 substance Section 1201.041, Government Code, which
18 provides that a public security is a negotiable
19 instrument. The omitted law reads:

20 (g) All bonds issued by the District
21 pursuant to the provisions of this Act shall
22 constitute negotiable instruments within
23 the meaning of the Negotiable Instruments
24 Laws of this State. . . .

25 (10) Section 9(g), Chapter 245, Acts of the 54th
26 Legislature, Regular Session, 1955, provides that
27 before bonds may be sold by the district, a certified
28 copy of the proceedings for the issuance of the bonds
29 and other information must be submitted to the
30 attorney general; provides that if the attorney
31 general finds that the bonds have been issued in
32 accordance with law, the attorney general shall
33 approve the bonds and execute a certificate of
34 approval; requires that the certificate be filed and
35 recorded in the office of the comptroller; prohibits
36 the issuance of bonds until they have been registered
37 by the comptroller; and requires the comptroller to
38 register the bonds if the attorney general files with

1 the comptroller the attorney general's certificate
2 approving the bonds and the proceedings for the
3 issuance of the bonds. The revised law omits those
4 provisions as duplicative of or superseded by Chapter
5 1202, Government Code, enacted as Article 3, Chapter
6 53, Acts of the 70th Legislature, 2nd Called Session,
7 1987 (Article 717k-8, Vernon's Texas Civil Statutes).
8 Section 1202.003(a), Government Code, requires bonds
9 to be submitted to the attorney general. Section
10 1202.003(b), Government Code, provides for approval of
11 the bonds by the attorney general and requires the
12 attorney general to submit the approved bonds to the
13 comptroller for registration. Section 1202.005,
14 Government Code, requires registration of the bonds by
15 the comptroller. The omitted law reads:

16 (g) . . . Before any bonds shall be
17 sold by the District, a certified copy of
18 the proceedings for the issuance thereof,
19 including the form of such bonds, together
20 with any other information which the
21 Attorney General of Texas may require,
22 shall be submitted to the Attorney General,
23 and if he shall find that such bonds have
24 been issued in accordance with the law, he
25 shall approve such bonds and execute a
26 certificate of approval which shall be
27 filed in the office of the Comptroller of
28 Public Accounts of the State of Texas, and
29 be recorded in the records kept for that
30 purpose. No bonds shall be issued until the
31 same shall have been registered by the
32 Comptroller of Public Accounts, who shall
33 so register the same if the Attorney General
34 shall have filed with the Comptroller of
35 Public Accounts his certificate approving
36 the bonds, and the proceedings for the
37 issuance thereof, as hereinabove provided.
38 . . .

39 (11) Section 9(g), Chapter 245, Acts of the 54th
40 Legislature, Regular Session, 1955, details various
41 procedures regarding the attorney general's approval
42 of bond contracts and proceedings. The revised law
43 omits the portion of Section 9(g) regarding the
44 incontestability of a bond and of a contract the
45 proceeds of which are pledged to the payment of a bond

1 as superseded by Section 1202.006, Government Code
2 (enacted as Section 3.002(d), Chapter 53, Acts of the
3 70th Legislature, 2nd Called Session, 1987 (Article
4 717k-8, Vernon's Texas Civil Statutes)). Section
5 1202.006, Government Code, provides that after
6 approval and registration of the bond, the bond and
7 contract are incontestable for any reason. The
8 omitted law reads:

9 (g) . . . When bonds or the
10 proceedings pertaining thereto recite that
11 they are secured by a pledge of the proceeds
12 of contracts theretofore made between the
13 District and any city, district, or other
14 user, a copy of such contracts and
15 proceedings of the contracting parties
16 shall be submitted to the Attorney General
17 with the bond record, and if such bonds have
18 been duly authorized and such contracts
19 made in compliance with law, he shall
20 approve the bonds and contracts and
21 When approved as aforesaid, the bonds and
22 contracts shall be valid and binding and
23 shall be incontestable for any cause.

24 (12) Section 9(g), Chapter 245, Acts of the 54th
25 Legislature, Regular Session, 1955, provides that
26 after approval the bonds shall be registered with the
27 comptroller. The revised law omits that provision as
28 superseded by Section 1202.005, Government Code
29 (enacted in 1987 as Section 3.002(c), Chapter 53, Acts
30 of the 70th Legislature, 2nd Called Session (Article
31 717k-8, Vernon's Texas Civil Statutes)). The omitted
32 law reads:

33 (g) . . . [the Attorney General . . .
34 shall approve the bonds and contracts and]
35 the bonds shall then be registered by the
36 Comptroller of Public Accounts. . . .

37 Revisor's Note
38 (End of Chapter)

39 (1) Section 2, Chapter 245, Acts of the 54th
40 Legislature, Regular Session, 1955, provides that the
41 district is not required to hold a confirmation
42 election, a hearing on the exclusion of land, or a
43 hearing on the adoption of a plan of taxation. The

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20 CHAPTER 9052. FLAMINGO ISLES MUNICIPAL UTILITY DISTRICT OF

21 GALVESTON COUNTY, TEXAS

22 SUBCHAPTER A. GENERAL PROVISIONS

23 Revised Law

24 Sec. 9052.001. DEFINITIONS. In this chapter:

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

26 (2) "District" means the Flamingo Isles Municipal
 27 Utility District of Galveston County, Texas. (Acts 59th Leg., R.S.,
 28 Ch. 613, Sec. 1 (part); New.)

29 Source Law

30 Sec. 1. . . . [a . . . district] . . . to be
 31 known as "Flamingo Isles Municipal Utility District of
 32 Galveston County, Texas," hereinafter referred to as
 33 the "District," and

34 Revisor's Note

35 The definition of "board" is added to the revised
 36 law for drafting convenience and to eliminate

1 frequent, unnecessary repetition of the substance of
2 the definition.

3 Revised Law

4 Sec. 9052.002. NATURE OF DISTRICT. The district is:

5 (1) a conservation and reclamation district in
6 Galveston County under Section 59, Article XVI, Texas Constitution;

7 (2) a water control and improvement district; and

8 (3) a municipal corporation. (Acts 59th Leg., R.S.,
9 Ch. 613, Secs. 1 (part), 7 (part), 9 (part).)

10 Source Law

11 Sec. 1. Under and pursuant to the provisions of
12 Section 59 of Article XVI, Constitution of Texas, a
13 conservation and reclamation district is hereby
14 created and incorporated in Galveston County, Texas,
15

16 Sec. 7. . . . Upon the adoption of this Act,
17 said District shall be a fully created and established
18 water control and improvement district. . . .

19 Sec. 9. [The Legislature] . . . declares the
20 District to be a governmental agency, a body politic
21 and corporate, and a municipal corporation.

22 Revisor's Note

23 (1) Sections 1 and 7, Chapter 613, Acts of the
24 59th Legislature, Regular Session, 1965, refer to the
25 creation, incorporation, and establishment of the
26 district. The revised law omits "created and
27 incorporated" and "[u]pon the adoption of this Act,
28 [said District shall be a] fully created and
29 established" water control and improvement district as
30 executed.

31 (2) Section 9, Chapter 613, Acts of the 59th
32 Legislature, Regular Session, 1965, refers to the
33 district as a "governmental agency, a body politic and
34 corporate." The revised law omits the quoted language
35 because it duplicates in substance a portion of
36 Section 59(b), Article XVI, Texas Constitution, which
37 provides that a conservation and reclamation district
38 is a governmental agency and a body politic and

1 corporate.

2 Revised Law

3 Sec. 9052.003. FINDINGS OF BENEFIT AND PUBLIC
4 PURPOSE. (a) The district is created to serve a public use and
5 benefit.

6 (b) All land and other property in the district will benefit
7 from the creation of the district and the improvements the district
8 will purchase, construct, or otherwise acquire.

9 (c) The district is essential to accomplish the purposes of
10 Section 59, Article XVI, Texas Constitution. (Acts 59th Leg.,
11 R.S., Ch. 613, Secs. 7 (part), 9 (part).)

12 Source Law

13 Sec. 7. It is hereby found and determined that
14 all of the lands and other property included within the
15 District are, and will be, benefited by the creation of
16 the District and by the improvements that the District
17 will purchase, construct, or otherwise acquire, and
18 that the District is created to serve a public use and
19 benefit. . . .

20 Sec. 9. The Legislature hereby exercises the
21 authority conferred upon it by Section 59 of Article
22 XVI, Constitution of Texas, and declares that the
23 District created by this Act is essential to the
24 accomplishment of the purposes of said Constitutional
25 provisions; finds that all of the land and other
26 property included therein are, and will be, benefited
27 thereby and by the improvements that the District will
28 purchase, construct, or otherwise acquire; and

29 Revisor's Note

30 Section 9, Chapter 613, Acts of the 59th
31 Legislature, Regular Session, 1965, provides that the
32 legislature "hereby exercises the authority conferred
33 upon it by Section 59 of Article XVI, Constitution of
34 Texas, and declares that" the district "created by
35 this Act" is essential to accomplish the purposes of
36 that constitutional provision. The revised law omits
37 the quoted language as executed.

38 Revised Law

39 Sec. 9052.004. DISSOLUTION OF DISTRICT. The district may
40 be dissolved by the board in accordance with Sections
41 51.781-51.791, Water Code. (Acts 59th Leg., R.S., Ch. 613, Sec. 5

1 (part).)

2 Source Law

3 Sec. 5. . . . Said District may be dissolved by
4 its Board of Directors in accordance with the
5 provisions of Section 77b, Chapter 25, General Laws,
6 Acts of the 39th Legislature, Regular Session, 1925
7 (Article 7880-77b, Vernon's Texas Civil Statutes).

8 Revisor's Note

9 Section 5, Chapter 613, Acts of the 59th
10 Legislature, Regular Session, 1965, refers to the
11 dissolution provisions of "Section 77b, Chapter 25,
12 General Laws, Acts of the 39th Legislature, Regular
13 Session, 1925 (Article 7880-77b, Vernon's Texas Civil
14 Statutes)." Article 7880-77b was codified by Chapter
15 58, Acts of the 62nd Legislature, Regular Session,
16 1971, as Sections 51.781-51.792, Water Code. Section
17 51.792, Water Code, was repealed by Section 85(6),
18 Chapter 1248, Acts of the 71st Legislature, Regular
19 Session, 1989. The revised law is drafted
20 accordingly.

21 SUBCHAPTER B. DISTRICT TERRITORY

22 Revised Law

23 Sec. 9052.051. DISTRICT TERRITORY. (a) The district is
24 composed of the territory described by Section 1, Chapter 613, Acts
25 of the 59th Legislature, Regular Session, 1965, as that territory
26 may have been modified under:

- 27 (1) Subchapter O, Chapter 51, Water Code;
- 28 (2) Subchapter J, Chapter 49, Water Code;
- 29 (3) Section 9052.052 or its predecessor statute,
30 former Section 5, Chapter 613, Acts of the 59th Legislature,
31 Regular Session, 1965; or
- 32 (4) other law.

33 (b) The boundaries and field notes of the district form a
34 closure. A mistake in the field notes or in copying the field notes
35 in the legislative process does not affect:

- 36 (1) the district's organization, existence, or

1 validity;

2 (2) the district's right to issue bonds or to pay the
3 principal of and interest on the bonds;

4 (3) the district's right to impose a tax; or

5 (4) the legality or operation of the district or its
6 governing body. (Acts 59th Leg., R.S., Ch. 613, Sec. 2; New.)

7 Source Law

8 Sec. 2. It is expressly determined, and the
9 Legislature hereby finds that the boundaries of said
10 District form a closure, and if any mistake is made in
11 copying the field notes in the legislative process, or
12 otherwise a mistake is found to have occurred in the
13 field notes, it shall in no way or manner affect the
14 organization, existence or validity of said District,
15 or its right to issue bonds or refunding bonds, or to
16 pay the principal and interest thereon, or the right to
17 assess, levy and collect taxes, or in any other manner
18 affect the legality or operation of the District or its
19 governing body.

20 Revisor's Note

21 (1) The revision of the law governing the
22 district does not revise the statutory language
23 describing the territory of the district to avoid the
24 lengthy recitation of the description and because that
25 description may not be accurate on the effective date
26 of the revision or at the time of a later reading. For
27 the reader's convenience, the revised law includes
28 references to the statutory description of the
29 district's territory and to statutory authority to
30 change the district's territory under Subchapter O,
31 Chapter 51, Water Code, applicable to water control
32 and improvement districts, Subchapter J, Chapter 49,
33 Water Code, applicable to the district under Sections
34 49.001 and 49.002 of that chapter, and Section
35 9052.052 of this chapter or its predecessor statute,
36 Section 5, Chapter 613, Acts of the 59th Legislature,
37 Regular Session, 1965. The revised law also includes a
38 reference to the general authority of the legislature
39 to enact a law to change the district's territory.

40 (2) Section 2, Chapter 613, Acts of the 59th

1 Legislature, Regular Session, 1965, provides that a
2 mistake does not affect the right of the district to
3 issue "bonds or refunding bonds." The revised law
4 omits the reference to "refunding bonds" because
5 refunding bonds are included in the meaning of
6 "bonds."

7 (3) Section 2, Chapter 613, Acts of the 59th
8 Legislature, Regular Session, 1965, refers to the
9 district's right to "assess, levy and collect" a tax.
10 The revised law substitutes "impose" for "assess, levy
11 and collect" because "impose" is the term generally
12 used in Title 1, Tax Code, and includes the assessment,
13 levying, or collection of a tax.

14 Revised Law

15 Sec. 9052.052. ADDITION OF LAND TO DISTRICT. The district
16 may not add land to the district unless:

17 (1) an owner of land adjacent or contiguous to the
18 district requests in writing that the district add land;

19 (2) the owner of the land to be added consents to the
20 addition; and

21 (3) the land is adjacent or contiguous to the district
22 when added. (Acts 59th Leg., R.S., Ch. 613, Sec. 5 (part).)

23 Source Law

24 Sec. 5. . . . Land may be added to the District
25 only by written request of an adjacent, or contiguous,
26 landowner or landowners; and no land may be added
27 without the consent of the owner thereof. No land may
28 be added which is not adjacent or contiguous to the
29 District when added. . . .

30 Revisor's Note
31 (End of Subchapter)

32 Section 5, Chapter 613, Acts of the 59th
33 Legislature, Regular Session, 1965, provides that the
34 district may exclude land in the manner provided by
35 Chapter 3A, Title 128, Revised Civil Statutes of
36 Texas, 1925. The revised law omits that provision as
37 unnecessary. The relevant provisions of that statute

1 were codified by Chapter 58, Acts of the 62nd
2 Legislature, Regular Session, 1971, as Subchapter O,
3 Chapter 51, Water Code. Chapter 715, Acts of the 74th
4 Legislature, Regular Session, 1995, repealed some of
5 the relevant provisions of Subchapter O, Chapter 51,
6 Water Code, and enacted Subchapter J, Chapter 49,
7 Water Code, to govern the addition of land to or the
8 exclusion of land from a water control and improvement
9 district and certain other districts. Subchapter J,
10 Chapter 49, Water Code, applies to the district
11 without an express reference to Subchapter J by this
12 chapter. The remaining relevant provisions of
13 Subchapter O, Chapter 51, Water Code, apply to the
14 district under Section 3, Chapter 613, Acts of the 59th
15 Legislature, Regular Session, 1965, revised in this
16 chapter as Section 9052.151, without an express
17 reference to those provisions. The omitted law reads:

18 Sec. 5. Land may be excluded from
19 said District in the manner now provided by
20 Chapter 3A, Title 128, Revised Civil
21 Statutes of Texas, 1925, as amended. . . .

22 SUBCHAPTER C. BOARD OF DIRECTORS

23 Revised Law

24 Sec. 9052.101. COMPOSITION OF BOARD. The board is composed
25 of five elected directors. (Acts 59th Leg., R.S., Ch. 613, Sec. 4
26 (part).)

27 Source Law

28 Sec. 4. The management and control of the
29 District is hereby vested in a Board of five (5)
30 directors elections for Directors shall be
31 held

32 Revisor's Note

33 Section 4, Chapter 613, Acts of the 59th
34 Legislature, Regular Session, 1965, provides that the
35 "management and control of the District is hereby
36 vested" in the board. The revised law omits the quoted
37 language because it duplicates in substance Sections

1 49.051 and 49.057, Water Code. Throughout this
2 chapter, the revised law omits law that is superseded
3 by Chapter 49, Water Code, or that duplicates law
4 contained in that chapter. Chapter 49, Water Code,
5 applies to the district under Sections 49.001 and
6 49.002 of that code.

7 Revisor's Note
8 (End of Subchapter)

9 (1) Section 4, Chapter 613, Acts of the 59th
10 Legislature, Regular Session, 1965, refers to the
11 powers, authority, and duties conferred and imposed on
12 the board under Chapter 3A, Title 128, Revised Civil
13 Statutes of Texas, 1925. The revised law omits the
14 reference to Chapter 3A, Title 128, Revised Statutes,
15 because the relevant parts of that chapter were
16 codified in 1971 as Chapter 51, Water Code. In 1995,
17 the legislature enacted Chapter 715, Acts of the 74th
18 Legislature, Regular Session, which repealed many
19 provisions of Chapter 51 and enacted similar
20 provisions in Chapter 49, Water Code. Chapters 51 and
21 49, Water Code, including provisions relating to the
22 board's powers, authority, and duties, apply to the
23 district on their own terms. The omitted law reads:

24 Sec. 4. . . . [a Board] . . . which
25 shall have all of the powers and authority
26 and duties conferred and imposed upon
27 boards of directors of water control and
28 improvement districts organized under the
29 provisions of Chapter 3A of Title 128,
30 Revised Civil Statutes of Texas, 1925,
31 together with all amendments thereof and
32 additions thereto. . . .

33 (2) Section 4, Chapter 613, Acts of the 59th
34 Legislature, Regular Session, 1965, provides for the
35 appointment of the initial board of directors of the
36 district, the initial meeting and organization of the
37 board, and the election of subsequent directors. The
38 revised law omits the provisions pertaining to the
39 appointment of initial directors and the initial board

1 meeting and organization as executed. The provisions
2 of Section 4 that require the election of subsequent
3 directors to be held as provided by general laws
4 relating to water control and improvement districts
5 are omitted because those provisions duplicate
6 Subchapter D, Chapter 49, Water Code, and parts of
7 Subchapter C, Chapter 51, Water Code, which govern
8 director elections and apply to the district on their
9 own terms. The omitted law reads:

10 Sec. 4. . . . The members of the
11 first Board of Directors shall be
12 appointed, as soon as practicable after
13 this Act becomes effective, by the County
14 Judge of Galveston County, Texas, and said
15 first Board of Directors shall meet and
16 organize as soon as practicable after their
17 appointment and shall file their official
18 bonds. If any of the aforementioned members
19 of said first Board of Directors shall die,
20 become incapacitated or otherwise not
21 qualify to assume their duties under this
22 Act, the remaining members of said Board of
23 Directors shall appoint his or their
24 successors. With the exception of said
25 first Board of Directors, the Board of
26 Directors shall be selected as provided by
27 the General Laws for water control and
28 improvement districts. The first election
29 of Directors of such District shall be held
30 on the second Tuesday in January, 1967, and
31 in accordance with Article 7880-37, Revised
32 Civil Statutes of Texas, 1925. Thereafter,
33 Directors of the District shall be chosen,
34 and [elections for Directors shall be held]
35 in accordance with the provisions of the
36 General Laws relating to water control and
37 improvement districts.

38 SUBCHAPTER D. POWERS AND DUTIES

39 Revised Law

40 Sec. 9052.151. WATER CONTROL AND IMPROVEMENT DISTRICT
41 POWERS. The district has the rights, powers, privileges, and
42 duties provided by general law applicable to a water control and
43 improvement district created under Section 59, Article XVI, Texas
44 Constitution, including Chapters 49 and 51, Water Code. (Acts 59th
45 Leg., R.S., Ch. 613, Sec. 3 (part).)

46 Source Law

47 Sec. 3. The District shall have and exercise,
48 and is hereby vested with, all of the rights, powers,
49 privileges and duties conferred and imposed by the

1 General Laws of the State of Texas now in force or
2 hereafter enacted, applicable to water control and
3 improvement districts created under authority of
4 Section 59 of Article XVI, Constitution of Texas, but
5 Without in any way limiting the generalization
6 of the foregoing, it is expressly provided the
7 District shall have and exercise, and is hereby vested
8 with, all of the rights, powers, privileges and duties
9 conferred and imposed by Chapter 3A of Title 128,
10 Revised Civil Statutes of Texas, 1925, together with
11 all amendments thereto and additions thereto,

12 Revisor's Note

13 (1) Section 3, Chapter 613, Acts of the 59th
14 Legislature, Regular Session, 1965, states that the
15 district "shall have and exercise, and is hereby
16 vested with," certain rights, powers, privileges, and
17 duties. The revised law substitutes "has" for the
18 quoted language because, in context, the terms are
19 synonymous and "has" is more commonly used.

20 (2) Section 3, Chapter 613, Acts of the 59th
21 Legislature, Regular Session, 1965, states that the
22 district has the rights, powers, privileges, and
23 duties "conferred and imposed" by general law. The
24 revised law substitutes "provided" for the quoted
25 language because regardless of whether a right, power,
26 privilege, or duty is "conferred" by general law or
27 "imposed" by general law, it is not necessary to
28 characterize in the revised law the nature of the
29 granting of that authority. In context, "provided" is
30 synonymous with "conferred and imposed" and "provided"
31 is more commonly used.

32 (3) Section 3, Chapter 613, Acts of the 59th
33 Legislature, Regular Session, 1965, refers to the
34 general laws of this state "now in force or hereafter
35 enacted." The revised law omits the quoted language
36 because it duplicates in substance accepted general
37 principles of statutory construction. The "[g]eneral
38 [l]aws of the State of Texas" means those laws "in
39 force" at the time the provision was adopted. It is
40 unnecessary to state that an entity may be granted

1 additional powers by later enacted laws because those
2 laws apply on their own terms.

3 (4) Section 3, Chapter 613, Acts of the 59th
4 Legislature, Regular Session, 1965, provides that the
5 act prevails over general law in case of a conflict or
6 other inconsistency and that all general laws
7 applicable to water control and improvement districts
8 not in conflict or inconsistent with the provisions of
9 the act are incorporated by reference. The revised law
10 omits the portion of the provision relating to the act
11 prevailing over general law because it duplicates in
12 substance Section 311.026(b), Government Code (Code
13 Construction Act). The revised law omits the portion
14 of the provision relating to incorporation of general
15 laws because Section 3 of Chapter 613 (revised in part
16 as this section) provides that those laws apply to the
17 district, and it is unnecessary to repeat that
18 authority. The omitted law reads:

19 Sec. 3. [The District shall have and
20 exercise, and is hereby vested with, all of
21 the rights, powers, privileges and duties
22 conferred and imposed by the General Laws of
23 the State of Texas now in force or hereafter
24 enacted, applicable to water control and
25 improvement districts created under
26 authority of Section 59 of Article XVI,
27 Constitution of Texas, but] to the extent
28 that the provisions of such General Laws may
29 be in conflict or inconsistent with the
30 provisions of this Act, the provisions of
31 this Act shall prevail. All such General
32 Laws are hereby incorporated by reference
33 with the same effect as if incorporated in
34 full in this Act. . . .

35 (5) Section 3, Chapter 613, Acts of the 59th
36 Legislature, Regular Session, 1965, provides that
37 "[w]ithout in any way limiting the generalization of
38 the foregoing" powers and duties provided by general
39 law applicable to water control and improvement
40 districts, the district has certain rights, powers,
41 privileges, and duties provided by specified law. The
42 revised law omits the quoted language because an

1 accepted principle of statutory construction requires
2 a statute to be given cumulative effect with other
3 statutes unless it provides otherwise or unless the
4 statutes are in conflict. The general principle
5 applies to this revision.

6 (6) Section 3, Chapter 613, Acts of the 59th
7 Legislature, Regular Session, 1965, refers to "Chapter
8 3A of Title 128, Revised Civil Statutes of Texas, 1925,
9 together with all amendments thereto and additions
10 thereto." The revised law substitutes a reference to
11 Chapters 49 and 51, Water Code, for the quoted language
12 for the reasons stated in Revisor's Note (1) at the end
13 of Subchapter C. In addition, the revised law omits
14 the reference to "all amendments thereto and additions
15 thereto" because under Section 311.027, Government
16 Code (Code Construction Act), a reference to a statute
17 applies to all reenactments, revisions, or amendments
18 of that statute unless expressly provided otherwise.

19 (7) Section 3, Chapter 613, Acts of the 59th
20 Legislature, Regular Session, 1965, refers to certain
21 powers granted by Chapter 3A, Title 128, Revised Civil
22 Statutes of Texas, and by Article 7880-90a, Vernon's
23 Texas Civil Statutes. The revised law omits those
24 references because the provisions, under which the
25 powers were granted, were included in the 1971
26 codification of Chapter 51, Water Code, and now are
27 contained in Chapter 51, Water Code, or have been
28 replaced by provisions of Chapter 49, Water Code, both
29 of which apply to the district on their own terms. The
30 omitted law reads:

31 Sec. 3. . . . [the District shall
32 have . . . all of the rights, powers,
33 privileges and duties conferred and imposed
34 by Chapter 3A of Title 128, Revised Civil
35 Statutes of Texas, 1925] . . . including
36 all powers and authority relating to the
37 navigation of its coastal and inland waters
38 and . . . including all power and authority

1 relating to sanitary sewer systems and the
2 issuance of bonds therefor as authorized by
3 and provided in said Chapter, including the
4 power and authority to issue tax bonds,
5 revenue bonds or tax-revenue bonds as
6 authorized by and provided in Article
7 7880-90a, Vernon's Texas Civil Statutes, as
8 amended. . . .

9 Revised Law

10 Sec. 9052.152. RECLAMATION AND DRAINAGE. The district may
11 provide for the reclamation and drainage of overflowed land and
12 other land needing drainage in the district. (Acts 59th Leg., R.S.,
13 Ch. 613, Sec. 3 (part).)

14 Source Law

15 Sec. 3. . . . [Without in any way limiting the
16 generalization of the foregoing,] it is expressly
17 provided the District shall have and exercise, and is
18 hereby vested with, all of the rights, powers,
19 privileges and duties . . . including all powers and
20 authority relating to . . . the reclamation and
21 drainage of overflowed lands and other lands needing
22 drainage in said District, and

23 Revisor's Note

24 Section 3, Chapter 613, Acts of the 59th
25 Legislature, Regular Session, 1965, states that the
26 district "shall have and exercise, and is hereby
27 vested with," all rights, powers, privileges, and
28 duties relating to the reclamation and drainage of
29 certain lands. The revised law substitutes "may
30 provide for" for the quoted language because, in
31 context, the language is synonymous and "may provide
32 for" is more commonly used.

33 Revised Law

34 Sec. 9052.153. ACQUISITION OF IMPROVEMENTS. The district
35 may make, construct, or otherwise acquire existing improvements or
36 improvements to be made, constructed, or acquired, inside or
37 outside the district, that are necessary to carry out a power
38 granted to the district under this chapter or a general law
39 described by Section 9052.151. (Acts 59th Leg., R.S., Ch. 613, Sec.
40 3 (part).)

41 Source Law

42 Sec. 3. . . . Said District shall have the power

1 to make, construct, or otherwise acquire improvements
2 (whether previously existing or to be made,
3 constructed or acquired) either within or without the
4 boundaries thereof necessary to carry out the powers
5 and authority granted by this Act and said General
6 Laws;

7 Revisor's Note

8 (1) Section 3, Chapter 613, Acts of the 59th
9 Legislature, Regular Session, 1965, provides that the
10 district "shall have the power" to take certain
11 actions regarding improvements. The revised law
12 substitutes "may" for the quoted language because that
13 term is more concise and is the substantive equivalent
14 of the quoted language.

15 (2) Section 3, Chapter 613, Acts of the 59th
16 Legislature, Regular Session, 1965, refers to the
17 district's "powers and authority." The revised law
18 omits the reference to "authority" because, in
19 context, it is included in the meaning of "powers."

20 Revised Law

21 Sec. 9052.154. COST OF RELOCATING OR ALTERING PROPERTY.

22 (a) In this section, "sole expense" means the actual cost of
23 relocating, raising, lowering, rerouting, changing the grade of, or
24 altering the construction of a facility described by Subsection (b)
25 in providing comparable replacement without enhancement of the
26 facility, after deducting from that cost the net salvage value
27 derived from the old facility.

28 (b) If the district's exercise of the power of eminent
29 domain, the power of relocation, or any other power granted by this
30 chapter makes necessary relocating, raising, rerouting, changing
31 the grade of, or altering the construction of a highway, railroad,
32 electric transmission line, telephone or telegraph property or
33 facility, or pipeline, the necessary action shall be accomplished
34 at the sole expense of the district. (Acts 59th Leg., R.S., Ch.
35 613, Sec. 3 (part).)

36 Source Law

37 Sec. 3. . . . In the event that the District in
38 the exercise of the power of eminent domain or power of

1 relocation, or any other power granted hereunder,
2 makes necessary the relocation, raising, re-routing or
3 changing the grade of, or altering the construction
4 of, any highway, railroad, electric transmission line,
5 telephone or telegraph properties and facilities, or
6 pipeline, all such necessary relocation, raising,
7 re-routing, changing of grade or alteration of
8 construction shall be accomplished at the sole expense
9 of the District. The term "sole expense" shall mean
10 the actual cost of such relocation, raising, lowering,
11 re-routing, or change in grade or alteration of
12 construction in providing comparable replacement
13 without enhancement of such facilities after deducting
14 therefrom the net salvage value derived from the old
15 facility.

16 Revised Law

17 Sec. 9052.155. LIMIT ON EMINENT DOMAIN POWER. The district
18 may not exercise the power of eminent domain outside the district.
19 (Acts 59th Leg., R.S., Ch. 613, Sec. 3 (part).)

20 Source Law

21 Sec. 3. . . . provided, however, that the
22 exercise of the power of eminent domain shall not
23 extend beyond the boundaries of the District. . . .

24 Revised Law

25 Sec. 9052.156. DURATION OF CONTRACT FOR WATER PURCHASE OR
26 SALE. A district contract for the purchase or sale of water may not
27 exceed 40 years. (Acts 59th Leg., R.S., Ch. 613, Sec. 3 (part).)

28 Source Law

29 Sec. 3. . . . The powers of its Board of
30 Directors shall include, but not be limited to, the
31 right to enter into contracts on behalf of said
32 District for the purchase and sale, or either, of water
33 for such periods of time, not exceeding forty (40)
34 years, and on such terms and conditions as its Board of
35 Directors may deem desirable. . . .

36 Revisor's Note

37 Section 3, Chapter 613, Acts of the 59th
38 Legislature, Regular Session, 1965, provides that the
39 board has "the right to enter into contracts on behalf
40 of said District for the purchase and sale, or either,
41 of water . . . on such terms and conditions as its
42 Board of Directors may deem desirable." The revised
43 law omits the quoted language because it duplicates in
44 substance a portion of Section 49.213(c), Water Code.

1 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

2 Revised Law

3 Sec. 9052.201. TAX METHOD. (a) The district shall use the
4 ad valorem basis or plan of taxation.

5 (b) The board is not required to hold a hearing on the
6 adoption of a plan of taxation. (Acts 59th Leg., R.S., Ch. 613,
7 Sec. 7 (part).)

8 Source Law

9 Sec. 7. . . . The ad valorem basis or plan of
10 taxation shall be used by said District, and it shall
11 not be necessary for the Board of Directors to hold a
12 hearing on the adoption of a plan of taxation.

13 Revised Law

14 Sec. 9052.202. DEPOSITORY. (a) The board by resolution
15 shall designate one or more banks inside or outside the district to
16 serve as the district's depository. A designated bank serves for
17 two years and until a successor is designated.

18 (b) All district money shall be secured in the manner
19 provided for securing county funds. (Acts 59th Leg., R.S., Ch. 613,
20 Sec. 8.)

21 Source Law

22 Sec. 8. As soon as practicable after the
23 election and qualification of the first Board of
24 Directors of said District, said Board shall by
25 resolution designate one or more banks within or
26 without the District to serve as the District's
27 depository, and all funds of said District shall be
28 secured in the manner now provided for the security of
29 County funds. Such bank or banks shall serve for a
30 period of two (2) years and until a successor has been
31 selected.

32 Revisor's Note

33 Section 8, Chapter 613, Acts of the 59th
34 Legislature, Regular Session, 1965, requires the board
35 to select a depository bank "[a]s soon as practicable
36 after the election and qualification of the first
37 Board of Directors." The revised law omits the quoted
38 language as executed.

39 Revisor's Note
40 (End of Subchapter)

41 (1) Section 6, Chapter 613, Acts of the 59th

1 Legislature, Regular Session, 1965, lists the entities
2 for which district bonds are legal investments and
3 provides that district bonds may secure deposits of
4 public funds of the state or political subdivisions.
5 The revised law omits the provision relating to the
6 eligibility of district bonds to be considered as
7 investments for various entities because it duplicates
8 Section 49.186(a), Water Code. While Section 6 lists
9 "guardians" and Section 49.186(a), Water Code, does
10 not, Section 49.186(a) includes "fiduciaries," and a
11 guardian is a fiduciary. The revised law omits the
12 provision relating to deposits of state funds as
13 impliedly repealed by Section 404.0221, Government
14 Code (enacted in 1995), which lists eligible
15 collateral for deposits of state funds by the
16 comptroller. As to deposits of other funds, the
17 provision is impliedly repealed by Chapter 2257,
18 Government Code (enacted as Chapter 627, Acts of the
19 71st Legislature, Regular Session, 1989), which
20 governs eligible collateral for deposits of funds of
21 other public agencies, including political
22 subdivisions, and permits those deposits to be secured
23 by obligations issued by conservation and reclamation
24 districts. The omitted law reads:

25 Sec. 6. The bonds of the District
26 shall be and are hereby declared to be legal
27 and authorized investments for banks,
28 savings banks, trust companies, building
29 and loan associations, savings and loan
30 associations, insurance companies,
31 fiduciaries, trustees, guardians, and for
32 the sinking funds of cities, towns,
33 villages, counties, school districts, or
34 other political corporations or
35 subdivisions of the State of Texas. Such
36 bonds shall be eligible to secure the
37 deposit of any and all public funds of the
38 State of Texas, and any and all public funds
39 of cities, towns, villages, counties,
40 school districts, or other political
41 corporations or subdivisions of the State
42 of Texas; and such bonds shall be lawful and
43 sufficient security for said deposits to
44 the extent of their value, when accompanied

1 by all unmatured coupons appurtenant
2 thereto. . . .

3 (2) Section 6, Chapter 613, Acts of the 59th
4 Legislature, Regular Session, 1965, provides that
5 district bonds may be in denominations of \$1,000 or
6 multiples of \$1,000. The revised law omits that
7 provision as impliedly repealed by Section 3, Chapter
8 845, Acts of the 67th Legislature, Regular Session,
9 1981 (Article 717k-6, Vernon's Texas Civil Statutes),
10 which was revised as Section 1201.021, Government
11 Code, by Section 1, Chapter 227, Acts of the 76th
12 Legislature, Regular Session, 1999. Section 1201.021,
13 Government Code, allows a public security to be issued
14 in any denomination and applies to a district bond by
15 application of Section 1201.002, Government Code. The
16 omitted law reads:

17 Sec. 6. . . . Said bonds may be in
18 the denomination of \$1,000 or in multiples
19 thereof, and

20 (3) Section 6, Chapter 613, Acts of the 59th
21 Legislature, Regular Session, 1965, provides that bond
22 proceeds may be invested in obligations of the United
23 States or placed on time deposit. The revised law
24 omits that provision as superseded by Chapter 2256,
25 Government Code (enacted as Chapter 889, Acts of the
26 70th Legislature, Regular Session, 1987). The omitted
27 law reads:

28 Sec. 6. . . . until such time as the
29 bond proceeds are needed to carry out the
30 bond purpose, such proceeds may be invested
31 in direct obligations of the United States
32 of America or may be placed on time deposit,
33 either or both.

34 Revisor's Note
35 (End of Chapter)

36 (1) Section 10, Chapter 613, Acts of the 59th
37 Legislature, Regular Session, 1965, provides that the
38 act is severable. The revised law omits that provision
39 because it duplicates Section 311.032, Government Code

1 (Code Construction Act), which provides that a
2 provision of a statute is severable from each other
3 provision of the statute that can be given effect. The
4 omitted law reads:

5 Sec. 10. If any word, phrase, clause,
6 sentence, paragraph, section, or other part
7 of this Act or the application thereof to
8 any person or circumstance, shall ever be
9 held by a court of competent jurisdiction to
10 be invalid or unconstitutional, the
11 remainder of the Act and the application of
12 such word, phrase, clause, sentence,
13 paragraph, section, or other part of this
14 Act to other persons or circumstances shall
15 not be affected thereby.

16 (2) Section 11, Chapter 613, Acts of the 59th
17 Legislature, Regular Session, 1965, provides that
18 proof of publication of the constitutionally required
19 notice has been made. The revised law omits that
20 provision as executed. The omitted law reads:

21 Sec. 11. Proof of Publication of the
22 Constitutional notice required in the
23 enactment hereof under the provisions of
24 paragraph (d) of Section 59 of Article XVI
25 of the Texas Constitution has been made in
26 the manner provided therein and a copy of
27 said notice and the bill as originally
28 introduced have been delivered to the
29 Governor of the State of Texas as required
30 in such Constitutional provision, and such
31 notice and delivery are hereby found and
32 declared to be proper and sufficient to
33 satisfy such requirements.

34 CHAPTER 9053. LAZY RIVER IMPROVEMENT DISTRICT

35 SUBCHAPTER A. GENERAL PROVISIONS

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23		CHAPTER 9053. LAZY RIVER IMPROVEMENT DISTRICT	
24		SUBCHAPTER A. GENERAL PROVISIONS	
25		<u>Revised Law</u>	
26	Sec. 9053.001.	DEFINITIONS. In this chapter:	
27		(1) "Board" means the district's board of directors.	
28		(2) "Director" means a board member.	
29		(3) "District" means the Lazy River Improvement	
30		District. (Acts 59th Leg., R.S., Ch. 584, Sec. 1 (part); New.)	
31		<u>Source Law</u>	
32		Sec. 1. . . . [a . . . district] . . . to be	
33		known as "Lazy River Improvement District,"	
34		hereinafter called the "District,"	

1 Revisor's Note

2 The definitions of "board" and "director" are
3 added to the revised law for drafting convenience and
4 to eliminate frequent, unnecessary repetition of the
5 substance of the definitions.

6 Revised Law

7 Sec. 9053.002. NATURE OF DISTRICT. The district is a
8 conservation and reclamation district in Montgomery County created
9 under Section 59, Article XVI, Texas Constitution. (Acts 59th
10 Leg., R.S., Ch. 584, Sec. 1 (part).)

11 Source Law

12 Sec. 1. Under and pursuant to the provisions of
13 Article 16, Section 59, of the Constitution of Texas, a
14 conservation and reclamation district is hereby
15 created and established in Montgomery County, Texas,
16 . . . which shall be a governmental agency and a body
17 politic and corporate. . . .

18 Revisor's Note

19 (1) Section 1, Chapter 584, Acts of the 59th
20 Legislature, Regular Session, 1965, provides that the
21 district is "created and established" in Montgomery
22 County, Texas. The revised law omits "established"
23 because the meaning of that word is included in the
24 meaning of "created."

25 (2) Section 1, Chapter 584, Acts of the 59th
26 Legislature, Regular Session, 1965, refers to the
27 district as "a governmental agency and a body politic
28 and corporate." The revised law omits the quoted
29 language because it duplicates a portion of Section
30 59(b), Article XVI, Texas Constitution, which provides
31 that a conservation and reclamation district is a
32 governmental agency and a body politic and corporate.

33 Revised Law

34 Sec. 9053.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
35 The district is created to serve a public use and benefit.

36 (b) All land and other property included in the boundaries
37 of the district will benefit from the works and projects

1 accomplished by the district under the powers conferred by Section
2 59, Article XVI, Texas Constitution.

3 (c) The district is essential to accomplish the purposes of
4 Section 59, Article XVI, Texas Constitution.

5 (d) The accomplishment of the purposes stated in this
6 chapter will benefit the people of this state and improve their
7 property and industries.

8 (e) The district in carrying out the purposes of this
9 chapter will be performing an essential public function under the
10 Texas Constitution. (Acts 59th Leg., R.S., Ch. 584, Secs. 1 (part),
11 4, 22 (part).)

12 Source Law

13 Sec. 1. . . . The creation and establishment of
14 the District is hereby declared to be essential to the
15 accomplishment of the purposes of Article 16, Section
16 59, of the Constitution of Texas.

17 Sec. 4. It is determined and found that all of
18 the land and other property included within the area
19 and boundaries of the District will be benefited by the
20 works and projects which are to be accomplished by the
21 District pursuant to the powers conferred by the
22 provisions of Article 16, Section 59, of the
23 Constitution of Texas, and that said District was and
24 is created to serve a public use and benefit.

25 Sec. 22. The accomplishment of the purposes
26 stated in this Act being for the benefit of the people
27 of this State and for the improvement of their
28 properties and industries, the District in carrying
29 out the purpose of this Act will be performing an
30 essential public function under the Constitution,
31 and

32 Revisor's Note

33 (1) Section 1, Chapter 584, Acts of the 59th
34 Legislature, Regular Session, 1965, states that the
35 "creation and establishment" of the district is
36 "hereby declared to be" essential to accomplish the
37 purposes of Section 59, Article XVI, Texas
38 Constitution. The revised law omits the quoted
39 language as executed.

40 (2) Section 4, Chapter 584, Acts of the 59th
41 Legislature, Regular Session, 1965, refers to land and
42 other property included "within the area and

1 boundaries of the District." The revised law omits the
2 reference to "area" because property included in the
3 "area . . . of the District" is synonymous with
4 property included in the "boundaries of the District."

5 Revised Law

6 Sec. 9053.004. DISTRICT TERRITORY. (a) The district is
7 composed of the territory described by Section 2, Chapter 584, Acts
8 of the 59th Legislature, Regular Session, 1965, as that territory
9 may have been modified under:

10 (1) Subchapter O, Chapter 51, Water Code;

11 (2) Subchapter J, Chapter 49, Water Code;

12 (3) Section 9053.005 of this chapter or its
13 predecessor statute, former Section 16, Chapter 584, Acts of the
14 59th Legislature, Regular Session, 1965; or

15 (4) other law.

16 (b) The boundaries and field notes of the district form a
17 closure. A mistake in the field notes or in copying the field notes
18 in the legislative process does not affect:

19 (1) the district's organization, existence, or
20 validity;

21 (2) the district's right to issue any type or kind of
22 bond or to pay the principal of and interest on the bond;

23 (3) the district's right to impose a tax; or

24 (4) the legality or operation of the district or the
25 board. (Acts 59th Leg., R.S., Ch. 584, Sec. 3; New.)

26 Source Law

27 Sec. 3. It is determined and found that the
28 boundaries and field notes of the District form a
29 closure, and if any mistake is made in copying the
30 field notes in the legislative process, or otherwise a
31 mistake is made in the field notes, it shall in no way
32 or manner affect the organization, existence and
33 validity of the District, or the right of the District
34 to issue any type or kind of bonds or refunding bonds,
35 or to pay the principal and interest thereon, or the
36 right to assess, levy and collect taxes, or the
37 legality or operation of the District or its governing
38 body, which shall be a Board of Directors as
39 hereinafter provided.

1 Revisor's Note

2 (1) The revision of the law governing the
3 district does not revise the statutory language
4 describing the territory of the district to avoid the
5 lengthy recitation of the description and because that
6 description may not be accurate on the effective date
7 of the revision or at the time of a later reading. For
8 the reader's convenience, the revised law includes a
9 reference to the statutory description of the
10 district's territory and references to statutory
11 authority to change the district's territory under
12 Subchapter O, Chapter 51, Water Code, applicable to
13 water control and improvement districts, Subchapter J,
14 Chapter 49, Water Code, applicable to the district
15 under Sections 49.001 and 49.002 of that chapter, and
16 Section 9053.005 of this chapter or Section 16,
17 Chapter 584, Acts of the 59th Legislature, Regular
18 Session, 1965, from which Section 9053.005 was
19 derived. The revised law also includes a reference to
20 the general authority of the legislature to enact
21 other laws to change the district's territory.

22 (2) Section 3, Chapter 584, Acts of the 59th
23 Legislature, Regular Session, 1965, provides that a
24 mistake in the description of the district's
25 boundaries does not affect the right of the district to
26 issue "any type or kind of bonds or refunding bonds."
27 The revised law omits "refunding bonds" because
28 refunding bonds are included in the meaning of "any
29 type or kind of bonds."

30 (3) Section 3, Chapter 584, Acts of the 59th
31 Legislature, Regular Session, 1965, refers to the
32 district's right to "assess, levy and collect" a tax.
33 The revised law substitutes "impose" for "assess, levy
34 and collect" because "impose" is the term generally

1 used in Title 1, Tax Code, and includes the assessment,
2 levying, and collection of a tax.

3 Revised Law

4 Sec. 9053.005. EXPANSION OF DISTRICT. (a) Except as
5 otherwise provided by this section, the district may annex
6 territory as provided by Section 49.302, Water Code.

7 (b) Territory may not be annexed to the district without the
8 written consent of at least a three-fourths majority of all
9 landowners in the territory to be annexed whose land must also
10 constitute at least three-fourths of the value of all land in the
11 territory to be annexed, as shown by the tax rolls of the county in
12 which the territory to be annexed is located.

13 (c) A finding by the district that the requirements of
14 Subsection (b) have been met is:

15 (1) conclusive for all purposes; and

16 (2) not subject to judicial review. (Acts 59th Leg.,
17 R.S., Ch. 584, Sec. 16.)

18 Source Law

19 Sec. 16. Article 7880-75b, Vernon's Texas Civil
20 Statutes, as amended, shall be applicable to this
21 District in all respects except that no territory may
22 be annexed to this District pursuant to said Article
23 without the written consent of at least a
24 three-fourths majority of the landowners within the
25 territory to be annexed, such three-fourths majority
26 to be both in number of landowners and in value of land
27 as shown by the tax rolls of the county in which is
28 situated the territory to be annexed, and a finding by
29 the Board of Directors of the District as to this
30 additional requisite to annexation shall be conclusive
31 for all purposes and shall not be judicially reviewed.

32 Revisor's Note

33 Section 16, Chapter 584, Acts of the 59th
34 Legislature, Regular Session, 1965, refers to "Article
35 7880-75b, Vernon's Texas Civil Statutes, as amended."
36 Article 7880-75b was codified by Chapter 58, Acts of
37 the 62nd Legislature, Regular Session, 1971, as
38 Sections 51.718-51.724, Water Code, relating to the
39 addition of land to a water control and improvement
40 district and certain other districts by the petition

1 of less than all the landowners. Chapter 715, Acts of
2 the 74th Legislature, Regular Session, 1995, repealed
3 Sections 51.718-51.724, Water Code, and enacted
4 Section 49.302, Water Code, to govern the addition of
5 land to certain water districts, including water
6 control and improvement districts, by the petition of
7 less than all the landowners. The revised law is
8 drafted accordingly. The revised law omits the
9 reference to "as amended" throughout this chapter
10 because under Section 311.027, Government Code (Code
11 Construction Act), a reference to a statute applies to
12 all reenactments, revisions, or amendments of that
13 statute unless expressly provided otherwise.

14 Revised Law

15 Sec. 9053.006. HEARINGS FOR EXCLUSION OF LAND. (a) The
16 board is not required to call or hold a hearing on the exclusion of
17 land or other property from the district; provided, however, that
18 the board shall hold a hearing if an owner of land or other property
19 located in the district files a written request for a hearing with
20 the board secretary before the district's first bond election is
21 called.

22 (b) This section may not be construed to prevent the board
23 on its own motion from calling and holding an exclusion hearing
24 under general law. (Acts 59th Leg., R.S., Ch. 584, Sec. 7.)

25 Source Law

26 Sec. 7. It shall not be necessary for the Board
27 of Directors to call or hold a hearing on the
28 exclusions of land or other property from the
29 District; provided, however, that the Board of
30 Directors shall hold such hearing upon the written
31 request of any land or other property owner within the
32 District filed with the Secretary of the Board prior to
33 the calling of the first bond election for the
34 District. Nothing in this Section shall be construed
35 to prevent the Board on its own motion from calling and
36 holding an exclusions hearing or hearings pursuant to
37 the provisions of the General Law.

38 Revisor's Note

39 Section 7, Chapter 584, Acts of the 59th
40 Legislature, Regular Session, 1965, provides that it

1 is not necessary for the board to call or hold a
2 hearing on the exclusion of land or other property from
3 the district unless the board receives a written
4 request for such a hearing from an owner of land or
5 other property in the district before the calling of
6 the district's first bond election. The section also
7 provides that the authority not to call or hold an
8 exclusion hearing does not prevent the board on its own
9 motion from calling and holding such a hearing under
10 general law. While the provision relating to the
11 holding of an exclusion hearing on receipt of a request
12 before the calling of the district's first bond
13 election would normally be omitted as executed because
14 the district has held a bond election and the provision
15 relating to the applicability of general law would
16 normally be omitted as applicable on its own terms, the
17 revised law retains those provisions to preserve the
18 ambiguity created by the provision giving the board
19 discretion not to call or hold an exclusion hearing. It
20 is unclear whether that provision was intended to
21 apply only until the first bond election was called or
22 whether it was intended to continue to apply after that
23 election was called. The revised law is drafted
24 accordingly.

25 Revised Law

26 Sec. 9053.007. CERTAIN STATUTES NOT APPLICABLE TO DISTRICT.

27 (a) The district is created notwithstanding the provisions of
28 Chapter 160, Acts of the 58th Legislature, Regular Session, 1963
29 (former Article 970a, Vernon's Texas Civil Statutes), as those
30 provisions existed on June 17, 1965, and those provisions do not
31 apply to the district.

32 (b) Any conflict between this section and subsequent
33 amendments to provisions described by Subsection (a) or the
34 subsequent codification of provisions described by Subsection (a)

1 in the Local Government Code is governed by the rules of statutory
2 construction, including Sections 311.025(a) and 311.026,
3 Government Code (Code Construction Act). (Acts 59th Leg., R.S., Ch.
4 584, Sec. 13; New.)

5 Source Law

6 Sec. 13. This District is hereby created
7 notwithstanding any of the provisions of the Municipal
8 Annexation Act, being Article 970a, Vernon's Texas
9 Civil Statutes, and said Article 970a, shall have no
10 application to this District.

11 Revisor's Note

12 (1) Section 13, Chapter 584, Acts of the 59th
13 Legislature, Regular Session, 1965, provides that the
14 district is created notwithstanding the provisions of
15 Article 970a, Vernon's Texas Civil Statutes (Municipal
16 Annexation Act), and that Article 970a does not apply
17 to the district. While the provision relating to
18 creation would normally be omitted as executed, the
19 revised law retains the provision to preserve the
20 ambiguity relating to the applicability of the
21 provisions of Article 970a. It is unclear whether only
22 those provisions of Article 970a that relate to
23 creation of the district are intended to have no
24 applicability or whether all provisions of Article
25 970a are intended to have no applicability. The
26 revised law is drafted accordingly.

27 (2) Section 13, Chapter 584, Acts of the 59th
28 Legislature, Regular Session, 1965, refers to "the
29 Municipal Annexation Act, being Article 970a, Vernon's
30 Texas Civil Statutes." For the reader's convenience,
31 the revised law includes a reference to the enacting
32 session law citation of former Article 970a, now
33 repealed in the regular course of statutory revision.
34 To ensure that the codification of Chapter 584 does not
35 affect the relative dates of enactment necessary to
36 resolve a conflict between Chapter 584 and amendments

1 adopted to former Article 970a subsequent to the date
2 of enactment of Chapter 584 or to the subsequent
3 codification of Article 970a in the Local Government
4 Code, the revised law includes a reference to the date
5 of enactment of Chapter 584. For the reader's
6 convenience, the revised law also adds a reference to
7 the rules of statutory construction, including
8 applicable provisions of the Code Construction Act
9 (Chapter 311, Government Code) used in resolving
10 conflicts between statutes.

11 SUBCHAPTER B. DISTRICT ADMINISTRATION

12 Revised Law

13 Sec. 9053.051. BOARD OF DIRECTORS. (a) The board consists
14 of five elected directors.

15 (b) To be appointed as a director, a person must:

16 (1) be at least 18 years of age; and

17 (2) reside in this state.

18 (c) Such director is not required to reside in the district.

19 (d) Such director is not required to own land in the
20 district, but before the district awards any construction
21 contracts, each director must own land in the district subject to
22 district taxation. (Acts 59th Leg., R.S., Ch. 584, Sec. 9 (part).)

23 Source Law

24 Sec. 9. All powers of the District shall be
25 exercised by a Board of five (5) Directors. . . . No
26 person shall be appointed a Director unless such
27 person is twenty-one (21) years of age or over and a
28 resident of the State of Texas. Such Director shall not
29 be required to reside within the boundaries of the
30 District. Such Director shall not be required to own
31 land in the District prior to the awarding of
32 construction contracts by the District, but before any
33 such contract is awarded, each Director shall be
34 required to own land situated within the District and
35 subject to taxation by the District. . . . Succeeding
36 Directors shall be elected or . . . as provided for in
37 this Act. . . .

38 Revisor's Note

39 (1) Section 9, Chapter 584, Acts of the 59th
40 Legislature, Regular Session, 1965, provides that
41 "[a]ll powers of the District shall be exercised by"

1 the board. The revised law omits the quoted language
2 because it duplicates, in substance, provisions of
3 Sections 49.051 and 49.057, Water Code. Throughout
4 this chapter, the revised law omits law that is
5 superseded by Chapter 49, Water Code, or that
6 duplicates law contained in that chapter. Chapter 49,
7 Water Code, applies to the district under Sections
8 49.001 and 49.002 of that chapter.

9 (2) Section 9, Chapter 584, Acts of the 59th
10 Legislature, Regular Session, 1965, states that a
11 person must be "twenty-one (21) years of age or over"
12 to qualify for appointment to the board. The revised
13 law substitutes "18" for "21" because Section 129.001,
14 Civil Practice and Remedies Code, establishes 18 years
15 as the age of majority in this state. Section 129.002,
16 Civil Practice and Remedies Code, provides that a law
17 adopted before August 27, 1973, that extends a right,
18 privilege, or obligation to an individual on the basis
19 of a minimum age of 19, 20, or 21 years shall be
20 interpreted as prescribing a minimum age of 18 years.
21 Section 9 was enacted in 1965 and has not been amended.

22 (3) Section 9, Chapter 584, Acts of the 59th
23 Legislature, Regular Session, 1965, refers to
24 "[s]ucceeding Directors" to distinguish the
25 succeeding directors from the initial directors named
26 in that section. The revised law omits "succeeding"
27 because all provisions referring to initial directors
28 are omitted as executed and the distinction is no
29 longer required.

30 Revised Law

31 Sec. 9053.052. DIRECTOR'S BOND. Each director shall give a
32 bond in the amount of \$5,000 for the faithful performance of the
33 director's duties. (Acts 59th Leg., R.S., Ch. 584, Sec. 9 (part).)

1 pro tem shall be named for that meeting who may
2 exercise all the duties and powers of the secretary for
3 such meeting, sign the minutes thereof, and attest all
4 orders passed or other action taken at such meeting.
5 The secretary shall be the custodian of all minutes and
6 records of the District. . . .

7 Revisor's Note

8 Section 9, Chapter 584, Acts of the 59th
9 Legislature, Regular Session, 1965, provides that the
10 board secretary shall "keep" the minutes of board
11 meetings and that "[t]he secretary shall be the
12 custodian of all minutes and records of the District."
13 The revised law omits the quoted language because it
14 duplicates in substance part of Section 49.054(c),
15 Water Code.

16 Revised Law

17 Sec. 9053.054. VOTE BY BOARD PRESIDENT. The board
18 president has the same right to vote as any other director. (Acts
19 59th Leg., R.S., Ch. 584, Sec. 9 (part).)

20 Source Law

21 Sec. 9. . . . The president . . . shall have the
22 same right to vote as any other Director. . . .

23 Revised Law

24 Sec. 9053.055. ABSENCE OR INACTION OF BOARD PRESIDENT.
25 When the board president is absent or fails or declines to act, the
26 board vice president shall perform all duties and exercise all
27 power this chapter or general law gives the president. (Acts 59th
28 Leg., R.S., Ch. 584, Sec. 9 (part).)

29 Source Law

30 Sec. 9. . . . The vice president shall perform
31 all duties and exercise all power conferred by this Act
32 or the General Law upon the president when the
33 president is absent or fails or declines to act. . . .

34 Revisor's Note
35 (End of Subchapter)

36 (1) Section 9, Chapter 584, Acts of the 59th
37 Legislature, Regular Session, 1965, provides that each
38 director shall serve until the director's successor is
39 elected or appointed and qualified. The revised law
40 omits that provision because Section 17, Article XVI,

1 Texas Constitution, requires an officer to continue to
2 perform the officer's duties until a successor has
3 qualified. The omitted law reads:

4 Sec. 9. . . . Each director shall
5 serve for his term of office as herein
6 provided, and thereafter until his
7 successor shall be elected or appointed and
8 qualified. . . .

9 (2) Section 9, Chapter 584, Acts of the 59th
10 Legislature, Regular Session, 1965, provides that a
11 majority of directors constitutes a quorum. The
12 revised law omits that provision because it duplicates
13 Section 49.053, Water Code. The omitted law reads:

14 Sec. 9. . . . A majority of Directors
15 shall constitute a quorum. . . .

16 (3) Section 9, Chapter 584, Acts of the 59th
17 Legislature, Regular Session, 1965, names the initial
18 board members, provides for filling a vacancy on that
19 board, and provides for their terms of office. Because
20 the initial board members' terms have expired, the
21 revised law omits the language as executed. The
22 omitted law reads:

23 Sec. 9. . . . Immediately after this
24 Act becomes effective, the following named
25 persons, all of whom are twenty-one (21)
26 years of age or over and residents of the
27 State of Texas, shall be the Directors of
28 the District and shall constitute the Board
29 of Directors of the District:

30 L. D. Carter
31 Ernest Coker, Jr.
32 John E. Kirkpatrick
33 Harold F. Huff
34 James K. McNatt.

35 If any of the aforementioned persons shall
36 fail or refuse to serve, die, become
37 incapacitated or otherwise not be qualified
38 to assume the duties of a Director of the
39 District under this Act, the remaining
40 Directors shall appoint a successor or
41 successors. . . . The first two of the
42 above-named Directors shall serve until the
43 second Tuesday in January, 1966, or as
44 herein provided; and the following three of
45 the above-named Directors shall serve until
46 the second Tuesday in January, 1967, or as
47 herein provided. . . .

48 (4) Section 9, Chapter 584, Acts of the 59th
49 Legislature, Regular Session, 1965, describes the

1 procedure for filling a board vacancy. The revised law
2 omits that provision because it duplicates in
3 substance Section 49.105, Water Code, which
4 establishes procedures for filling a board vacancy.
5 The revised law also omits "appointed" from the
6 provision on electing or appointing succeeding
7 directors under Section 9 because the term can refer
8 only to an appointment to fill a vacancy, which
9 duplicates Section 49.105(a), Water Code. The omitted
10 law reads:

11 Sec. 9. . . . [Succeeding Directors
12 shall be elected or] appointed [as provided
13 for in this Act.] . . . Any vacancy
14 occurring in the Board of Directors shall be
15 filled for the unexpired term by a majority
16 of the remaining Directors. . . .

17 (5) Section 9, Chapter 584, Acts of the 59th
18 Legislature, Regular Session, 1965, provides that
19 director elections shall be held "on the second
20 Tuesday in January" of each year. The revised law
21 omits that provision as superseded by Section
22 49.103(b), Water Code, enacted in 1995. That section
23 requires board elections to be held on the uniform
24 election date provided by Section 41.001, Election
25 Code, in May of each even-numbered year. The omitted
26 law reads:

27 Sec. 9. . . . An election for
28 Directors shall be held on the second
29 Tuesday in January of each year beginning in
30 1966, and two Directors shall be elected in
31 that year and in each even-numbered year
32 thereafter, and three in each odd-numbered
33 year thereafter. . . .

34 (6) Section 9, Chapter 584, Acts of the 59th
35 Legislature, Regular Session, 1965, provides that the
36 board of directors shall order annual director
37 elections. The revised law omits the reference to
38 annual elections as superseded by Section 49.103(b),
39 Water Code, for the reason stated in Revisor's Note
40 (5). The revised law omits the requirement that the

1 board order the elections because it duplicates in
2 substance Section 3.004, Election Code, which provides
3 that the governing body of a political subdivision
4 that has elective offices shall order the general
5 election for those officers. The omitted law reads:

6 Sec. 9. . . . The annual elections
7 shall be ordered by the Board of
8 Directors. . . .

9 (7) Section 9, Chapter 584, Acts of the 59th
10 Legislature, Regular Session, 1965, requires the board
11 to elect officers and assigns certain powers and
12 duties to the board's president. The revised law omits
13 those provisions because they duplicate in substance
14 Sections 49.054(a) and (c), Water Code. The omitted
15 law reads:

16 Sec. 9. . . . The Board of Directors
17 shall elect from its number a president, a
18 vice president and a secretary of the Board
19 of Directors and of the District, and such
20 other officers as in the judgment of the
21 Board are necessary. [The president] shall
22 be the chief executive officer of the
23 District and the presiding officer of the
24 Board, and

25 (8) Section 9, Chapter 584, Acts of the 59th
26 Legislature, Regular Session, 1965, requires the board
27 to adopt a seal for the district. The revised law
28 omits that provision because it duplicates Section
29 49.061, Water Code. The omitted law reads:

30 Sec. 9. . . . The Board shall adopt a
31 seal for the District.

32 SUBCHAPTER C. POWERS AND DUTIES

33 Revised Law

34 Sec. 9053.101. WATER CONTROL AND IMPROVEMENT DISTRICT
35 POWERS. The district has the rights, powers, privileges, and
36 duties provided by general law applicable to a water control and
37 improvement district created under Section 59, Article XVI, Texas
38 Constitution, including Chapters 49 and 51, Water Code. (Acts 59th
39 Leg., R.S., Ch. 584, Sec. 5 (part); New.)

1 Source Law

2 Sec. 5. The District shall have and exercise,
3 and is hereby vested with, all of the rights, powers,
4 privileges, authority and duties conferred and imposed
5 by the General Laws of this State now in force or
6 hereafter enacted, applicable to water control and
7 improvement districts created under authority of
8 Article 16, Section 59, of the Constitution; but
9

10 Revisor's Note

11 (1) Section 5, Chapter 584, Acts of the 59th
12 Legislature, Regular Session, 1965, states that the
13 district "shall have and exercise, and is hereby
14 vested with," certain rights, powers, privileges,
15 authority, and duties. The revised law substitutes
16 "has" for the quoted language because, in context, the
17 terms are synonymous and "has" is more commonly used.

18 (2) Section 5, Chapter 584, Acts of the 59th
19 Legislature, Regular Session, 1965, refers to "rights,
20 powers, privileges, [and] authority" of the district.
21 The revised law omits "authority" as included in the
22 meaning of "powers."

23 (3) Section 5, Chapter 584, Acts of the 59th
24 Legislature, Regular Session, 1965, refers to the
25 general laws of this state "now in force or hereafter
26 enacted." The revised law omits the quoted language as
27 unnecessary under accepted general principles of
28 statutory construction. The "General Laws of this
29 State" means those laws "in force" at the time the
30 provision was adopted. It is unnecessary to state that
31 the district may be granted additional powers by later
32 enacted laws because those laws apply on their own
33 terms.

34 (4) Section 5, Chapter 584, Acts of the 59th
35 Legislature, Regular Session, 1965, refers to the
36 general laws "applicable to water control and
37 improvement districts." For the reader's convenience,
38 the revised law adds references to Chapter 51, Water

1 Code, specifically applicable to water control and
2 improvement districts, and to Chapter 49, Water Code,
3 generally applicable under Sections 49.001 and 49.002
4 of that chapter to many types of districts created
5 under Section 59, Article XVI, Texas Constitution,
6 including water control and improvement districts.

7 (5) Section 5, Chapter 584, Acts of the 59th
8 Legislature, Regular Session, 1965, provides that the
9 act prevails over general law that applies to water
10 control and improvement districts and that is in
11 conflict or inconsistent with the act, and that all
12 general laws applicable to water control and
13 improvement districts are incorporated by reference.
14 The revised law omits the portion of the provision
15 relating to the act prevailing over general law
16 because it duplicates in substance Section 311.026(b),
17 Government Code (Code Construction Act). The revised
18 law omits the portion of the provision relating to
19 adoption and incorporation of general laws because
20 Section 5 of Chapter 584 (revised as this section)
21 already provides that those laws apply to the
22 district, and it is unnecessary to repeat that
23 authority. The omitted law reads:

24 Sec. 5. [The District shall have and
25 exercise, and is hereby vested with, all of
26 the rights, powers, privileges, authority
27 and duties conferred and imposed by the
28 General Laws of this State now in force or
29 hereafter enacted, applicable to water
30 control and improvement districts created
31 under authority of Article 16, Section 59,
32 of the Constitution; but] to the extent that
33 the provisions of any such General Laws may
34 be in conflict or inconsistent with the
35 provisions of this Act, the provisions of
36 this Act shall prevail. All such General
37 Laws are hereby adopted and incorporated by
38 reference with the same effect as if
39 incorporated in full in this Act.

40 Revised Law

41 Sec. 9053.102. ADDITIONAL POWERS. (a) The district may:

42 (1) purchase, construct, or otherwise acquire a

1 waterworks system, sanitary sewer system, storm sewer system, or
2 drainage facility or any part of those systems or facilities;

3 (2) make any purchase, construction, improvement,
4 extension, addition, or repair necessary to a system or facility
5 described by Subdivision (1);

6 (3) purchase or otherwise acquire, operate, and
7 maintain any land, right-of-way, easement, site, equipment,
8 building, plant, structure, or facility necessary for a system or
9 facility described by Subdivision (1); and

10 (4) sell water and other services.

11 (b) The district may exercise any of the rights or powers
12 granted by this chapter inside or outside the district's
13 boundaries, but only in Montgomery County. (Acts 59th Leg., R.S.,
14 Ch. 584, Sec. 17 (part).)

15 Source Law

16 Sec. 17. In no manner limiting the right, power
17 or authority of the District as heretofore granted,
18 the District is specifically granted the right, power
19 and authority to purchase and construct, or to
20 purchase or construct, or otherwise to acquire
21 waterworks systems, sanitary sewer systems, storm
22 sewer systems and drainage facilities, or parts of
23 such systems or facilities, and to make any and all
24 necessary purchases, constructions, improvements,
25 extensions, additions, and repairs thereto, and to
26 purchase or acquire all necessary land, rights-of-way,
27 easements, sites, equipment, buildings, plants,
28 structures and facilities therefor and to operate and
29 maintain same, and to sell water and other services.
30 The District may exercise any of the rights, powers,
31 and authorities granted in this Act within or without
32 the boundaries of the District, but only within the
33 boundaries of Montgomery County, Texas. . . .

34 Revisor's Note

35 (1) Section 17, Chapter 584, Acts of the 59th
36 Legislature, Regular Session, 1965, provides that
37 "[i]n no manner limiting the right, power or authority
38 of the District as heretofore granted," the district
39 has certain powers. The revised law omits the quoted
40 language because it is an accepted general principle
41 of statutory construction that a grant of a right,
42 power, or authority does not act as a limitation. The
43 general principle applies to this revision.

1 (2) Section 17, Chapter 584, Acts of the 59th
2 Legislature, Regular Session, 1965, provides that "the
3 District is specifically granted the right, power and
4 authority to" take certain actions. The revised law
5 substitutes "the district may" for the quoted language
6 because the substitution is more concise and is a
7 substantive equivalent of the language it replaces.

8 (3) Section 17, Chapter 584, Acts of the 59th
9 Legislature, Regular Session, 1965, refers to "rights,
10 powers, and authorities." The revised law omits
11 "authorities" because, in context, "authorities" is
12 included in the meaning of "powers."

13 Revised Law

14 Sec. 9053.103. LIMIT ON EMINENT DOMAIN POWER. The district
15 may exercise the power of eminent domain only in Montgomery County.
16 (Acts 59th Leg., R.S., Ch. 584, Sec. 12 (part).)

17 Source Law

18 Sec. 12. The power of eminent domain of the
19 District shall be limited to Montgomery County,
20 Texas. . . .

21 Revised Law

22 Sec. 9053.104. COST OF RELOCATING OR ALTERING PROPERTY. If
23 the district's exercise of the power of eminent domain, the power of
24 relocation, or any other power granted by this chapter makes
25 necessary relocating, raising, rerouting, changing the grade of, or
26 altering the construction of a highway, railroad, electric
27 transmission line, telegraph or telephone property or facility, or
28 pipeline, the necessary action shall be accomplished at the sole
29 expense of the district. (Acts 59th Leg., R.S., Ch. 584, Sec. 12
30 (part).)

31 Source Law

32 Sec. 12. . . . In the event that the District,
33 in the exercise of the power of eminent domain or power
34 of relocation, or any other power granted hereunder,
35 makes necessary the relocation, raising, rerouting or
36 changing the grade of, or altering the construction
37 of, any highway, railroad, electric transmission line,
38 telegraph or telephone properties and facilities, or
39 pipeline, all such necessary relocation, raising,

1 rerouting, changing of grade or alteration of
2 construction shall be accomplished at the sole expense
3 of the District.

4 Revised Law

5 Sec. 9053.105. NOTICE OF ELECTION. Notice of an election
6 may be given under the hand of the board president or secretary.
7 (Acts 59th Leg., R.S., Ch. 584, Sec. 20.)

8 Source Law

9 Sec. 20. Notice of all elections may be given
10 under the hand of either the president or the secretary
11 of the District.

12 Revisor's Note
13 (End of Subchapter)

14 (1) Section 9, Chapter 584, Acts of the 59th
15 Legislature, Regular Session, 1965, requires the board
16 to employ certain employees. The revised law omits
17 that provision because it duplicates in substance part
18 of Section 49.057, Water Code. The omitted law reads:

19 Sec. 9. . . . The Board shall appoint
20 all necessary engineers, attorneys,
21 auditors and other employees. . . .

22 (2) Section 21, Chapter 584, Acts of the 59th
23 Legislature, Regular Session, 1965, provides that the
24 board shall canvass the returns of all elections. The
25 revised law omits that requirement because it
26 duplicates in substance Section 67.002, Election Code,
27 which requires the governing body of a political
28 subdivision that orders an election to canvass the
29 returns. Section 21 also provides a time frame for the
30 canvass to take place. The revised law omits that
31 provision as superseded by Section 67.003, Election
32 Code (enacted by Section 1, Chapter 211, Acts of the
33 69th Legislature, Regular Session, 1985). Chapter 67,
34 Election Code, applies to district elections under
35 Sections 1.002(a) and 67.001 of that code and
36 supersedes that provision of Section 21 because
37 Section 1.002(b), Election Code, provides that the
38 Election Code supersedes a conflicting statute unless

1 the statute expressly provides otherwise. The omitted
2 law reads:

3 Sec. 21. The returns of all elections
4 may be canvassed by the Board of Directors
5 of the District at any time within seven (7)
6 days after the holding of an election, or as
7 soon thereafter as reasonably practicable.

8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

9 Revised Law

10 Sec. 9053.151. TAX METHOD. (a) The district shall use the
11 ad valorem plan of taxation.

12 (b) The board is not required to call or hold a hearing on
13 the adoption of a plan of taxation. (Acts 59th Leg., R.S., Ch. 584,
14 Sec. 8.)

15 Source Law

16 Sec. 8. It shall not be necessary for the Board
17 of Directors to call or hold a hearing on the adoption
18 of a plan of taxation, but the ad valorem plan of
19 taxation shall be used by the District.

20 Revised Law

21 Sec. 9053.152. DEPOSITORY. (a) The board shall select one
22 or more banks or trust companies in this state to act as a
23 depository of bond proceeds or of revenue derived from the
24 operation of district facilities.

25 (b) The depository shall, as determined by the board:

26 (1) furnish indemnity bonds;

27 (2) pledge securities; or

28 (3) meet any other requirements. (Acts 59th Leg.,
29 R.S., Ch. 584, Sec. 15.)

30 Source Law

31 Sec. 15. The Board of Directors of the District
32 shall select any bank or trust company in the State of
33 Texas to act as depository of the proceeds of the bonds
34 or revenues derived from the operation of the
35 facilities of the District, and said depository shall
36 furnish such indemnity bonds or pledge such securities
37 or meet such other requirements as determined by the
38 Board of Directors of the District. The District may
39 select one or more depositories.

40 Revised Law

41 Sec. 9053.153. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED.
42 The district is not required to pay a tax or assessment on:

- 1 (1) a district project or any part of the project; or
2 (2) a district purchase. (Acts 59th Leg., R.S., Ch.
3 584, Sec. 22 (part).)

4 Source Law

5 Sec. 22. . . . the District shall not be
6 required to pay any tax or assessment on the project or
7 any part thereof or on any purchases made by the
8 District, and

9 SUBCHAPTER E. BONDS

10 Revised Law

11 Sec. 9053.201. AUTHORITY TO ISSUE BONDS. The district may:

- 12 (1) issue bonds of any kind to carry out any purpose
13 authorized by this chapter; and
14 (2) provide for and make payment for the bonds and for
15 any expense necessarily incurred in connection with the issuance of
16 the bonds. (Acts 59th Leg., R.S., Ch. 584, Sec. 17 (part).)

17 Source Law

18 Sec. 17. . . . In addition to the powers and
19 purposes authorized by the General Law pertaining to
20 water control and improvement districts, the District
21 may issue any kind of bonds or refunding bonds for any
22 or all of such purposes herein provided and provide and
23 make payment therefor and for necessary expenses in
24 connection therewith.

25 Revisor's Note

26 (1) Section 17, Chapter 584, Acts of the 59th
27 Legislature, Regular Session, 1965, provides that
28 "[i]n addition to the powers and purposes authorized
29 by the General Law pertaining to water control and
30 improvement districts," the district may issue bonds
31 for certain purposes. The revised law omits the quoted
32 language as unnecessary because an accepted general
33 principle of statutory construction requires a statute
34 to be given cumulative effect with other statutes
35 unless it provides otherwise or unless the statutes
36 are in conflict. That general principle applies to the
37 revised law.

38 (2) Section 17, Chapter 584, Acts of the 59th
39 Legislature, Regular Session, 1965, authorizes the

1 district to issue "any kind of bonds or refunding
2 bonds." The revised law omits "refunding bonds" for
3 the reason stated in Revisor's Note (2) to Section
4 9053.004.

5 Revised Law

6 Sec. 9053.202. EXCHANGING BONDS FOR PROPERTY OR WORK. The
7 district may exchange bonds, including refunding bonds:

8 (1) for property acquired by purchase; or

9 (2) in payment of the contract price of work performed
10 or materials or services provided for the use and benefit of the
11 district. (Acts 59th Leg., R.S., Ch. 584, Sec. 18 (part).)

12 Source Law

13 Sec. 18. . . . The District may exchange bonds
14 or refunding bonds for property acquired by purchase,
15 or in payment of the contract price of work done or
16 materials furnished or services furnished for the use
17 and benefit of the District, but

18 Revisor's Note

19 (1) Section 18, Chapter 584, Acts of the 59th
20 Legislature, Regular Session, 1965, provides that
21 district bonds, including refunding bonds, may be sold
22 at a price and on terms determined by the board,
23 provided that the bonds are not sold for less than 95
24 percent of their face value. Section 18 also provides
25 that where district bonds are exchanged for property
26 acquired by purchase, or in payment of the contract
27 price of work done or materials or services furnished,
28 the exchange must be based on the district's receipt of
29 property, materials, or services equal to not less
30 than 95 percent of the face value of the district bonds
31 exchanged or used as payment. The revised law omits
32 those provisions because they are superseded by
33 general law. Section 1201.022, Government Code, as
34 amended in 2001, provides that an issuer may sell
35 public securities "under the terms determined by the
36 governing body of the issuer to be in the issuer's best

1 interests." Section 1201.022, Government Code,
2 applies to district bonds under Sections 1201.002 and
3 1201.003, Government Code. Section 1204.006(b),
4 Government Code, enacted as Section 2, Chapter 3, Acts
5 of the 61st Legislature, Regular Session, 1969
6 (Article 717k-2, Vernon's Texas Civil Statutes),
7 provides that an issuer may sell public securities "at
8 any price." Section 1204.006(b), Government Code,
9 applies to the district under Section 1204.001,
10 Government Code. The omitted law reads:

11 Sec. 18. Any kind of bonds or
12 refunding bonds may be sold at a price and
13 under terms determined by the Board of
14 Directors of the District, and . . . none of
15 said bonds or refunding bonds shall be sold
16 for less than ninety-five per cent of their
17 face value. [The District may exchange
18 bonds or refunding bonds . . . but] such
19 exchange of bonds or refunding bonds for
20 property or facilities acquired by purchase
21 or in payment of the contract price for work
22 done or materials furnished or services
23 furnished shall not be on a basis of less
24 than ninety-five per cent of the face value
25 of the bonds or refunding bonds so exchanged
26 or used for payment as herein specified.

27 (2) Section 18, Chapter 584, Acts of the 59th
28 Legislature, Regular Session, 1965, provides that
29 district bonds "may be sold at a private or public
30 sale." The revised law omits the quoted language
31 because it duplicates Section 1201.022(a)(3)(A),
32 Government Code, applicable to the district under
33 Sections 1201.002 and 1201.003, Government Code. The
34 omitted law reads:

35 Sec. 18. [Any kind of bonds or
36 refunding bonds] . . . may be sold at a
37 private or public sale, but

38 Revised Law

39 Sec. 9053.203. FAILED BOND ELECTION. (a) A general law,
40 including Sections 51.781-51.791, Water Code, that provides for
41 calling a hearing on the dissolution of a district after a failed
42 district bond election does not apply to the district.

43 (b) After the expiration of 30 days from the date of a failed

1 bond election, the board may call a subsequent bond election.

2 (c) The district continues to exist and retain its full
3 power to function and operate regardless of the outcome of a bond
4 election. (Acts 59th Leg., R.S., Ch. 584, Sec. 19.)

5 Source Law

6 Sec. 19. The provisions of Article 7880-77b,
7 Vernon's Texas Civil Statutes, as amended, or any other
8 general law, pertaining to the calling of a hearing for
9 the determination of the dissolution of a district
10 where a bond election has failed shall be inapplicable
11 to this District, and this District shall continue to
12 exist and shall have full power to function and operate
13 regardless of the outcome of any bond election. Upon
14 the failure of any bond election, a subsequent bond
15 election may be called after the expiration of thirty
16 (30) days from the date of the bond election which
17 failed.

18 Revisor's Note

19 Section 19, Chapter 584, Acts of the 59th
20 Legislature, Regular Session, 1965, provides that
21 "[t]he provisions of Article 7880-77b, Vernon's Texas
22 Civil Statutes, as amended," do not apply to the
23 district. Article 7880-77b was codified by Chapter
24 58, Acts of the 62nd Legislature, Regular Session,
25 1971, as Sections 51.781-51.792, Water Code, which
26 address the dissolution of a district before the
27 issuance of bonds. The revised law does not refer to
28 Section 51.792, Water Code, because that section was
29 repealed by Section 85(6), Chapter 1248, Acts of the
30 71st Legislature, Regular Session, 1989. The revised
31 law is drafted accordingly.

32 Revised Law

33 Sec. 9053.204. BONDS EXEMPT FROM TAXATION. A bond issued
34 under this chapter, the transfer of the bond, and income from the
35 bond, including profits made on the sale of the bond, are exempt
36 from taxation in this state. (Acts 59th Leg., R.S., Ch. 584, Sec.
37 22 (part).)

38 Source Law

39 Sec. 22. . . . the bonds issued hereunder and
40 their transfer and the income therefrom, including the
41 profits made on the sale thereof, shall at all times be

1 free from taxation within this State.

2 Revisor's Note
3 (End of Subchapter)

4 (1) Section 10, Chapter 584, Acts of the 59th
5 Legislature, Regular Session, 1965, provides that,
6 before issuing any construction bonds, the district
7 shall submit plans to the Texas Water Commission for
8 approval in accordance with Article 7880-139, Vernon's
9 Texas Civil Statutes, and that the district's project
10 is subject to inspection during construction as
11 provided by that article. Article 7880-139 was
12 codified by Chapter 58, Acts of the 62nd Legislature,
13 Regular Session, 1971, as Sections 51.421 and 51.422,
14 Water Code. Chapter 715, Acts of the 74th Legislature,
15 Regular Session, 1995, repealed Sections 51.421 and
16 51.422, Water Code, and enacted Sections 49.181 and
17 49.182, Water Code, to govern the authority of the
18 Texas Commission on Environmental Quality over the
19 issuance of district bonds and supervision by the
20 commission of projects and improvements,
21 respectively. The revised law therefore omits Section
22 10 because Sections 49.181 and 49.182, Water Code,
23 apply to the district on their own terms. The omitted
24 law reads:

25 Sec. 10. Before issuing any
26 construction bonds, the District shall
27 submit plans and specifications therefor to
28 the Texas Water Commission for approval in
29 the manner required by Article 7880-139,
30 Revised Civil Statutes of Texas, 1925, as
31 amended; and District's project and
32 improvements during the course of
33 construction shall be subject to inspection
34 in the manner provided by said Article
35 7880-139.

36 (2) Section 11, Chapter 584, Acts of the 59th
37 Legislature, Regular Session, 1965, provides that
38 after approval and registration district bonds are
39 negotiable, valid, and binding obligations and
40 incontestable for any reason. The revised law omits

1 the reference to the bonds being negotiable because
2 Section 1201.041, Government Code, applicable to
3 district bonds under Sections 1201.002 and 1201.003,
4 Government Code, provides that a public security is a
5 negotiable instrument. The revised law omits the rest
6 of this provision because it duplicates in substance
7 Section 1202.006, Government Code. Section 1202.006,
8 Government Code, applies to district bonds under
9 Sections 1202.001 and 1202.003(c), Government Code.
10 The omitted law reads:

11 Sec. 11. When any kind of bonds or
12 refunding bonds have been approved by the
13 Attorney General of Texas, registered by
14 the Comptroller of Public Accounts of the
15 State of Texas, and issued by the District,
16 such bonds or refunding bonds shall be
17 negotiable, legal, valid and binding
18 obligations of the District and shall be
19 incontestable for any cause.

20 (3) Section 23, Chapter 584, Acts of the 59th
21 Legislature, Regular Session, 1965, lists the entities
22 for which district bonds are legal investments and
23 provides that district bonds may secure deposits of
24 public funds of political subdivisions of this state.
25 The revised law omits the provision relating to the
26 eligibility of district bonds to be considered as
27 investments for various entities because it duplicates
28 Section 49.186(a), Water Code. While Section 23 lists
29 "guardians" and Section 49.186(a), Water Code, does
30 not, Section 49.186(a) includes "fiduciaries," and a
31 guardian is a fiduciary. The revised law omits the
32 provision relating to securing deposits of funds of
33 political subdivisions because the provision is
34 impliedly repealed by Chapter 2257, Government Code
35 (enacted in 1989 as Article 2529d, Vernon's Texas Civil
36 Statutes), which governs eligible collateral for
37 deposits of funds of certain public agencies,
38 including political subdivisions, and permits those

1 deposits to be secured by obligations issued by
2 conservation and reclamation districts. The omitted
3 law reads:

4 Sec. 23. All bonds and refunding
5 bonds of the District shall be and are
6 hereby declared to be legal, eligible and
7 authorized investments for banks, savings
8 and loan associations, insurance companies,
9 fiduciaries, trustees, guardians, and for
10 the sinking funds of cities, towns,
11 villages, counties, school districts, or
12 other political corporations or
13 subdivisions of the State of Texas. Such
14 bonds and refunding bonds shall be eligible
15 to secure the deposit of any and all public
16 funds of cities, towns, villages, counties,
17 school districts, or other political
18 corporations or subdivisions of the State
19 of Texas; and such bonds shall be lawful and
20 sufficient security for said deposits to
21 the extent of their face value, when
22 accompanied by all unmatured coupons
23 appurtenant thereto.

24 Revisor's Note
25 (End of Chapter)

26 (1) Section 6, Chapter 584, Acts of the 59th
27 Legislature, Regular Session, 1965, provides that it
28 is unnecessary for the board of directors to hold an
29 election to confirm the district's creation. The
30 revised law omits that provision as executed. The
31 omitted law reads:

32 Sec. 6. It shall not be necessary for
33 the Board of Directors to call or hold a
34 confirmation election for the confirmation
35 of the District.

36 (2) Section 14, Chapter 584, Acts of the 59th
37 Legislature, Regular Session, 1965, recites
38 legislative findings that the procedural requirements
39 for the creation of the district under Section 59(d),
40 Article XVI, Texas Constitution, including proper
41 legal notice and the filing of recommendations, have
42 been accomplished. The revised law omits that
43 provision as executed. The omitted law reads:

44 Sec. 14. It is determined and found
45 that a proper and legal notice of the
46 intention to introduce this Act, setting
47 forth the general substance of this Act, has
48 been published at least thirty (30) days and

1 not more than ninety (90) days prior to the
 2 introduction of this Act in the Legislature
 3 of Texas, in a newspaper having general
 4 circulation in Montgomery County, Texas;
 5 that a copy of such notice and a copy of this
 6 Act have been delivered to the Governor of
 7 Texas who has submitted such notice and Act
 8 to the Texas Water Commission, and said
 9 Texas Water Commission has filed its
 10 recommendation as to such Act with the
 11 Governor, Lieutenant Governor and Speaker
 12 of the House of Representatives of Texas
 13 within thirty (30) days from the date such
 14 notice and Act were received by the Texas
 15 Water Commission; and that all the
 16 requirements and provisions of Article 16,
 17 Section 59(d), of the Constitution of the
 18 State of Texas have been fulfilled and
 19 accomplished as therein provided.

20 (3) Section 24, Chapter 584, Acts of the 59th
 21 Legislature, Regular Session, 1965, provides that the
 22 act is severable. The revised law omits that provision
 23 because the same result is produced by application of
 24 Section 311.032, Government Code (Code Construction
 25 Act), which provides that a provision of a statute is
 26 severable from each other provision of the statute
 27 that can be given effect. The omitted law reads:

28 Sec. 24. If any word, phrase, clause,
 29 paragraph, sentence, part, portion, or
 30 provision of this Act or the application
 31 thereof to any person or circumstance shall
 32 be held to be invalid or unconstitutional,
 33 the remainder of the Act shall nevertheless
 34 be valid, and the Legislature hereby
 35 declares that this Act would have been
 36 enacted without such invalid or
 37 unconstitutional word, phrase, clause,
 38 paragraph, sentence, part, portion, or
 39 provision.

40 CHAPTER 9055. WISE COUNTY WATER SUPPLY DISTRICT

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22 CHAPTER 9055. WISE COUNTY WATER SUPPLY DISTRICT

23 SUBCHAPTER A. GENERAL PROVISIONS

24 Revised Law

25 Sec. 9055.001. DEFINITIONS. In this chapter:

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

27 (2) "Director" means a member of the board.

28 (3) "District" means the Wise County Water Supply

29 District. (Acts 53rd Leg., R.S., Ch. 268, Sec. 1 (part); New.)

30 Source Law

31 Sec. 1. . . . a District to be known as "Wise

32 County Water Supply District," (hereinafter called

33 "District")

34 Revisor's Note

35 The definitions of "board" and "director" are

1 added to the revised law for drafting convenience and
2 to eliminate frequent, unnecessary repetition of the
3 substance of the definitions.

4 Revised Law

5 Sec. 9055.002. NATURE OF DISTRICT. The district is created
6 under Section 59, Article XVI, Texas Constitution. (Acts 53rd
7 Leg., R.S., Ch. 268, Sec. 1 (part).)

8 Source Law

9 Sec. 1. By virtue of Article XVI, Section 59 of
10 the Texas Constitution, there is hereby created a
11 District . . . which shall be a governmental agency
12 and a body politic and corporate.

13 Revisor's Note

14 Section 1, Chapter 268, Acts of the 53rd
15 Legislature, Regular Session, 1953, provides that the
16 district is "a governmental agency and a body politic
17 and corporate." The revised law omits the references
18 to "governmental agency" and "body politic and
19 corporate" because they duplicate a portion of Section
20 59(b), Article XVI, Texas Constitution, which provides
21 that a conservation and reclamation district is a
22 governmental agency and body politic and corporate.

23 Revised Law

24 Sec. 9055.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
25 All land in the district will benefit from the improvements to be
26 acquired and constructed by the district.

27 (b) The accomplishment of the purposes stated in this
28 chapter will benefit the people of this state and improve their
29 property and industries.

30 (c) The district, in carrying out the purposes of this
31 chapter, will be performing an essential public function under the
32 Texas Constitution. (Acts 53rd Leg., R.S., Ch. 268, Secs. 2 (part),
33 19 (part).)

34 Source Law

35 Sec. 2. . . . It is hereby found that all land
36 thus included in said District will be benefited by the
37 improvements to be acquired and constructed by said

1 District.

2 Sec. 19. The accomplishment of the purposes
3 stated in this Act being for the benefit of the people
4 of this State and for the improvement of their
5 properties and industries, the District in carrying
6 out the purposes of this Act will be performing an
7 essential public function under the Constitution and
8

9 SUBCHAPTER B. DISTRICT TERRITORY AND ANNEXATIONS TO DISTRICT
10 TERRITORY

11 Revised Law

12 Sec. 9055.051. DISTRICT TERRITORY. The district is
13 composed of the territory described by Section 2, Chapter 268, Acts
14 of the 53rd Legislature, Regular Session, 1953, as that territory
15 may have been modified under:

16 (1) Subchapter J, Chapter 49, Water Code;

17 (2) this subchapter or its predecessor statute, former
18 Section 5, Chapter 268, Acts of the 53rd Legislature, Regular
19 Session, 1953; or

20 (3) other law. (Acts 53rd Leg., R.S., Ch. 268, Sec. 2
21 (part); New.)

22 Source Law

23 Sec. 2. The District shall be situated in Wise
24 County, Texas, and the boundaries thereof shall be as
25 follows:

26 Revisor's Note

27 The revision of the law governing the district
28 does not revise the statutory language describing the
29 territory of the district to avoid the lengthy
30 recitation of the description and because that
31 description may not be accurate on the effective date
32 of the revision or at the time of a later reading. For
33 the reader's convenience, the revised law includes
34 references to the statutory description of the
35 district's territory and to the statutory authority to
36 change the district's territory under Subchapter J,
37 Chapter 49, Water Code, applicable to the district
38 under Sections 49.001 and 49.002 of that chapter, this
39 subchapter, and Section 5, Chapter 268, Acts of the

1 53rd Legislature, Regular Session, 1953, from which
2 the relevant provisions of this subchapter are
3 derived. The revised law also includes a reference to
4 the general authority of the legislature to enact
5 other laws to change the district's territory.

6 Revised Law

7 Sec. 9055.052. AUTHORITY TO ANNEX TERRITORY. Territory
8 inside Wise County, whether contiguous to the district or not, may
9 be annexed to the district in the manner provided by this
10 subchapter. (Acts 53rd Leg., R.S., Ch. 268, Sec. 5 (part).)

11 Source Law

12 Sec. 5. Other territory, whether contiguous to
13 the District or not, and within Wise County, may be
14 annexed to the District in the following
15 manner:

16 Revised Law

17 Sec. 9055.053. PETITION FOR ANNEXATION; BOARD FINDINGS AND
18 RESOLUTION; HEARING. (a) The board may annex territory under this
19 subchapter if a petition requesting annexation is signed by 50
20 registered voters of the territory to be annexed who own taxable
21 property in that territory, or by a majority of the registered
22 voters of that territory who own taxable property in that
23 territory, and is filed with the board. The petition must describe
24 the territory to be annexed by metes and bounds.

25 (b) If the board determines that the petition complies with
26 Subsection (a), that the annexation would be in the interest of the
27 district, and that the district will be able to supply water to the
28 territory, the board shall:

29 (1) adopt a resolution declaring its intention to call
30 an election in the territory to submit the proposition of whether
31 the territory is to be annexed to the district; and

32 (2) set a time and place to hold a board hearing on the
33 question of whether the territory to be annexed will benefit from
34 the improvements, works, and facilities then owned or operated or
35 contemplated to be owned or operated by the district. (Acts 53rd
36 Leg., R.S., Ch. 268, Secs. 5(a), (b).)

1 Source Law

2 (a) A petition praying for such annexation
3 signed by fifty (50) or a majority of the qualified
4 voters of the territory to be annexed who own taxable
5 property therein and who have duly rendered the same to
6 the county for taxation shall be filed with the Board
7 of Directors of the District. The petition shall
8 describe the territory by metes and bounds.

9 (b) If the Board of Directors finds that the
10 petition complies with, and is signed by the number of
11 qualified persons required by the foregoing
12 subsection, that the annexation would be to the
13 interest of the District, and that the District will be
14 able to supply water to the territory, it shall adopt a
15 resolution declaring its intention to call an election
16 in the territory for the purpose of submitting the
17 proposition of whether or not such territory shall be
18 annexed to the District, and fix a time and place when
19 and where a hearing shall be held by said Board on the
20 question of whether the territory proposed to be
21 annexed will be benefited by the improvements, works,
22 and facilities then owned or operated or contemplated
23 to be owned or operated by the District.

24 Revisor's Note

25 (1) Section 5(a), Chapter 268, Acts of the 53rd
26 Legislature, Regular Session, 1953, refers to
27 "qualified voters" of the territory. The revised law
28 substitutes "registered voters" for the quoted
29 language because in the context of eligibility to sign
30 a petition, Section 277.0021, Election Code, provides
31 that "qualified voter" means a "registered voter."

32 (2) Section 5(a), Chapter 268, Acts of the 53rd
33 Legislature, Regular Session, 1953, requires that an
34 annexation petition be signed by owners of taxable
35 property "who have duly rendered the same to the county
36 for taxation." The revised law omits the quoted
37 language because, in context, "property" means "real
38 property," and the Property Tax Code (Title 1, Tax
39 Code) does not require an owner of real property to
40 render the property for ad valorem taxation.

41 Revised Law

42 Sec. 9055.054. ANNEXATION HEARING. (a) At least 10 days
43 before the date of the annexation hearing, notice of the adoption of
44 the resolution stating the time and place of the hearing and
45 addressed to the citizens and owners of property in the territory to

1 be annexed shall be published one time in a newspaper of general
2 circulation in the territory to be annexed. The notice must
3 describe the territory in the same manner in which Section
4 9055.053(a) requires the petition to describe the territory.

5 (b) If a newspaper of general circulation is not published
6 in the territory to be annexed, the notice shall be posted in three
7 public places in the territory.

8 (c) Any interested person may appear at the hearing and
9 offer evidence for or against the annexation.

10 (d) The hearing may proceed in the order and under the rules
11 prescribed by the board and may be recessed from time to time.
12 (Acts 53rd Leg., R.S., Ch. 268, Secs. 5(c), (d) (part).)

13 Source Law

14 (c) Notice of the adoption of such resolution
15 stating the time and place of such hearing, addressed
16 to the citizens and owners of property in such
17 territory shall be published one (1) time in a
18 newspaper of general circulation in the territory to
19 be annexed at least ten (10) days prior to the date of
20 such hearing. The notice shall describe the territory
21 proposed to be annexed in the same manner as required
22 for the petition. If no newspaper of general
23 circulation is in the territory to be annexed, the
24 notices shall be posted in three (3) public places
25 therein.

26 (d) All persons interested may appear at such
27 hearing and offer evidence for or against the intended
28 annexation. Such hearing may proceed in such order and
29 under such rules as may be prescribed by the Board of
30 Directors, and the hearing may be recessed from time to
31 time. . . .

32 Revisor's Note

33 Section 5(c), Chapter 268, Acts of the 53rd
34 Legislature, Regular Session, 1953, requires notice of
35 an annexation hearing to describe the territory to be
36 annexed in the same manner in which it is "required" to
37 be described in the petition. The requirements for
38 describing the territory in the petition are revised
39 in Section 9055.053(a). The revised law is drafted
40 accordingly.

41 Revised Law

42 Sec. 9055.055. BOARD FINDINGS AND RESOLUTION; ELECTION.
43 If, at the conclusion of the annexation hearing, the board finds

1 that all land in the territory to be annexed will benefit from the
2 present or contemplated improvements, works, or facilities of the
3 district, the board shall adopt a resolution that:

4 (1) calls an election in the territory to be annexed;
5 and

6 (2) states the date of the election and the place or
7 places of holding the election. (Acts 53rd Leg., R.S., Ch. 268,
8 Sec. 5(d) (part).)

9 Source Law

10 (d) . . . If, at the conclusion of the hearing,
11 the Board of Directors finds that all of the land in
12 the territory proposed to be annexed will be benefited
13 by the present or contemplated improvements, works or
14 facilities of the District, the Board shall adopt a
15 resolution calling an election in the territory to be
16 annexed stating therein the date of the election, the
17 place or places of holding the same, and appointing a
18 presiding judge for each voting place who shall
19 appoint the necessary assistant judges and clerks to
20 assist in holding the election. . . .

21 Revisor's Note

22 Section 5(d), Chapter 268, Acts of the 53rd
23 Legislature, Regular Session, 1953, provides that if
24 the board of directors makes certain findings the
25 board shall adopt a resolution calling an election and
26 "appointing a presiding judge for each voting place
27 who shall appoint the necessary assistant judges and
28 clerks to assist in holding the election." The revised
29 law omits the quoted language as superseded by the 1985
30 enactment of the Election Code, applicable to the
31 district under Section 1.002, Election Code. Chapter
32 32, Election Code, governs the selection of election
33 judges and clerks.

34 Revised Law

35 Sec. 9055.056. NOTICE OF ANNEXATION ELECTION. At least 10
36 days before the date set for the election, notice of the election
37 must be published one time in a newspaper of general circulation in
38 the district. In addition to the requirements of Section 4.004,
39 Election Code, notice of the annexation election must:

1 (1) state the conditions under which the territory may
2 be annexed; or

3 (2) refer to the resolution of the board for that
4 purpose. (Acts 53rd Leg., R.S., Ch. 268, Sec. 5(e).)

5 Source Law

6 (e) Notice of such election, stating the date
7 thereof, the proposition to be voted upon and the
8 condition under which the territory may be annexed, or
9 making reference to the resolution of the Board of
10 Directors for that purpose, and the place or places of
11 holding the same, shall be published one (1) time in a
12 newspaper of general circulation in the District at
13 least ten (10) days before the day set for the
14 election.

15 Revisor's Note

16 Section 5(e), Chapter 268, Acts of the 53rd
17 Legislature, Regular Session, 1953, requires notice of
18 an annexation election to state the election date, the
19 proposition to be voted on, and the place or places of
20 holding the election. The revised law omits those
21 provisions because they duplicate provisions of
22 Section 4.004, Election Code, applicable to the
23 district under Section 1.002 of that code. For the
24 convenience of the reader, the revised law adds a
25 cross-reference to Section 4.004, Election Code.

26 Revised Law

27 Sec. 9055.057. ELECTION RESULTS. (a) The board shall issue
28 an order declaring the results of the annexation election.

29 (b) If the order shows that a majority of the votes cast are
30 in favor of annexation, the board shall annex the proposed
31 territory to the district. The annexation is incontestable except
32 within the time for contesting elections under the general election
33 law.

34 (c) A certified copy of the order shall be recorded in the
35 deed records of the county in which the territory is located. (Acts
36 53rd Leg., R.S., Ch. 268, Sec. 5(g) (part).)

37 Source Law

38 (g) The Board of Directors shall . . . pass an
39 order declaring the results thereof. If such order

1 shows that a majority of the votes cast are in favor of
2 annexation said Board shall annex said territory to
3 the District, and such annexation shall thereafter be
4 incontestable except within the time for contesting
5 elections under the General Election Law. A certified
6 copy of said order shall be recorded in the deed
7 records of the county in which the territory is
8 situated.

9 Revised Law

10 Sec. 9055.058. ANNEXATION OF CERTAIN MUNICIPAL TERRITORY.

11 (a) Territory annexed to any municipality in the district may be
12 annexed to the district as provided by this section.

13 (b) At any time after final passage of an ordinance or
14 resolution annexing territory to a municipality in the district,
15 the board may give notice of a hearing on the question of annexing
16 that territory or any part of that territory to the district. The
17 notice is sufficient if it:

18 (1) states the date and place of the hearing; and

19 (2) describes the area proposed to be annexed or
20 refers to the annexation ordinance or resolution of the
21 municipality.

22 (c) At least 10 days before the date set for the hearing, the
23 notice must be published one time in a newspaper of general
24 circulation in the annexing municipality.

25 (d) If, as a result of the hearing, the board finds that the
26 territory will benefit from the water supplied or to be supplied by
27 the district, the board shall adopt a resolution annexing the
28 territory to the district. (Acts 53rd Leg., R.S., Ch. 268, Sec.
29 5(h).)

30 Source Law

31 (h) Territory heretofore or hereafter annexed
32 to any city contained in the District may be annexed to
33 the District in the following manner:

34 (1) At any time after final passage of an
35 ordinance or resolution annexing territory to the
36 city, the Board of Directors of the District may issue
37 a notice of hearing on the question of annexing said
38 territory or any part thereof. Such notice shall be
39 sufficient if it states the date and place of the
40 hearing, a description of the area proposed to be
41 annexed, but in lieu of such description the notice may
42 make reference to the annexation ordinance of the
43 city.

44 (2) The notice shall be published one (1)
45 time in a newspaper having general circulation in the
46 city which made the annexation, such publication to be

1 at least ten (10) days before the date set for the
2 hearing.

3 (3) If, pursuant to such hearing, the
4 Board of Directors finds that the territory proposed
5 to be annexed will be benefited by the water supply
6 afforded or to be afforded by the District, the Board
7 shall adopt resolution annexing said territory to the
8 District.

9 Revisor's Note

10 Section 5(h), Chapter 268, Acts of the 53rd
11 Legislature, Regular Session, 1953, refers to a
12 "city." Throughout this chapter, the revised law
13 substitutes "municipality" for "city" or "town,"
14 unless a specific municipality is intended, because
15 the meaning of "municipality" includes both cities and
16 towns and because that is the term used in the Local
17 Government Code.

18 Revised Law

19 Sec. 9055.059. ASSUMPTION OF DEBT; TAXES. (a) After
20 territory is annexed to the district, the board may hold an election
21 in the district as enlarged to determine whether the district as
22 enlarged shall assume any tax-supported bonds then outstanding and
23 those previously voted but not yet sold and impose an ad valorem tax
24 on all taxable property in the district as enlarged to pay the
25 bonds, unless the proposition is voted along with the annexation
26 election and becomes binding on the territory annexed.

27 (b) An election held under Subsection (a) shall be held in
28 the same manner as an election under this chapter for the issuance
29 of bonds. (Acts 53rd Leg., R.S., Ch. 268, Sec. 5(i).)

30 Source Law

31 (i) After territory is added to the District,
32 the Board of Directors of the District may call an
33 election over the entire District for the purpose of
34 determining whether the entire District as enlarged
35 shall assume the tax-supported bonds then outstanding
36 and those theretofore voted but not yet sold and
37 whether an ad valorem tax shall be levied upon all
38 taxable property within the District as enlarged for
39 the payment thereof unless such proposition is voted
40 along with the annexation election and becomes
41 lawfully binding upon the territory annexed. Such
42 election shall be called and held in the same manner as
43 elections for the issuance of bonds as provided in this
44 Act.

1 Revisor's Note

2 (1) Section 5(i), Chapter 268, Acts of the 53rd
3 Legislature, Regular Session, 1953, refers to the
4 "levy" of an ad valorem tax. The revised law
5 substitutes "impose" for "levy" because "impose" is
6 the term generally used in Title 1, Tax Code, and
7 includes the levy of an ad valorem tax.

8 (2) Section 5(i), Chapter 268, Acts of the 53rd
9 Legislature, Regular Session, 1953, provides that an
10 election on the assumption of bonds by the district as
11 enlarged and the imposition of an ad valorem tax to pay
12 the bonds shall be "called and held" in the same manner
13 as elections for the issuance of bonds. The revised
14 law omits the reference to "calling" an election
15 because, in context, "calling" an election is included
16 in the meaning of "holding" an election. Under Chapter
17 3, Election Code, all elections must be ordered
18 (called) before they may be held.

19 Revised Law

20 Sec. 9055.060. RESTRICTION ON ANNEXATION OF RAILROAD
21 RIGHT-OF-WAY, TRANSMISSION LINE, OR OTHER UTILITY PROPERTY.
22 Railroad right-of-way, transmission lines and other property of
23 electric and gas utilities that are not in the limits of a
24 municipality will not benefit from improvements, works, and
25 facilities the district is authorized to construct. Therefore,
26 railroad right-of-way or transmission lines or other property of
27 electric and gas utilities may not be annexed to the district unless
28 the right-of-way, transmission lines and other property of electric
29 and gas utilities are contained in the limits of a municipality
30 annexed to the district. (Acts 53rd Leg., R.S., Ch. 268, Sec. 5(d)
31 (part).)

32 Source Law

33 (d) . . . Railroad right-of-way, transmission
34 lines and other property of electric and gas utilities
35 which are not situated within the defined limits of an
36 incorporated city or town will not be benefited by

1 improvements, works and facilities which the District
2 is authorized to construct; therefore, no railroad
3 right-of-way or transmission lines or other property
4 of electric and gas utilities shall hereafter be
5 annexed to the District except such right-of-way,
6 transmission lines and other property of electric and
7 gas utilities as are contained within the limits of an
8 incorporated city or town then or thereafter annexed
9 to the District.

10 Revisor's Note

11 Section 5(d), Chapter 268, Acts of the 53rd
12 Legislature, Regular Session, 1953, refers to an
13 "incorporated city or town." The revised law
14 substitutes "municipality" for "city or town" for the
15 reason stated in the revisor's note to Section
16 9055.058. The revised law omits "incorporated" because
17 under the Local Government Code, all municipalities
18 must be incorporated.

19 Revisor's Note
20 (End of Subchapter)

21 (1) Section 5(f), Chapter 268, Acts of the 53rd
22 Legislature, Regular Session, 1953, requires that an
23 elector reside in the territory proposed to be annexed
24 to be qualified to vote in an annexation election. The
25 revised law omits that requirement because Section
26 5(d) (the relevant part of which is revised in this
27 chapter as Section 9055.055) provides for the calling
28 of an election in the territory to be annexed and
29 because under Section 11.001, Election Code, to be
30 eligible to vote in an election in this state a person
31 must be a resident of the territory covered by the
32 election. The omitted law reads:

33 (f) Only constitutionally qualified
34 electors who reside in such territory shall
35 be qualified, to vote in said
36 election. . . .

37 (2) Sections 5(f) and (g), Chapter 268, Acts of
38 the 53rd Legislature, Regular Session, 1953, provide
39 that returns of an annexation election shall be made to
40 and canvassed by the board of directors. The revised
41 law omits those provisions as superseded by the 1985

1 enactment of the Election Code, applicable to the
2 district under Section 1.002, Election Code. Chapter
3 67, Election Code, provides for the canvass of
4 elections. The omitted law reads:

5 (f) . . . Returns of said election
6 shall be made to the Board of Directors of
7 Wise County Water Supply District.

8 (g) [The Board of Directors shall]
9 canvass the returns of the election and
10

11 SUBCHAPTER C. BOARD OF DIRECTORS

12 Revised Law

13 Sec. 9055.101. BOARD. (a) The district is governed by a
14 board of five directors.

15 (b) Directors serve staggered two-year terms expiring the
16 first Tuesday of May.

17 (c) A majority of directors constitutes a quorum. (Acts 53rd
18 Leg., R.S., Ch. 268, Sec. 3(a) (part).)

19 Source Law

20 Sec. 3. (a) All powers of the District shall be
21 exercised by a Board of five (5) Directors. Each
22 Director shall serve for a term of two (2) years with
23 such term expiring on the first Tuesday of May in the
24 year of expiration of such term, and A majority
25 shall constitute a quorum.

26 Revised Law

27 Sec. 9055.102. APPOINTMENT OF DIRECTORS. In April of each
28 year, the governing body of the City of Decatur shall appoint a
29 director to succeed each director whose term expires during the
30 following May. (Acts 53rd Leg., R.S., Ch. 268, Sec. 3(c) (part).)

31 Source Law

32 (c) During the month of April of each year
33 beginning with the year 1965, the governing body of the
34 City of Decatur shall appoint Directors to succeed
35 Directors whose terms expire during the following
36 May. . . .

37 Revisor's Note

38 Section 3(c), Chapter 268, Acts of the 53rd
39 Legislature, Regular Session, 1953, provides for the
40 appointment of directors annually in April, "beginning
41 with the year 1965." The revised law omits the quoted

1 language as executed.

2 Revised Law

3 Sec. 9055.103. QUALIFICATIONS FOR OFFICE. (a) A person may
4 not be appointed a director unless the person resides in and owns
5 taxable property in the district.

6 (b) A member of a municipality's governing body or an
7 employee of a municipality may not be a director. (Acts 53rd Leg.,
8 R.S., Ch. 268, Sec. 3(a) (part).)

9 Source Law

10 (a) . . . No person shall be appointed a
11 Director unless he resides in and owns taxable
12 property in the District. No member of a governing body
13 of any city or town, and no employee of a city or town
14 shall be a Director. . . .

15 Revisor's Note

16 Section 3(a), Chapter 268, Acts of the 53rd
17 Legislature, Regular Session, 1953, requires each
18 director to take the constitutional oath of office.
19 The revised law omits the provision because Section 1,
20 Article XVI, Texas Constitution, requires all officers
21 to take an oath or affirmation before assuming office.
22 The omitted law reads:

23 (a) . . . Such Directors shall
24 subscribe the constitutional oath of
25 office, and . . .

26 Revised Law

27 Sec. 9055.104. VACANCY. The governing body of the City of
28 Decatur shall appoint a successor to fill a vacancy on the board for
29 the unexpired term. (Acts 53rd Leg., R.S., Ch. 268, Sec. 3(c)
30 (part).)

31 Source Law

32 (c) . . . Any vacancy shall be filled for an
33 unexpired term by the governing body of such city.

34 Revised Law

35 Sec. 9055.105. OFFICERS. (a) The board shall elect from the
36 board's membership a president, a vice president, and any other
37 officers as the board determines necessary. The president is the
38 chief executive officer of the district and the presiding officer

1 of the board. The vice president shall act as president if the
2 president is absent or fails or declines to act.

3 (b) The board shall appoint a secretary and a treasurer, who
4 are not required to be directors. The board may combine the offices
5 of secretary and treasurer. (Acts 53rd Leg., R.S., Ch. 268, Sec. 4
6 (part).)

7 Source Law

8 Sec. 4. The Board of Directors shall elect from
9 its number a President and a Vice-President of the
10 District, and such other officers as in the judgment of
11 the Board are necessary. The President shall be the
12 chief executive officer of the District and the
13 presiding officer of the Board, and The
14 Vice-President shall perform all duties and exercise
15 all powers conferred by this Act upon the President
16 when the President is absent or fails or declines to
17 act. The Board shall also appoint a Secretary and a
18 Treasurer who may or may not be members of the Board,
19 and it may combine those offices. . . .

20 Revised Law

21 Sec. 9055.106. VOTE BY BOARD PRESIDENT. The president has
22 the same right to vote as any other director. (Acts 53rd Leg.,
23 R.S., Ch. 268, Sec. 4 (part).)

24 Source Law

25 Sec. 4. . . . The President . . . shall have the
26 same right to vote as any other Director. . . .

27 Revised Law

28 Sec. 9055.107. DIRECTOR AND TREASURER BONDS. (a) Each
29 director shall give bond in the amount of \$5,000 conditioned on the
30 faithful performance of the director's duties. The district shall
31 pay the cost of the bond.

32 (b) The treasurer shall give bond in the amount required by
33 the board. The treasurer's bond shall be conditioned on the
34 treasurer's faithful accounting for all money that comes into the
35 treasurer's custody as treasurer of the district. (Acts 53rd Leg.,
36 R.S., Ch. 268, Secs. 3(a) (part), 4 (part).)

37 Source Law

38 Sec. 3. (a) . . . Such Directors . . . each
39 shall give bond in the amount of Five Thousand Dollars
40 (\$5,000.00) for the faithful performance of his
41 duties, the cost of which shall be paid by the
42 District. . . .

43 Sec. 4. . . . The Treasurer shall give bond in

1 such amount as may be required by the Board of
2 Directors. The condition of such bond shall be that he
3 will faithfully account for all money which shall come
4 into his custody as Treasurer of the District. . . .

5 Revisor's Note
6 (End of Subchapter)

7 (1) Section 3(a), Chapter 268, Acts of the 53rd
8 Legislature, Regular Session, 1953, provides that a
9 director serves until the director's successor is
10 qualified. The revised law omits that provision
11 because it duplicates Section 17, Article XVI, Texas
12 Constitution, which provides that an officer in this
13 state is to continue to perform the officer's duties
14 until the successor has qualified. The omitted law
15 reads:

16 (a) . . . [Each Director shall serve
17 for a term of two (2) years . . . , and]
18 thereafter until his successor shall be
19 appointed and qualified,

20 (2) Sections 3(a) and (b), Chapter 268, Acts of
21 the 53rd Legislature, Regular Session, 1953, refer to
22 the initial directors and their terms of office. The
23 revised law omits those provisions as executed. The
24 omitted law reads:

25 (a) . . . provided that the initial
26 terms of office for the Directors named in
27 subsection (b) of this Section shall be as
28 set forth therein. . . .

29 (b) The appointment of the initial
30 Board of Directors of said District and the
31 designation of the terms of office of said
32 Board by action of the City Council of the
33 City of Decatur on the 14th day of July,
34 1964, said Directors and the expiration
35 dates of their terms of office, being as
36 follows:

37 Jo Ann Cocanougher	First Tuesday in May, 1965
38 Nolen L. Sewell	First Tuesday in May, 1965
39 Carl Christian	First Tuesday in May, 1965
40 Oscar Cox, Jr.	First Tuesday in May, 1966
41 Ben C. Merritt, Jr., M.D.	First Tuesday in May, 1966,

42 are hereby in all things validated.

43 (3) Section 4, Chapter 268, Acts of the 53rd
44 Legislature, Regular Session, 1953, requires the board
45 to appoint all necessary engineers, attorneys, and
46 other employees. The revised law omits that provision
47 because it duplicates in substance Section 49.057(a),

1 Water Code. The omitted law reads:

2 Sec. 4. . . . The Board shall appoint
3 all necessary engineers, attorneys and
4 other employees. . . .

5 (4) Section 4, Chapter 268, Acts of the 53rd
6 Legislature, Regular Session, 1953, requires the board
7 to adopt a seal for the district. The revised law
8 omits that provision because it duplicates Section
9 49.061, Water Code. The omitted law reads:

10 Sec. 4. . . . The Board shall adopt a
11 seal for the District.

12 SUBCHAPTER D. GENERAL POWERS AND DUTIES

13 Revised Law

14 Sec. 9055.151. CONSTRUCTION OF DAM. (a) The district may
15 impound storm and flood waters and the unappropriated flow waters
16 at one or more places and in an amount approved by the Texas
17 Commission on Environmental Quality by constructing one or more
18 dams inside or outside the district in Wise County. In exercising
19 its powers under this subsection, the district shall comply with
20 Subchapters A-D, Chapter 11, and Subchapter B, Chapter 12, Water
21 Code.

22 (b) A dam or other works for the impounding of water under
23 this section may not be constructed until the plans for the dam or
24 other works are approved by the Texas Commission on Environmental
25 Quality. (Acts 53rd Leg., R.S., Ch. 268, Sec. 6 (part).)

26 Source Law

27 Sec. 6. The District is hereby empowered to
28 impound storm and flood waters and the unappropriated
29 flow waters at such place or places and in such amounts
30 as may be approved by the Board of Water Engineers, by
31 the construction of a dam or dams within or without the
32 District in Wise County, by complying with Chapter 1,
33 Title 128, Revised Civil Statutes, as amended, and
34 No dam or other works for the impounding of
35 water shall be constructed until the plans therefor
36 are approved by the Board of Water Engineers of the
37 State of Texas.

38 Revisor's Note

39 (1) Section 6, Chapter 268, Acts of the 53rd
40 Legislature, Regular Session, 1953, refers to the
41 "Board of Water Engineers." The Board of Water

1 Engineers, created by Chapter 171, General Laws, Acts
2 of the 33rd Legislature, Regular Session, 1913, became
3 the Texas Water Commission under Chapter 4, Acts of the
4 57th Legislature, 3rd Called Session, 1962. The name
5 of the agency was changed to the Texas Water Rights
6 Commission by Chapter 296, Acts of the 59th
7 Legislature, Regular Session, 1965. In 1977, Sections
8 1 and 9, Chapter 870, Acts of the 65th Legislature,
9 Regular Session, changed the name of the agency to the
10 Texas Water Commission. Subsequently, the name of the
11 Texas Water Commission was changed to the Texas
12 Natural Resource Conservation Commission by Section
13 1.085, Chapter 3, Acts of the 72nd Legislature, 1st
14 Called Session, 1991. The name of the Texas Natural
15 Resource Conservation Commission was changed to the
16 Texas Commission on Environmental Quality by Section
17 18.01, Chapter 965, Acts of the 77th Legislature,
18 Regular Session, 2001. The revised law is drafted
19 accordingly.

20 (2) Section 6, Chapter 268, Acts of the 53rd
21 Legislature, Regular Session, 1953, refers to "Chapter
22 1, Title 128, Revised Civil Statutes, as amended." The
23 pertinent parts of Chapter 1, Title 128, Revised
24 Statutes, were codified as Subchapters A-D, Chapter
25 11, and Subchapter B, Chapter 12, Water Code, by
26 Section 1, Chapter 58, Acts of the 62nd Legislature,
27 Regular Session, 1971, and Section 1, Chapter 870,
28 Acts of the 65th Legislature, Regular Session, 1977,
29 and the revised law is drafted accordingly. The
30 revised law omits the reference to "as amended"
31 because under Section 311.027, Government Code (Code
32 Construction Act), unless expressly provided
33 otherwise, a reference to a statute applies to all
34 reenactments, revisions, or amendments of the statute.

1 Revised Law

2 Sec. 9055.152. SOURCES OF WATER. The district may develop
3 or otherwise acquire sources of water. (Acts 53rd Leg., R.S., Ch.
4 268, Sec. 6 (part).)

5 Source Law

6 Sec. 6. The District is hereby empowered . . .
7 to develop or otherwise acquire sources of
8 water. . . .

9 Revised Law

10 Sec. 9055.153. CONSTRUCTION OR ACQUISITION OF PROPERTY.

11 (a) The district may construct or otherwise acquire all works,
12 plants, and other facilities necessary or useful for the purpose of
13 processing water impounded, developed, or otherwise acquired and
14 transporting it to municipalities and others for municipal,
15 domestic, and industrial purposes.

16 (b) The district, inside or outside the district, may:

17 (1) construct or otherwise acquire all works, plants,
18 and other facilities necessary for the purpose of receiving and
19 treating water purchased from others; and

20 (2) transport the water to municipalities and others
21 for municipal, domestic, and industrial purposes. (Acts 53rd Leg.,
22 R.S., Ch. 268, Secs. 6 (part), 6a.)

23 Source Law

24 Sec. 6. [The District is hereby empowered to
25 impound storm and flood waters . . . and to develop or
26 otherwise acquire sources of water.] The District is
27 also empowered to construct or otherwise acquire all
28 works, plants, and other facilities necessary or
29 useful for the purpose of processing such water and
30 transporting it to cities and others for municipal,
31 and domestic industrial purposes. . . .

32 Sec. 6a. The District is empowered, within or
33 without the District, to construct or otherwise
34 acquire all works, plants, and other facilities
35 necessary for the purpose of receiving and treating
36 water purchased from others, and to transport such
37 water to cities and others for municipal, domestic and
38 industrial purposes.

39 Revisor's Note

40 Section 6, Chapter 268, Acts of the 53rd
41 Legislature, Regular Session, 1953, refers to
42 "municipal, and domestic industrial purposes." The

1 revised law substitutes "municipal, domestic, and
2 industrial purposes" for "municipal, and domestic
3 industrial purposes" because it is clear from the
4 context and the use of the phrase "municipal, domestic
5 and industrial purposes" in Sections 6a and 9, Chapter
6 268, Acts of the 53rd Legislature, Regular Session,
7 1953, revised as Subsection (b) of this section and
8 Section 9055.251, respectively, that the phrase in
9 Section 6 contains a typographical error, and the
10 legislature intended to use the phrase "municipal,
11 domestic, and industrial purposes."

12 Revised Law

13 Sec. 9055.154. WATER APPROPRIATION PERMITS. The district
14 may acquire water appropriation permits directly from the Texas
15 Commission on Environmental Quality or from owners of permits.
16 (Acts 53rd Leg., R.S., Ch. 268, Sec. 16 (part).)

17 Source Law

18 Sec. 16. The District is authorized to acquire
19 water appropriation permits directly from the Texas
20 Water Commission; or from owners of permits. . . .

21 Revisor's Note

22 Section 16, Chapter 268, Acts of the 53rd
23 Legislature, Regular Session, 1953, refers to the
24 "Texas Water Commission." The revised law substitutes
25 a reference to the Texas Commission on Environmental
26 Quality for the reason stated in Revisor's Note (1) to
27 Section 9055.151.

28 Revised Law

29 Sec. 9055.155. PURCHASE OF WATER. The district may
30 purchase water or a water supply from any person. (Acts 53rd Leg.,
31 R.S., Ch. 268, Sec. 16 (part).)

32 Source Law

33 Sec. 16. . . . The District is also authorized
34 to purchase water or a water supply from any person,
35 firm, corporation or public agency. . . .

1 Revisor's Note

2 Section 16, Chapter 268, Acts of the 53rd
3 Legislature, Regular Session, 1953, refers to a
4 person, firm, corporation, or public agency. The
5 revised law omits the references to "firm,"
6 "corporation," and "public agency" because Section
7 311.005(2), Government Code (Code Construction Act),
8 defines "person" to include a corporation or any other
9 legal entity.

10 Revised Law

11 Sec. 9055.156. EMINENT DOMAIN. (a) To carry out a power
12 provided by this chapter, the district may exercise the power of
13 eminent domain to acquire land and easements inside or outside the
14 district in Wise County, including land above the probable high
15 water line around the reservoirs.

16 (b) The district must exercise the power of eminent domain
17 in the manner provided by Chapter 21, Property Code.

18 (c) The board shall determine the amount and the type of
19 interest in land and easements to be acquired under this section.
20 (Acts 53rd Leg., R.S., Ch. 268, Sec. 7 (part).)

21 Source Law

22 Sec. 7. For the purpose of carrying out any
23 power or authority conferred by this Act the District
24 shall have the right to acquire land and easements
25 within and without the District in Wise County
26 (including land above the probable high water line
27 around the reservoirs) by condemnation in the manner
28 provided by Title 52, Revised Civil Statutes, as
29 amended, relating to eminent domain. The amount of and
30 character of interest in land and easements thus to be
31 acquired shall be determined by the Board of
32 Directors. . . .

33 Revisor's Note

34 (1) Section 7, Chapter 268, Acts of the 53rd
35 Legislature, Regular Session, 1953, refers to any
36 "power or authority" of the district. The revised law
37 omits "authority" in this context because "authority"
38 is included in the meaning of "power."

39 (2) Section 7, Chapter 268, Acts of the 53rd

1 Legislature, Regular Session, 1953, provides that "the
2 District shall have the right to acquire [certain
3 property] by condemnation." The revised law
4 substitutes for the quoted language "the district may
5 exercise the power of eminent domain to acquire
6 [certain property]" because the phrases have the same
7 meaning and the latter is consistent with modern usage
8 in laws relating to eminent domain.

9 (3) Section 7, Chapter 268, Acts of the 53rd
10 Legislature, Regular Session, 1953, refers to Title
11 52, Revised Civil Statutes of Texas, as amended. That
12 statute was codified as Chapter 21, Property Code. The
13 revised law is drafted accordingly. The revised law
14 omits the reference to "as amended" for the reason
15 stated in Revisor's Note (2) to Section 9055.151.

16 Revised Law

17 Sec. 9055.157. COST OF RELOCATING OR ALTERING PROPERTY. If
18 the district's exercise of the power of eminent domain, the power of
19 relocation, or any other power granted by this chapter makes
20 necessary relocating, raising, rerouting, changing the grade of, or
21 altering the construction of a highway, railroad, electric
22 transmission line, telephone or telegraph property or facility, or
23 pipeline, the necessary action shall be accomplished at the sole
24 expense of the district. (Acts 53rd Leg., R.S., Ch. 268, Sec. 7
25 (part).)

26 Source Law

27 Sec. 7. . . . In the event that the District,
28 in the exercise of the power of eminent domain or power
29 of re-location, or any other power granted hereunder,
30 makes necessary the re-location, raising, re-routing
31 or changing the grade of, or altering the construction
32 of any highway, railroad, electric transmission line,
33 telephone or telegraph properties and facilities, or
34 pipeline, all such necessary re-location, raising,
35 re-routing, changing of grade or alteration of
36 construction shall be accomplished at the sole expense
37 of the District.

38 Revised Law

39 Sec. 9055.158. CONSTRUCTION CONTRACTS. (a) This section

1 applies only to a construction contract or contract for the
2 purchase of materials, equipment, or supplies requiring an
3 expenditure of more than \$2,000.

4 (b) The district shall award a contract to the lowest and
5 best bidder after publishing notice to bidders once a week for two
6 weeks in a newspaper published in the district that is designated by
7 the board.

8 (c) The notice is sufficient if it states:

9 (1) the time and place for opening the bids;

10 (2) the general nature of the work to be done or the
11 materials, equipment, or supplies to be purchased; and

12 (3) the place where and the terms on which copies of
13 the plans and specifications may be obtained. (Acts 53rd Leg.,
14 R.S., Ch. 268, Sec. 8.)

15 Source Law

16 Sec. 8. Any construction contract or contract
17 for the purchase of materials, equipment or supplies
18 requiring an expenditure of more than Two Thousand
19 (\$2,000.00) Dollars shall be awarded to the lowest and
20 best bidder after publication of a notice to bidders
21 once each week for two weeks before awarding the
22 contract. Such notice shall be sufficient if it states
23 the time and place when and where the bids will be
24 opened, the general nature of the work to be done, or
25 the materials, equipment or supplies to be purchased,
26 and states where and the terms upon which copies of the
27 plans and specifications may be obtained. The
28 publication shall be in a newspaper published in the
29 District and designated by the Board of Directors.

30 Revised Law

31 Sec. 9055.159. CONTRACTS TO SUPPLY WATER AND OPERATE
32 FACILITIES. (a) The district may contract with municipalities and
33 others to supply water to those entities.

34 (b) The district may contract with a municipality for the
35 rental or leasing of or for the operation of the water production,
36 water supply, and water supply facilities of the municipality.

37 (c) The district may contract with the City of Decatur for
38 the operation of the district's facilities by the city.

39 (d) The contract may be on terms and for the time agreed to
40 by the parties.

41 (e) The contract may provide that it will continue in effect

1 until bonds specified in it and refunding bonds issued in lieu of
2 the bonds are paid. (Acts 53rd Leg., R.S., Ch. 268, Sec. 14.)

3 Source Law

4 Sec. 14. The District is authorized to enter
5 into contracts with cities and others for supplying
6 water to them. The District is also authorized to
7 contract with any city for the rental or leasing of, or
8 for the operation of the water production, water
9 supply, and water supply facilities of such city upon
10 such consideration as the District and the city may
11 agree, and to contract with the City of Decatur for the
12 operation of the District's facilities by said city
13 upon such consideration as the District and said city
14 may agree. Any such contract may be upon such terms
15 and for such time as the parties may agree, and it may
16 provide that it shall continue in effect until bonds
17 specified therein and refunding bonds issued in lieu
18 of such bonds are paid.

19 Revisor's Note

20 Section 14, Chapter 268, Acts of the 53rd
21 Legislature, Regular Session, 1953, states that the
22 district may enter into certain contracts with a
23 municipality "upon such consideration" agreed to by
24 the district and municipality. The revised law omits
25 the referenced language as unnecessary because
26 consideration is a required element for the formation
27 of any legally binding contract.

28 Revised Law

29 Sec. 9055.160. ADOPTION OF RULES. The board may adopt
30 reasonable rules to:

31 (1) secure, maintain, and preserve the sanitary
32 condition of water in and water that flows into any reservoir owned
33 by the district;

34 (2) prevent waste of or the unauthorized use of water;
35 and

36 (3) regulate residence, hunting, fishing, boating,
37 camping, and any other recreational or business privilege along or
38 around any district reservoir and the stream leading into the
39 reservoir, and its tributaries, or any body of land, or easement
40 owned or controlled by the district. (Acts 53rd Leg., R.S., Ch.
41 268, Sec. 21(a).)

1 Source Law

2 Sec. 21. (a) The Board of Directors of the
3 District shall have the power to adopt and promulgate
4 all reasonable regulations to secure, maintain and
5 preserve the sanitary condition of all water in and to
6 flow into any reservoir owned by the District, to
7 prevent waste of water or the unauthorized use
8 thereof, to regulate residence, hunting, fishing,
9 boating, and camping, and all recreational and
10 business privileges, along or around any such
11 reservoir and the stream leading into it, and its
12 tributaries, or any body of land, or easement owned or
13 controlled by the District.

14 Revisor's Note

15 (1) Section 21(a), Chapter 268, Acts of the 53rd
16 Legislature, Regular Session, 1953, refers to the
17 district's power to "adopt and promulgate" reasonable
18 regulations. The revised law omits the reference to
19 "promulgate" because, in context, "promulgate" is
20 included in the meaning of "adopt."

21 (2) Section 21(a), Chapter 268, Acts of the 53rd
22 Legislature, Regular Session, 1953, refers to
23 "regulations" adopted by the district. Throughout
24 this chapter, the revised law substitutes "rule" for
25 "regulation" because in context the terms are
26 synonymous, and under Section 311.005(5), Government
27 Code (Code Construction Act), a rule is defined to
28 include a regulation.

29 Revised Law

30 Sec. 9055.161. APPLICABILITY AND ENFORCEMENT OF CERTAIN
31 LAWS. (a) The general laws applicable to a water control and
32 improvement district for the preservation of the sanitary condition
33 of water, the prevention of waste, and the regulation of hunting,
34 fishing, boating, and other similar uses, apply to the district.

35 (b) The law officers of the county and state shall enforce
36 in court the laws described by Subsection (a). (Acts 53rd Leg.,
37 R.S., Ch. 268, Sec. 21(b).)

38 Source Law

39 (b) The General Laws applicable to Water Control
40 and Improvement Districts for the preservation of the
41 sanitary condition of water, for prevention of waste,

1 and regulating hunting, fishing, boating and other
2 such uses, shall be applicable to the District, and
3 shall be enforced by the law officers of the county and
4 State in the courts having jurisdiction.

5 Revisor's Note
6 (End of Subchapter)

7 Section 16, Chapter 268, Acts of the 53rd
8 Legislature, Regular Session, 1953, as amended by
9 Chapter 76, Acts of the 59th Legislature, Regular
10 Session, 1965, states that all contracts "heretofore"
11 made by the district with public agencies for the
12 purchase of water are validated. That amendment took
13 effect April 13, 1965. The revised law omits that
14 provision as executed. The omitted law reads:

15 Sec. 16. . . . All contracts
16 heretofore made by the District with other
17 public agencies for the purchase of water
18 are hereby in all things validated.

19 SUBCHAPTER E. GENERAL FINANCIAL AND ADMINISTRATIVE PROVISIONS

20 Revised Law

21 Sec. 9055.201. DEPOSITORY. (a) Except as provided by
22 Subsection (i), the board shall designate one or more banks in the
23 district to serve as depository for the district's money.

24 (b) District money shall be deposited with a designated
25 depository bank or banks, except that:

26 (1) money pledged to pay bonds may be deposited with
27 the trustee bank named in the trust agreement; and

28 (2) money shall be remitted to the bank of payment for
29 the payment of principal of and interest on bonds.

30 (c) To the extent that money in a depository bank or a
31 trustee bank is not insured by the Federal Deposit Insurance
32 Corporation, the money must be secured in the manner provided by law
33 for the security of county funds.

34 (d) The board shall prescribe the terms of service for
35 depositories.

36 (e) Before designating a depository bank, the board shall
37 issue a notice that:

38 (1) states the time and place at which the board will

1 meet to designate a depository bank or banks; and

2 (2) invites the banks in the district to submit an
3 application to be designated as a depository.

4 (f) The notice must be published one time in a newspaper
5 published in the district and specified by the board.

6 (g) At the time stated in the notice, the board shall:

7 (1) consider the application and the management and
8 condition of each bank that applies; and

9 (2) designate as a depository the bank or banks that:

10 (A) offer the most favorable terms for handling
11 the money; and

12 (B) the board finds have proper management and
13 are in condition to handle the money.

14 (h) Membership on the board of an officer or director of a
15 bank does not disqualify the bank from being designated as a
16 depository.

17 (i) If the board does not receive any applications before
18 the time stated in the notice, or if the board rejects all
19 applications, the board shall designate one or more banks located
20 inside or outside the district on terms that the board finds
21 advantageous to the district. (Acts 53rd Leg., R.S., Ch. 268, Sec.
22 15.)

23 Source Law

24 Sec. 15. (a) The Board of Directors shall
25 designate one or more banks within the District to
26 serve as depository for the funds of the District. All
27 funds of the District shall be deposited in such
28 Depository bank or banks except that funds pledged to
29 pay bonds may be deposited with the trustee bank named
30 in the trust agreement, and except that funds shall be
31 remitted to the bank of payment for the payment of
32 principal of and interest on bonds. To the extent that
33 funds in the depository banks and the trustee bank are
34 not insured by the F.D.I.C. they shall be secured in
35 the manner provided by law for the security of county
36 funds.

37 (b) Before designating a depository bank or
38 banks, the Board of Directors shall issue a notice
39 stating the time and place when and where the Board
40 will meet for such purpose and inviting the banks in
41 the District to submit applications to be designated
42 depositories. The term of service for depositories
43 shall be prescribed by the Board. Such notice shall be
44 published one time in a newspaper published in the
45 District and specified by the Board.

1 (c) At the time mentioned in the notice, the
2 Board shall consider the applications and the
3 management and condition of the banks filing them, and
4 shall designate as depositaries the bank or banks
5 which offer the most favorable terms and conditions
6 for the handling of the funds of the District and which
7 the Board finds have proper management and are in
8 condition to warrant handling of District funds.
9 Membership on the Board of Directors of an officer or
10 director of a bank shall not disqualify such bank from
11 being designated as depository.

12 (d) If no applications are received by the time
13 stated in the notice or if no such application is
14 accepted, the Board shall designate some bank or banks
15 within or without the District upon such terms and
16 conditions as it may find advantageous to the
17 District.

18 Revisor's Note

19 (1) Section 15, Chapter 268, Acts of the 53rd
20 Legislature, Regular Session, 1953, which provides for
21 the selection of a depository bank, refers several
22 times to monetary assets of the district as "funds."
23 Throughout this chapter, the revised law substitutes
24 "money" for "funds" (except where a specific type of
25 fund is indicated) because, in context, the meaning is
26 the same and "money" is the more commonly used term.

27 (2) Section 15(a), Chapter 268, Acts of the 53rd
28 Legislature, Regular Session, 1953, refers to the
29 "F.D.I.C." The revised law substitutes a reference to
30 the "Federal Deposit Insurance Corporation" because
31 that is the full name of that entity.

32 (3) Sections 15(c) and (d), Chapter 268, Acts of
33 the 53rd Legislature, Regular Session, 1953, refer to
34 proposed or agreed "terms and conditions" for serving
35 as the district's depository. The revised law omits
36 "conditions" because, in context, the meaning of
37 "conditions" is included in the meaning of "terms."

38 Revised Law

39 Sec. 9055.202. PROJECTS EXEMPT FROM ASSESSMENT OR TAXATION.
40 The district is not required to pay a tax or assessment on a project
41 or any part of a project. (Acts 53rd Leg., R.S., Ch. 268, Sec. 19
42 (part).)

1 Source Law

2 Sec. 19. . . . the District . . . shall not be
3 required to pay any tax or assessment on the project or
4 any part thereof, and

5 Revised Law

6 Sec. 9055.203. COLLECTION OF DISTRICT TAXES; CONTRACTS FOR
7 PERFORMANCE OF ADMINISTRATIVE DUTIES. (a) The City of Decatur
8 shall collect all taxes imposed by the district.

9 (b) The district may enter into a contract with the City of
10 Decatur under which municipal employees, including the tax
11 collector and assessor of the municipality, perform administrative
12 duties that might otherwise require the district to employ
13 personnel. (Acts 53rd Leg., R.S., Ch. 268, Secs. 20(a) (part),
14 (b).)

15 Source Law

16 Sec. 20. (a) . . . All taxes levied by the Board
17 of Directors of the District shall be . . . collected
18 by the city. . . .

19 (b) The District and the said city may enter
20 into a contract under which city employees, including
21 the tax collector and assessor of the city, will
22 perform certain or all administrative duties which
23 might otherwise require the employment of personnel by
24 the District.

25 Revisor's Note

26 Section 20(a), Chapter 268, Acts of the 53rd
27 Legislature, Regular Session, 1953, refers to taxes
28 "levied" by the board. The revised law substitutes
29 "imposed" for "levied" for the reason stated in
30 Revisor's Note (1) to Section 9055.059.

31 Revisor's Note
32 (End of Subchapter)

33 Section 20(a), Chapter 268, Acts of the 53rd
34 Legislature, Regular Session, 1953, establishes
35 certain procedures relating to the imposition of
36 property taxes. The revised law omits those
37 provisions as superseded by Title 1, Tax Code, which
38 was intended as a comprehensive, substantive
39 codification of all property tax law and its
40 administration. Title 1, Tax Code, was enacted by

1 Chapter 841, Acts of the 66th Legislature, Regular
2 Session, 1979. Section 6(b) of that act repealed all
3 "general, local, and special laws" that conflicted
4 with that act. The omitted law reads:

5 Sec. 20. (a) The tax rolls of the
6 City of Decatur shall constitute the tax
7 rolls of the District. [All taxes levied by
8 the Board of Directors of the District shall
9 be] placed on the city rolls and
10 Laws relating to the assessment of property
11 for taxation, equalization of assessed
12 values, collection and enforced collection
13 of taxes applicable to the city shall be
14 applicable to the District. If territory is
15 added to the District which is not contained
16 in the city, the taxable property in such
17 territory shall be added to the city rolls.

18 SUBCHAPTER F. BONDS

19 Revised Law

20 Sec. 9055.251. AUTHORITY TO ISSUE BONDS. (a) The district
21 may issue bonds to:

22 (1) provide a source of water supply for
23 municipalities and other users for municipal, domestic, and
24 industrial purposes; or

25 (2) carry out any other power conferred by this
26 chapter.

27 (b) The bonds must be authorized by a board resolution.
28 (Acts 53rd Leg., R.S., Ch. 268, Secs. 9(a) (part), (b) (part), (c),
29 (e) (part).)

30 Source Law

31 Sec. 9. (a) For the purpose of providing a
32 source of water supply for cities and other users for
33 municipal, domestic and industrial purposes, as
34 authorized by this Act, and for the purpose of carrying
35 out any other power or authority conferred by this Act,
36 the District is empowered to issue its negotiable
37 bonds

38 (b) Such bonds shall be authorized by resolution
39 of the Board of Directors and

40 (c) Bonds may be issued in more than one series
41 and from time to time as required for carrying out the
42 purposes of this Act.

43 (e) For the purposes stated in Section 9(a)
44 hereof, the District is also empowered to issue
45 bonds

46 Revisor's Note

47 (1) Section 9(a), Chapter 268, Acts of the 53rd

1 Legislature, Regular Session, 1953, refers to a "power
2 or authority" conferred by that act. The revised law
3 omits the reference to "authority" for the reason
4 stated in Revisor's Note (1) to Section 9055.156.

5 (2) Section 9(a), Chapter 268, Acts of the 53rd
6 Legislature, Regular Session, 1953, authorizes the
7 district to issue "negotiable" bonds. The revised law
8 omits "negotiable" because under Section 1201.041,
9 Government Code, a public security is a negotiable
10 instrument. Section 1201.041 applies to district
11 bonds by application of Section 1201.002, Government
12 Code.

13 (3) Section 9(c), Chapter 268, Acts of the 53rd
14 Legislature, Regular Session, 1953, states that
15 district bonds may be issued in "more than one series
16 and from time to time." The revised law omits "more
17 than one series" because it duplicates a provision of
18 Section 1201.022, Government Code, which applies to
19 the revised law by application of Section 1201.003,
20 Government Code. The revised law omits "from time to
21 time" because the power to issue bonds implies the
22 power to do so at any time.

23 Revised Law

24 Sec. 9055.252. FORM OF BONDS. District bonds must be:

- 25 (1) issued in the district's name;
26 (2) signed by the president or vice president; and
27 (3) attested by the secretary. (Acts 53rd Leg., R.S.,
28 Ch. 268, Sec. 9(b) (part).)

29 Source Law

30 (b) Such bonds . . . shall be issued in the name
31 of the District, signed by the President or
32 Vice-President, attested by the Secretary, and . . .

33 Revisor's Note

34 Section 9(b), Chapter 268, Acts of the 53rd
35 Legislature, Regular Session, 1953, provides that

1 bonds must have the seal of the district impressed on
2 them. The revised law omits that provision because it
3 was impliedly repealed by Section 3, Bond Procedures
4 Act of 1981 (Article 717k-6, Vernon's Texas Civil
5 Statutes) (revised in pertinent part in 1999 as
6 Section 1201.026(a), Government Code), which provides
7 that bonds may be signed with or without a seal. The
8 omitted law reads:

9 (b) [Such bonds shall] . . . have the
10 seal of the District impressed
11 thereon. . . .

12 Revised Law

13 Sec. 9055.253. MATURITY. District bonds must mature not
14 later than 40 years after the date of their issuance. (Acts 53rd
15 Leg., R.S., Ch. 268, Sec. 9(b) (part).)

16 Source Law

17 (b) . . . They shall mature serially or
18 otherwise in not to exceed forty years and

19 Revisor's Note

20 Section 9(b), Chapter 268, Acts of the 53rd
21 Legislature, Regular Session, 1953, provides that
22 district bonds shall mature "serially or otherwise."
23 The revised law omits the quoted language because it
24 duplicates Section 1201.022(a)(1), Government Code,
25 applicable to the revised law by application of
26 Section 1201.002, Government Code.

27 Revised Law

28 Sec. 9055.254. ELECTION FOR BONDS PAYABLE FROM AD VALOREM
29 TAXES. (a) Bonds, other than refunding bonds, payable wholly or
30 partly from ad valorem taxes may not be issued unless authorized by
31 a district election held for that purpose at which a majority of the
32 votes cast favor the bond issuance.

33 (b) The board may order an election under this section
34 without a petition. The order must specify:

35 (1) the time and places at which the election will be
36 held;

- 1 (2) the purpose for which the bonds will be issued;
2 (3) the maximum amount of the bonds;
3 (4) the maximum maturity of the bonds;
4 (5) the form of the ballot; and
5 (6) the presiding judge for each voting place.

6 (c) Notice of the election must be given by publishing a
7 substantial copy of the order calling the election in a newspaper
8 published in the district for two consecutive weeks. The first
9 publication must be not later than the 21st day before the date of
10 the election. (Acts 53rd Leg., R.S., Ch. 268, Secs. 12(a) (part),
11 (b).)

12 Source Law

13 Sec. 12. (a) No bonds payable wholly or
14 partially from ad valorem taxes (except refunding
15 bonds) shall be issued unless authorized by an
16 election at which only the qualified voters who reside
17 in the District and who own taxable property therein
18 and who have duly rendered the same for taxation and
19 unless a majority of the votes cast in such election is
20 in favor of the issuance of the bonds. . . .

21 (b) Such election may be called by the Board of
22 Directors without a petition. The resolution calling
23 the election shall specify the time and places of
24 holding the same, the purpose for which the bonds are
25 to be issued, the maximum amount thereof, the maximum
26 maturity thereof, the form of the ballot, and the
27 presiding judge for each voting place. The presiding
28 judge serving at each voting place shall appoint one
29 assistant judge and two clerks to assist in holding
30 such election. Notice of the election shall be given
31 by publishing a substantial copy of such resolution in
32 a newspaper published within the District for two
33 consecutive weeks. The first publication shall be at
34 least twenty-one days prior to the election.

35 Revisor's Note

36 (1) Section 12(a), Chapter 268, Acts of the 53rd
37 Legislature, Regular Session, 1953, provides that the
38 district may not issue bonds payable from ad valorem
39 taxes unless authorized by "the qualified voters who
40 reside [in the District] and who own taxable property
41 therein and who have duly rendered the same for
42 taxation." The revised law omits the requirement that
43 voters reside in the district for the reasons stated in
44 Revisor's Note (1) to the end of Subchapter B. The
45 revised law omits the reference to voting only by

1 persons who own taxable property and render that
2 property for taxation because in Hill v. Stone, 421
3 U.S. 289 (1975), the United States Supreme Court
4 determined that property ownership as a qualification
5 for voting is an unconstitutional denial of equal
6 protection.

7 (2) Section 12(b), Chapter 268, Acts of the 53rd
8 Legislature, Regular Session, 1953, provides that an
9 election may be called by the board and refers to the
10 "resolution calling the election." The revised law
11 substitutes "order" for the quoted language because,
12 in context, "calling" an election is included in the
13 meaning of holding an election. Under Chapter 3,
14 Election Code, all elections must be ordered (called)
15 before they may be held.

16 (3) Section 12(b), Chapter 268, Acts of the 53rd
17 Legislature, Regular Session, 1953, provides that
18 "[t]he presiding judge serving at each voting place
19 shall appoint one assistant judge and two clerks to
20 assist in holding such election." The revised law
21 omits the quoted language for the reason stated in the
22 revisor's note to Section 9055.055.

23 (4) Section 12(c), Chapter 268, Acts of the 53rd
24 Legislature, Regular Session, 1953, provides that the
25 returns of a bond election shall be made to and
26 canvassed by the board. The revised law omits that
27 provision for the reason stated in Revisor's Note (2)
28 to the end of Subchapter B. The omitted law reads:

29 (c) The returns of the election shall
30 be made to and canvassed by the Board of
31 Directors of the District.

32 (5) Section 12(d), Chapter 268, Acts of the 53rd
33 Legislature, Regular Session, 1953, provides that the
34 general laws relating to elections apply to an
35 election under that section except as otherwise

1 provided by that act. The revised law omits that
2 provision because Section 1.002, Election Code,
3 provides that the Election Code applies to all
4 elections held in this state. An exception to the
5 application of the Election Code would apply by its own
6 terms. The omitted law reads:

7 (d) The General Laws relating to
8 elections shall be applicable to elections
9 held under this section of this law except
10 as otherwise provided in this law.

11 Revised Law

12 Sec. 9055.255. BONDS PAYABLE FROM REVENUE. (a) In this
13 section, "net revenue" means the gross revenue of the district
14 minus the amount necessary to pay the cost of maintaining and
15 operating the district and its property.

16 (b) Bonds issued under this subchapter may be secured under
17 board resolution by a pledge of:

18 (1) all or part of the district's net revenue;

19 (2) the net revenue of one or more contracts made
20 before or after the issuance of the bonds; or

21 (3) other revenue specified by board resolution.

22 (c) The pledge may reserve the right to issue additional
23 bonds on a parity with or subordinate to the bonds being issued,
24 subject to conditions specified by the pledge.

25 (d) Bonds not payable wholly or partly from ad valorem taxes
26 may be issued without an election. (Acts 53rd Leg., R.S., Ch. 268,
27 Secs. 9(a) (part), (d), 12(a) (part).)

28 Source Law

29 Sec. 9. (a) . . . [the District is empowered
30 to issue its . . . bonds] to be payable from such
31 revenues of the District as are pledged by resolution
32 of the Board of Directors.

33 (d) The bonds may be secured by a pledge of all
34 or part of the net revenues of the District, or by the
35 net revenues of any one or more contracts theretofore
36 or thereafter made or other revenues specified by
37 resolution of the Board of Directors. Any such pledge
38 may reserve the right, under conditions therein
39 specified, to issue additional bonds which will be on a
40 parity with or subordinate to the bonds then being
41 issued. The term "net revenues" as used in this
42 section shall mean the gross revenues of the District

1 after deduction of the amount necessary to pay the cost
2 of maintaining and operating the District and its
3 properties.

4 Sec. 12. (a) . . . Bonds not payable wholly or
5 partially from ad valorem taxes may be issued without
6 an election.

7 Revised Law

8 Sec. 9055.256. BONDS PAYABLE FROM AD VALOREM TAXES. The
9 district may issue bonds payable from:

10 (1) ad valorem taxes imposed on taxable property in
11 the district; or

12 (2) ad valorem taxes and revenue of the district.
13 (Acts 53rd Leg., R.S., Ch. 268, Sec. 9(e) (part).)

14 Source Law

15 (e) . . . the District is also empowered to
16 issue bonds payable from ad valorem taxes to be levied
17 on all taxable property therein, or to issue bonds
18 secured both by and payable from such taxes and the
19 revenues of the District. . . .

20 Revisor's Note

21 Section 9(e), Chapter 268, Acts of the 53rd
22 Legislature, Regular Session, 1953, refers to an ad
23 valorem tax "levied" on taxable property. The revised
24 law substitutes "imposed" for "levied" for the reason
25 stated in Revisor's Note (1) to Section 9055.059.

26 Revised Law

27 Sec. 9055.257. TAX AND RATE REQUIREMENTS. (a) If the
28 district issues bonds payable wholly or partly from ad valorem
29 taxes, the board shall impose a tax sufficient to pay the bonds and
30 the interest on the bonds as the bonds and interest become due. The
31 board may adopt the rate of the tax after considering the money
32 received from the pledged revenue available for payment of
33 principal and interest to the extent and in the manner permitted by
34 the resolution authorizing the issuance of the bonds.

35 (b) If the district issues bonds payable wholly or partly
36 from revenue, the board shall set and revise the rates of
37 compensation for water sold and services rendered by the district.

38 (c) For bonds payable wholly from revenue, the rates of
39 compensation must be sufficient to:

1 (1) pay the expense of operating and maintaining the
2 facilities of the district;

3 (2) pay the bonds as they mature and the interest as it
4 accrues; and

5 (3) maintain the reserve and other funds as provided
6 by the resolution authorizing the issuance of the bonds.

7 (d) For bonds payable partly from revenue, the rates of
8 compensation must be sufficient to assure compliance with the
9 resolution authorizing the issuance of the bonds. (Acts 53rd Leg.,
10 R.S., Ch. 268, Secs. 9(e) (part), (f).)

11 Source Law

12 (e) . . . Where bonds are issued payable wholly
13 or partially from ad valorem taxes, it shall be the
14 duty of the Board of Directors to levy a tax sufficient
15 to pay the bonds and the interest thereon as such bonds
16 and interest become due, but the rate of the tax for
17 any year may be fixed after giving consideration to the
18 money received from the pledged revenues which may be
19 available for payment of principal and interest to the
20 extent and in the manner permitted by the resolution
21 authorizing the issuance of the bonds.

22 (f) Where bonds payable wholly from revenues are
23 issued, it shall be the duty of the Board of Directors
24 to fix, and from time to time to revise, the rates of
25 compensation for water sold and services rendered by
26 the District which will be sufficient to pay the
27 expense of operating and maintaining the facilities of
28 the District and to pay the bonds as they mature and
29 the interest as it accrues and to maintain the reserve
30 and other funds as provided in the resolution
31 authorizing the bonds. Where bonds payable partially
32 from revenues are issued, it shall be the duty of the
33 Board to fix, and from time to time to revise, the rate
34 of compensation for water sold and services rendered
35 by the District which will be sufficient to assure
36 compliance with the resolution authorizing the bonds.

37 Revisor's Note

38 (1) Section 9(e), Chapter 268, Acts of the 53rd
39 Legislature, Regular Session, 1953, requires the board
40 of directors to "levy" an ad valorem tax. The revised
41 law substitutes "impose" for "levy" for the reason
42 stated in Revisor's Note (1) to Section 9055.059.

43 (2) Section 9(e), Chapter 268, Acts of the 53rd
44 Legislature, Regular Session, 1953, provides that the
45 rate of the ad valorem tax "for any year" may be
46 "fixed" by the board. The revised law substitutes

1 "adopt" for "fixed" to conform to the terminology used
2 in Section 26.05, Tax Code. The revised law omits "for
3 any year" because it duplicates Section 26.05(a), Tax
4 Code, which provides that the governing body of a
5 taxing unit shall adopt a tax rate annually.

6 (3) Section 9(f), Chapter 268, Acts of the 53rd
7 Legislature, Regular Session, 1953, provides that it
8 shall be the duty of the board to fix, and from "time to
9 time" to revise, the rates of compensation for water
10 sold and services rendered by the district. The
11 revised law omits the quoted language because the duty
12 to set and revise the rates of compensation includes
13 the duty to revise them from time to time.

14 Revised Law

15 Sec. 9055.258. ADDITIONAL SECURITY. (a) Bonds, including
16 refunding bonds, authorized by this subchapter that are not payable
17 wholly from ad valorem taxes may be additionally secured by a deed
18 of trust lien on physical property of the district and all
19 franchises, easements, water rights and appropriation permits,
20 leases, contracts, and all rights appurtenant to the property,
21 vesting in the trustee power to:

- 22 (1) sell the property for payment of the debt;
23 (2) operate the property; and
24 (3) take other action to further secure the bonds.

25 (b) The deed of trust may:

- 26 (1) contain any provision the board prescribes to
27 secure the bonds and preserve the trust estate;
28 (2) provide for amendment or modification of the deed
29 of trust; and
30 (3) provide for the issuance of bonds to replace lost
31 or mutilated bonds.

32 (c) A purchaser under a sale under the deed of trust:

- 33 (1) is the owner of the dam or dams and the other
34 property and facilities purchased; and

1 (2) is entitled to maintain and operate the property
2 and facilities. (Acts 53rd Leg., R.S., Ch. 268, Sec. 11.)

3 Source Law

4 Sec. 11. Any bonds (including refunding bonds)
5 authorized by this law, not payable wholly from ad
6 valorem taxes, may be additionally secured by a deed of
7 trust lien upon physical properties of the District
8 and all franchises, easements, water rights and
9 appropriation permits, leases, and contracts and all
10 rights appurtenant to such properties, vesting in the
11 trustee power to sell the properties for payment of the
12 indebtedness, power to operate the properties and all
13 other powers and authority for the further security of
14 the bonds. Such deed of trust may contain any
15 provisions prescribed by the Board of Directors for
16 the security of the bonds and the preservation of the
17 trust estate, and may make provision for amendment or
18 modification thereof and the issuance of bonds to
19 replace lost or mutilated bonds. Any purchaser under a
20 sale under such deed of trust shall be the owner of the
21 dam or dams and the other properties and facilities so
22 purchased and shall have the right to maintain and
23 operate the same.

24 Revised Law

25 Sec. 9055.259. USE OF BOND PROCEEDS. (a) The district may
26 set aside an amount of proceeds from the sale of bonds issued under
27 this subchapter for the payment of interest expected to accrue
28 during construction and for one year after construction in a
29 reserve interest and sinking fund. The resolution authorizing the
30 bonds may provide for setting aside and using the proceeds as
31 provided by this subsection.

32 (b) The district may use proceeds from the sale of the bonds
33 to pay any expense necessarily incurred in accomplishing the
34 purposes of the district. (Acts 53rd Leg., R.S., Ch. 268, Sec.
35 9(g).)

36 Source Law

37 (g) From the proceeds of the sale of the bonds,
38 the District may set aside an amount for the payment of
39 interest expected to accrue during construction and
40 for one year thereafter in a reserve interest and
41 sinking fund, and such provision may be made in the
42 resolution authorizing the bonds. Proceeds received
43 from the sale of the bonds may also be used for the
44 payment of all expenses necessarily incurred in
45 accomplishing the purposes for which this District is
46 created.

47 Revised Law

48 Sec. 9055.260. APPOINTMENT OF RECEIVER. (a) On default or

1 threatened default in the payment of principal of or interest on
2 bonds issued under this subchapter that are payable wholly or
3 partly from revenue, a court may, on petition of the holders of 25
4 percent of the outstanding bonds of the issue in default or
5 threatened with default, appoint a receiver for the district.

6 (b) The receiver may collect and receive all district income
7 except taxes, employ and discharge district agents and employees,
8 take charge of money on hand, except money received from taxes,
9 unless commingled, and manage the district's proprietary affairs
10 without the consent of or hindrance by the board.

11 (c) The receiver may be authorized to sell or contract for
12 the sale of water or to renew those contracts with the approval of
13 the court that appointed the receiver.

14 (d) The court may vest the receiver with any other power or
15 duty the court finds necessary to protect the bondholders. (Acts
16 53rd Leg., R.S., Ch. 268, Sec. 9(h).)

17 Source Law

18 (h) In the event of a default or a threatened
19 default in the payment of principal of or interest on
20 bonds payable wholly or partially from revenues, any
21 court of competent jurisdiction may, upon petition of
22 the holders of 25% of the outstanding bonds of the
23 issue thus in default or threatened with default,
24 appoint a receiver with authority to collect and
25 receive all income of the District except taxes,
26 employ and discharge agents and employees of the
27 District, take charge of funds on hand (except funds
28 received from taxes unless commingled) and manage the
29 proprietary affairs of the District without consent of
30 or hindrance by the Directors. Such receiver may also
31 be authorized to sell or make contracts for the sale of
32 water or renew such contracts with the approval of the
33 court appointing him. The court may vest the receiver
34 with such other powers and duties as the court may find
35 necessary for the protection of the holders of the
36 bonds.

37 Revisor's Note

38 Section 9(h), Chapter 268, Acts of the 53rd
39 Legislature, Regular Session, 1953, refers to a court
40 "of competent jurisdiction." The revised law omits
41 the quoted language because the general laws of civil
42 jurisdiction determine which courts have "competent
43 jurisdiction" over the matter.

1 Revised Law

2 Sec. 9055.261. REFUNDING BONDS. (a) The district may issue
3 refunding bonds to refund outstanding bonds issued under this
4 subchapter and interest on those bonds.

5 (b) Refunding bonds may:

6 (1) be issued to refund bonds of more than one series;

7 (2) combine the pledges for the outstanding bonds for
8 the security of the refunding bonds; or

9 (3) be secured by a pledge of other or additional
10 revenue.

11 (c) The provisions of this subchapter regarding the
12 issuance of other bonds and the remedies of the holders apply to
13 refunding bonds.

14 (d) The comptroller shall register the refunding bonds on
15 surrender and cancellation of the bonds to be refunded.

16 (e) Instead of issuing bonds to be registered on the
17 surrender and cancellation of the bonds to be refunded, the
18 district, in the resolution authorizing the issuance of the
19 refunding bonds, may provide for the sale of the refunding bonds and
20 the deposit of the proceeds in a bank at which the bonds to be
21 refunded are payable. In that case, the refunding bonds may be
22 issued in an amount sufficient to pay the interest on the bonds to
23 be refunded to their option date or maturity date, and the
24 comptroller shall register the refunding bonds without the
25 surrender and cancellation of the bonds to be refunded. (Acts 53rd
26 Leg., R.S., Ch. 268, Sec. 10.)

27 Source Law

28 Sec. 10. The District is authorized to issue
29 refunding bonds for the purpose of refunding any
30 outstanding bonds authorized by this Act and interest
31 thereon. Such refunding bonds may be issued to refund
32 more than one series of outstanding bonds and combine
33 the pledges for the outstanding bonds for the security
34 of the refunding bonds, and may be secured by other or
35 additional revenues. The provisions of this law with
36 reference to the issuance of other bonds and their
37 approval by the Attorney General and the remedies of
38 the holders shall be applicable to refunding bonds.
39 Refunding bonds shall be registered by the Comptroller
40 upon surrender and cancellation of the bonds to be
41 refunded, but in lieu thereof, the resolution

1 authorizing their issuance may provide that they shall
2 be sold and the proceeds thereof deposited in the bank
3 where the original bonds are payable, in which case the
4 refunding bonds may be issued in an amount sufficient
5 to pay the interest on the original bonds to their
6 option date or maturity date, and the Comptroller
7 shall register them without concurrent surrender and
8 cancellation of the original bonds.

9 Revisor's Note

10 Section 10, Chapter 268, Acts of the 53rd
11 Legislature, Regular Session, 1953, refers to the
12 "approval by the Attorney General" of refunding bonds.
13 The revised law omits the quoted language because it is
14 superseded by Section 1202.003, Government Code,
15 enacted in 1987 as Section 3.002(a), Chapter 53, Acts
16 of the 70th Legislature, 2nd Called Session (Article
17 717k-8, Vernon's Texas Civil Statutes), which provides
18 for approval of public securities by the attorney
19 general. That section applies to bonds issued by the
20 district by application of Section 1202.001,
21 Government Code.

22 Revised Law

23 Sec. 9055.262. BONDS EXEMPT FROM TAXATION. A bond issued
24 under this subchapter, the transfer of the bond, and income from the
25 bond, including profits made on the sale of the bond, are exempt
26 from taxation in this state. (Acts 53rd Leg., R.S., Ch. 268, Sec.
27 19 (part).)

28 Source Law

29 Sec. 19. . . . the bonds issued hereunder and
30 their transfer and the income therefrom, including the
31 profits made on the sale thereof, shall at all times be
32 free from taxation within this State.

33 Revisor's Note
34 (End of Subchapter)

35 (1) Section 9(b), Chapter 268, Acts of the 53rd
36 Legislature, Regular Session, 1953, provides that
37 district bonds may be sold at a price and under terms
38 that the board determines to be the most advantageous
39 reasonably obtainable. The revised law omits that
40 provision because it duplicates or is superseded by

1 provisions of general law. Section 1204.006(b),
2 Government Code, enacted as Section 2(a), Chapter 3,
3 Acts of the 61st Legislature, Regular Session, 1969
4 (Article 717k-2, Vernon's Texas Civil Statutes),
5 provides that an issuer may sell public securities at
6 any price. Section 1204.006(b) applies to district
7 bonds by application of Section 1204.001, Government
8 Code. Section 1201.022, Government Code, was amended
9 by Section 1, Chapter 769, Acts of the 77th
10 Legislature, Regular Session, 2001, to provide that an
11 issuer may sell public securities "under the terms
12 determined by the governing body of the issuer to be in
13 the issuer's best interests." Section 1201.022
14 applies to district bonds by application of Section
15 1201.002, Government Code. The omitted law reads:

16 (b) . . . [bonds] . . . may be sold
17 at a price and under terms determined by the
18 Board of Directors to be the most
19 advantageous reasonably obtainable,
20

21 (2) Section 9(b), Chapter 268, Acts of the 53rd
22 Legislature, Regular Session, 1953, provides that
23 district bonds may bear interest at a rate not to
24 exceed six percent. The revised law omits that
25 provision because it is superseded by other law.
26 Section 9(b) was enacted in 1953 and was impliedly
27 amended by the subsequent enactment of Chapter 3, Acts
28 of the 61st Legislature, Regular Session, 1969
29 (Article 717k-2, Vernon's Texas Civil Statutes), now
30 Chapter 1204, Government Code. Section 1204.006,
31 Government Code, reflecting the 1981 amendment of
32 Article 717k-2 by Section 1, Chapter 61, Acts of the
33 67th Legislature, Regular Session, permits a public
34 agency to issue public securities at any net effective
35 interest rate of 15 percent or less. Section 1204.006,
36 Government Code, applies to district bonds by

1 application of Section 1204.001, Government Code. The
2 omitted law reads:

3 (b) . . . [bonds . . . may be sold
4 . . . under terms determined by the Board of
5 Directors] . . . provided that the interest
6 cost to the District, calculated by use of
7 standard bond interest tables currently in
8 use by insurance companies and investment
9 houses does not exceed 6% per annum, and
10

11 (3) Section 9(b), Chapter 268, Acts of the 53rd
12 Legislature, Regular Session, 1953, provides that
13 district bonds may be called, or redeemed, before
14 maturity at the time and price specified in the
15 resolution authorizing the bonds. The revised law
16 omits that provision because it duplicates Sections
17 1201.021 and 1201.022, Government Code, which provide
18 that a public security may be redeemed before maturity
19 and be payable in specified amounts and at specified
20 times. Those sections apply to district bonds by the
21 application of Section 1201.002, Government Code. The
22 omitted law reads:

23 (b) . . . [bonds] . . . within the
24 discretion of the Board, may be made
25 callable prior to maturity at such times and
26 prices as may be prescribed in the
27 resolution authorizing the bonds, and
28

29 (4) Section 9(b), Chapter 268, Acts of the 53rd
30 Legislature, Regular Session, 1953, provides that
31 district bonds may be registered as to principal or as
32 to principal and interest. The revised law omits that
33 provision because it duplicates Section 1201.024,
34 Government Code. That section applies to district
35 bonds by the application of Section 1201.002,
36 Government Code. The omitted law reads:

37 (b) . . . [bonds] . . . may be made
38 registrable as to principal or as to both
39 principal and interest.

40 (5) Section 13, Chapter 268, Acts of the 53rd
41 Legislature, Regular Session, 1953, requires the

1 district to deliver bonds it issues to the attorney
2 general for examination and approval. Section 13 also
3 requires the attorney general to approve district
4 bonds if the bonds were authorized under law. In
5 addition, Section 13 provides that after approval the
6 bonds must be registered with the comptroller and that
7 after approval and registration the bonds are
8 incontestable. The revised law omits those provisions
9 as superseded by Chapter 1202, Government Code
10 (enacted as Article 3, Chapter 53, Acts of the 70th
11 Legislature, 2nd Called Session, 1987). Section
12 1202.003, Government Code, provides for approval of
13 the bonds by the attorney general and requires the
14 attorney general to submit the approved bonds to the
15 comptroller for registration. Section 1202.005,
16 Government Code, requires registration of the bonds by
17 the comptroller. Section 1202.006, Government Code,
18 provides that after approval and registration the
19 bonds are incontestable and binding obligations.
20 Chapter 1202, Government Code, applies to district
21 bonds by application of Sections 1202.001 and
22 1202.003(c), Government Code. The omitted law reads:

23 Sec. 13. After any bonds are
24 authorized by the District, such bonds and
25 the record relating to their issuance shall
26 be submitted to the Attorney General for his
27 examination as to the validity
28 thereof. . . . If such bonds have been
29 authorized and . . . in accordance with the
30 Constitution and laws of the State of Texas,
31 he shall approve the bonds and . . . the
32 bonds then shall be registered by the
33 Comptroller of Public Accounts.
34 Thereafter, the bonds, and . . . shall be
35 valid and binding and shall be
36 incontestable for any cause.

37 (6) Section 13, Chapter 268, Acts of the 53rd
38 Legislature, Regular Session, 1953, details various
39 procedures regarding approval of bond contracts and
40 proceedings by the attorney general. The revised law
41 omits the portion of Section 13 regarding the validity

1 and incontestability of a contract the proceeds of
2 which are pledged to the payment of a bond as impliedly
3 repealed by Section 1202.006, Government Code (enacted
4 as Section 3.002(d), Chapter 53, Acts of the 70th
5 Legislature, 2nd Called Session, 1987). Section
6 1202.006, Government Code, provides that after
7 approval and registration of the bond, the bond and
8 contract are not contestable for any reason. Section
9 1202.006 applies to district bonds by application of
10 Sections 1202.001 and 1202.003(c), Government Code.
11 The omitted law reads:

12 Sec. 13. . . . Where such bonds
13 recite that they are secured by a pledge of
14 the proceeds of a contract theretofore made
15 between the District and any city or other
16 governmental agency or district, a copy of
17 such contract and the proceedings of the
18 city or other governmental agency or
19 district authorizing such contract shall
20 also be submitted to the Attorney
21 General. . . . if such contracts have been
22 made [in accordance with the Constitution
23 and laws of the State of Texas, he shall
24 approve] . . . such contracts and
25 [Thereafter,] . . . the contracts, if any,
26 [shall be valid and . . . shall be
27 incontestable for any cause.]

28 (7) Section 17, Chapter 268, Acts of the 53rd
29 Legislature, Regular Session, 1953, provides that the
30 district is a water control and improvement district
31 within the meaning of Chapter 349, Acts of the 49th
32 Legislature, Regular Session, 1945 (Article 1110a,
33 Vernon's Texas Civil Statutes), and has the powers
34 conferred by that chapter. The purpose and effect of
35 Section 17 is unclear since Article 1110a granted
36 powers to certain municipalities rather than to water
37 control and improvement districts and because Section
38 17 states that any powers made applicable to the
39 district by Chapter 268 apply to the district.
40 Regardless of the purpose or effect of that provision,
41 however, the revised law omits that provision because
42 Article 1110a was repealed by Section 28(a), Chapter

1 227, Acts of the 76th Legislature, Regular Session,
2 1999. See Revisor's Note (12) to the end of Subtitle J,
3 Title 9, Government Code. The omitted law reads:

4 Sec. 17. This District is hereby
5 constituted and declared to be a Water
6 Control and Improvement District within the
7 meaning of Chapter 349, Acts of the 49th
8 Legislature, authorizing water supply
9 contracts between cities and Water Control
10 and Improvement District, and, in addition
11 to the powers conferred by this Act, this
12 District shall have all of the powers
13 conferred by said Chapter 349. It is
14 provided, however, that only those
15 provisions of the laws relating to Water
16 Control and Improvement Districts which are
17 expressly made applicable to this District
18 by this Act shall be applicable to this
19 District.

20 (8) Section 18, Chapter 268, Acts of the 53rd
21 Legislature, Regular Session, 1953, lists the entities
22 for which district bonds are legal investments and
23 provides that district bonds may secure deposits of
24 public funds of the state or political subdivisions.
25 The revised law omits the provision relating to the
26 eligibility of district bonds to be considered as
27 investments for various entities because it duplicates
28 Section 49.186(a), Water Code. While Section 18 lists
29 "guardians" and Section 49.186(a), Water Code, does
30 not, Section 49.186(a) includes "fiduciaries," and a
31 guardian is a fiduciary. The revised law omits the
32 provision relating to deposits of state funds as
33 impliedly repealed by Section 404.0221, Government
34 Code (enacted in 1995), which lists eligible
35 collateral for deposits of state funds by the
36 comptroller. As to deposits of other funds, the
37 provision is impliedly repealed by Chapter 2257,
38 Government Code (enacted as Chapter 627, Acts of the
39 71st Legislature, Regular Session, 1989), which
40 governs eligible collateral for deposits of funds of
41 other public agencies, including political
42 subdivisions, and permits those deposits to be secured

1 by obligations issued by conservation and reclamation
2 districts. The omitted law reads:

3 Sec. 18. All bonds of the District
4 shall be and are hereby declared to be legal
5 and authorized investments for banks,
6 savings banks, trust companies, building
7 and loan associations, savings and loan
8 associations, insurance companies,
9 fiduciaries, trustees, guardians, and for
10 the sinking funds of cities, towns,
11 villages, counties, school districts, or
12 other political corporations or
13 subdivisions of the State of Texas. Such
14 bonds shall be eligible to secure the
15 deposit of any and all public funds of the
16 State of Texas, and any and all public funds
17 of cities, towns, villages, counties,
18 school districts, or other political
19 corporations or subdivisions of the State
20 of Texas; and such bonds shall be lawful and
21 sufficient security for said deposits to
22 the extent of their value, when accompanied
23 by all unmatured coupons appurtenant
24 thereto.

25 Revisor's Note
26 (End of Chapter)

27 (1) Section 22, Chapter 268, Acts of the 53rd
28 Legislature, Regular Session, 1953, provides that the
29 act is severable. The revised law omits the provision
30 because it duplicates Section 311.032, Government Code
31 (Code Construction Act), which states that a provision
32 of a statute is severable from each other provision of
33 the statute that can be given effect. The omitted law
34 reads:

35 Sec. 22. If any provision of this Act
36 or the application thereof to any person or
37 circumstances shall be held to be invalid or
38 unconstitutional, the remainder of the Act,
39 and the application of such provision to
40 other persons or circumstances, shall not
41 be affected thereby.

42 (2) Section 23, Chapter 268, Acts of the 53rd
43 Legislature, Regular Session, 1953, and Section 8,
44 Chapter 76, Acts of the 59th Legislature, Regular
45 Session, 1965, state that notice of the intention to
46 apply for the passage of those acts was published in
47 the manner provided by law. The revised law omits
48 those provisions as executed. The omitted law reads:

[Ch. 268, Acts 53rd Leg., R.S.]

Sec. 23. It is hereby found that notice of intention to apply for the passage of this Act has been published in the locality where the matter and things to be affected hereby are situated, which notice stated the substance of this law, and was published at least thirty days prior to the introduction into the Legislature of this bill and the time, form and manner of giving said notice is hereby approved, validated and ratified. The evidence of the foregoing was exhibited in the Legislature before the passage of this Act.

[Ch. 76, Acts 59th Leg., R.S.]

Sec. 8. Proof of Publication of the Constitutional notice required in the enactment hereof under the provisions of paragraph (d) of Section 59 of Article XVI of the Texas Constitution has been made in the manner provided therein and a copy of said notice and the bill as originally introduced have been delivered to the Governor of the State of Texas as required in such constitutional provision, and such notice and delivery are hereby found and declared to be proper and sufficient to satisfy such requirements.

CHAPTER 9056. WILLOW CREEK WATER CONTROL DISTRICT

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19 CHAPTER 9056. WILLOW CREEK WATER CONTROL DISTRICT

20 SUBCHAPTER A. GENERAL PROVISIONS

21 Revised Law

22 Sec. 9056.001. DEFINITIONS. In this chapter:

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

24 (2) "Director" means a board member.

25 (3) "District" means the Willow Creek Water Control

26 District. (Acts 60th Leg., R.S., Ch. 638, Sec. 1 (part); New.)

27 Source Law

28 Sec. 1. . . . [a conservation and reclamation

29 district] to be known as the Willow Creek Water Control

30 District

31 Revisor's Note

32 The definitions of "board" and "director" are

33 added to the revised law for drafting convenience and

34 to eliminate frequent, unnecessary repetition of the

35 substance of the definitions.

1 (d) The district in carrying out the purposes of this
2 chapter will be performing an essential public function under the
3 Texas Constitution. (Acts 60th Leg., R.S., Ch. 638, Secs. 1 (part),
4 2(a), 4(a) (part).)

5 Source Law

6 Sec. 1. . . . the creation of this district is
7 hereby declared to be essential to the accomplishment
8 of the purposes set forth in Section 59, Article XVI of
9 the Constitution of Texas.

10 Sec. 2. (a) It is expressly determined and
11 found that all of the territory included within the
12 area of the district will be benefited by the works and
13 projects which are to be accomplished by the district
14 pursuant to the powers conferred by the provisions of
15 Section 59, Article XVI of the Constitution of Texas.

16 Sec. 4. (a) The accomplishment of the purposes
17 stated in this Act being for the benefit of the people
18 of this state and for the improvement of their
19 properties and industries, the district in carrying
20 out the purposes of this Act will be performing an
21 essential public function under the Constitution, and
22

23 Revisor's Note

24 Section 1, Chapter 638, Acts of the 60th
25 Legislature, Regular Session, 1967, states that the
26 "creation" of the district is "hereby declared to be"
27 essential to accomplish the purposes of Section 59,
28 Article XVI, Texas Constitution. The revised law
29 omits the quoted language as executed.

30 Revised Law

31 Sec. 9056.004. DISTRICT TERRITORY. (a) The district is
32 composed of the territory described by Section 2, Chapter 638, Acts
33 of the 60th Legislature, Regular Session, 1967, as that territory
34 may have been modified under:

- 35 (1) Subchapter O, Chapter 51, Water Code;
36 (2) Subchapter J, Chapter 49, Water Code; or
37 (3) other law.

38 (b) The boundaries and field notes of the district form a
39 closure. A mistake in the field notes or in copying the field notes
40 in the legislative process does not affect:

- 41 (1) the district's organization, existence, or
42 validity;

1 (2) the district's right to issue any type or kind of
2 bond or to pay the principal of and interest on the bond;

3 (3) the district's right to impose a tax; or

4 (4) the legality or operation of the district or the
5 board. (Acts 60th Leg., R.S., Ch. 638, Secs. 1 (part), 2(c); New.)

6 Source Law

7 Sec. 1. . . . [a conservation and reclamation
8 district . . . which shall include and consist of
9 portions of the counties of Runnels and Tom Green]
10 described and contained within the metes and bounds
11 set forth in Section 2 of this Act. . . .

12 [Sec. 2]

13 (c) It is determined and found that the
14 boundaries and field notes of the district form a
15 closure, and if any mistake is made in copying the
16 field notes in the legislative process, or otherwise a
17 mistake is made in the field notes, it shall in no way
18 or manner affect the organization, existence and
19 validity of the district, or the right of the district
20 to issue any type or kind of bonds or refunding bonds,
21 or to pay the principal and interest thereon, or the
22 right to assess, levy and collect taxes, or the
23 legality or operation of the district or its governing
24 body, which shall be a board of directors as
25 hereinafter provided.

26 Revisor's Note

27 (1) The revision of the law governing the
28 district does not revise the statutory language
29 describing the territory of the district to avoid the
30 lengthy recitation of the description and because that
31 description may not be accurate on the effective date
32 of the revision or at the time of a later reading. For
33 the reader's convenience, the revised law includes a
34 reference to the statutory description of the
35 district's territory and references to statutory
36 authority to change the district's territory under
37 Subchapter O, Chapter 51, Water Code, applicable to
38 water control and improvement districts, and under
39 Subchapter J, Chapter 49, Water Code, applicable to
40 the district under Sections 49.001 and 49.002 of that
41 chapter. The revised law also includes a reference to
42 the general authority of the legislature to enact a law
43 to change the district's territory.

1 (2) Section 2(c), Chapter 638, Acts of the 60th
2 Legislature, Regular Session, 1967, provides that a
3 mistake in the description of the district's
4 boundaries does not affect the right of the district to
5 issue "any type or kind of bonds or refunding bonds."
6 The revised law omits "refunding bonds" because
7 refunding bonds are included in the meaning of "any
8 type or kind of bonds."

9 (3) Section 2(c), Chapter 638, Acts of the 60th
10 Legislature, Regular Session, 1967, refers to the
11 district's authority to "assess, levy and collect"
12 taxes. The revised law substitutes "impose" for
13 "assess, levy and collect" because "impose" is the
14 term generally used in Title 1, Tax Code, and includes
15 the assessment, levy, or collection of a tax.

16 Revised Law

17 Sec. 9056.005. APPLICABILITY OF WATER CONTROL AND
18 IMPROVEMENT DISTRICTS LAWS. Except as provided by this chapter,
19 the general laws pertaining to water control and improvement
20 districts, including Chapters 49 and 51, Water Code, govern the
21 district. (Acts 60th Leg., R.S., Ch. 638, Sec. 14; New.)

22 Source Law

23 Sec. 14. Except as modified or supplemented by
24 the provisions of this Act, all laws or parts of laws
25 now in effect or hereafter adopted, as well as those
26 amendatory or supplemental to the general laws
27 pertaining to water control and improvement districts,
28 are adopted by reference as though set out at length
29 herein, and such laws shall govern the district.

30 Revisor's Note

31 (1) Section 14, Chapter 638, Acts of the 60th
32 Legislature, Regular Session, 1967, refers to certain
33 laws that govern the district, including laws "now in
34 effect or hereafter adopted, as well as those
35 amendatory or supplemental." The revised law omits
36 the quoted language because under Section 311.027,
37 Government Code (Code Construction Act), unless

1 expressly provided otherwise, a reference to a statute
2 applies to all reenactments, revisions, or amendments
3 of the statute.

4 (2) Section 14, Chapter 638, Acts of the 60th
5 Legislature, Regular Session, 1967, refers to laws
6 that "are adopted by reference as though set out at
7 length herein." The revised law omits the quoted
8 language because a law that applies to or governs the
9 district applies on its own terms without needing to be
10 adopted by reference.

11 (3) Section 14, Chapter 638, Acts of the 60th
12 Legislature, Regular Session, 1967, refers to the
13 general laws "pertaining to water control and
14 improvement districts." For the reader's convenience,
15 the revised law adds references to Chapter 49, Water
16 Code, applicable under Sections 49.001 and 49.002 of
17 that chapter to districts created under Section 59,
18 Article XVI, Texas Constitution, and Chapter 51, Water
19 Code, applicable to water control and improvement
20 districts.

21 SUBCHAPTER B. BOARD OF DIRECTORS

22 Revised Law

23 Sec. 9056.051. COMPOSITION OF BOARD. The board is composed
24 of five elected directors. (Acts 60th Leg., R.S., Ch. 638, Sec.
25 15(g) (part); Acts 67th Leg., R.S., Ch. 475, Sec. 2 (part).)

26 Source Law

27 [Acts 60th Leg., R.S., Ch. 638, Sec. 15]

28 (g) . . . [directors shall serve until] an
29 election is held . . . [and the succeeding directors
30 have been] duly elected

31 [Acts 67th Leg., R.S., Ch. 475]

32 Sec. 2. At the first election of directors held
33 after the effective date of this Act, a new board of
34 five directors shall be elected. . . .

35 Revisor's Note

36 Section 15(a), Chapter 638, Acts of the 60th
37 Legislature, Regular Session, 1967, provides that the

1 district's board of directors shall be comprised of
2 seven persons. The revised law omits that provision
3 because it has been impliedly repealed by Section 2,
4 Chapter 475, Acts of the 67th Legislature, Regular
5 Session, 1981, which requires a board of five
6 directors to be elected. The omitted law reads:

7 Sec. 15. (a) The board of directors
8 of the district shall be comprised of seven
9 persons. . . .

10 Revised Law

11 Sec. 9056.052. QUALIFICATIONS FOR OFFICE. (a) Each
12 director of the district must:

- 13 (1) be a landowner within the district; and
14 (2) reside in Runnels or Tom Green County.

15 (b) A director must maintain compliance with the
16 requirements of Subsection (a) during the director's tenure in
17 office or vacate that office. (Acts 60th Leg., R.S., Ch. 638, Sec.
18 15(c).)

19 Source Law

20 (c) The directors of the district shall be
21 landowners within the district and reside within
22 Runnels or Tom Green counties and shall retain such
23 status during their tenure in office or vacate such
24 office.

25 Revised Law

26 Sec. 9056.053. DIRECTOR'S BOND. Each director shall give
27 bond in the amount of \$5,000 for the faithful performance of the
28 director's duties. (Acts 60th Leg., R.S., Ch. 638, Sec. 15(d)
29 (part).)

30 Source Law

31 (d) Directors of the district . . . each shall
32 give bond in the amount of \$5,000 for the faithful
33 performance of his duties,

34 Revisor's Note

35 (1) Section 15(d), Chapter 638, Acts of the 60th
36 Legislature, Regular Session, 1967, requires each
37 director to subscribe to the constitutional oath of
38 office. The revised law omits that provision because

1 Section 1, Article XVI, Texas Constitution, requires
2 all officers to take the oath (or affirmation) before
3 assuming office. The omitted law reads:

4 (d) [Directors of the district] shall
5 subscribe to the constitutional oath of
6 office and

7 (2) Section 15(d), Chapter 638, Acts of the 60th
8 Legislature, Regular Session, 1967, requires the
9 district to pay the cost of a director's bond. The
10 revised law omits that provision because it duplicates
11 in substance Section 49.055(c), Water Code.
12 Throughout this chapter, the revised law omits law
13 that is superseded by Chapter 49, Water Code, or that
14 duplicates law contained in that chapter. Chapter 49
15 applies to the district under Sections 49.001 and
16 49.002, Water Code. The omitted law reads:

17 (d) [Directors] . . . [shall give
18 bond] . . . the cost of which shall be paid
19 by the district. . . .

20 Revised Law

21 Sec. 9056.054. FAILURE TO CALL DIRECTOR ELECTION. Failure
22 to call a director election does not affect the legal status of the
23 district, the board, or a director or the right of the board to act
24 or function, and the directors continue to serve until an election
25 is held and succeeding directors have been elected or appointed and
26 have qualified. (Acts 60th Leg., R.S., Ch. 638, Sec. 15(g).)

27 Source Law

28 (g) Failure to call an election for directors
29 will in no way affect the legal status of the district
30 or the board of directors or the individual directors
31 or the right of said board of directors to act or
32 function and the directors shall serve until an
33 election is held under the provisions of law and the
34 succeeding directors have been duly elected or
35 appointed and have duly qualified.

36 Revisor's Note

37 (1) Section 15(g), Chapter 638, Acts of the 60th
38 Legislature, Regular Session, 1967, refers to an
39 election held "under the provisions of law." The
40 revised law omits the quoted language because Chapter

1 49, Water Code, governs director elections under this
2 chapter.

3 (2) Section 15(g), Chapter 638, Acts of the 60th
4 Legislature, Regular Session, 1967, refers to "duly"
5 elected or appointed and qualified directors. The
6 revised law omits "duly" as unnecessary in this
7 context because the word does not add to the clear
8 meaning of the law.

9 Revisor's Note
10 (End of Subchapter)

11 (1) Sections 15(a) and (b), Chapter 638, Acts of
12 the 60th Legislature, Regular Session, 1967, provide
13 for the appointment and terms of the initial board of
14 directors of the district. The revised law omits those
15 provisions as executed. The omitted law reads:

16 (a) . . . Immediately after this Act
17 becomes effective the following named
18 persons shall be the directors of the
19 district and shall constitute the board of
20 directors of said district: Dawson Coleman,
21 L. P. Schwertner, Richard Book, A. C.
22 Wendland, James Wright, A. T. Granzin,
23 J. W. Klattenhoff.

24 (b) The board of directors herein
25 appointed shall serve until their
26 successors have been duly elected and
27 qualified. The first four directors named
28 above shall serve until the second Tuesday
29 in January 1968, and the following three
30 directors shall serve until the second
31 Tuesday in January 1969. . . .

32 (2) Section 15(b), Chapter 638, Acts of the 60th
33 Legislature, Regular Session, 1967, provides that
34 director elections shall be held on the second Tuesday
35 of each year and specifies the number of directors to
36 be elected in each even-numbered year and in each
37 odd-numbered year. The revised law omits the
38 provision relating to the date of the director
39 elections as superseded by Section 49.103(b), Water
40 Code, enacted in 1995. That section requires
41 elections of boards to be held on the uniform election
42 date provided by Section 41.001, Election Code, in May

1 of each even-numbered year. The revised law omits the
2 provision relating to the number of directors to be
3 elected in each even-numbered or odd-numbered year for
4 the reason stated in the revisor's note to Section
5 9056.051. The omitted law reads:

6 (b) . . . An election for directors
7 shall be held on the second Tuesday of each
8 year as provided herein. Four directors
9 shall be elected in each even-numbered year
10 and three in each odd-numbered year.

11 (3) Section 15(d), Chapter 638, Acts of the 60th
12 Legislature, Regular Session, 1967, provides that a
13 majority of the directors constitutes a quorum. The
14 revised law omits that provision because it duplicates
15 a portion of Section 49.053, Water Code. The omitted
16 law reads:

17 (d) . . . A majority of the directors
18 shall constitute a quorum.

19 (4) Section 15(e), Chapter 638, Acts of the 60th
20 Legislature, Regular Session, 1967, provides that a
21 director serves until the director's successor has
22 been elected or appointed and has qualified. The
23 revised law omits that provision because Section 17,
24 Article XVI, Texas Constitution, requires an officer
25 to continue to perform the officer's duties until a
26 successor has qualified. The omitted law reads:

27 (e) Each director shall serve until
28 his successor has been duly elected or
29 appointed and has duly qualified.

30 (5) Section 15(f), Chapter 638, Acts of the 60th
31 Legislature, Regular Session, 1967, describes the
32 procedure for filling a board vacancy. The revised law
33 omits that provision because it duplicates in
34 substance Section 49.105(a), Water Code. The omitted
35 law reads:

36 (f) Any vacancy occurring in the
37 board of directors shall be filled for the
38 unexpired term by a majority vote of the
39 remaining directors.

1 (6) Section 1, Chapter 475, Acts of the 67th
2 Legislature, Regular Session, 1981, states that the
3 directors of the district serve staggered four-year
4 terms. The revised law omits the provision because it
5 duplicates Section 49.103(a), Water Code. The omitted
6 law reads:

7 Sec. 1. The directors of the Willow
8 Creek Water Control District shall serve
9 staggered terms of four years.

10 (7) Section 2, Chapter 475, Acts of the 67th
11 Legislature, Regular Session, 1981, provides for the
12 expiration of the terms of the directors in office on
13 the date of the first election of directors held after
14 the effective date of that Act and provides for the
15 staggering of the terms of the new directors by
16 requiring certain directors to serve four-year terms
17 and certain directors to serve two-year terms. The
18 revised law omits the provisions as obsolete. The
19 omitted law reads:

20 Sec. 2. . . . The three directors
21 receiving the highest number of votes at the
22 election serve for four-year terms and the
23 two directors receiving the lowest number
24 of votes serve for two-year terms. The terms
25 of directors incumbent on the date of the
26 election expire when their successors are
27 elected and have qualified.

28 SUBCHAPTER C. POWERS AND DUTIES

29 Revised Law

30 Sec. 9056.101. GENERAL POWERS. The district may exercise
31 the rights, privileges, and functions specified by this chapter.
32 (Acts 60th Leg., R.S., Ch. 638, Sec. 1 (part).)

33 Source Law

34 Sec. 1. . . . [The district] . . . with the
35 power to exercise the rights, privileges, and
36 functions hereinafter specified, and

37 Revised Law

38 Sec. 9056.102. WATER CONTROL AND IMPROVEMENT DISTRICT
39 POWERS. The district has the rights, powers, privileges, and
40 duties provided by the general laws of this state applicable to a

1 water control and improvement district created under Section 59,
2 Article XVI, Texas Constitution, including the power to:

3 (1) construct, acquire, improve, maintain, and repair
4 a dam or other structure; and

5 (2) acquire, by eminent domain or otherwise, land,
6 easements, equipment, or other property that may be needed to use,
7 control, and distribute any water that may be impounded, diverted,
8 or controlled by the district. (Acts 60th Leg., R.S., Ch. 638,
9 Secs. 5 (part), 7(a).)

10 Source Law

11 Sec. 5. The district shall have and exercise and
12 is hereby vested with all the rights, powers,
13 privileges and duties conferred and imposed by the
14 general laws of this state now in force or hereafter
15 enacted applicable to water control and improvement
16 districts created under the authority of Section 59,
17 Article XVI, Constitution of Texas, but

18 Sec. 7. (a) In exercising the power for which
19 the district is created, it shall have all of the
20 authority conferred by general law upon water control
21 and improvement districts, including, but not limited
22 to, the power to construct, acquire, improve, maintain
23 and repair dams or other structures and the
24 acquisition, by eminent domain or otherwise, of land,
25 easements, properties, or equipment which may be
26 needed to utilize, control, and distribute any waters
27 that may be impounded, diverted, or controlled by the
28 district.

29 Revisor's Note

30 (1) Section 5, Chapter 638, Acts of the 60th
31 Legislature, Regular Session, 1967, states that the
32 district "shall have and exercise and is hereby vested
33 with" certain rights, powers, privileges, and duties.
34 The revised law substitutes "has" for the quoted
35 language because, in context, the terms are synonymous
36 and "has" is more commonly used.

37 (2) Section 5, Chapter 638, Acts of the 60th
38 Legislature, Regular Session, 1967, states that the
39 district has the rights, powers, privileges, and
40 duties "conferred and imposed" by general law. The
41 revised law substitutes "provided" for the quoted
42 language because regardless of whether a right, power,

1 privilege, or duty is "conferred" by general law or
2 "imposed" by general law, it is not necessary to
3 characterize the nature of that grant in the revised
4 law. In context, "provided" is synonymous with
5 "conferred and imposed" and "provided" is more
6 commonly used.

7 (3) Section 5, Chapter 638, Acts of the 60th
8 Legislature, Regular Session, 1967, refers to the
9 general laws of this state "now in force or hereafter
10 enacted." The revised law omits the quoted language
11 for the reason stated in Revisor's Note (1) to Section
12 9056.005.

13 (4) Section 5, Chapter 638, Acts of the 60th
14 Legislature, Regular Session, 1967, provides that the
15 act prevails over general law in case of a conflict or
16 other inconsistency and that all general laws
17 applicable to water control and improvement districts
18 not in conflict or inconsistent with the provisions of
19 the act are incorporated by reference. The revised law
20 omits the portion of the provision relating to the act
21 prevailing over general law because it duplicates in
22 substance Section 311.026, Government Code (Code
23 Construction Act), which provides that if there is a
24 conflict between a general provision of law and a
25 special or local provision, the special or local
26 provision prevails unless the general provision is the
27 later enactment and the manifest intent is that the
28 general provision prevail. The revised law omits the
29 portion of the provision relating to incorporation of
30 general laws because this chapter provides that those
31 laws apply to this chapter, and it is not necessary to
32 repeat that authority here by incorporating those laws
33 by reference. The omitted law reads:

34 Sec. 5. [The district shall have and
35 exercise . . . all the rights, powers,

1 privileges and duties conferred and imposed
2 by the general laws of this state . . .
3 applicable to water control and improvement
4 districts created under the authority of
5 Section 59, Article XVI, Constitution of
6 Texas, but] to the extent that the
7 provisions of any such general laws may be
8 in conflict or inconsistent with the
9 provisions of this Act, the provisions of
10 this Act shall prevail. Any such general
11 laws are hereby incorporated by reference
12 with the same effect as if incorporated in
13 this Act.

14 (5) Section 7(a), Chapter 638, Acts of the 60th
15 Legislature, Regular Session, 1967, refers to
16 authority "including, but not limited to," certain
17 powers. The revised law omits "but not limited to"
18 because Section 311.005(13), Government Code (Code
19 Construction Act), provides that "includes" and
20 "including" are terms of enlargement and not of
21 limitation and do not create a presumption that
22 components not expressed are excluded.

23 Revised Law

24 Sec. 9056.103. POWERS RELATING TO THE WATER OF WILLOW
25 CREEK; SURVEYS AND PLAN. (a) The district shall conduct
26 preliminary surveys and develop a plan for the control and use of
27 the water of Willow Creek to the end that improvements on any one
28 part of the watershed will be mechanically and economically related
29 to the improvements of the entire watershed.

30 (b) On completion of the surveys and plan and adoption of
31 the surveys and plan by the board, a certified copy of the surveys
32 and plan shall be filed for informational purposes with the Texas
33 Commission on Environmental Quality. (Acts 60th Leg., R.S., Ch.
34 638, Sec. 3.)

35 Source Law

36 Sec. 3. The district shall conduct preliminary
37 surveys and develop a plan for the control and use of
38 the waters of Willow Creek to the end that improvements
39 upon any one part of the watershed will be mechanically
40 and economically related to the improvements of the
41 entire watershed. Upon the completion of such surveys
42 and plans, and their adoption by the directors of the
43 district, a certified copy thereof shall be filed with
44 the Texas Water Rights Commission for informational
45 purposes.

1 Revisor's Note

2 Section 3, Chapter 638, Acts of the 60th
3 Legislature, Regular Session, 1967, refers to the
4 "Texas Water Rights Commission." The revised law
5 substitutes "Texas Commission on Environmental
6 Quality" for "Texas Water Rights Commission" to
7 reflect the current name of the agency with the
8 relevant regulatory authority.

9 Revised Law

10 Sec. 9056.104. COST OF RELOCATING OR ALTERING PROPERTY.

11 (a) In this section, "sole expense" means the actual cost of
12 relocating, raising, lowering, rerouting, changing the grade of, or
13 altering the construction of a facility described by Subsection (b)
14 in providing comparable replacement without enhancement of the
15 facility, after deducting from that cost the net salvage value
16 derived from the old facility.

17 (b) If the district's exercise of the power of eminent
18 domain, the power of relocation, or any other power granted by this
19 chapter makes necessary relocating, raising, rerouting, changing
20 the grade of, or altering the construction of a highway, railroad,
21 electric transmission line, telephone or telegraph property or
22 facility, or pipeline, the necessary action shall be accomplished
23 at the sole expense of the district. (Acts 60th Leg., R.S., Ch.
24 638, Sec. 7(b).)

25 Source Law

26 (b) In the event that the district, in the
27 exercise of the power of eminent domain or power of
28 relocation, or any other power granted hereunder,
29 makes necessary the relocation, raising, rerouting or
30 changing the grade of, or altering the construction of
31 any highway, railroad, electric transmission line,
32 telephone or telegraph properties and facilities, or
33 pipeline, all such necessary relocation, raising,
34 rerouting, changing of grade or alteration of
35 construction shall be accomplished at the sole expense
36 of the district. The term "sole expense" shall mean
37 the actual cost of such relocation, raising, lowering,
38 rerouting or change in grade or alteration of
39 construction in providing comparable replacement
40 without enhancement of such facilities, after
41 deducting therefrom the net salvage value derived from
42 the old facility.

1 Revised Law

2 Sec. 9056.105. COOPERATION IN WILDLIFE PROGRAMS. The
3 district may cooperate with state, federal, and other agencies and
4 groups in wildlife programs that are:

5 (1) not inconsistent with the purposes of the district
6 under this chapter; and

7 (2) designed to improve the general habitat of
8 wildlife and promote the propagation of wildlife. (Acts 60th Leg.,
9 R.S., Ch. 638, Sec. 13.)

10 Source Law

11 Sec. 13. The district is hereby empowered and
12 authorized to cooperate with state, federal, and other
13 agencies and groups in wildlife programs, not
14 inconsistent with the purposes of the district set
15 forth herein, designed to improve the general habitat
16 of wildlife and to promote the propagation thereof.

17 Revisor's Note

18 Section 13, Chapter 638, Acts of the 60th
19 Legislature, Regular Session, 1967, provides that the
20 district "is hereby empowered and authorized to"
21 cooperate in certain wildlife programs. The revised
22 law substitutes "may" for the quoted language because
23 that term is more concise and is the substantive
24 equivalent of the quoted language.

25 Revised Law

26 Sec. 9056.106. WATERSHED PROTECTION AND FLOOD PREVENTION
27 ACT. Subject to Section 9056.153, the district has the power
28 necessary to fully qualify for and gain the full benefits of the
29 Watershed Protection and Flood Prevention Act (16 U.S.C. Section
30 1001 et seq.), including:

31 (1) all powers necessary to carry out the projects,
32 works, and improvements contemplated by the Watershed Protection
33 and Flood Prevention Act;

34 (2) the power to secure a loan or loans from the proper
35 agencies of the federal government for the purpose of defraying the
36 costs and expenses of the district in connection with carrying out
37 its projects, works, and improvements under the Watershed

1 Protection and Flood Prevention Act; and

2 (3) if necessary, the power to issue bonds as
3 collateral for a loan described by Subdivision (2). (Acts 60th
4 Leg., R.S., Ch. 638, Sec. 6 (part); New.)

5 Source Law

6 Sec. 6. . . . [Public Law 566, 83rd Congress,
7 Chapter 656, 2d Session, H.R. 6788, as amended,
8 It is the intention of the Legislature to
9 create the district with all the powers and authority
10 necessary to fully qualify and gain the full benefits
11 of said public laws including, but not limited to, all
12 powers and authority necessary or requisite to carry
13 out the projects and works and improvements
14 contemplated by said public laws and the power and
15 authority to secure a loan or loans from the proper
16 agencies or departments of the federal government, and
17 if necessary to issue bonds of the district as
18 collateral or security therefor, for the purpose of
19 defraying the costs and expenses of the district in
20 connection with the carrying out of its projects and
21 works and improvements. . . .

22 Revisor's Note

23 (1) For the reader's convenience, the revised
24 law includes a cross-reference to Section 9056.153 of
25 this chapter, which requires voter approval of loans
26 from the federal government to the district.

27 (2) Section 6, Chapter 638, Acts of the 60th
28 Legislature, Regular Session, 1967, authorizes the
29 district to cooperate with federal entities to receive
30 benefits under Public Law 566, 83rd Congress, Chapter
31 656, 2nd Session, H.R. 6788, as amended, now codified
32 as the Watershed Protection and Flood Prevention Act
33 (16 U.S.C. Section 1001 et seq.). The revised law
34 omits the provision because, to the extent it
35 authorizes the district to receive various benefits
36 under the Watershed Protection and Flood Prevention
37 Act, it duplicates in substance a later part of Section
38 6, revised as Section 9056.106 of this chapter, which
39 provides that the district has "all the powers and
40 authority necessary to fully qualify and gain the full
41 benefits" of that act, and to the extent it authorizes
42 the district to cooperate with federal entities to

1 receive those benefits, it duplicates in substance
2 Section 49.227, Water Code, which provides the
3 district with the power to act jointly with the federal
4 government in the performance of any of the powers
5 permitted by law. The omitted law reads:

6 Sec. 6. In addition to the powers
7 contained in said general laws, the
8 district shall have and possess all powers
9 necessary or requisite to fully cooperate
10 with the federal government, its agencies,
11 departments and representatives thereof in
12 taking advantage of, and in securing and
13 getting assistance, aid, benefits, grants,
14 loans, credit and money as provided in
15 Public Law 566, 83rd Congress, Chapter 656,
16 2d Session, H.R. 6788, as amended, and as
17 same may be hereafter amended. . . .

18 (3) Section 6, Chapter 638, Acts of the 60th
19 Legislature, Regular Session, 1967, provides that
20 "[i]t is the intention of the Legislature to create"
21 the district with certain powers. The revised law
22 omits the quoted language as unnecessary because it is
23 implied that a statute expresses the intent of the
24 legislature and also because the creation of the
25 district has already been accomplished. See also
26 Revisor's Note (1) to Section 9056.002.

27 (4) Section 6, Chapter 638, Acts of the 60th
28 Legislature, Regular Session, 1967, provides that the
29 district has the "powers and authority" to qualify for
30 certain benefits and take certain actions, including
31 the "power and authority" to secure a loan from the
32 federal government. The revised law omits "authority"
33 because, in this context, "authority" is included in
34 the meaning of "powers" or "power."

35 (5) Section 6, Chapter 638, Acts of the 60th
36 Legislature, Regular Session, 1967, refers to "said
37 public laws," meaning Public Law 566, 83rd Congress,
38 Chapter 656, 2nd Session, H.R. 6788. As stated in
39 Revisor's Note (2), the public law is now codified as
40 the Watershed Protection and Flood Prevention Act (16

1 U.S.C. Section 1001 et seq.). The revised law is
2 drafted accordingly.

3 (6) Section 6, Chapter 638, Acts of the 60th
4 Legislature, Regular Session, 1967, refers to powers
5 and authority "including, but not limited to" certain
6 powers and authority. The revised law omits "but not
7 limited to" for the reason stated in Revisor's Note (5)
8 to Section 9056.102.

9 (7) Section 6, Chapter 638, Acts of the 60th
10 Legislature, Regular Session, 1967, provides that the
11 district has powers that are "necessary or requisite"
12 to take certain actions. The revised law omits
13 "requisite" because, in this context, "requisite" is
14 included in the meaning of "necessary."

15 (8) Section 6, Chapter 638, Acts of the 60th
16 Legislature, Regular Session, 1967, refers to
17 "agencies or departments" of the federal government.
18 The revised law omits "departments" because in context
19 the meaning of that term is included in the meaning of
20 "agencies."

21 (9) Section 6, Chapter 638, Acts of the 60th
22 Legislature, Regular Session, 1967, authorizes the
23 district to issue bonds "as collateral or security."
24 The revised law omits "security" because the meaning
25 of that term is included in the meaning of
26 "collateral."

27 (10) Section 6, Chapter 638, Acts of the 60th
28 Legislature, Regular Session, 1967, provides that
29 certain federal laws that are applicable to the
30 district are enacted into that act by reference and
31 made applicable to the district. The revised law omits
32 that provision because a law that applies to the
33 district applies on its own terms and does not need to
34 be enacted by reference or made applicable to the

1 district under any additional law. The omitted law
2 reads:

3 Sec. 6. . . . [Public Law 566, 83rd
4 Congress, Chapter 656, 2d Session, H.R.
5 6788, as amended, and as same may be
6 hereafter amended.] . . . The provisions
7 of said public laws that are applicable to
8 the district are hereby enacted into this
9 Act by reference and are made applicable to
10 the district.

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Revised Law

13 Sec. 9056.151. TAX METHOD. (a) The district shall use the
14 ad valorem plan of taxation, and taxes imposed by the district shall
15 be on the ad valorem basis.

16 (b) A hearing on a plan of taxation is not required. (Acts
17 60th Leg., R.S., Ch. 638, Sec. 4(c).)

18 Source Law

19 (c) The ad valorem plan of taxation is hereby
20 adopted for the district and all taxes hereafter
21 levied by the district shall be on an ad valorem basis
22 and no hearing shall be required on a plan of taxation.

23 Revisor's Note

24 (1) Section 4(c), Chapter 638, Acts of the 60th
25 Legislature, Regular Session, 1967, provides that the
26 ad valorem plan of taxation "is hereby adopted" for the
27 district. The revised law omits the portion of the
28 provision relating to the adoption of the ad valorem
29 plan of taxation as executed.

30 (2) Section 4(c), Chapter 638, Acts of the 60th
31 Legislature, Regular Session, 1967, refers to "all
32 taxes hereafter levied." The revised law omits
33 "hereafter" because Section 311.022, Government Code
34 (Code Construction Act), provides that a statute
35 operates prospectively unless expressly made
36 retrospective. The revised law substitutes "imposed"
37 for "levied" because "impose" is the term generally
38 used in Title 1, Tax Code, and includes the levy of a
39 tax.

1 Revised Law

2 Sec. 9056.152. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED.
3 The district is not required to pay a tax or assessment on a project
4 or any part of a project. (Acts 60th Leg., R.S., Ch. 638, Sec. 4(a)
5 (part).)

6 Source Law

7 (a) . . . the district shall not be required to
8 pay any tax or assessment on the project or any part
9 thereof, and

10 Revised Law

11 Sec. 9056.153. ELECTION REQUIRED FOR FEDERAL LOAN. The
12 district may not consummate a loan from the federal government
13 unless the loan is authorized by a majority of the votes cast in a
14 district election. (Acts 60th Leg., R.S., Ch. 638, Sec. 9 (part).)

15 Source Law

16 Sec. 9. No loan shall be consummated by the
17 district from the federal government and . . . unless
18 authorized at an election at which only qualified
19 voters who reside in the district, and who own taxable
20 property therein and who have duly rendered same for
21 taxation, shall be qualified to vote unless a majority
22 of the votes cast favor the proposition. . . .

23 Revisor's Note

24 Section 9, Chapter 638, Acts of the 60th
25 Legislature, Regular Session, 1967, provides that
26 "only qualified voters who reside in the district, and
27 who own taxable property therein and who have duly
28 rendered same for taxation, shall be qualified to
29 vote" in an election to authorize a loan from the
30 federal government to the district. The revised law
31 omits the reference to "qualified voters who reside in
32 the district" as unnecessary in this context because
33 Chapter 11, Election Code, governs eligibility to vote
34 in an election in this state and allows only qualified
35 voters who are residents of the territory covered by
36 the election to vote in an election. The revised law
37 also omits the reference to voting by persons who own
38 taxable property and render that property for taxation

1 because in Hill v. Stone, 421 U.S. 289 (1975), the
2 United States Supreme Court determined that property
3 ownership as a qualification for voting is an
4 unconstitutional denial of equal protection.

5 Revised Law

6 Sec. 9056.154. MAINTENANCE TAX ELECTION PROCEDURES. A
7 maintenance tax election shall be held and notice of the election
8 shall be given in the manner required by general law for a bond
9 election. (Acts 60th Leg., R.S., Ch. 638, Sec. 12(b) (part).)

10 Source Law

11 (b) . . . The election shall be called, held and
12 conducted, and notices thereof shall be given in the
13 mode and manner as required by the general law for the
14 holding of elections for the authorization of the
15 issuance of bonds and

16 Revisor's Note

17 Section 12(b), Chapter 638, Acts of the 60th
18 Legislature, Regular Session, 1967, refers to an
19 election "called, held and conducted." The revised
20 law omits the references to calling and conducting an
21 election because, in this context, calling or
22 conducting an election is included in the meaning of
23 holding an election. Under Chapter 3, Election Code,
24 all elections must be ordered (called) before they may
25 be held.

26 Revised Law

27 Sec. 9056.155. SPECIFICATION OF MAINTENANCE TAX RATE AND
28 METHOD. In calling a maintenance tax election, the board shall
29 specify:

30 (1) the maximum tax rate that may be imposed in any
31 year; and

32 (2) that the tax will be imposed on an ad valorem
33 basis. (Acts 60th Leg., R.S., Ch. 638, Sec. 12(b) (part).)

34 Source Law

35 (b) In calling such an election, the board of
36 directors shall specify the maximum rate of tax that
37 may be levied and collected in any one year and shall
38 specify that such tax shall be levied on an ad valorem

1 basis. . . .

2 Revisor's Note

3 Section 12(b), Chapter 638, Acts of the 60th
4 Legislature, Regular Session, 1967, refers to the
5 maximum rate of tax that may be "levied and collected."
6 The revised law substitutes "imposed" for "levied and
7 collected" because "impose" is the term generally used
8 in Title 1, Tax Code, and includes the levy or
9 collection of a tax.

10 Revised Law

11 Sec. 9056.156. USE OF MAINTENANCE TAX PROCEEDS. (a) The
12 district may spend maintenance tax proceeds for:

13 (1) an easement or right-of-way;

14 (2) any purpose for which a district may spend bond
15 proceeds; and

16 (3) maintenance purposes.

17 (b) The district may place surplus maintenance tax proceeds
18 not needed for maintenance purposes into the sinking funds for
19 outstanding district bonds.

20 (c) The board's determination to spend district maintenance
21 tax proceeds is final and is not subject to judicial review, except
22 on the grounds of fraud, palpable error, or gross abuse of
23 discretion. (Acts 60th Leg., R.S., Ch. 638, Sec. 12(c).)

24 Source Law

25 (c) The district is authorized to expend funds
26 collected as maintenance taxes for easements and
27 rights-of-way and for any of the purposes for which a
28 district could expend bond proceeds as well as for
29 maintenance purposes and the district is authorized to
30 place surplus maintenance funds not needed for
31 maintenance purposes into the sinking funds for any
32 outstanding bonds of the district. The determination
33 by the board of directors of the expenditure of
34 maintenance funds of the district shall be final and
35 cannot be judicially reviewed save on the grounds of
36 fraud, palpable error, or gross abuse of discretion.

37 Revised Law

38 Sec. 9056.157. APPROVAL OF AND FUNDING FOR CERTAIN PLANS
39 FOR WORKS AND IMPROVEMENTS. (a) In this section, "commission"
40 means the Texas Commission on Environmental Quality.

1 (b) This section applies only to plans contemplated by the
2 district for works and improvements, or amendments to the plans,
3 that are prepared by the Natural Resources Conservation Service of
4 the United States Department of Agriculture and approved by the
5 district's board.

6 (c) An engineer's report covering the plans and
7 improvements to be constructed, and the maps, plats, profiles, and
8 data fully showing and explaining the plans and improvements, are
9 not required to be filed in the district office before an election
10 is held to authorize the issuance of bonds for the works and
11 improvements. The plans and specifications, engineering reports,
12 profiles, maps, and other data, and subsequent amendments to those
13 items, are not required to be approved by the commission before the
14 bonds are issued.

15 (d) Before the district may spend any money for the
16 construction of any works and improvements, the commission must
17 approve the portion of the works and improvements to be
18 constructed. The commission's advance approval for the entire
19 project contemplated by the district is not required. The
20 commission may approve on a separate or individual basis the
21 portion of the project or works and improvements:

- 22 (1) to be constructed at a particular time; and
23 (2) on which plans and specifications of the Natural
24 Resources Conservation Service have been prepared and submitted by
25 the board to the commission. (Acts 60th Leg., R.S., Ch. 638, Sec.
26 10; New.)

27 Source Law

28 Sec. 10. If the plans for works and improvements
29 or amendments thereto contemplated by the district are
30 prepared by the Soil Conservation Service, United
31 States Department of Agriculture, and approved by the
32 district's directors it shall not be necessary for an
33 engineer's report covering the plans and improvements
34 to be constructed, together with the maps, plats,
35 profiles and data fully showing and explaining same be
36 filed in the office of the district before an election
37 is held to authorize the issuance of bonds in
38 connection with such works and improvements and it
39 shall not be necessary for such plans and
40 specifications, engineering reports, profiles, maps
41 and other data, or subsequent amendments thereto to be

1 approved by the Texas Water Rights Commission prior to
2 the issuance of such bonds; provided, however, that
3 before the expenditure of any funds for the
4 construction of any works and improvements, the
5 approval of the Texas Water Rights Commission shall be
6 secured for that portion of the works and improvements
7 to be constructed and it shall not be necessary for
8 advance approval to be given for the entire project
9 contemplated by the district, but approval may be
10 secured or given on a separate or individual basis for
11 that portion of the entire project or works and
12 improvements to be constructed at any particular time
13 and on which plans and specifications of the Soil
14 Conservation Service, United States Department of
15 Agriculture, have been prepared and submitted by the
16 directors to the Texas Water Rights Commission.

17 Revisor's Note

18 (1) The definition of "commission" is added to
19 the revised law for drafting convenience and to
20 eliminate unnecessary repetition of the substance of
21 the definition.

22 (2) Section 10, Chapter 638, Acts of the 60th
23 Legislature, Regular Session, 1967, refers to the
24 "Soil Conservation Service, United States Department
25 of Agriculture." The Natural Resources Conservation
26 Service of the United States Department of Agriculture
27 has succeeded to the relevant functions of the Soil
28 Conservation Service, and the revised law is drafted
29 accordingly.

30 (3) Section 10, Chapter 638, Acts of the 60th
31 Legislature, Regular Session, 1967, refers to the
32 "Texas Water Rights Commission." The revised law
33 substitutes "Texas Commission on Environmental
34 Quality" for "Texas Water Rights Commission" for the
35 reason stated in the revisor's note to Section
36 9056.103.

37 (4) Section 10, Chapter 638, Acts of the 60th
38 Legislature, Regular Session, 1967, refers to the
39 district's "funds." The revised law substitutes
40 "money" for "funds" because, in this context, the
41 meaning is the same and "money" is the more commonly
42 used term.

1 Revisor's Note
2 (End of Subchapter)

3 Sections 12(a) and (b), Chapter 638, Acts of the
4 60th Legislature, Regular Session, 1967, authorize the
5 district to levy a maintenance tax to maintain
6 projects, works, structures, and improvements if the
7 tax is approved by the voters. Section 12(b) also
8 provides that an election for a maintenance tax may be
9 held at the same time as a bond election or at a
10 separate time. The revised law omits those provisions
11 because they duplicate in substance Section 49.107,
12 Water Code. Section 12(a) also refers to "property
13 taxpaying voters" approving the maintenance tax. The
14 revised law omits that portion of Section 12(a) for the
15 reason stated in the revisor's note to Section
16 9056.153. The omitted law reads:

17 Sec. 12. (a) The board of directors
18 is authorized to call an election to submit
19 to the resident qualified property
20 taxpaying voters who have duly rendered
21 their property for taxation the question of
22 whether a maintenance tax may be levied by
23 the district for the purpose of maintaining
24 the projects, works, structures or
25 improvements which the district is
26 authorized to construct, purchase, acquire,
27 or improve.

28 (b) . . . nothing herein shall
29 prevent such election from being held at the
30 same time as an election for the issuance of
31 bonds, and the holding of such elections at
32 the same time or at separate times is hereby
33 authorized. The levy and collection of the
34 maintenance tax, including the cost of
35 assessing and collecting of the maintenance
36 tax, is hereby authorized upon the
37 affirmative vote of a majority of the
38 qualified voters voting at said election.

39 SUBCHAPTER E. BONDS

40 Revised Law

41 Sec. 9056.201. AUTHORITY TO ISSUE BONDS. Subject to
42 Section 9056.202, the district may issue bonds, in the manner
43 provided by general law for water control and improvement
44 districts, to:

45 (1) provide dams, structures, projects, and works of
46 improvement for flood prevention, the conservation and development

1 of water, and for other necessary plants, facilities, and equipment
2 in connection therewith and for the improvement, repair, and
3 operation of same;

4 (2) carry out any other power provided by this chapter
5 or by Chapter 49 or 51, Water Code; and

6 (3) pay all costs, charges, and expenses of the
7 district. (Acts 60th Leg., R.S., Ch. 638, Sec. 8; New.)

8 Source Law

9 Sec. 8. For the purpose of providing dams,
10 structures, projects and works of improvement for
11 flood prevention, the conservation and development of
12 water, and for other necessary plants, facilities and
13 equipment in connection therewith and for the
14 improvement, repair and operation of same and for
15 carrying out any other powers or authority conferred
16 by this Act or by Chapter 25 of the General Laws of the
17 39th Legislature, Regular Session, and the several
18 amendments thereof, and for the purpose of paying all
19 costs, charges and expenses of the district, the
20 district is empowered to issue negotiable bonds in the
21 manner provided by general law for water control and
22 improvement districts.

23 Revisor's Note

24 (1) For the reader's convenience, the revised
25 law includes a cross-reference to Section 9056.202 of
26 this chapter, which requires voter approval for bond
27 issuance.

28 (2) Section 8, Chapter 638, Acts of the 60th
29 Legislature, Regular Session, 1967, refers to actions
30 taken in carrying out the district's "powers or
31 authority" under the act. The revised law omits
32 "authority" for the reason stated in Revisor's Note (4)
33 to Section 9056.106.

34 (3) Section 8, Chapter 638, Acts of the 60th
35 Legislature, Regular Session, 1967, authorizes the
36 district to issue bonds to carry out functions
37 provided by "Chapter 25 of the General Laws of the
38 39th Legislature, Regular Session, and the several
39 amendments thereof." Chapter 25 was incorporated in
40 Chapter 3A, Title 128, Revised Statutes. That chapter
41 was codified in 1971 as Chapter 51, Water Code.

1 Chapter 715, Acts of the 74th Legislature, Regular
2 Session, 1995, repealed many of the provisions of
3 Chapter 51 and enacted similar provisions in Chapter
4 49, Water Code. To reflect those changes, the revised
5 law substitutes a reference to "Chapter 49 or 51, Water
6 Code," for the reference to Chapter 25. The revised law
7 omits the reference to "the several amendments
8 thereof" for the reason stated in Revisor's Note (1) to
9 Section 9056.005.

10 (4) Section 8, Chapter 638, Acts of the 60th
11 Legislature, Regular Session, 1967, authorizes the
12 district to issue "negotiable" bonds. The revised law
13 omits the reference to "negotiable" bonds because
14 Section 1201.041, Government Code, provides that a
15 public security is a negotiable instrument. Section
16 1201.041 applies to district bonds under Section
17 1201.002, Government Code.

18 Revised Law

19 Sec. 9056.202. BOND ELECTION REQUIRED. The district may
20 not issue bonds unless the bonds are authorized by a majority of the
21 votes cast in a district election. (Acts 60th Leg., R.S., Ch. 638,
22 Sec. 9 (part).)

23 Source Law

24 Sec. 9. . . . no bonds shall hereafter be
25 issued unless authorized at an election at which only
26 qualified voters who reside in the district, and who
27 own taxable property therein and who have duly
28 rendered same for taxation, shall be qualified to vote
29 unless a majority of the votes cast favor the
30 proposition. . . .

31 Revisor's Note

32 (1) Section 9, Chapter 638, Acts of the 60th
33 Legislature, Regular Session, 1967, provides that "no
34 bonds shall hereafter be issued unless authorized at
35 an election." The revised law omits "hereafter" for
36 the reason stated in Revisor's Note (2) to Section
37 9056.151.

1 (2) Section 9, Chapter 638, Acts of the 60th
2 Legislature, Regular Session, 1967, provides that
3 "only qualified voters who reside in the district, and
4 who own taxable property therein and who have duly
5 rendered same for taxation" may vote in an election to
6 authorize district bonds. The revised law omits the
7 quoted language for the reason stated in the revisor's
8 note to Section 9056.153.

9 (3) Section 9, Chapter 638, Acts of the 60th
10 Legislature, Regular Session, 1967, provides that
11 after approval and registration, district bonds are
12 incontestable. The revised law omits that provision
13 because it duplicates in substance Section 1202.006,
14 Government Code, which provides that after approval
15 and registration, bonds are incontestable for any
16 reason. Section 1202.006 applies to district bonds
17 under Sections 1202.001 and 1202.003(c), Government
18 Code. The omitted law reads:

19 Sec. 9. . . . Upon approval of the
20 bonds by the attorney general and
21 registration by the comptroller they shall
22 be incontestable.

23 Revised Law

24 Sec. 9056.203. BONDS EXEMPT FROM TAXATION. A bond issued
25 under this chapter, the transfer of the bond, and income from the
26 bond, including profits made on the sale of the bond, are exempt
27 from taxation in this state. (Acts 60th Leg., R.S., Ch. 638, Sec.
28 4(a) (part).)

29 Source Law

30 (a) . . . the bonds issued hereunder and their
31 transfer and the income therefrom, including the
32 profits made on the sale thereof, shall at all times be
33 free from taxation within this state.

34 Revisor's Note
35 (End of Subchapter)

36 Section 11, Chapter 638, Acts of the 60th
37 Legislature, Regular Session, 1967, lists the entities
38 for which district bonds are legal investments and

1 provides that district bonds may secure deposits of
2 public funds of the state or political subdivisions.
3 The revised law omits the provision relating to the
4 eligibility of district bonds to be considered as
5 investments for various entities because it duplicates
6 Section 49.186(a), Water Code. The revised law omits
7 the provision relating to deposits of state funds as
8 impliedly repealed by Section 404.0221, Government
9 Code (enacted in 1995), which lists eligible
10 collateral for deposits of state funds by the
11 comptroller, and by Section 404.031, Government Code
12 (enacted in 1985 as Section 3.001, Article 4393-1,
13 Vernon's Texas Civil Statutes), which provides for the
14 valuation of that collateral. As to deposits of other
15 funds, the provision is impliedly repealed by Chapter
16 2257, Government Code (enacted in 1989 as Article
17 2529d, Vernon's Texas Civil Statutes), which governs
18 eligible collateral for deposits of funds of other
19 public agencies, including political subdivisions,
20 and permits those deposits to be secured by
21 obligations issued by conservation and reclamation
22 districts. The omitted law reads:

23 Sec. 11. All bonds of the district
24 shall be and are hereby declared to be legal
25 and authorized investments for banks,
26 savings banks, trust companies, building
27 and loan associations, savings and loan
28 associations, insurance companies,
29 fiduciaries, trustees, and for the sinking
30 funds of cities, towns, villages, counties,
31 school districts, or other political
32 corporations or subdivisions of the State
33 of Texas. Such bonds shall be eligible to
34 secure the deposit of any and all public
35 funds of the State of Texas, and any and all
36 public funds of cities, towns, villages,
37 counties, school districts or other
38 political corporations or subdivisions of
39 the State of Texas; and such bonds shall be
40 lawful and sufficient security for said
41 deposits to the extent of their par value,
42 when accompanied by all unmatured interest
43 coupons appurtenant thereto.

1 Revisor's Note
2 (End of Chapter)

3 (1) Section 4(b), Chapter 638, Acts of the 60th
4 Legislature, Regular Session, 1967, provides that an
5 election is not necessary to confirm the organization
6 of the district and that a hearing is not required to
7 be held to determine whether any lands or property
8 included in the district should be excluded except
9 that the board shall hold such a hearing on the written
10 request of a landowner or other property owner in the
11 district filed with the board secretary before the
12 first district bond election is called. The portion of
13 that subsection providing that a confirmation election
14 is not necessary and that a hearing to exclude lands or
15 property is not required to be held is omitted as
16 executed. That provision is a transition provision
17 addressing the applicability of provisions of the
18 general laws in effect at the time of the district's
19 creation that governed the creation of water control
20 and improvement districts. A district created under
21 the general laws in effect at that time would have been
22 required at the time of its creation to hold both a
23 confirmation election and a hearing on the exclusion
24 of land or other property from the district. The
25 omitted provision negates those general law
26 requirements as inapplicable to this legislatively
27 created district. The revised law also omits as
28 executed the portion of the subsection requiring the
29 board to hold an exclusion hearing on request filed
30 before the first district bond election is called
31 because the district has held a bond election. The
32 omitted law reads:

33 (b) No election shall be necessary
34 for the purpose of confirming the
35 organization of the district and no hearing
36 shall be held to determine whether any lands
37 or property included within the boundaries
38 of the district shall be excluded;

1 provided, however, that the board shall
 2 hold such hearing upon the written request
 3 of any landowner or other property owner
 4 within the district filed with the
 5 secretary of the board prior to the calling
 6 of the first bond election for the district.
 7 . . .

8 (2) Section 4(b), Chapter 638, Acts of the 60th
 9 Legislature, Regular Session, 1967, provides that the
 10 board may on its own motion hold a hearing on the
 11 exclusion of property from the district in the manner
 12 provided by general law. The revised law omits that
 13 provision because it duplicates in substance Section
 14 49.303(b), Water Code. The omitted law reads:

15 (b) . . . The board on its own motion
 16 may call and hold an exclusions hearing or
 17 hearings in the manner provided by the
 18 general law.

19 (3) Section 16, Chapter 638, Acts of the 60th
 20 Legislature, Regular Session, 1967, contains
 21 legislative findings relating to the performance of
 22 certain requirements under Section 59(d), Article XVI,
 23 Texas Constitution. The revised law omits that
 24 provision as executed. The omitted law reads:

25 Sec. 16. The Legislature finds that
 26 the requirements of Section 59(d), Article
 27 XVI, Constitution of the State of Texas,
 28 concerning the introduction of this Act
 29 have been met.

30 CHAPTER 9057. MEDINA COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT

31 NO. 2

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7 CHAPTER 9057. MEDINA COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT
8 NO. 2

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Revised Law

11 Sec. 9057.001. DEFINITIONS. In this chapter:

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

13 (2) "District" means the Medina County Water Control
14 and Improvement District No. 2. (Acts 53rd Leg., R.S., Ch. 198, Sec.
15 1 (part); New.)

16 Source Law

17 Sec. 1. . . . [a . . . district] . . . to be
18 known as Medina County Water Control and Improvement
19 District No. 2, hereinafter sometimes referred to as
20 the "District." . . .

21 Revisor's Note

22 The definition of "board" is added to the revised
23 law for drafting convenience and to eliminate
24 frequent, unnecessary repetition of the substance of
25 the definition.

26 Revised Law

27 Sec. 9057.002. NATURE OF DISTRICT. The district is:

28 (1) a conservation and reclamation district in Medina
29 County under Section 59, Article XVI, Texas Constitution; and

30 (2) a municipal corporation. (Acts 53rd Leg., R.S.,
31 Ch. 198, Secs. 1 (part), 7 (part).)

32 Source Law

33 Sec. 1. Under and pursuant to the provisions of
34 Article 16, Section 59 of the Constitution, a
35 conservation and reclamation district is hereby
36 created and incorporated in Medina County, Texas,
37

38 Sec. 7. [The Legislature] . . . declares the

1 District to be a governmental agency, a body politic
2 and corporate, and a municipal corporation.

3 Revisor's Note

4 (1) Section 1, Chapter 198, Acts of the 53rd
5 Legislature, Regular Session, 1953, refers to the
6 creation and incorporation of the district. The
7 revised law omits "created and incorporated" as
8 executed.

9 (2) Section 7, Chapter 198, Acts of the 53rd
10 Legislature, Regular Session, 1953, refers to the
11 district as a "governmental agency, a body politic and
12 corporate." The revised law omits the quoted language
13 because it duplicates a portion of Section 59(b),
14 Article XVI, Texas Constitution, which provides that a
15 conservation and reclamation district is a
16 governmental agency and a body politic and corporate.

17 Revised Law

18 Sec. 9057.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
19 The district is created to serve a public use and benefit.

20 (b) All land included in the boundaries of the district will
21 benefit from that inclusion.

22 (c) The district is essential to accomplish the purposes of
23 Section 59, Article XVI, Texas Constitution. (Acts 53rd Leg., R.S.,
24 Ch. 198, Secs. 4 (part), 7 (part).)

25 Source Law

26 Sec. 4. It is hereby found and determined that
27 all of the lands included within the boundaries of the
28 District will be benefited and that the District is
29 created to serve a public use and benefit. . . .

30 Sec. 7. The Legislature hereby exercises the
31 authority conferred upon it by Section 59, Article 16
32 of the Constitution, and declares that the District
33 created by this Act is essential to the accomplishment
34 of the purposes of said constitutional provision,
35 finds that all of the land included therein will be
36 benefited thereby, and

37 Revisor's Note

38 Section 7, Chapter 198, Acts of the 53rd
39 Legislature, Regular Session, 1953, provides that the
40 legislature "hereby exercises the authority conferred

1 upon it by" Section 59, Article XVI, Texas
2 Constitution, and "declares that the District created
3 by this Act" is essential to accomplish the purposes of
4 that provision. The revised law omits the quoted
5 language as executed.

6 Revised Law

7 Sec. 9057.004. DISTRICT TERRITORY. The district is
8 composed of the territory described by Section 1, Chapter 198, Acts
9 of the 53rd Legislature, Regular Session, 1953, as that territory
10 may have been modified under:

- 11 (1) Subchapter O, Chapter 51, Water Code;
12 (2) Subchapter J, Chapter 49, Water Code; or
13 (3) other law. (New.)

14 Revisor's Note

15 The revision of the law governing the district
16 does not revise the statutory language describing the
17 territory of the district to avoid the lengthy
18 recitation of the description and because that
19 description may not be accurate on the effective date
20 of the revision or at the time of a later reading. For
21 the reader's convenience, the revised law includes
22 references to the statutory description of the
23 district's territory and to statutory authority to
24 change the district's territory under Subchapter O,
25 Chapter 51, Water Code, applicable to water control
26 and improvement districts, and Subchapter J, Chapter
27 49, Water Code, applicable to the district under
28 Sections 49.001 and 49.002 of that chapter. The
29 revised law also includes a reference to the general
30 authority of the legislature to enact other laws to
31 change the district's territory.

32 SUBCHAPTER B. BOARD OF DIRECTORS

33 Revised Law

34 Sec. 9057.051. COMPOSITION OF BOARD. The board is composed

1 of five elected directors. (Acts 53rd Leg., R.S., Ch. 198, Sec. 3
2 (part).)

3 Source Law

4 Sec. 3. The management and control of the
5 District is hereby vested in a Board of Directors.
6 . . . The Board of Directors shall be composed of five
7 (5) members who . . . [serve as Directors . . . until
8 their successors] shall have been duly elected and
9

10 Revisor's Note

11 Section 3, Chapter 198, Acts of the 53rd
12 Legislature, Regular Session, 1953, provides that the
13 management and control of the district is vested in the
14 board. The revised law omits the reference because it
15 duplicates in substance parts of Sections 49.051 and
16 49.057, Water Code. Throughout this chapter, the
17 revised law omits law that is superseded by Chapter 49,
18 Water Code, or that duplicates law contained in that
19 chapter. Chapter 49, Water Code, applies to the
20 district under Sections 49.001 and 49.002 of that
21 chapter.

22 Revisor's Note
23 (End of Subchapter)

24 (1) Section 3, Chapter 198, Acts of the 53rd
25 Legislature, Regular Session, 1953, requires a
26 director of the district to have the same
27 qualifications as directors of water control and
28 improvement districts. The revised law omits that
29 language because general law governing the
30 qualifications of directors of water control and
31 improvement districts, including Section 51.072,
32 Water Code, applies by its own terms. The omitted law
33 reads:

34 Sec. 3. . . . [The Board of
35 Directors] . . . shall have the same
36 qualifications as Directors of Water
37 Control and Improvement Districts. . . .

38 (2) Section 3, Chapter 198, Acts of the 53rd
39 Legislature, Regular Session, 1953, refers to the

1 powers and authority conferred and imposed on the
2 board under Chapter 25, Acts of the 39th Legislature,
3 Regular Session, 1925, as amended, as incorporated in
4 Chapter 3A, Title 128, Vernon's Texas Civil Statutes,
5 as amended. The relevant provisions of that chapter
6 were codified in 1971 as Chapter 51, Water Code.
7 Chapter 715, Acts of the 74th Legislature, Regular
8 Session, 1995, repealed many of the provisions of
9 Chapter 51 and enacted similar provisions in Chapter
10 49, Water Code. The revised law omits the reference to
11 the board's powers and authority because Chapters 49
12 and 51, Water Code, which both apply to the district on
13 their own terms, provide for the powers and authority
14 of the board. The revised law omits references to
15 "amendments thereto" with respect to Chapters 25 and
16 3A because under Section 311.027, Government Code
17 (Code Construction Act), a reference to a statute
18 applies to all reenactments, revisions, or amendments
19 of that statute unless expressly provided otherwise.
20 The omitted law reads:

21 Sec. 3. . . . [a Board] . . . which
22 shall have all of the powers and authority
23 conferred and imposed upon boards of
24 directors of Water Control and Improvement
25 Districts organized under the provisions of
26 Chapter 25, Acts of the Thirty-ninth
27 Legislature passed in 1925 and amendments
28 thereto, as incorporated in Title 128,
29 Chapter 3A of Vernon's Civil Statutes of the
30 State of Texas and amendments thereto.
31 . . .

32 (3) Section 3, Chapter 198, Acts of the 53rd
33 Legislature, Regular Session, 1953, provides that the
34 provisions of the act applicable to the board and its
35 members prevail over general laws applicable to water
36 control and improvement districts in case of a
37 conflict or an inconsistency. The revised law omits
38 that provision because, under general rules of
39 statutory construction, a statute automatically has

1 the effect of repealing prior conflicting enactments
2 and is ineffective to repeal subsequent legislation,
3 and because it duplicates in substance Section
4 311.026(b), Government Code (Code Construction Act).
5 Section 311.026(b) provides that if there is a
6 conflict between a general provision of law and a
7 special or local provision, the special or local
8 provision prevails unless the general provision is the
9 later enactment and the manifest intent is that the
10 general provision prevail. The omitted law reads:

11 Sec. 3. . . . In the event, and to
12 the extent that any of the provisions of the
13 General Laws referred to in this Section are
14 in conflict with or inconsistent with any of
15 the provisions of this Act relating to the
16 powers, authority, and duties of the Board
17 of Directors and its members, the
18 provisions of this Act shall prevail. . . .

19 (4) Section 3, Chapter 198, Acts of the 53rd
20 Legislature, Regular Session, 1953, provides for the
21 appointment of the initial board of directors and the
22 first election of directors to the board of directors
23 of the district. The revised law omits those
24 provisions as executed. The omitted law reads:

25 Sec. 3. . . . The County Judge of
26 Medina County, Texas, is hereby authorized
27 and empowered to appoint five (5) persons
28 qualified under the law to serve as
29 Directors of the District until their
30 successors [shall have been duly elected
31 and] shall have qualified. The first
32 election of Directors shall be held on the
33 second Tuesday in January, 1954, in
34 accordance with the provisions of Section
35 37 of Chapter 25, Acts of the Thirty-ninth
36 Legislature, as amended by Section 6 of
37 Chapter 107 of the Acts of the First Called
38 Session of the Fortieth Legislature, as
39 carried forward in Article 7880-37 of
40 Vernon's Civil Statutes of the State of
41 Texas and laws amendatory thereof and
42 supplemental thereto.

43 SUBCHAPTER C. POWERS AND DUTIES

44 Revised Law

45 Sec. 9057.101. WATER CONTROL AND IMPROVEMENT DISTRICT
46 POWERS. The district has the rights, powers, privileges, and

1 duties provided by general law applicable to a water control and
2 improvement district created under Section 59, Article XVI, Texas
3 Constitution, including Chapters 49 and 51, Water Code. (Acts 53rd
4 Leg., R.S., Ch. 198, Sec. 2 (part).)

5 Source Law

6 Sec. 2. The District shall have and exercise,
7 and is hereby vested with all of the rights, powers,
8 privileges and duties conferred and imposed by the
9 General Laws of this State now in force or hereafter
10 enacted, applicable to water control and improvement
11 districts created under authority of Section 59,
12 Article 16 of the Constitution, but

13 Revisor's Note

14 (1) Section 2, Chapter 198, Acts of the 53rd
15 Legislature, Regular Session, 1953, states that the
16 district "shall have and exercise, and is hereby
17 vested with" certain rights, powers, privileges, and
18 duties. The revised law substitutes "has" for the
19 quoted language because, in context, the terms are
20 synonymous and "has" is more commonly used.

21 (2) Section 2, Chapter 198, Acts of the 53rd
22 Legislature, Regular Session, 1953, states that the
23 district has the rights, powers, privileges, and
24 duties "conferred and imposed" by general law. The
25 revised law substitutes "provided" for the quoted
26 language because regardless of whether a right, power,
27 privilege, or duty is "conferred" by general law or
28 "imposed" by general law, it is not necessary to
29 characterize in the revised law the nature of the
30 granting of that authority. In context, "provided" is
31 synonymous with "conferred and imposed" and "provided"
32 is more commonly used.

33 (3) Section 2, Chapter 198, Acts of the 53rd
34 Legislature, Regular Session, 1953, refers to the
35 general laws of this state "now in force or hereafter
36 enacted." The revised law omits the quoted language as
37 unnecessary under accepted general principles of

1 statutory construction. The "[g]eneral [l]aws of this
2 [s]tate" means those laws "in force" at the time the
3 provision was adopted. It is unnecessary to state that
4 the district may be granted additional powers by later
5 enacted laws because those laws apply on their own
6 terms.

7 (4) Section 2, Chapter 198, Acts of the 53rd
8 Legislature, Regular Session, 1953, refers to the
9 general laws "applicable to water control and
10 improvement districts." For the reader's convenience,
11 the revised law adds references to Chapter 49, Water
12 Code, applicable under Sections 49.001 and 49.002 of
13 that chapter to districts created under Section 59,
14 Article XVI, Texas Constitution, and Chapter 51, Water
15 Code, applicable to water control and improvement
16 districts.

17 (5) Section 2, Chapter 198, Acts of the 53rd
18 Legislature, Regular Session, 1953, provides that the
19 act prevails over general law that applies to water
20 control and improvement districts and that is in
21 conflict or inconsistent with the act and that all
22 general laws applicable to water control and
23 improvement districts are incorporated by reference.
24 The revised law omits the portion of the provision
25 relating to the act prevailing over general law for the
26 reasons stated in Revisor's Note (3) to the end of
27 Subchapter B. The revised law omits the portion of the
28 provision relating to incorporation of general laws
29 because Section 2 of Chapter 198 (revised as this
30 section) already provides that those laws apply to the
31 district, and it is unnecessary to repeat that
32 authority. The omitted law reads:

33 Sec. 2. [The District shall have and
34 exercise, and is hereby vested with all of
35 the rights, powers, privileges and duties
36 conferred and imposed by the General Laws of

1 this State now in force or hereafter
2 enacted, applicable to water control and
3 improvement districts created under
4 authority of Section 59, Article 16 of the
5 Constitution, but] to the extent that the
6 provisions of any such General Laws may be
7 in conflict or inconsistent with the
8 provisions of this Act, the provisions of
9 this Act shall prevail. All such General
10 Laws are hereby incorporated by reference
11 with the same effect as if incorporated in
12 full in this Act.

13 Revised Law

14 Sec. 9057.102. ACQUISITION OF PROPERTY; LIMIT ON EMINENT
15 DOMAIN POWER. (a) The district may acquire property that is
16 necessary to accomplish the objectives of the district.

17 (b) To facilitate the acquisition of property, the district
18 may exercise the power of eminent domain available to water control
19 and improvement districts under general law.

20 (c) The powers granted in this section apply only in Medina
21 County. (Acts 53rd Leg., R.S., Ch. 198, Sec. 6 (part).)

22 Source Law

23 Sec. 6. The District shall have authority to
24 acquire all property real and personal which is needed
25 in accomplishing the objectives of the District and to
26 facilitate the acquisition of property it shall have
27 all of the powers of eminent domain available to water
28 control and improvement districts under the General
29 Law; provided, however, that all of the powers granted
30 in this Section shall be limited in their application
31 to Medina County. . . .

32 Revisor's Note

33 (1) Section 6, Chapter 198, Acts of the 53rd
34 Legislature, Regular Session, 1953, provides that the
35 district "shall have authority to" acquire property.
36 The revised law substitutes "may" for the quoted
37 language because that term is more concise and is the
38 substantive equivalent of the quoted language.

39 (2) Section 6, Chapter 198, Acts of the 53rd
40 Legislature, Regular Session, 1953, refers to property
41 "real and personal." The revised law omits the quoted
42 language because under Section 311.005(4), Government
43 Code (Code Construction Act), "property" includes both
44 real and personal property.

1 bonds. (Acts 53rd Leg., R.S., Ch. 198, Sec. 5 (part).)

2 Source Law

3 Sec. 5. . . .

4 The order or resolution authorizing the issuance
5 of the bonds may contain such covenants which in the
6 discretion of the Board of Directors are necessary to
7 assure the creation and maintenance of proper reserves
8 and the payment of the principal of and interest on the
9 bonds. . . .

10 Revisor's Note
11 (End of Subchapter)

12 (1) Section 5, Chapter 198, Acts of the 53rd
13 Legislature, Regular Session, 1953, prohibits the
14 district from issuing bonds before the bonds and the
15 record supporting the bonds are approved by the
16 attorney general. The revised law omits that provision
17 because it duplicates in substance part of Section
18 1202.003, Government Code. Section 1202.003,
19 Government Code, applies to district bonds under
20 Sections 1202.001 and 1202.003(c), Government Code.
21 The omitted law reads:

22 Sec. 5. . . .

23 No bonds shall be issued by the
24 District until the record supporting such
25 bonds and the bonds shall first have been
26 approved by the Attorney General. . . .

27 (2) Section 5, Chapter 198, Acts of the 53rd
28 Legislature, Regular Session, 1953, provides that
29 after approval the bonds shall be registered with the
30 comptroller. The revised law omits that provision
31 because it duplicates in substance Section 1202.005,
32 Government Code. Section 1202.005, Government Code,
33 applies to district bonds under Sections 1202.001
34 1202.003(c), Government Code. The omitted law reads:

35 Sec. 5. . . . Bonds thus approved
36 shall be registered in the office of the
37 Comptroller of Public Accounts. . . .

38 (3) Section 5, Chapter 198, Acts of the 53rd
39 Legislature, Regular Session, 1953, provides that
40 after approval and sale district bonds are negotiable
41 instruments and incontestable. The revised law omits

1 the reference to the bonds being negotiable
2 instruments because Section 1201.041, Government
3 Code, applicable to district bonds under Sections
4 1201.002 and 1201.003, Government Code, provides that
5 a public security is a negotiable instrument. The
6 revised law omits the reference to the bonds being
7 incontestable because it duplicates in substance
8 Section 1202.006, Government Code. Section 1202.006,
9 Government Code, applies to district bonds under
10 Sections 1202.001 and 1202.003(c), Government Code.
11 The omitted law reads:

12 Sec. 5. . . . Bonds thus approved by
13 the Attorney General, after sale by the
14 District, shall be fully negotiable
15 instruments and shall be incontestable.
16 . . .

17 (4) Section 5, Chapter 198, Acts of the 53rd
18 Legislature, Regular Session, 1953, provides that
19 general law provisions "pertaining to the issuance of
20 bonds by Water Control and improvement Districts"
21 apply to the issuance of district bonds if not
22 inconsistent with the provisions of Chapter 198. The
23 revised law omits the portion of the provision
24 relating to the applicability of general law
25 provisions to the issuance of district bonds because
26 Section 2 of Chapter 198 (revised as Section 9057.101)
27 provides that the general law applicable to water
28 control and improvement districts applies to the
29 district. The revised law omits the portion of the
30 provision relating to the applicability of general law
31 provisions that are not "inconsistent" with Chapter
32 198 for the reasons stated in Revisor's Note (3) to the
33 end of Subchapter B. The omitted law reads:

34 Sec. 5. . . . Provisions of the law
35 pertaining to the issuance of bonds by Water
36 Control and improvement Districts when not
37 inconsistent with the provisions of this
38 Act shall be applicable. . . .

1 (5) Section 5, Chapter 198, Acts of the 53rd
 2 Legislature, Regular Session, 1953, authorizes the
 3 district to issue refunding bonds. The revised law
 4 omits that language because it duplicates in substance
 5 Chapter 1207, Government Code, which contains general
 6 authority for an issuer to issue refunding securities.
 7 That chapter applies to the district because the
 8 district is an issuer under Section 1207.001,
 9 Government Code. The omitted law reads:

10 Sec. 5. . . .
 11 The bonds of the District may be
 12 refunded in the manner provided by the
 13 General Laws governing Water Control and
 14 Improvement Districts.

15 Revisor's Note
 16 (End of Chapter)

17 Section 4, Chapter 198, Acts of the 53rd
 18 Legislature, Regular Session, 1953, provides that it
 19 is unnecessary to hold a confirmation election or a
 20 hearing to determine whether land should be excluded
 21 from the district. The provision is a transition
 22 provision addressing procedures relative to the
 23 creation of the district, and the revised law
 24 therefore omits the provision as executed. The
 25 omitted law reads:

26 Sec. 4. . . . No election shall be
 27 necessary for the purpose of confirming its
 28 organization and no hearings shall be held
 29 to determine whether any lands included
 30 within its boundaries should be excluded.

31 CHAPTER 9059. RIO GRANDE PALMS WATER DISTRICT

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17 CHAPTER 9059. RIO GRANDE PALMS WATER DISTRICT

18 SUBCHAPTER A. GENERAL PROVISIONS

19 Revised Law

20 Sec. 9059.001. DEFINITIONS. In this chapter:

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

22 (2) "Director" means a member of the board.

23 (3) "District" means the Rio Grande Palms Water

24 District. (Acts 57th Leg., R.S., Ch. 324, Sec. 1 (part); New.)

25 Source Law

26 Sec. 1. . . . [a . . . district] . . . to be

27 known as "Rio Grande Palms Water District,"

28 hereinafter sometimes referred to as the "District."

29 . . .

30 Revisor's Note

31 The definitions of "board" and "director" are

32 added to the revised law for drafting convenience and

33 to eliminate frequent, unnecessary repetition of the

34 substance of the definitions.

35 Revised Law

36 Sec. 9059.002. NATURE OF DISTRICT. The district is:

1 (1) a conservation and reclamation district in Cameron
2 County under Section 59, Article XVI, Texas Constitution; and

3 (2) a municipal corporation. (Acts 57th Leg., R.S.,
4 Ch. 324, Secs. 1 (part), 9 (part).)

5 Source Law

6 Sec. 1. Under and pursuant to the provisions of
7 Article XVI, Section 59, of the Constitution, a
8 conservation and reclamation district within Cameron
9 County, Texas, is hereby created and incorporated,
10

11 Sec. 9. [The Legislature] . . . declares the
12 District to be a governmental agency, a body politic
13 and corporate, and a municipal corporation. . . .

14 Revisor's Note

15 (1) Section 1, Chapter 324, Acts of the 57th
16 Legislature, Regular Session, 1961, refers to the
17 creation and incorporation of the district. The
18 revised law omits "created and incorporated" as
19 executed.

20 (2) Section 9, Chapter 324, Acts of the 57th
21 Legislature, Regular Session, 1961, refers to the
22 district as a "governmental agency, a body politic and
23 corporate." The revised law omits the quoted language
24 because it duplicates a portion of Section 59(b),
25 Article XVI, Texas Constitution, which provides that a
26 conservation and reclamation district is a
27 governmental agency and a body politic and corporate.

28 Revised Law

29 Sec. 9059.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
30 The district is essential to accomplish the purposes of Section 59,
31 Article XVI, Texas Constitution, including the conservation and
32 utilization of water.

33 (b) All land included in the district will benefit from that
34 inclusion. (Acts 57th Leg., R.S., Ch. 324, Sec. 9 (part).)

35 Source Law

36 Sec. 9. The Legislature hereby exercises the
37 authority conferred upon it by Section 59, Article XVI
38 of the Constitution, and declares that the District
39 created by this Act is essential to the accomplishment

1 of the purposes of said Constitutional provision,
2 including the conservation and utilization of water,
3 finds that all of the land included therein will be
4 benefited thereby, and

5 Revisor's Note

6 (1) Section 9, Chapter 324, Acts of the 57th
7 Legislature, Regular Session, 1961, provides that the
8 legislature "hereby exercises the authority conferred
9 upon it by" Section 59, Article XVI, Texas
10 Constitution, and "declares that the District created
11 by this Act" is essential to accomplish the purposes of
12 that provision. The revised law omits the quoted
13 language as executed.

14 (2) Section 9, Chapter 324, Acts of the 57th
15 Legislature, Regular Session, 1961, provides that no
16 proceeding for the exclusion of land is necessary or
17 required when the district is created. The revised law
18 omits the provision as executed. The omitted law
19 reads:

20 Sec. 9. [The Legislature . . .
21 declares] . . . that no proceedings for the
22 exclusion of land included herein are
23 necessary or required, and

24 Revised Law

25 Sec. 9059.004. DISTRICT TERRITORY. (a) The district is
26 composed of the territory described by Section 1, Chapter 324, Acts
27 of the 57th Legislature, Regular Session, 1961, as that territory
28 may have been modified under:

29 (1) Subsection (b) or its predecessor statute, Section
30 1, Chapter 324, Acts of the 57th Legislature, Regular Session,
31 1961;

32 (2) Subchapter O, Chapter 51, Water Code;

33 (3) Subchapter J, Chapter 49, Water Code; or

34 (4) other law.

35 (b) The Commissioners Court of Cameron County shall
36 redefine the boundaries of the district contained in Section 1,
37 Chapter 324, Acts of the 57th Legislature, Regular Session, 1961,
38 to correct any error or omission in those boundaries. (Acts 57th

1 Leg., R.S., Ch. 324, Sec. 1 (part); New.)

2 Source Law

3 Sec. 1. . . .

4 If there is any error or omission in the
5 description of the boundaries of said District, as set
6 forth in Section 1 of this Act, the Commissioners Court
7 of Cameron County, Texas, is hereby authorized and
8 directed to redefine said boundaries and correct the
9 error or supply the omission.

10 Revisor's Note

11 The revision of the law governing the district
12 does not revise the statutory language describing the
13 territory of the district to avoid the lengthy
14 recitation of the description and because that
15 description may not be accurate on the effective date
16 of the revision or at the time of a later reading. For
17 the reader's convenience, the revised law includes a
18 reference to the statutory description of the
19 district's territory and references to statutory
20 authority to change the district's territory under
21 Section 1 of the district's enabling legislation,
22 under Subchapter O, Chapter 51, Water Code, applicable
23 to water control and improvement districts, and under
24 Subchapter J, Chapter 49, Water Code, applicable to
25 the district under Sections 49.001 and 49.002 of that
26 chapter. The revised law also includes a reference to
27 the general authority of the legislature to enact a law
28 to change the district's territory.

29 SUBCHAPTER B. BOARD OF DIRECTORS

30 Revised Law

31 Sec. 9059.051. COMPOSITION OF BOARD. The board is composed
32 of five elected directors. (Acts 57th Leg., R.S., Ch. 324, Sec. 3
33 (part).)

34 Source Law

35 Sec. 3. The management and control of the
36 District is hereby vested in a Board of Directors
37 The Board of Directors shall be composed of
38 five (5) members [persons . . . serve as
39 directors . . . until their successors] shall have
40 been duly elected and

1 Revisor's Note

2 Section 3, Chapter 324, Acts of the 57th
3 Legislature, Regular Session, 1961, provides that the
4 "management and control of the District is hereby
5 vested" in the board. The revised law omits the quoted
6 language because it duplicates in substance parts of
7 Sections 49.051 and 49.057, Water Code. Chapter 49,
8 Water Code, applies to the district under Sections
9 49.001 and 49.002 of that code.

10 Revised Law

11 Sec. 9059.052. QUALIFICATION FOR OFFICE. (a) A director
12 must own land in the district.

13 (b) A director is not required to reside in the district.
14 (Acts 57th Leg., R.S., Ch. 324, Sec. 3 (part).)

15 Source Law

16 Sec. 3. . . . [The Board of Directors shall be
17 composed of five (5) members] who own land in the
18 District, but they need not reside in the
19 District. . . .

20 Revisor's Note
21 (End of Subchapter)

22 (1) Section 3, Chapter 324, Acts of the 57th
23 Legislature, Regular Session, 1961, refers to the
24 powers and authority conferred and imposed on the
25 board under Chapter 25, Acts of the 39th Legislature,
26 Regular Session, 1925, as incorporated in Chapter 3A,
27 Title 128, Vernon's Texas Civil Statutes. The relevant
28 provisions of that chapter were codified in 1971 as
29 Chapter 51, Water Code. Chapter 715, Acts of the 74th
30 Legislature, Regular Session, 1995, repealed many of
31 the provisions of Chapter 51 and enacted similar
32 provisions in Chapter 49, Water Code. The revised law
33 omits the reference to the board's powers and authority
34 because Chapters 49 and 51, Water Code, which both
35 apply to the district on their own terms, provide for
36 the powers and authority of the board. The revised law

1 omits "amendments thereto" with respect to Chapters 25
2 and 3A because under Section 311.027, Government Code
3 (Code Construction Act), a reference to a statute
4 applies to all reenactments, revisions, or amendments
5 of that statute unless expressly provided otherwise.
6 The omitted law reads:

7 Sec. 3. . . . [a Board] . . . which
8 shall have all of the powers and authority
9 conferred and imposed upon Boards of
10 Directors of Water Control and Improvement
11 Districts organized under the provisions of
12 Chapter 25, Acts of the Thirty-ninth
13 Legislature passed in 1925 and amendments
14 thereto, as incorporated in Title 128,
15 Chapter 3A of Vernon's Civil Statutes of the
16 State of Texas, and amendments thereto.
17 . . .

18 (2) Section 3, Chapter 324, Acts of the 57th
19 Legislature, Regular Session, 1961, provides that the
20 provisions of the act applicable to the board and its
21 members prevail over general law applicable to water
22 control and improvement districts in case of a
23 conflict or other inconsistency. The revised law
24 omits the provision because, under general rules of
25 statutory construction, a statute automatically has
26 the effect of repealing prior conflicting enactments
27 and is ineffective to repeal subsequent legislation,
28 and because it duplicates in substance Section
29 311.026(b), Government Code (Code Construction Act),
30 which provides that if there is a conflict between a
31 general provision of law and a special or local
32 provision, the special or local provision prevails
33 unless the general provision is the later enactment
34 and the manifest intent is that the general provision
35 prevail. The omitted law reads:

36 Sec. 3. . . . In the event, and to
37 the extent that any of the provisions of the
38 general laws referred to in this Section are
39 in conflict with or inconsistent with any of
40 the provisions of this Act relating to the
41 powers, authority and duties of the Board of
42 Directors and its members, the provisions
43 of this Act shall prevail. . . .

1 (3) Section 3, Chapter 324, Acts of the 57th
2 Legislature, Regular Session, 1961, provides for the
3 appointment of the initial board of directors and the
4 first election of directors to the board of directors
5 of the district. The revised law omits those
6 provisions as executed. The omitted law reads:

7 Sec. 3. . . . The County Judge of
8 Cameron County is hereby authorized and
9 empowered to appoint five (5) persons
10 qualified under this law to serve as
11 directors of the District until their
12 successors [shall have been duly elected
13 and] shall have qualified. The first
14 election of directors shall be held on the
15 second Tuesday in January, 1962, in
16 accordance with the provisions of Section
17 37 of Chapter 25, Acts of the Thirty-ninth
18 Legislature, as amended by Section 6 of
19 Chapter 107 of the Acts of the First Called
20 Session of the Fortieth Legislature, as
21 carried forward in Article 7880-37 of
22 Vernon's Civil Statutes of the State of
23 Texas, and laws amendatory thereof and
24 supplemental thereto.

25 SUBCHAPTER C. POWERS AND DUTIES

26 Revised Law

27 Sec. 9059.101. WATER CONTROL AND IMPROVEMENT DISTRICT
28 POWERS. The district has the rights, powers, privileges, and
29 duties provided by general law applicable to a water control and
30 improvement district created under Section 59, Article XVI, Texas
31 Constitution, including Chapters 49 and 51, Water Code. (Acts 57th
32 Leg., R.S., Ch. 324, Sec. 2 (part); New.)

33 Source Law

34 Sec. 2. The District shall have and exercise,
35 and is hereby vested with all of the rights, powers,
36 privileges and duties conferred and imposed by the
37 General Laws of this State now in force or hereafter
38 enacted, applicable to Water Control and Improvement
39 Districts created under authority of Section 59,
40 Article XVI of the Constitution, but

41 Revisor's Note

42 (1) Section 2, Chapter 324, Acts of the 57th
43 Legislature, Regular Session, 1961, states that the
44 district "shall have and exercise, and is hereby
45 vested with" certain rights, powers, privileges, and
46 duties. The revised law substitutes "has" for the

1 quoted language because, in context, the terms are
2 synonymous and "has" is more commonly used.

3 (2) Section 2, Chapter 324, Acts of the 57th
4 Legislature, Regular Session, 1961, states that the
5 district has the rights, powers, privileges, and
6 duties "conferred and imposed" by general law. The
7 revised law substitutes "provided" for the quoted
8 language because regardless of whether a right, power,
9 privilege, or duty is "conferred" by general law or
10 "imposed" by general law, it is not necessary to
11 characterize in the revised law the nature of the
12 granting of that authority. In context, "provided" is
13 synonymous with "conferred and imposed" and "provided"
14 is more commonly used.

15 (3) Section 2, Chapter 324, Acts of the 57th
16 Legislature, Regular Session, 1961, refers to the
17 general laws of this state "now in force or hereafter
18 enacted." The revised law omits the quoted language as
19 unnecessary under accepted general principles of
20 statutory construction. The "General Laws of this
21 State" means those laws "in force" at the time the
22 provision was adopted. It is unnecessary to state that
23 the district may be granted additional powers by later
24 enacted laws because those laws apply on their own
25 terms.

26 (4) Section 2, Chapter 324, Acts of the 57th
27 Legislature, Regular Session, 1961, refers to the
28 general laws "applicable to Water Control and
29 Improvement Districts." For the reader's convenience,
30 the revised law adds references to Chapter 49, Water
31 Code, applicable under Sections 49.001 and 49.002 of
32 that chapter to many types of districts, including
33 water control and improvement districts, created under
34 Section 59, Article XVI, Texas Constitution, and to

1 Chapter 51, Water Code, applicable to water control
2 and improvement districts.

3 (5) Section 2, Chapter 324, Acts of the 57th
4 Legislature, Regular Session, 1961, provides that the
5 act prevails over general law that applies to water
6 control and improvement districts and that is in
7 conflict or inconsistent with the act and that all
8 general laws applicable to water control and
9 improvement districts are incorporated by reference.
10 The revised law omits the portion of the provision
11 relating to the act prevailing over general law for the
12 reasons stated in Revisor's Note (2) to the end of
13 Subchapter B. The revised law omits the portion of the
14 provision relating to incorporation of general laws
15 because the portion of Section 2, Chapter 324, revised
16 as this section, already provides that those laws
17 apply to the district, and it is unnecessary to further
18 incorporate those laws in this chapter. The omitted
19 law reads:

20 Sec. 2. [The District shall have
21 . . . all of the rights, powers, privileges
22 and duties conferred and imposed by the
23 General Laws of this State . . . applicable
24 to Water Control and Improvement Districts
25 . . . but] to the extent that the provisions
26 of any such General Laws may be in conflict
27 or inconsistent with the provisions of this
28 Act, the provisions of this Act shall
29 prevail. All such general laws are hereby
30 incorporated by reference with the same
31 effect as if incorporated in full in this
32 Act.

33 Revised Law

34 Sec. 9059.102. ACQUISITION OF PROPERTY. The district may
35 acquire property located inside or outside the district that the
36 board considers necessary to accomplish the district's objectives.
37 (Acts 57th Leg., R.S., Ch. 324, Sec. 6 (part).)

38 Source Law

39 Sec. 6. The District shall have authority to
40 acquire all property real and personal within or
41 outside of the District which within the discretion of
42 the Board of Directors is needed in accomplishing the

1 objectives of the District and

2 Revisor's Note

3 (1) Section 6, Chapter 324, Acts of the 57th
4 Legislature, Regular Session, 1961, provides that the
5 district "shall have authority to" acquire property.
6 The revised law substitutes "may" for the quoted
7 language because that term is more concise and is the
8 substantive equivalent of the quoted language.

9 (2) Section 6, Chapter 324, Acts of the 57th
10 Legislature, Regular Session, 1961, refers to property
11 "real and personal." The revised law omits the quoted
12 language because under Section 311.005(4), Government
13 Code (Code Construction Act), "property" includes both
14 real and personal property.

15 (3) Section 6, Chapter 324, Acts of the 57th
16 Legislature, Regular Session, 1961, provides that, to
17 facilitate the acquisition of property, the district
18 has "all of the powers of eminent domain available to
19 water control and improvement districts under the
20 general law." The revised law omits the provision
21 because the general law described by the quoted
22 language, including Section 49.222, Water Code,
23 applies to the district on its own terms. The omitted
24 law reads:

25 Sec. 6. . . . to facilitate the
26 acquisition of property it shall have all of
27 the powers of eminent domain available to
28 water control and improvement districts
29 under the general law.

30 Revised Law

31 Sec. 9059.103. LIMIT ON EMINENT DOMAIN POWER. The district
32 may not exercise the power of eminent domain outside the district.
33 (Acts 57th Leg., R.S., Ch. 324, Sec. 9 (part).)

34 Source Law

35 Sec. 9. . . . The District shall not have
36 authority, however, to exercise the right of eminent
37 domain outside the boundaries of the District
38 established herein.

1 Revised Law

2 Sec. 9059.104. COST OF RELOCATING OR ALTERING PROPERTY.

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

9 (b) If the district's exercise of the power of eminent
10 domain, the power of relocation, or any other power granted by this
11 chapter makes necessary relocating, raising, rerouting, changing
12 the grade of, or altering the construction of a highway, railroad,
13 electric transmission line, telephone or telegraph property or
14 facility, or pipeline, the necessary action shall be accomplished
15 at the sole expense of the district. (Acts 57th Leg., R.S., Ch.
16 324, Sec. 10.)

17 Source Law

18 Sec. 10. In the event that the District, in the
19 exercise of the power of eminent domain or power of
20 relocation, or any other power granted hereunder,
21 makes necessary the relocation, raising, rerouting or
22 changing the grade of, or altering the construction of
23 any highway, railroad, electric transmission line,
24 telephone or telegraph properties and facilities, or
25 pipeline, all such necessary relocation, raising,
26 re-routing, changing of grade or alteration of
27 construction shall be accomplished at the sole expense
28 of the District. The term "sole expense" shall mean
29 the actual cost of such relocation, raising, lowering,
30 re-routing, or change in grade of or alteration of
31 construction in providing comparable replacement
32 without enhancement of such facilities, after
33 deducting therefrom the net salvage value derived from
34 the old facility.

35 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

36 Revised Law

37 Sec. 9059.151. MAINTENANCE TAX. The board may impose an ad
38 valorem tax on all taxable property in the district for the
39 maintenance and operation of district works and facilities if the
40 tax is authorized by an election held as provided by law relating to
41 water control and improvement district bond elections. (Acts 57th
42 Leg., R.S., Ch. 324, Sec. 7.)

1 SUBCHAPTER E. BONDS

2 Revised Law

3 Sec. 9059.201. AUTHORITY TO ISSUE BONDS. (a) The district
4 may issue bonds pursuant to a resolution adopted by the board if a
5 majority of district voters voting at an election vote to adopt the
6 proposition authorizing the bonds.

7 (b) The district may issue bonds for any purpose permitted
8 to a water control and improvement district, including:

9 (1) the improvement of rivers, creeks, streams,
10 arroyos, and resacas, to prevent overflow, to furnish access to
11 land in the district, to permit navigation of the water or
12 irrigation of land in the district, or in aid of those purposes; or

13 (2) the acquisition of water rights, the construction
14 or acquisition by purchase or other means, and maintenance of
15 pools, lakes, reservoirs, dams, pipelines, canals and waterways,
16 pumps, pump houses, and all other useful equipment, machinery, and
17 facilities, for the purpose or in aid of irrigation, drainage,
18 conservation, or navigation, including the purchase of an existing
19 irrigation or conservation system. (Acts 57th Leg., R.S., Ch. 324,
20 Sec. 4 (part).)

21 Source Law

22 Sec. 4. Bonds may be issued by the District
23 pursuant to a resolution or resolutions adopted by the
24 Board of Directors, when the proposition authorizing
25 the bonds shall have first been submitted to the
26 property tax-paying voters of such District and
27 adopted by not less than a majority of such qualified
28 voters voting at such election. The District may issue
29 bonds thus authorized for any and all purposes
30 permitted to Water Control and Improvement Districts,
31 including, but without limitation of purposes not
32 specified, the following:

33 (a) The improvement of rivers, creeks, streams,
34 arroyos, and resacas, to prevent overflow, to furnish
35 access to land in the District, to permit navigation of
36 such water or irrigation of lands in the District, or
37 in aid of such purposes;

38 (b) The acquisition of water rights, the
39 construction or acquisition by purchase or otherwise,
40 and maintenance of pools, lakes, reservoirs, dams,
41 pipelines, canals and waterways, pumps, pump houses
42 and all other useful equipment, machinery and
43 facilities, for the purpose of irrigation, drainage,
44 conservation or navigation or in aid thereof. Such
45 purpose including the purchase of an existing
46 irrigation or conservation system.

47 . . .

1 Revisor's Note

2 (1) Section 4, Chapter 324, Acts of the 57th
3 Legislature, Regular Session, 1961, refers to
4 "property tax-paying voters." The revised law omits
5 "property tax-paying" because in Hill v. Stone, 421
6 U.S. 289 (1975), the United States Supreme Court
7 determined that property ownership as a qualification
8 for voting is an unconstitutional denial of equal
9 protection.

10 (2) Section 4, Chapter 324, Acts of the 57th
11 Legislature, Regular Session, 1961, refers to a vote
12 of "qualified voters" voting at an election to adopt a
13 proposition authorizing a bond issuance. The revised
14 law omits "qualified" as unnecessary in this context
15 because Chapter 11, Election Code, governs eligibility
16 to vote in an election in this state and allows only
17 "qualified" voters who are residents of the territory
18 covered by the election to vote in an election.

19 (3) Section 4, Chapter 324, Acts of the 57th
20 Legislature, Regular Session, 1961, provides that the
21 district may issue bonds for certain purposes,
22 "including, but without limitation of purposes not
23 specified," those powers listed in the district's
24 enabling legislation. The revised law omits "without
25 limitation of purposes not specified" because Section
26 311.005(13), Government Code (Code Construction Act),
27 provides that "includes" and "including" are terms of
28 enlargement and not limitation and do not create a
29 presumption that components not expressed are
30 excluded.

31 Revised Law

32 Sec. 9059.202. EXCHANGING BONDS FOR PROPERTY. The district
33 may exchange bonds for property acquired for the use and benefit of
34 the district. (Acts 57th Leg., R.S., Ch. 324, Sec. 4 (part).)

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Source Law

Sec. 4. . . . The District may exchange bonds for property to be acquired for the use and benefit of the District. . . .

Revised Law

Sec. 9059.203. CERTAIN BOND COVENANTS AUTHORIZED. A resolution authorizing the issuance of district bonds may contain any covenant the board considers necessary to ensure:

- (1) the creation and maintenance of proper reserves;
- and
- (2) the payment of the principal of and interest on the bonds. (Acts 57th Leg., R.S., Ch. 324, Sec. 4 (part).)

Source Law

Sec. 4. . . . The resolution or resolutions authorizing the issuance of the bonds may contain such covenants which in the discretion of the Board of Directors are necessary to assure the creation and maintenance of proper reserves and the payment of the principal of and interest on the bonds. . . .

Revised Law

Sec. 9059.204. MATURITY. District bonds, including refunding bonds, must mature not later than 40 years after the date of their issuance. (Acts 57th Leg., R.S., Ch. 324, Sec. 4 (part).)

Source Law

Sec. 4. . . . Such bonds may be issued to mature serially or otherwise as may be determined by the Board of Directors, the maximum maturity date not to exceed forty (40) years, and [The bonds of the District may be refunded] . . . provided the maximum maturity of the refunding bonds shall not exceed forty (40) years. . . .

Revisor's Note

Section 4, Chapter 324, Acts of the 57th Legislature, Regular Session, 1961, provides that district bonds may be issued to mature "serially or otherwise." The revised law omits the quoted language because it is superseded by Section 1201.021, Government Code (enacted as Section 3, Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil

1 Statutes)), which provides that the governing body of
2 an issuer may determine the time of payment of public
3 securities it issues, and by Section 1201.022,
4 Government Code (enacted as Section 5(a), Bond
5 Procedures Act of 1981 (Article 717k-6, Vernon's Texas
6 Civil Statutes)), which provides that a public
7 security may be issued with specified characteristics,
8 on specified terms, or in a specified manner. Sections
9 1201.021 and 1201.022, Government Code, apply to
10 district bonds under Sections 1201.002 and 1201.003,
11 Government Code.

12 Revised Law

13 Sec. 9059.205. USE OF BOND PROCEEDS. The district may
14 appropriate and pay from the proceeds of the sale of bonds the
15 interest to accrue on the bonds for a period not to exceed three
16 years from their date. (Acts 57th Leg., R.S., Ch. 324, Sec. 4
17 (part).)

18 Source Law

19 Sec. 4. . . . Interest to accrue on the bonds
20 for a period not to exceed three (3) years from their
21 date may be appropriated and paid from the proceeds
22 from the sale of the bonds.

23 . . .

24 Revised Law

25 Sec. 9059.206. BONDS SECURED BY AD VALOREM TAXES. (a) If
26 bonds have been voted, the board shall impose a continuing ad
27 valorem tax on all property in the district sufficient:

28 (1) to pay the principal and interest on the bonds as
29 the principal and interest respectively mature;

30 (2) to create and maintain any reserve required by the
31 resolution or resolutions authorizing the issuance of the bonds;

32 (3) to pay the expense of assessing and collecting the
33 tax; and

34 (4) for anticipated delinquencies in the tax payments.

35 (b) The board annually shall determine and set or cause to
36 be determined and set the rate of the ad valorem tax to be imposed

1 under this section. (Acts 57th Leg., R.S., Ch. 324, Sec. 5.)

2 Source Law

3 Sec. 5. Whenever bonds shall have been voted
4 within the District in accordance with the provisions
5 of law the Board of Directors shall levy a continuing
6 ad valorem tax upon all property within the District
7 sufficient in amount to pay the interest on such bonds
8 and the principal thereof as such interest and
9 principal respectively mature and to create and
10 maintain such reserves as may be required in the
11 resolution or resolutions authorizing the issuance of
12 such bonds, and the Board of Directors of the District
13 shall annually determine and fix, or cause to be
14 determined and fixed the rate of ad valorem tax to be
15 assessed and collected for such year upon all property
16 within said District in an amount sufficient for such
17 requirements of principal and interest and to create
18 and maintain such reserves, including an amount
19 sufficient to pay the expenses of assessing and
20 collecting such tax, and for anticipated delinquencies
21 in tax payments.

22 Revisor's Note

23 (1) Section 5, Chapter 324, Acts of the 57th
24 Legislature, Regular Session, 1961, refers to bonds
25 that have been voted "in accordance with the
26 provisions of law." The revised law omits the quoted
27 language because an election to authorize the issuance
28 of district bonds must be conducted in accordance with
29 law.

30 (2) Section 5, Chapter 324, Acts of the 57th
31 Legislature, Regular Session, 1961, refers to the
32 board's duty to "levy" a tax and to determine and fix
33 the rate of the tax to be "assessed and collected." The
34 revised law substitutes "impose" for "levy" and
35 "imposed" for "assessed and collected" because
36 "impose" is the term generally used in Title 1, Tax
37 Code, and includes the assessment, levying, and
38 collection of a tax.

39 (3) Section 5, Chapter 324, Acts of the 57th
40 Legislature, Regular Session, 1961, requires the board
41 to levy a continuing tax to pay the principal of and
42 interest on bonds. The revised law specifies that the
43 tax is an "ad valorem" tax because it is clear from the

1 source law that the tax is a property tax. Section
2 1(b), Article VIII, Texas Constitution, requires all
3 property that is taxed to be taxed in proportion to its
4 value, and accordingly "ad valorem" tax is the term
5 most commonly used in Texas law to refer to a tax on
6 property.

7 Revised Law

8 Sec. 9059.207. REFUNDING BONDS. (a) The district may issue
9 refunding bonds without an election.

10 (b) District bonds may be refunded by:

11 (1) the issuance and delivery to holders of refunding
12 bonds in lieu of the outstanding bonds; or

13 (2) the sale of refunding bonds and the use of the
14 proceeds for retiring the outstanding bonds. (Acts 57th Leg., R.S.,
15 Ch. 324, Sec. 4 (part).)

16 Source Law

17 Sec. 4. . . .

18 The bonds of the District may be refunded,
19 without the necessity of an election, either by the
20 issuance and delivery to holders of refunding bonds in
21 lieu of the outstanding bonds or through the sale of
22 refunding bonds and the use of the proceeds for
23 retiring the outstanding bonds,

24 Revisor's Note
25 (End of Subchapter)

26 (1) Section 4, Chapter 324, Acts of the 57th
27 Legislature, Regular Session, 1961, provides that
28 district bonds may be sold "at a price and under terms
29 determined by the Board of Directors to be the most
30 advantageous reasonably obtainable." The revised law
31 omits the quoted language because it is superseded by
32 general law. Section 1201.022, Government Code, as
33 amended in 2001, provides that an issuer may sell
34 public securities "under the terms determined by the
35 governing body of the issuer to be in the issuer's best
36 interests." Section 1201.022, Government Code,
37 applies to district bonds by application of Sections
38 1201.002 and 1201.003, Government Code. The omitted

1 law reads:

2 Sec. 4. . . .
3 [Such bonds] . . . may be sold at a
4 price and under terms determined by the
5 Board of Directors to be the most
6 advantageous reasonably obtainable,

7 (2) Section 4, Chapter 324, Acts of the 57th
8 Legislature, Regular Session, 1961, provides that the
9 interest cost of district bonds may not exceed six
10 percent per year. Section 4 also provides that the
11 average annual interest rate of district refunding
12 bonds, calculated to maturity, shall not be greater
13 than the average interest rate of the bonds refunded,
14 calculated to maturity. The revised law omits those
15 provisions because they are superseded by other law.
16 Chapter 3, Acts of the 61st Legislature, Regular
17 Session, 1969 (Article 717k-2, Vernon's Texas Civil
18 Statutes), now Chapter 1204, Government Code,
19 established a maximum interest rate for public
20 securities. Section 1204.006, Government Code,
21 permits a public agency to issue public securities at
22 any net effective interest rate of 15 percent or less.
23 Section 1204.006, Government Code, applies to district
24 bonds, including refunding bonds, under Sections
25 1204.001 and 1204.002, Government Code. The omitted
26 law reads:

27 Sec. 4. . . .
28 [Such bonds] . . . [may be sold] . . .
29 provided that the interest cost to the
30 District, calculated by use of standard
31 bond interest tables currently in use by
32 insurance companies and investment houses
33 does not exceed six per cent (6%) per
34 annum. . . .
35 [The bonds of the District may be
36 refunded] . . . provided that the average
37 annual interest rate of the refunding
38 bonds, calculated to maturity shall not be
39 greater than the average interest rate of
40 the bonds refunded, calculated to maturity,
41 and

42 (3) Section 4, Chapter 324, Acts of the 57th
43 Legislature, Regular Session, 1961, prohibits the

1 district from issuing bonds before the bonds and the
2 record supporting the bonds are approved by the
3 attorney general. The revised law omits that
4 provision because it duplicates in substance part of
5 Section 1202.003, Government Code. Section 1202.003,
6 Government Code, applies to district bonds under
7 Sections 1202.001 and 1202.003(c), Government Code.
8 The omitted law reads:

9 Sec. 4. . . .
10 No bonds shall be issued by the
11 District until the record supporting such
12 bonds and the bonds shall first have been
13 approved by the Attorney General. . . .

14 (4) Section 4, Chapter 324, Acts of the 57th
15 Legislature, Regular Session, 1961, provides that
16 after approval the bonds shall be registered with the
17 comptroller. The revised law omits that provision
18 because it duplicates in substance Section 1202.005,
19 Government Code. Section 1202.005, Government Code,
20 applies to district bonds under Sections 1202.001 and
21 1202.003(c), Government Code. The omitted law reads:

22 Sec. 4. . . . Bonds thus approved
23 shall be registered in the office of the
24 Comptroller of Public Accounts. . . .

25 (5) Section 4, Chapter 324, Acts of the 57th
26 Legislature, Regular Session, 1961, provides that
27 after approval and sale district bonds are negotiable
28 instruments and incontestable. The revised law omits
29 the reference to the bonds being negotiable
30 instruments because Section 1201.041, Government
31 Code, applicable to district bonds under Sections
32 1201.002 and 1201.003, Government Code, provides that
33 a public security is a negotiable instrument. The
34 revised law omits the reference to the bonds being
35 incontestable because it duplicates in substance
36 Section 1202.006, Government Code. Section 1202.006,
37 Government Code, applies to district bonds under

1 Sections 1202.001 and 1202.003(c), Government Code.

2 The omitted law reads:

3 Sec. 4. . . . Bonds thus approved by
4 the Attorney General after sale by the
5 District shall be fully negotiable
6 instruments and shall be incontestable.
7 . . .

8 (6) Section 4, Chapter 324, Acts of the 57th
9 Legislature, Regular Session, 1961, provides that
10 general law provisions "pertaining to the issuance of
11 bonds by Water Control and Improvement Districts"
12 apply to the issuance of district bonds if not in
13 conflict with the provisions of Chapter 324. The
14 revised law omits the portion of the provision
15 relating to the applicability of general law
16 provisions to the issuance of district bonds because
17 Section 2 of Chapter 324 (revised as Section 9059.101)
18 provides that the general law applicable to water
19 control and improvement districts applies to the
20 district. The revised law omits the portion of the
21 provision relating to the applicability of general law
22 provisions that are not "in conflict" with Chapter 324
23 for the reasons stated in Revisor's Note (2) to the end
24 of Subchapter B. The omitted law reads:

25 Sec. 4. . . . Provisions of the law
26 pertaining to the issuance of bonds by Water
27 Control and Improvement Districts when not
28 in conflict with the provisions of this Act
29 shall be applicable.

30 (7) Section 8, Chapter 324, Acts of the 57th
31 Legislature, Regular Session, 1961, provides for the
32 imposition of an ad valorem tax for the year 1961.
33 This provision is omitted as executed. The omitted law
34 reads:

35 Sec. 8. Ad valorem taxes for the
36 payment of bonds and interest thereon and
37 for the payment of maintenance and
38 operation costs, if voted prior to October
39 1, 1961, may be levied for the year 1961.

1 CHAPTER 9060. SAN LEON MUNICIPAL UTILITY DISTRICT OF GALVESTON
2 COUNTY, TEXAS
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25 CHAPTER 9060. SAN LEON MUNICIPAL UTILITY DISTRICT OF GALVESTON
26 COUNTY, TEXAS
27 SUBCHAPTER A. GENERAL PROVISIONS
28 Revised Law
29 Sec. 9060.001. DEFINITIONS. In this chapter:
30 (1) "Board" means the district's board of directors.
31 (2) "District" means the San Leon Municipal Utility
32 District of Galveston County, Texas. (Acts 59th Leg., R.S., Ch.
33 520, Sec. 1 (part); New.)

1 is a governmental agency and a body politic and
2 corporate.

3 Revised Law

4 Sec. 9060.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
5 The district is created to serve a public use and benefit.

6 (b) All land and other property included in the district
7 will benefit from the creation of the district and the improvements
8 the district will purchase, construct, or otherwise acquire.

9 (c) The district is essential to accomplish the purposes of
10 Section 59, Article XVI, Texas Constitution. (Acts 59th Leg.,
11 R.S., Ch. 520, Secs. 6(a) (part), 7 (part).)

12 Source Law

13 Sec. 6. (a) It is hereby found and determined
14 that all of the lands and other property included
15 within the District are, and will be, benefited by the
16 creation of the District and by the improvements that
17 the District will purchase, construct, or otherwise
18 acquire, and that the District is created to serve a
19 public use and benefit. . . .

20 Sec. 7. The Legislature hereby exercises the
21 authority conferred upon it by Section 59, Article
22 XVI, Constitution of the State of Texas, and declares
23 that the district created by this Act is essential to
24 the accomplishment of the purposes of said
25 constitutional provisions; finds that all of the land
26 and other property included therein are, and will be,
27 benefited thereby and by the improvements that the
28 District will purchase, construct, or otherwise
29 acquire; and

30 Revisor's Note

31 Section 7, Chapter 520, Acts of the 59th
32 Legislature, Regular Session, 1965, states that the
33 legislature "hereby exercises the authority conferred
34 upon it by Section 59, Article XVI, Constitution of the
35 State of Texas, and declares that" the district
36 "created by this Act" is essential to accomplish the
37 purposes of that constitutional provision. The
38 revised law omits the quoted language as executed.

39 Revised Law

40 Sec. 9060.004. APPLICABILITY OF CERTAIN STATUTES;
41 DISSOLUTION OF DISTRICT. (a) Except as provided by Subsection (b),
42 Sections 51.781-51.791, Water Code, do not apply to the district.

1 (b) The district may be dissolved by the board in accordance
2 with Sections 51.781-51.791, Water Code. (Acts 59th Leg., R.S.,
3 Ch. 520, Secs. 2 (part), 4 (part); New.)

4 Source Law

5 Sec. 2. . . . provided further that none of the
6 provisions of Section 10, Chapter 280, Acts of the 41st
7 Legislature, Regular Session, 1929 (Article 7880-77b,
8 Vernon's Texas Civil Statutes), shall apply to this
9 District. . . .

10 Sec. 4. . . . Said District may be dissolved by
11 its Board of Directors in accordance with the
12 provisions of Section 77b, Chapter 25, General Laws,
13 Acts of the 39th Legislature, Regular Session, 1925
14 (Article 7880-77b, Vernon's Civil Statutes).

15 Revisor's Note

16 (1) Sections 2 and 4, Chapter 520, Acts of the
17 59th Legislature, Regular Session, 1965, refer to
18 Article 7880-77b, Vernon's Texas Civil Statutes, using
19 different citation styles. Section 2 refers to
20 "Section 10, Chapter 280, Acts of the 41st
21 Legislature, Regular Session, 1929 (Article 7880-77b,
22 Vernon's Texas Civil Statutes)," and Section 4 refers
23 to "Section 77b, Chapter 25, General Laws, Acts of the
24 39th Legislature, Regular Session, 1925 (Article
25 7880-77b, Vernon's Civil Statutes)." Article 7880-77b
26 was codified by Chapter 58, Acts of the 62nd
27 Legislature, Regular Session, 1971, as Sections
28 51.781-51.792, Water Code. Section 51.792, Water
29 Code, was repealed by Section 85(6), Chapter 1248,
30 Acts of the 71st Legislature, Regular Session, 1989.
31 The revised law is drafted accordingly.

32 (2) Section 2, Chapter 520, Acts of the 59th
33 Legislature, Regular Session, 1965, revised as
34 Subsection (a) of this section, provides that none of
35 the provisions of Article 7880-77b, Vernon's Texas
36 Civil Statutes, now codified as Sections
37 51.781-51.791, Water Code, apply to the district. For
38 the reader's convenience, the revised law adds

1 "[e]xcept as provided by Subsection (b)," which is the
2 revised law subsection that gives the district's board
3 discretion to dissolve the district in accordance with
4 Sections 51.781-51.791, Water Code (formerly Article
5 7880-77b, Vernon's Texas Civil Statutes).

6 SUBCHAPTER B. DISTRICT TERRITORY

7 Revised Law

8 Sec. 9060.051. DISTRICT TERRITORY. The district is
9 composed of the territory described by Section 1, Chapter 520, Acts
10 of the 59th Legislature, Regular Session, 1965, as that territory
11 may have been modified under:

- 12 (1) Subchapter O, Chapter 51, Water Code;
13 (2) Subchapter J, Chapter 49, Water Code;
14 (3) Section 9060.052 or its predecessor statute,
15 former Section 4, Chapter 520, Acts of the 59th Legislature,
16 Regular Session, 1965; or
17 (4) other law. (New.)

18 Revisor's Note

19 The revision of the law governing the district
20 does not revise the statutory language describing the
21 territory of the district to avoid the lengthy
22 recitation of the description and because that
23 description may not be accurate on the effective date
24 of the revision or at the time of a later reading. For
25 the reader's convenience, the revised law includes
26 references to the statutory description of the
27 district's territory and to statutory authority to
28 change the district's territory under Subchapter O,
29 Chapter 51, Water Code, applicable to water control
30 and improvement districts, Subchapter J, Chapter 49,
31 Water Code, applicable to the district under Sections
32 49.001 and 49.002 of that chapter, and Section
33 9060.052 of this chapter or its predecessor statute,
34 Section 4, Chapter 520, Acts of the 59th Legislature,

1 Regular Session, 1965. The revised law also includes a
2 reference to the general authority of the legislature
3 to enact other laws to change the district's territory.

4 Revised Law

5 Sec. 9060.052. ADDITION OF LAND TO DISTRICT. The district
6 may not add land to the district unless:

7 (1) an owner of land adjacent or contiguous to the
8 district requests in writing that the district add land;

9 (2) the owner of the land to be added consents to the
10 addition; and

11 (3) the land is adjacent or contiguous to the district
12 when added. (Acts 59th Leg., R.S., Ch. 520, Sec. 4 (part).)

13 Source Law

14 Sec. 4. . . . Land may be added to the District
15 only by written request of an adjacent, or contiguous,
16 landowner or landowners; and no land may be added
17 without the consent of the owner thereof. No land may
18 be added which is not adjacent or contiguous to the
19 District when added. . . .

20 Revisor's Note

21 (End of Subchapter)

22 Section 4, Chapter 520, Acts of the 59th
23 Legislature, Regular Session, 1965, provides that the
24 district may exclude land in the manner provided by
25 Chapter 3A, Title 128, Revised Civil Statutes of
26 Texas, 1925. The revised law omits that provision as
27 unnecessary. The relevant provisions of that statute
28 were codified by Chapter 58, Acts of the 62nd
29 Legislature, Regular Session, 1971, as Subchapter O,
30 Chapter 51, Water Code. Chapter 715, Acts of the 74th
31 Legislature, Regular Session, 1995, repealed some of
32 the relevant provisions of Subchapter O, Chapter 51,
33 Water Code, and enacted Subchapter J, Chapter 49,
34 Water Code, to govern the addition of land to or the
35 exclusion of land from a water control and improvement
36 district and certain other districts. Subchapter J,
37 Chapter 49, Water Code, applies to the district

1 without an express reference to Subchapter J by this
2 chapter. The remaining relevant provisions of
3 Subchapter O, Chapter 51, Water Code, apply to the
4 district under Section 2, Chapter 520, Acts of the 59th
5 Legislature, Regular Session, 1965, revised in this
6 chapter as Section 9060.151, without an express
7 reference to those provisions. The omitted law reads:

8 Sec. 4. Land may be excluded from
9 said District in the manner now provided by
10 Chapter 3A, Title 128, Revised Civil
11 Statutes of Texas, 1925, as amended. . . .

12 SUBCHAPTER C. BOARD OF DIRECTORS

13 Revised Law

14 Sec. 9060.101. COMPOSITION OF BOARD. The board is composed
15 of five elected directors. (Acts 59th Leg., R.S., Ch. 520, Sec. 3
16 (part).)

17 Source Law

18 Sec. 3. The management and control of the
19 District is hereby vested in a Board of five directors
20 elections for directors shall be held,

21 Revisor's Note

22 Section 3, Chapter 520, Acts of the 59th
23 Legislature, Regular Session, 1965, provides that the
24 "management and control of the District is hereby
25 vested" in the board. The revised law omits the quoted
26 language because it duplicates in substance Sections
27 49.051 and 49.057, Water Code. Throughout this
28 chapter, the revised law omits law that is superseded
29 by Chapter 49, Water Code, or that duplicates law
30 contained in that chapter. Chapter 49, Water Code,
31 applies to the district under Sections 49.001 and
32 49.002 of that code.

33 Revisor's Note
34 (End of Subchapter)

35 (1) Section 3, Chapter 520, Acts of the 59th
36 Legislature, Regular Session, 1965, refers to the
37 powers, authority, and duties conferred and imposed on

1 the board under Chapter 3A, Title 128, Revised Civil
2 Statutes of Texas, 1925. The revised law omits the
3 reference to Chapter 3A, Title 128, Revised Statutes,
4 because the relevant parts of that chapter were
5 codified in 1971 as Chapter 51, Water Code. In 1995,
6 the legislature enacted Chapter 715, Acts of the 74th
7 Legislature, Regular Session, which repealed many
8 provisions of Chapter 51 and enacted similar
9 provisions in Chapter 49, Water Code. Chapters 51 and
10 49, Water Code, including provisions relating to the
11 board's powers, authority, and duties, apply to the
12 district on their own terms. The omitted law reads:

13 Sec. 3. . . . [a Board] . . . which
14 shall have all of the powers and authority
15 and duties conferred and imposed upon
16 boards of directors of water control and
17 improvement districts organized under the
18 provisions of Chapter 3A of Title 128,
19 Revised Civil Statutes of Texas, 1925,
20 together with all amendments thereof and
21 additions thereto. . . .

22 (2) Section 3, Chapter 520, Acts of the 59th
23 Legislature, Regular Session, 1965, provides for the
24 appointment of the initial board of directors of the
25 district, the initial meeting and organization of the
26 board, and the election of subsequent directors. The
27 revised law omits the provisions pertaining to the
28 appointment of initial directors and the initial board
29 meeting and organization as executed. The provisions
30 of Section 3 that require the election of subsequent
31 directors to be held as provided by general laws
32 relating to water control and improvement districts
33 are omitted because those provisions duplicate
34 Subchapter D, Chapter 49, Water Code, and parts of
35 Subchapter C, Chapter 51, Water Code, which govern
36 director elections and apply to the district on their
37 own terms. The omitted law reads:

38 Sec. 3. . . . The members of the
39 first Board of Directors shall be

1 F. E. Dunn, H. O. Janner, David
2 S. Baldwin, A. J. Babin, and Curtis
3 Williford. Said members shall become
4 directors immediately after this Act
5 becomes effective, and said first Board of
6 Directors shall meet and organize as soon as
7 practicable after the effective date of
8 this Act, and shall file their official
9 bonds. If any of the aforementioned members
10 of said first Board of Directors shall die,
11 become incapacitated, or otherwise not
12 qualify to assume their duties under this
13 Act, the remaining members of said Board of
14 Directors shall appoint his or their
15 successors. With the exception of said
16 first Board of Directors, the Board of
17 Directors shall be selected as provided by
18 the general laws for water control and
19 improvement districts. The first election
20 of directors of such District shall be held
21 on the second Tuesday in January, 1967, and
22 in accordance with Section 37, Chapter 25,
23 General Laws, Acts of the 39th Legislature,
24 Regular Session, 1925, as amended (Article
25 7880-37, Vernon's Texas Civil Statutes).
26 Thereafter, directors of the District shall
27 be chosen, and [elections for directors
28 shall be held,] in accordance with the
29 provisions of the general laws relating to
30 water control and improvement districts.

31 (3) Section 6(a), Chapter 520, Acts of the 59th
32 Legislature, Regular Session, 1965, provides
33 procedures for holding an election to confirm the
34 district's creation. The revised law omits the
35 provision as executed because the creation of the
36 district has been confirmed. The omitted law reads:

37 (a) . . . As soon as practicable
38 after the effective date of this Act, the
39 District's Board of Directors shall order an
40 election to be held within said District for
41 the purpose of confirming the creation of
42 said District. Said election shall be
43 called and held, and notice thereof given,
44 in the manner provided by the general laws
45 relating to confirmation elections for
46 water control and improvement districts,
47 but it shall not be necessary to elect the
48 Board of Directors named in this Act. If a
49 majority of the qualified resident voters
50 of said District voting at such election
51 vote in favor of the confirmation of the
52 District, then said District shall be
53 finally confirmed and ratified and be a
54 fully created and established water control
55 and improvement district, and such result
56 shall be declared and recorded in the deed
57 records of Galveston County, Texas, in the
58 manner provided by the general laws
59 relating to water control and improvement
60 districts.

1 SUBCHAPTER D. POWERS AND DUTIES

2 Revised Law

3 Sec. 9060.151. WATER CONTROL AND IMPROVEMENT DISTRICT
4 POWERS. The district has the rights, powers, privileges, and
5 duties provided by general law applicable to a water control and
6 improvement district created under Section 59, Article XVI, Texas
7 Constitution, including Chapters 49 and 51, Water Code. (Acts 59th
8 Leg., R.S., Ch. 520, Sec. 2 (part).)

9 Source Law

10 Sec. 2. The District shall have and exercise,
11 and is hereby vested with, all of the rights, powers,
12 privileges, and duties conferred and imposed by the
13 General Laws of the State now in force or hereafter
14 enacted, applicable to water control and improvement
15 districts created under authority of Section 59,
16 Article XVI, Constitution of the State of Texas, but
17 Without in any way limiting the generality of
18 the foregoing, it is expressly provided the District
19 shall have and exercise, and is hereby vested with, all
20 of the rights, powers, privileges, and duties
21 conferred and imposed by Chapter 3A, Title 128,
22 Revised Civil Statutes of Texas, 1925, together with
23 all amendments thereof and additions thereto,

24 Revisor's Note

25 (1) Section 2, Chapter 520, Acts of the 59th
26 Legislature, Regular Session, 1965, states that the
27 district "shall have and exercise, and is hereby
28 vested with," certain rights, powers, privileges, and
29 duties. The revised law substitutes "has" for the
30 quoted language because, in context, the terms are
31 synonymous and "has" is more commonly used.

32 (2) Section 2, Chapter 520, Acts of the 59th
33 Legislature, Regular Session, 1965, states that the
34 district has the rights, powers, privileges, and
35 duties "conferred and imposed" by general law. The
36 revised law substitutes "provided" for the quoted
37 language because regardless of whether a right, power,
38 privilege, or duty is "conferred" by general law or
39 "imposed" by general law, it is not necessary to
40 characterize in the revised law the nature of the
41 granting of that authority. In context, "provided" is

1 synonymous with "conferred and imposed" and "provided"
2 is more commonly used.

3 (3) Section 2, Chapter 520, Acts of the 59th
4 Legislature, Regular Session, 1965, refers to the
5 general laws of this state "now in force or hereafter
6 enacted." The revised law omits the quoted language
7 because it duplicates in substance accepted general
8 principles of statutory construction. The "[g]eneral
9 [l]aws of the [s]tate" means those laws "in force" at
10 the time the provision was adopted. It is unnecessary
11 to state that an entity may be granted additional
12 powers by later enacted laws because those laws apply
13 on their own terms.

14 (4) Section 2, Chapter 520, Acts of the 59th
15 Legislature, Regular Session, 1965, provides that the
16 act prevails over general law in case of a conflict or
17 other inconsistency and that all general laws
18 applicable to water control and improvement districts
19 not in conflict or inconsistent with the provisions of
20 the act are incorporated by reference. The revised law
21 omits the portion of the provision relating to the act
22 prevailing over general law because it duplicates in
23 substance Section 311.026(b), Government Code (Code
24 Construction Act). The revised law omits the portion
25 of the provision relating to incorporation of general
26 laws because Section 2 of Chapter 520 (revised as this
27 section) already provides that those laws apply to the
28 district, and it is unnecessary to repeat that
29 authority. The omitted law reads:

30 Sec. 2. [The District shall have and
31 exercise, and is hereby vested with, all of
32 the rights, powers, privileges, and duties
33 conferred and imposed by the General Laws of
34 the State now in force or hereafter enacted,
35 applicable to water control and improvement
36 districts created under authority of
37 Section 59, Article XVI, Constitution of
38 the State of Texas, but] to the extent that
39 the provisions of such General Laws may be

1 in conflict or inconsistent with the
2 provisions of this Act, the provisions of
3 this Act shall prevail. All such General
4 Laws are hereby incorporated by reference
5 with the same effect as if incorporated in
6 full in this Act. . . .

7 (5) Section 2, Chapter 520, Acts of the 59th
8 Legislature, Regular Session, 1965, provides that
9 "[w]ithout in any way limiting the generality of the
10 foregoing" powers and duties provided by general law
11 applicable to water control and improvement districts,
12 the district has certain rights, powers, privileges,
13 and duties provided by specified law. The revised law
14 omits the quoted language because an accepted
15 principle of statutory construction requires a statute
16 to be given cumulative effect with other statutes
17 unless it provides otherwise or unless the statutes
18 are in conflict. The general principle applies to this
19 revision.

20 (6) Section 2, Chapter 520, Acts of the 59th
21 Legislature, Regular Session, 1965, refers to "Chapter
22 3A, Title 128, Revised Civil Statutes of Texas, 1925,
23 together with all amendments thereof and additions
24 thereto." The revised law substitutes a reference to
25 Chapters 49 and 51, Water Code, for the quoted language
26 for the reasons stated in Revisor's Note (1) at the end
27 of Subchapter C. In addition, the revised law omits
28 the reference to "all amendments thereof and additions
29 thereto" because under Section 311.027, Government
30 Code (Code Construction Act), a reference to a statute
31 applies to all reenactments, revisions, or amendments
32 of that statute unless expressly provided otherwise.

33 (7) Section 2, Chapter 520, Acts of the 59th
34 Legislature, Regular Session, 1965, refers to certain
35 powers granted by Chapter 3A, Title 128, Revised Civil
36 Statutes of Texas, and by Article 7880-90a, Vernon's
37 Texas Civil Statutes. The revised law omits those

1 of the quoted language.

2 (2) Section 2, Chapter 520, Acts of the 59th
3 Legislature, Regular Session, 1965, refers to the
4 district's "powers and authority." The revised law
5 omits the reference to "authority" because, in
6 context, it is included in the meaning of "powers."

7 Revised Law

8 Sec. 9060.153. COST OF RELOCATING OR ALTERING PROPERTY.

9 (a) In this section, "sole expense" means the actual cost of
10 relocating, raising, lowering, rerouting, changing the grade of, or
11 altering the construction of a facility described by Subsection (b)
12 in providing comparable replacement without enhancement of the
13 facility, after deducting from that cost the net salvage value
14 derived from the old facility.

15 (b) If the district's exercise of the power of eminent
16 domain, power of relocation, or any other power granted by this
17 chapter makes necessary relocating, raising, rerouting, changing
18 the grade of, or altering the construction of a highway, railroad,
19 electric transmission line, telephone or telegraph property or
20 facility, or pipeline, the necessary action shall be accomplished
21 at the sole expense of the district. (Acts 59th Leg., R.S., Ch.
22 520, Sec. 2 (part).)

23 Source Law

24 Sec. 2. . . . If the District in the exercise of
25 the power of eminent domain or power of relocation, or
26 any other power granted hereunder, makes necessary the
27 relocation, raising, re-routing, or changing the grade
28 of, or altering the construction of, any highway,
29 railroad, electric transmission line, telephone or
30 telegraph properties and facilities, or pipeline, all
31 such necessary relocation, raising, re-routing,
32 changing of grade, or alteration of construction shall
33 be accomplished at the sole expense of the District.
34 The term "sole expense" shall mean the actual cost of
35 such relocation, raising, lowering, re-routing, or
36 change in grade or alteration of construction in
37 providing comparable replacement without enhancement
38 of such facilities after deducting therefrom the net
39 salvage value derived from the old facility.

40 Revised Law

41 Sec. 9060.154. LIMIT ON EMINENT DOMAIN POWER. The district
42 may not exercise the power of eminent domain outside the district.

1 (Acts 59th Leg., R.S., Ch. 520, Sec. 2 (part).)

2 Source Law

3 Sec. 2. . . . provided, however, that the
4 exercise of the power of eminent domain shall not
5 extend beyond the boundaries of the District. . . .

6 Revised Law

7 Sec. 9060.155. DURATION OF CONTRACT FOR WATER PURCHASE OR
8 SALE. A district contract for the purchase or sale of water may not
9 exceed 40 years. (Acts 59th Leg., R.S., Ch. 520, Sec. 2 (part).)

10 Source Law

11 Sec. 2. . . . The powers of its Board of
12 Directors shall include, but not be limited to, the
13 right to enter into contracts on behalf of said
14 District for the purchase and sale, or either, of water
15 for such periods of time, not exceeding 40 years, and
16 on such terms and conditions as its Board of Directors
17 may deem desirable. . . .

18 Revisor's Note

19 Section 2, Chapter 520, Acts of the 59th
20 Legislature, Regular Session, 1965, provides that the
21 board has "the right to enter into contracts on behalf
22 of said District for the purchase and sale, or either,
23 of water . . . on such terms and conditions as its
24 Board of Directors may deem desirable." The revised
25 law omits the quoted language because it duplicates in
26 substance a portion of Section 49.213(c), Water Code.

27 Revised Law

28 Sec. 9060.156. INSTALLATION OF STREETLIGHTS. (a) On
29 approval by a majority of the voters of the district voting at an
30 election held for that purpose, the district may:

31 (1) install, operate, and maintain street lighting in
32 a public utility easement or public right-of-way inside the
33 district; and

34 (2) assess the cost of the installation, operation,
35 and maintenance of the street lighting as an additional charge in
36 the monthly billings of the district's customers.

37 (b) The district may not use money from taxes or bonds
38 supported by taxes for a purpose described by this section.

1 (c) This section does not authorize the district to install,
2 operate, or maintain street lighting on a right-of-way that is part
3 of the designated state highway system. (Acts 59th Leg., R.S., Ch.
4 520, Sec. 2A.)

5 Source Law

6 Sec. 2A. (a) If the actions are approved by a
7 majority of the voters of the District voting at an
8 election called and held for that purpose, the
9 District may:

10 (1) install, operate, and maintain street
11 lighting within a public utility easement or public
12 right-of-way inside the District's boundaries; and

13 (2) assess the cost of installing,
14 operating, and maintaining the street lighting as an
15 additional charge in the monthly billings of the
16 District's customers.

17 (b) The District may not use money from taxes or
18 bonds supported by taxes for a purpose described by
19 this section.

20 (c) This section does not authorize the District
21 to install, operate, or maintain street lighting on
22 right-of-way that is part of the designated state
23 highway system.

24 Revisor's Note

25 Section 2A, Chapter 520, Acts of the 59th
26 Legislature, Regular Session, 1965, refers to an
27 election "called and held." The revised law omits the
28 reference to "calling" an election because, in this
29 context, "calling" an election is included in the
30 meaning of "holding" an election. Under Chapter 3,
31 Election Code, all elections must be ordered (called)
32 before they may be held.

33 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

34 Revised Law

35 Sec. 9060.201. TAX METHOD. (a) The district shall use the
36 ad valorem basis or plan of taxation.

37 (b) The board is not required to hold a hearing on the
38 adoption of a plan of taxation. (Acts 59th Leg., R.S., Ch. 520,
39 Sec. 6(b).)

40 Source Law

41 (b) The ad valorem basis or plan of taxation
42 shall be used by said District, and it shall not be
43 necessary for the Board of Directors to hold a hearing
44 on the adoption of a plan of taxation.

1 Revisor's Note
2 (End of Subchapter)

3 (1) Section 5, Chapter 520, Acts of the 59th
4 Legislature, Regular Session, 1965, lists the entities
5 for which district bonds are legal investments and
6 provides that district bonds may secure deposits of
7 public funds of the state or political subdivisions.
8 The revised law omits the provision relating to the
9 eligibility of district bonds to be considered as
10 investments for various entities because it duplicates
11 Section 49.186(a), Water Code. While Section 5 lists
12 "guardians" and Section 49.186(a), Water Code, does
13 not, Section 49.186(a) includes "fiduciaries," and a
14 guardian is a fiduciary. The revised law omits the
15 provision relating to deposits of state funds as
16 impliedly repealed by Section 404.0221, Government
17 Code (enacted in 1995), which lists eligible
18 collateral for deposits of state funds by the
19 comptroller. As to deposits of other funds, the
20 provision is impliedly repealed by Chapter 2257,
21 Government Code (enacted as Chapter 627, Acts of the
22 71st Legislature, Regular Session, 1989), which
23 governs eligible collateral for deposits of funds of
24 other public agencies, including political
25 subdivisions, and permits those deposits to be secured
26 by obligations issued by conservation and reclamation
27 districts. The omitted law reads:

28 Sec. 5. The bonds of the District
29 shall be and are hereby declared to be legal
30 and authorized investments for banks,
31 savings banks, trust companies, building
32 and loan associations, savings and loan
33 associations, insurance companies,
34 fiduciaries, trustees, guardians, and for
35 the sinking funds of cities, towns,
36 villages, counties, school districts, or
37 other political corporations or
38 subdivisions of the State. Such bonds shall
39 be eligible to secure the deposit of any and
40 all public funds of the State, and any and
41 all public funds of cities, towns,
42 villages, counties, school districts, or
43 other political corporations or

1 subdivisions of the State; and such bonds
2 shall be lawful and sufficient security for
3 said deposits to the extent of their value,
4 when accompanied by all unmatured coupons
5 appurtenant thereto. . . .

6 (2) Section 5, Chapter 520, Acts of the 59th
7 Legislature, Regular Session, 1965, provides that
8 district bonds may be in denominations of \$1,000 or
9 multiples of \$1,000. The revised law omits that
10 provision as impliedly repealed by Section 3, Chapter
11 845, Acts of the 67th Legislature, Regular Session,
12 1981 (Article 717k-6, Vernon's Texas Civil Statutes),
13 which was revised as Section 1201.021, Government
14 Code, by Section 1, Chapter 227, Acts of the 76th
15 Legislature, Regular Session, 1999. Section 1201.021,
16 Government Code, allows a public security to be issued
17 in any denomination and applies to a district bond by
18 application of Section 1201.002, Government Code. The
19 omitted law reads:

20 Sec. 5. . . . Said bonds may be in
21 the denomination of \$1,000 or in multiples
22 thereof, and

23 (3) Section 5, Chapter 520, Acts of the 59th
24 Legislature, Regular Session, 1965, provides that bond
25 proceeds may be invested in obligations of the United
26 States or placed on time deposit. The revised law
27 omits that provision as superseded by Chapter 2256,
28 Government Code (enacted as Chapter 889, Acts of the
29 70th Legislature, Regular Session, 1987), which
30 governs the investments of certain public entities.
31 The omitted law reads:

32 Sec. 5. . . . until such time as the
33 bond proceeds are needed to carry out the
34 bond purpose, such proceeds may be invested
35 in direct obligations of the United States
36 of America or may be placed on time deposit,
37 either or both.

38 Revisor's Note
39 (End of Chapter)

40 Section 8, Chapter 520, Acts of the 59th
41 Legislature, Regular Session, 1965, provides that

1 proof of publication of the constitutionally required
 2 notice has been made. The revised law omits that
 3 provision as executed. The omitted law reads:

4 Sec. 8. Proof of publication of the
 5 constitutional notice required in the
 6 enactment hereof under the provisions of
 7 Section 59(d), Article XVI, Constitution of
 8 the State of Texas, has been made in the
 9 manner provided therein and a copy of said
 10 notice and the bill as originally
 11 introduced have been delivered to the
 12 Governor of the State of Texas as required
 13 in such constitutional provision, and such
 14 notice and delivery are hereby found and
 15 declared to be proper and sufficient to
 16 satisfy such requirements.

17 CHAPTER 9061. TATTOR ROAD MUNICIPAL DISTRICT

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13	Sec. 9061.204.	ORDER OR RESOLUTION AUTHORIZING	
14		ISSUANCE OF CERTAIN BONDS	881
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16		CHAPTER 9061. TATTOR ROAD MUNICIPAL DISTRICT	
17		SUBCHAPTER A. GENERAL PROVISIONS	
18		<u>Revised Law</u>	
19	Sec. 9061.001.	DEFINITIONS. In this chapter:	
20		(1) "Board" means the district's board of directors.	
21		(2) "Director" means a member of the board.	
22		(3) "District" means the Tattor Road Municipal	
23		District. (Acts 61st Leg., R.S., Ch. 846, Sec. 1 (part); New.)	
24		<u>Source Law</u>	
25		Sec. 1. . . . [a . . . district] . . . to be	
26		known as "Tattor Road Municipal District", hereinafter	
27		called the "district",	
28		<u>Revisor's Note</u>	
29		The definitions of "board" and "director" are	
30		added to the revised law for drafting convenience and	
31		to eliminate frequent, unnecessary repetition of the	
32		substance of the definitions.	
33		<u>Revised Law</u>	
34	Sec. 9061.002.	NATURE OF DISTRICT. The district is a	
35		conservation and reclamation district in Harris County created	

1 under Section 59, Article XVI, Texas Constitution. (Acts 61st Leg.,
2 R.S., Ch. 846, Sec. 1 (part).)

3 Source Law

4 Sec. 1. Under and pursuant to the provisions of
5 Article XVI, Section 59, Constitution of Texas, a
6 conservation and reclamation district is hereby
7 created and established in Harris County, Texas, . . .
8 which shall be a governmental agency and a body politic
9 and corporate. . . .

10 Revisor's Note

11 (1) Section 1, Chapter 846, Acts of the 61st
12 Legislature, Regular Session, 1969, provides that the
13 district is "created and established." The revised
14 law omits "established" because the meaning of that
15 word is included in the meaning of "created."

16 (2) Section 1, Chapter 846, Acts of the 61st
17 Legislature, Regular Session, 1969, refers to the
18 district as "a governmental agency and a body politic
19 and corporate." The revised law omits the quoted
20 language because it duplicates a portion of Section
21 59(b), Article XVI, Texas Constitution, which provides
22 that a conservation and reclamation district is a
23 governmental agency and body politic and corporate.

24 Revised Law

25 Sec. 9061.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
26 The district is created to serve a public use and benefit.

27 (b) All land and other property included in the boundaries
28 of the district will benefit from the works and projects
29 accomplished by the district under the powers conferred by Section
30 59, Article XVI, Texas Constitution.

31 (c) The district is essential to accomplish the purposes of
32 Section 59, Article XVI, Texas Constitution.

33 (d) The accomplishment of the purposes stated in this
34 chapter will benefit the people of this state and improve their
35 property and industries.

36 (e) The district in carrying out the purposes of this
37 chapter will be performing an essential public function under the

1 Texas Constitution. (Acts 61st Leg., R.S., Ch. 846, Secs. 1 (part),
2 4, 21 (part).)

3 Source Law

4 Sec. 1. . . . The creation and establishment of
5 the district is hereby declared to be essential to the
6 accomplishment of the purposes of Article XVI, Section
7 59, Constitution of Texas.

8 Sec. 4. It is determined and found that all of
9 the land and other property included within the
10 boundaries of the district will be benefited by the
11 works and project which are to be accomplished by the
12 district pursuant to the powers conferred by the
13 provisions of Article XVI, Section 59, Constitution of
14 Texas, and that said district was and is created to
15 serve as public use and benefit.

16 Sec. 21. The accomplishment of the purposes
17 stated in this Act being for the benefit of the people
18 of this state and for the improvement of their
19 properties and industries, the district in carrying
20 out the purposes of this Act will be performing an
21 essential public function under the Constitution, and
22

23 Revisor's Note

24 Section 1, Chapter 846, Acts of the 61st
25 Legislature, Regular Session, 1969, states that the
26 "creation and establishment" of the district is
27 "hereby declared to be" essential to accomplish the
28 purposes of Section 59, Article XVI, Texas
29 Constitution. The revised law omits the quoted
30 language as executed.

31 Revised Law

32 Sec. 9061.004. DISTRICT TERRITORY. (a) The district is
33 composed of the territory described by Section 2, Chapter 846, Acts
34 of the 61st Legislature, Regular Session, 1969, as that territory
35 may have been modified under:

36 (1) Subchapter O, Chapter 51, Water Code;

37 (2) Subchapter J, Chapter 49, Water Code;

38 (3) Section 9061.005 or its predecessor statute,
39 former Section 9, Chapter 846, Acts of the 61st Legislature,
40 Regular Session, 1969; or

41 (4) other law.

42 (b) The boundaries and field notes of the district form a

1 closure. A mistake in the field notes or in copying the field notes
2 in the legislative process does not affect:

3 (1) the district's organization, existence, or
4 validity;

5 (2) the district's right to issue any type of bond for
6 a purpose for which the district is created or to pay the principal
7 of and interest on the bond;

8 (3) the district's right to impose a tax; or

9 (4) in any other manner, the legality or operation of
10 the district or its governing body. (Acts 61st Leg., R.S., Ch. 846,
11 Sec. 3; New.)

12 Source Law

13 Sec. 3. It is determined and found that the
14 boundaries and field notes of the district form a
15 closure; and if any mistake is made in copying the
16 field notes in the legislative process, or otherwise a
17 mistake is made in the field notes, it shall in no way
18 affect the organization, existence and validity of the
19 district, or the right of the district to issue any
20 type of bonds or refunding bonds for the purposes for
21 which the district is created, or to pay the principal
22 and interest thereon, or the right to assess, levy and
23 collect taxes, or in any other manner affect the
24 legality or operation of the district or its governing
25 body.

26 Revisor's Note

27 (1) The revision of the law governing the
28 district does not revise the statutory language
29 describing the territory of the district to avoid the
30 lengthy recitation of the description and because that
31 description may not be accurate on the effective date
32 of the revision or at the time of a later reading. For
33 the reader's convenience, the revised law includes
34 references to the statutory description of the
35 district's territory and to statutory authority to
36 change the district's territory under Subchapter O,
37 Chapter 51, Water Code, applicable to water control
38 and improvement districts, Subchapter J, Chapter 49,
39 Water Code, applicable to the district under Sections
40 49.001 and 49.002 of that chapter, and Section

1 9061.005 of this chapter or Section 9, Chapter 846,
2 Acts of the 61st Legislature, Regular Session, 1969,
3 from which Section 9061.005 is derived. The revised
4 law also includes a reference to the general authority
5 of the legislature to enact other laws to change the
6 district's territory.

7 (2) Section 3, Chapter 846, Acts of the 61st
8 Legislature, Regular Session, 1969, provides that a
9 mistake in the description of the district's
10 boundaries does not affect the right of the district to
11 issue "any type of bonds or refunding bonds." The
12 revised law omits the reference to "refunding bonds"
13 because refunding bonds are included in the meaning of
14 "any type of bonds."

15 (3) Section 3, Chapter 846, Acts of the 61st
16 Legislature, Regular Session, 1969, refers to the
17 district's right to "assess, levy and collect" taxes.
18 Throughout this chapter, the revised law substitutes
19 "impose" for "assess," "levy," and "collect" because
20 "impose" is the term generally used in Title 1, Tax
21 Code, and includes the assessment, levy, and
22 collection of a tax.

23 Revised Law

24 Sec. 9061.005. EXPANSION OF DISTRICT. (a) If land is
25 annexed by the district under Section 49.301 or 51.714, Water Code,
26 the board may require the petitioners to:

27 (1) assume the petitioners' pro rata share of the voted
28 but unissued bonds of the district; and

29 (2) authorize the board to impose a tax on the
30 petitioners' property to pay for the bonds after the bonds have been
31 issued.

32 (b) If land is annexed by the district under Section 49.302,
33 Water Code, the board may submit to the voters of the area to be
34 annexed a proposition on the question of the assumption by the area

1 to be annexed of its part of the voted but not yet issued or sold tax
2 or tax-revenue bonds of the district and the imposition of an ad
3 valorem tax on taxable property in the area to be annexed along with
4 a tax in the rest of the district for the payment of the bonds.

5 (c) If the petitioners consent or if the election results
6 favorably, the district may issue its voted but unissued tax or
7 tax-revenue bonds regardless of changes to district boundaries
8 since the voting or authorization of those bonds. (Acts 61st Leg.,
9 R.S., Ch. 846, Sec. 9 (part).)

10 Source Law

11 Sec. 9. [Land may be added to or annexed to the
12 district] . . . provided, however, that the board of
13 directors may require the petitioners, if land is
14 being added in the manner provided by Article 7880-75,
15 Vernon's Texas Civil Statutes, to assume their pro rata
16 share of the voted but unissued bonds of the district
17 and authorize the board to levy a tax on their property
18 in payment for such unissued bonds, when issued, or if
19 land is being annexed in the manner provided by Article
20 7880-75b, Vernon's Texas Civil Statutes, the board may
21 also submit a proposition to the property taxpaying
22 voters of the area to be annexed on the question of the
23 assumption by the area to be annexed of its part of the
24 tax or tax-revenue bonds of the district theretofore
25 voted but not yet issued or sold and the levy of an ad
26 valorem tax on all taxable property within the area to
27 be annexed along with the tax in the rest of the
28 district for the payment thereof. If the petitioners
29 consent or if the election results favorably, the
30 district shall be authorized to issue its voted but
31 unissued tax or tax-revenue bonds even though the
32 boundaries of the district have been changed since the
33 voting or authorization of such bonds.

34 Revisor's Note

35 (1) Section 9, Chapter 846, Acts of the 61st
36 Legislature, Regular Session, 1969, provides that the
37 district may add or annex land in the manner provided
38 by Chapter 3A, Title 128, Vernon's Texas Civil
39 Statutes, as amended. The revised law omits that
40 provision as unnecessary. The relevant provisions of
41 that statute were codified by Chapter 58, Acts of the
42 62nd Legislature, Regular Session, 1971, as Subchapter
43 O, Chapter 51, Water Code. Chapter 715, Acts of the
44 74th Legislature, Regular Session, 1995, repealed some
45 of the relevant provisions of Subchapter O, Chapter

1 51, Water Code, and enacted Subchapter J, Chapter 49,
2 Water Code, to govern the addition of land to a water
3 control and improvement district and certain other
4 districts. Subchapter J, Chapter 49, Water Code,
5 applies to the district without an express reference
6 to Subchapter J by this chapter. The remaining
7 relevant provisions of Subchapter O, Chapter 51, Water
8 Code, apply to the district under Section 5, Chapter
9 846, Acts of the 61st Legislature, Regular Session,
10 1969, revised in this chapter as Section 9061.101,
11 without an express reference to those provisions. The
12 revised law omits "as amended" because under Section
13 311.027, Government Code (Code Construction Act), a
14 reference to a statute applies to all reenactments,
15 revisions, or amendments of that statute, unless
16 expressly provided otherwise. The omitted law reads:

17 Sec. 9. Land may be added to or
18 annexed to the district in the manner now
19 provided by Chapter 3A, Title 128, Vernon's
20 Texas Civil Statutes, as amended;

21 (2) Section 9, Chapter 846, Acts of the 61st
22 Legislature, Regular Session, 1969, refers to Article
23 7880-75, Vernon's Texas Civil Statutes. Article
24 7880-75 was codified by Chapter 58, Acts of the 62nd
25 Legislature, Regular Session, 1971, as Sections
26 51.714-51.717, Water Code. Section 2, Chapter 778,
27 Acts of the 74th Legislature, Regular Session, 1995,
28 amended Section 51.714, Water Code, relating to the
29 addition of land to a water control and improvement
30 district by the petition of the landowner. Without
31 reference to that amendment, Chapter 715, Acts of the
32 74th Legislature, Regular Session, 1995, repealed
33 Sections 51.714-51.717, Water Code, and enacted
34 Section 49.301, Water Code, to govern the addition of
35 land to certain districts by the petition of the
36 landowner. The revised law is drafted accordingly.

1 (c) The board on its own motion may call and hold an
2 exclusion hearing under general law. (Acts 61st Leg., R.S., Ch.
3 846, Sec. 7.)

4 Source Law

5 Sec. 7. It shall not be necessary for the board
6 of directors to call or hold a hearing on the
7 exclusions of land or other property from the
8 district; provided, however, that the board shall hold
9 such hearing upon the written petition of any
10 landowner or other property owner within the district
11 filed with the secretary of the board prior to the
12 calling of the first bond election for the district.
13 The board may act on said petition in the same manner
14 that it may act on a petition for the addition of land
15 under Article 7880-75, Vernon's Texas Civil Statutes,
16 and no notice of hearing shall be required. The board
17 on its own motion may call and hold an exclusions
18 hearing or hearings in the manner provided by the
19 general law.

20 Revisor's Note

21 (1) Section 7, Chapter 846, Acts of the 61st
22 Legislature, Regular Session, 1969, provides that it
23 is not necessary for the board to call or hold a
24 hearing on the exclusion of land or other property from
25 the district unless the board receives a written
26 petition for such a hearing from an owner of land or
27 other property in the district before the calling of
28 the district's first bond election. The section also
29 provides the manner by which the board may act on the
30 petition and provides that the authority not to call or
31 hold an exclusion hearing does not prevent the board on
32 its own motion from calling and holding such a hearing
33 under general law. While the provisions relating to
34 the holding of an exclusion hearing on receipt of a
35 petition before the calling of the district's first
36 bond election and the manner by which the board may act
37 on the petition would normally be omitted as executed
38 because the district has held a bond election, and the
39 provision relating to the applicability of general law
40 would normally be omitted as applicable on its own
41 terms, the revised law retains those provisions to

1 preserve the ambiguity created by the provision giving
2 the board discretion not to call or hold an exclusion
3 hearing. It is unclear whether that provision was
4 intended to apply only until the first bond election
5 was called or whether it was intended to continue to
6 apply after that election was called. The revised law
7 is drafted accordingly.

8 (2) Section 7, Chapter 846, Acts of the 61st
9 Legislature, Regular Session, 1969, refers to Article
10 7880-75, Vernon's Texas Civil Statutes. The revised
11 law substitutes references to Sections 49.301 and
12 51.714, Water Code, for the reference to Article
13 7880-75 for the reasons stated in Revisor's Note (2) to
14 Section 9061.005.

15 Revised Law

16 Sec. 9061.007. STATE POLICY REGARDING WASTE DISPOSAL. The
17 district's powers and duties are subject to the state policy of
18 encouraging the development and use of integrated area-wide waste
19 collection, treatment, and disposal systems to serve the waste
20 disposal needs of this state's residents, if integrated systems can
21 reasonably be provided for an area, so as to avoid the economic
22 burden on residents and the impact on state water quality caused by
23 the construction and operation of numerous small waste collection,
24 treatment, and disposal facilities. (Acts 61st Leg., R.S., Ch.
25 846, Sec. 5 (part).)

26 Source Law

27 Sec. 5. . . .
28 The powers and duties conferred on the district
29 are granted subject to the policy of the state to
30 encourage the development and use of integrated
31 area-wide waste collection, treatment and disposal
32 systems to serve the waste disposal needs of the
33 citizens of the state, it being an objective of the
34 policy to avoid the economic burden to the people and
35 the impact on the quality of the waters in the state
36 which result from the construction and operation of
37 numerous small waste collection, treatment and
38 disposal facilities to serve an area when an
39 integrated area-wide waste collection, treatment and
40 disposal system for the area can be reasonably
41 provided.

1 Revisor's Note

2 Section 5, Chapter 846, Acts of the 61st
3 Legislature, Regular Session, 1969, refers to
4 "citizens" of the state. The revised law substitutes
5 "residents" for "citizens" because, in the context of
6 this section, "citizens" and "residents" are
7 synonymous and "residents" is more commonly used.

8 Revisor's Note
9 (End of Subchapter)

10 (1) Section 5, Chapter 846, Acts of the 61st
11 Legislature, Regular Session, 1969, provides that the
12 act prevails over any general law that applies to a
13 water control and improvement district and that is in
14 conflict or inconsistent with the act. The revised law
15 omits the provision because the provision duplicates
16 in substance Section 311.026(b), Government Code (Code
17 Construction Act), which provides that if there is a
18 conflict between a general provision of law and a
19 special or local provision, the special or local
20 provision prevails unless the general provision is the
21 later enactment and the manifest intent is that the
22 general provision prevail. The omitted law reads:

23 Sec. 5. [The district shall have and
24 exercise, and is hereby vested with, all of
25 the rights, powers, privileges, authority,
26 and functions conferred and imposed by the
27 general laws of this state now in force or
28 hereafter enacted, applicable to water
29 control and improvement districts created
30 under authority of Article XVI, Section 59,
31 Constitution of Texas, including without
32 limitation those conferred by Chapter 3A,
33 Title 128, Vernon's Texas Civil Statutes,
34 but] to the extent that the provisions of
35 any such general laws may be in conflict or
36 inconsistent with the provisions of this
37 Act, the provisions of this Act shall
38 prevail. . . .

39 (2) Section 5, Chapter 846, Acts of the 61st
40 Legislature, Regular Session, 1969, provides that any
41 general law applicable to water control and
42 improvement districts is adopted and incorporated by

1 reference. The revised law omits the language because
2 it is not necessary to duplicate by means of adoption
3 and incorporation the substance of general laws
4 applicable to the district. The omitted law reads:

5 Sec. 5. . . . All such general laws
6 are hereby adopted and incorporated by
7 reference with the same effect as if
8 incorporated in full in this Act.
9 . . .

10 (3) Section 5, Chapter 846, Acts of the 61st
11 Legislature, Regular Session, 1969, refers to the
12 continuing right of this state to supervise the
13 district through the Texas Water Rights Commission.
14 The revised law omits the provision because the Texas
15 Commission on Environmental Quality is the successor
16 to the Texas Water Rights Commission, and therefore
17 the provision duplicates in substance part of Section
18 12.081, Water Code, which subjects certain special
19 districts and authorities, including the district, to
20 supervision by the commission. The omitted law reads:

21 Sec. 5. . . .
22 The rights, powers, privileges,
23 authority and functions herein granted to
24 the district shall be subject to the
25 continuing right of supervision of the
26 state, to be exercised by and through the
27 Texas Water Rights Commission.
28 . . .

29 (4) Section 20, Chapter 846, Acts of the 61st
30 Legislature, Regular Session, 1969, provides that
31 Article 970a, Vernon's Texas Civil Statutes (Municipal
32 Annexation Act), does not apply to the creation of the
33 district. The revised law omits that provision as
34 executed. The omitted law reads:

35 Sec. 20. This district is hereby
36 created notwithstanding any of the
37 provisions of the Municipal Annexation Act,
38 being Article 970a, Vernon's Texas Civil
39 Statutes, as amended, and to the extent of
40 the creation of the district only, said
41 Article 970a shall have no
42 application. . . .

43 (5) Section 20, Chapter 846, Acts of the 61st

1 Legislature, Regular Session, 1969, provides that the
2 district is subject to certain other laws. The revised
3 law omits that provision because the laws cited, as
4 codified, apply by their own terms. In 1987, Article
5 970a, Vernon's Texas Civil Statutes (Municipal
6 Annexation Act), was codified as Chapters 42 and 43,
7 Local Government Code, and Section 212.003, Local
8 Government Code, and Article 1182c-1, Vernon's Texas
9 Civil Statutes, was codified as Sections 43.074,
10 43.075, and 43.081, Local Government Code.

11 The revised law omits the reference to "as
12 amended" with respect to Article 1182c-1 for the
13 reason stated in Revisor's Note (1) to Section
14 9061.005. The omitted law reads:

15 Sec. 20. . . . In all other respects,
16 the district hereby created is expressly
17 made subject to all provisions of said
18 Article 970a. District shall also be
19 subject to the provisions of Article
20 1182C-1, Vernon's Texas Civil Statutes, as
21 amended.

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Revised Law

24 Sec. 9061.051. COMPOSITION OF BOARD. The board consists of
25 five elected directors. (Acts 61st Leg., R.S., Ch. 846, Sec. 10
26 (part).)

27 Source Law

28 Sec. 10. All powers of the district shall be
29 exercised by a board of five directors. . . .
30 Succeeding directors shall be elected or

31 Revisor's Note

32 (1) Section 10, Chapter 846, Acts of the 61st
33 Legislature, Regular Session, 1969, provides that
34 "[a]ll powers of the district shall be exercised by"
35 the board. The revised law omits that provision
36 because it duplicates in substance provisions of
37 Sections 49.051 and 49.057, Water Code. Throughout
38 this chapter, the revised law omits law that is

1 superseded by Chapter 49, Water Code, or that
2 duplicates law contained in that chapter. Chapter 49,
3 Water Code, applies to the district under Sections
4 49.001 and 49.002 of that chapter.

5 (2) Section 10, Chapter 846, Acts of the 61st
6 Legislature, Regular Session, 1969, refers to
7 "[s]ucceeding directors" to distinguish the
8 succeeding directors from the initial directors named
9 in that section. The revised law omits "succeeding"
10 because all provisions referring to initial directors
11 are omitted as executed and the distinction is no
12 longer required.

13 Revised Law

14 Sec. 9061.052. APPOINTMENT OF TREASURER. The board may
15 appoint the treasurer. (Acts 61st Leg., R.S., Ch. 846, Sec. 10
16 (part).)

17 Source Law

18 Sec. 10. . . . The treasurer may be appointed
19 by the board, and

20 Revised Law

21 Sec. 9061.053. DIRECTOR AND TREASURER BONDS. (a) Each
22 director shall qualify by giving bond in the amount of \$5,000 for
23 the faithful performance of the director's duties.

24 (b) The directors' bonds must be recorded in a record kept
25 for that purpose in the district's office.

26 (c) The treasurer shall give bond in the amount required by
27 the board, conditioned on the treasurer's faithful accounting for
28 all money that comes into the treasurer's custody as district
29 treasurer. (Acts 61st Leg., R.S., Ch. 846, Sec. 10 (part).)

30 Source Law

31 Sec. 10. . . . Each director shall qualify by
32 . . . giving bond in the amount of Five Thousand
33 Dollars (\$5,000) for the faithful performance of his
34 duties. . . . The bonds of directors . . . shall be
35 recorded in a record kept for that purpose in the
36 office of the district. . . . [The treasurer] . . .
37 shall give bond in such amount as may be required by
38 the board and conditioned that he or it will faithfully
39 account for all money which shall come into his or its

1 custody as treasurer of the district.

2 Revisor's Note

3 (1) Section 10, Chapter 846, Acts of the 61st
4 Legislature, Regular Session, 1969, provides that each
5 director shall qualify by subscribing to the
6 constitutional oath of office. The revised law omits
7 that provision because Section 1, Article XVI, Texas
8 Constitution, requires all officers in this state to
9 take the oath (or affirmation) before assuming office.
10 The omitted law reads:

11 Sec. 10. . . . [Each director shall
12 qualify by] subscribing to the
13 Constitutional oath of office and

14 (2) Section 10, Chapter 846, Acts of the 61st
15 Legislature, Regular Session, 1969, requires the
16 district to pay the cost of a director's bond and the
17 bond to be approved by the board. The revised law
18 omits that provision because it duplicates in
19 substance Section 49.055(c), Water Code. The omitted
20 law reads:

21 Sec. 10. . . . The cost of such bond
22 shall be paid by the district. . . . [The
23 bonds of directors] elected or appointed
24 after the directors named below shall be
25 approved by the district's board of
26 directors and

27 (3) Section 10, Chapter 846, Acts of the 61st
28 Legislature, Regular Session, 1969, requires each
29 director to give bond and provides that "[s]uch bond"
30 shall be approved by the county judge and filed in the
31 office of the county clerk of the county within which
32 the district is located. That section also provides
33 that the bonds of directors elected or appointed after
34 the initial directors shall be approved by the board
35 and shall be recorded in a record kept for that purpose
36 in the district's office. Because the provision
37 requiring directors' bonds to be approved by the county
38 judge and filed in the county clerk's office is

1 followed by a provision requiring bonds of successor
2 directors to be approved by the board and recorded in
3 the district's records, it appears from the context
4 that the provision requiring directors' bonds to be
5 approved by the county judge and filed in the office of
6 the county clerk applies only to the bond of an initial
7 director. Accordingly, the revised law omits that
8 provision as executed. The omitted law reads:

9 Sec. 10. . . . Such bond shall be
10 approved by the county judge and filed in
11 the office of the county clerk within which
12 the district is located. . . .

13 Revised Law

14 Sec. 9061.054. BOARD VACANCY. (a) Except as provided by
15 Subsection (b), a vacancy in the office of director shall be filled
16 in the manner provided by Section 49.105, Water Code.

17 (b) The county judge of Harris County shall appoint
18 directors to fill all of the vacancies on the board if the number of
19 qualified directors is less than three. (Acts 61st Leg., R.S., Ch.
20 846, Sec. 10 (part).)

21 Source Law

22 Sec. 10. . . . All vacancies in the office of
23 director shall be filled in the manner provided by
24 Article 7880-38, Vernon's Texas Civil Statutes;
25 provided, however, if at any time the number of
26 qualified directors shall be less than three because
27 of the failure or refusal of one or more directors to
28 qualify or serve, or because of his or their death or
29 incapacitation, or for any other reason, then the
30 county judge of the county in which the district is
31 located shall appoint the necessary number of
32 directors to fill all vacancies on the board. . . .

33 Revisor's Note

34 (1) Section 10, Chapter 846, Acts of the 61st
35 Legislature, Regular Session, 1969, refers to Article
36 7880-38, Vernon's Texas Civil Statutes. Article
37 7880-38 was codified by Chapter 58, Acts of the 62nd
38 Legislature, Regular Session, 1971, as Section 51.082,
39 Water Code. Chapter 715, Acts of the 74th Legislature,
40 Regular Session, 1995, repealed Section 51.082, Water
41 Code, and enacted Section 49.105, Water Code, to

1 govern a vacancy in the office of director of certain
2 districts, including water control and improvement
3 districts. The revised law is drafted accordingly.

4 (2) Section 10, Chapter 846, Acts of the 61st
5 Legislature, Regular Session, 1969, refers to a
6 vacancy in the office of director "because of the
7 failure or refusal of one or more directors to qualify
8 or serve, or because of his or their death or
9 incapacitation, or for any other reason." The revised
10 law omits the quoted language because it merely
11 describes every manner in which a vacancy may occur
12 without limiting in any way the board's duty to fill a
13 vacancy.

14 (3) Section 10, Chapter 846, Acts of the 61st
15 Legislature, Regular Session, 1969, requires that
16 certain vacancies on the board be filled by the county
17 judge of "the county in which the district is located."
18 Throughout this chapter, the revised law substitutes
19 "Harris County" for the quoted language because Harris
20 County is the county in which the district is located.

21 Revised Law

22 Sec. 9061.055. BOARD PRESIDENT'S POWER TO EXECUTE
23 CONTRACTS. The board president may execute all contracts, including
24 construction contracts, entered into by the board on behalf of the
25 district. (Acts 61st Leg., R.S., Ch. 846, Sec. 10 (part).)

26 Source Law

27 Sec. 10. . . . The president may execute all
28 contracts, construction or otherwise, entered into by
29 the board of directors on behalf of the district. . . .

30 Revised Law

31 Sec. 9061.056. ABSENCE OR INACTION OF BOARD PRESIDENT. (a)
32 When the board president is absent or fails or declines to act, the
33 board vice president shall perform all duties and exercise all
34 power that this chapter or general law gives the president.

35 (b) If the board president is absent from a board meeting,

1 the board vice president may sign an order adopted or other action
2 taken at the meeting, or the board may authorize the president to
3 sign the order or action. (Acts 61st Leg., R.S., Ch. 846, Sec. 10
4 (part).)

5 Source Law

6 Sec. 10. . . . The vice president shall perform
7 all duties and exercise all power conferred by this Act
8 or the general law upon the president when the
9 president is absent or fails or declines to act. Any
10 order adopted or other action taken at a meeting of the
11 board of directors at which the president is absent may
12 be signed by the vice president, or the board may
13 authorize the president to sign such order or other
14 action. . . .

15 Revised Law

16 Sec. 9061.057. DISTRICT OFFICE. (a) The board shall
17 designate, establish, and maintain a district office as provided by
18 Section 49.062, Water Code.

19 (b) The board may establish a second district office outside
20 the district. If the board establishes a district office outside
21 the district, the board shall give notice of the location of that
22 office by:

23 (1) filing a copy of the board resolution that
24 establishes the location of the office:

25 (A) with the Texas Commission on Environmental
26 Quality; and

27 (B) in the water control and improvement district
28 records of Harris County; and

29 (2) publishing the location of the office in a
30 newspaper of general circulation in Harris County.

31 (c) A district office may be a private residence, office, or
32 dwelling. A district office that is a private residence, office, or
33 dwelling is a public place for matters relating to the district's
34 business.

35 (d) The board shall give notice of any change in the
36 location of the district office outside the district in the manner
37 required by Subsection (b). (Acts 61st Leg., R.S., Ch. 846, Sec.
38 15.)

1 copy" of a document. The revised law omits "true"
2 because a copy, by definition, accurately reflects the
3 content of the original document.

4 (3) Section 15, Chapter 846, Acts of the 61st
5 Legislature, Regular Session, 1969, refers to the
6 "Texas Water Rights Commission." The revised law
7 substitutes "Texas Commission on Environmental
8 Quality" for "Texas Water Rights Commission" to
9 reflect the current name of the agency with the
10 relevant regulatory authority.

11 Revisor's Note
12 (End of Subchapter)

13 (1) Section 10, Chapter 846, Acts of the 61st
14 Legislature, Regular Session, 1969, provides that each
15 director shall serve until the director's successor is
16 elected or appointed and qualified. The revised law
17 omits that provision because Section 17, Article XVI,
18 Texas Constitution, requires an officer in this state
19 to continue to perform the officer's duties until a
20 successor has qualified. The omitted law reads:

21 Sec. 10. . . . Each director shall
22 serve for his term of office as herein
23 provided, and thereafter until his
24 successor shall be elected or appointed and
25 qualified. . . .

26 (2) Section 10, Chapter 846, Acts of the 61st
27 Legislature, Regular Session, 1969, names the initial
28 directors, requires them to qualify to serve as
29 directors before the first board meeting, and provides
30 that the named directors or their successors shall
31 serve until the second Tuesday in January 1971. The
32 revised law omits those provisions as executed. The
33 omitted law reads:

34 Sec. 10. . . . Immediately after
35 this Act becomes effective, the following
36 named persons shall be the directors of the
37 district and shall constitute the board of
38 directors of the district: James Joseph
39 Murphy, III, James S. Diggles, J. Richard
40 Conger, John Randolph Black and Charles Don

1 Brice. Said persons shall file their bonds
2 as soon as practicable after the effective
3 date of this Act and shall otherwise be
4 fully qualified to serve as director prior
5 to the first meeting of the board of
6 directors. . . . The Directors named above
7 or their duly appointed successor or
8 successors shall serve until the second
9 Tuesday in January, 1971. . . .

10 (3) Section 10, Chapter 846, Acts of the 61st
11 Legislature, Regular Session, 1969, provides for
12 directors to be elected or appointed and to serve for
13 the term and in the manner provided by Article 7880-37,
14 Vernon's Texas Civil Statutes. Article 7880-37 was
15 codified by Chapter 58, Acts of the 62nd Legislature,
16 Regular Session, 1971, as Section 51.073, Water Code.
17 Chapter 715, Acts of the 74th Legislature, Regular
18 Session, 1995, repealed Section 51.073, Water Code,
19 and enacted Section 49.103, Water Code, to govern the
20 terms of office of a director of a water control and
21 improvement district and certain other water districts
22 that are required by law to elect their directors.
23 Section 49.103, Water Code, applies to the district
24 without an express reference to that section by this
25 chapter. The revised law omits "appointed" because it
26 is clear from the context of Section 10 that the
27 reference applies only to directors appointed to fill
28 vacancies as provided by Chapter 49, Water Code. The
29 omitted law reads:

30 Sec. 10. . . . [Succeeding directors
31 shall be elected or] appointed and shall
32 serve for the term and in the manner
33 provided by Article 7880-37, Vernon's Texas
34 Civil Statutes. . . .

35 (4) Section 10, Chapter 846, Acts of the 61st
36 Legislature, Regular Session, 1969, provides that
37 three directors constitute a quorum and that a
38 concurrence of three directors is sufficient in all
39 matters relating to the business of the district,
40 including certain construction matters. The revised
41 law omits that provision because it duplicates in

1 substance Section 49.053, Water Code. The omitted law
2 reads:

3 Sec. 10. . . . Three directors shall
4 constitute a quorum of any meeting, and a
5 concurrence of three shall be sufficient in
6 all matters pertaining to the business of
7 the district including the letting of
8 construction contracts and the drawing of
9 warrants in payment for construction work,
10 the purchase of existing facilities, and
11 matters relating to construction work.
12 . . .

13 (5) Section 10, Chapter 846, Acts of the 61st
14 Legislature, Regular Session, 1969, provides for the
15 selection of officers by the board. The revised law
16 omits those provisions because they duplicate in
17 substance Section 49.054, Water Code. The omitted law
18 reads:

19 Sec. 10. . . . The board shall
20 select from its number a president, vice
21 president, secretary and such other
22 officers as in the judgment of the board is
23 necessary. . . .

24 SUBCHAPTER C. POWERS AND DUTIES

25 Revised Law

26 Sec. 9061.101. WATER CONTROL AND IMPROVEMENT DISTRICT
27 POWERS. The district has all of the rights, powers, privileges, and
28 functions provided by general law applicable to water control and
29 improvement districts created under Section 59, Article XVI, Texas
30 Constitution, including Chapters 49 and 51, Water Code. (Acts 61st
31 Leg., R.S., Ch. 846, Sec. 5 (part).)

32 Source Law

33 Sec. 5. The district shall have and exercise,
34 and is hereby vested with, all of the rights, powers,
35 privileges, authority, and functions conferred and
36 imposed by the general laws of this state now in force
37 or hereafter enacted, applicable to water control and
38 improvement districts created under authority of
39 Article XVI, Section 59, Constitution of Texas,
40 including without limitation those conferred by
41 Chapter 3A, Title 128, Vernon's Texas Civil Statutes,
42 but

43 Revisor's Note

44 (1) Section 5, Chapter 846, Acts of the 61st
45 Legislature, Regular Session, 1969, provides that the

1 district "shall have and exercise, and is hereby
2 vested with" certain powers. The revised law
3 substitutes "has" for the quoted language because, in
4 context, the terms are synonymous and "has" is more
5 commonly used.

6 (2) Section 5, Chapter 846, Acts of the 61st
7 Legislature, Regular Session, 1969, refers to "rights,
8 powers, privileges, [and] authority" of the district.
9 The revised law omits "authority" as included in the
10 meaning of "powers."

11 (3) Section 5, Chapter 846, Acts of the 61st
12 Legislature, Regular Session, 1969, states that the
13 district has the rights, powers, privileges,
14 authority, and functions "conferred and imposed" by
15 general law. The revised law substitutes "provided"
16 for the quoted language because regardless of whether
17 a right, power, privilege, authority, or function is
18 "conferred" by general law or "imposed" by general
19 law, it is not necessary to characterize in the revised
20 law the nature of the granting of that authority. In
21 context, "provided" is synonymous with "conferred and
22 imposed" and "provided" is more commonly used.

23 (4) Section 5, Chapter 846, Acts of the 61st
24 Legislature, Regular Session, 1969, states that the
25 district has the rights, powers, privileges,
26 authority, and functions conferred by the general laws
27 of this state "now in force or hereafter enacted." The
28 revised law omits the quoted language as unnecessary
29 under accepted general principles of statutory
30 construction. The "general laws of this state" means
31 those laws "in force" at the time the provision was
32 adopted. It is unnecessary to state that the district
33 may be granted additional powers by later enacted laws
34 because those laws apply on their own terms.

1 (B) the transportation, treatment, and disposal
2 of the domestic, industrial, or communal wastes of the district or
3 others;

4 (C) the continuing and orderly development of
5 land and property in the district through the purchase,
6 construction, or installation of facilities, works, or
7 improvements that the district is otherwise authorized to do or
8 perform so that, to the greatest extent reasonably possible,
9 considering sound engineering and economic practices, all of the
10 land and property may ultimately receive the services of the
11 facilities, works, or improvements; and

12 (D) the performance of any of the rights or
13 powers granted by this chapter or general law relating to water
14 control and improvement districts.

15 (b) A contract under Subsection (a)(2) may not have a
16 duration of more than 40 years. (Acts 61st Leg., R.S., Ch. 846,
17 Sec. 5 (part).)

18 Source Law

19 Sec. 5. . . .

20 Not by way of limitation, the district shall have
21 and is hereby expressly granted the following rights,
22 powers, privileges and functions:

23 (a) The power and authority to make, purchase,
24 construct, lease, or otherwise acquire property,
25 works, facilities, and improvements (whether
26 previously existing or to be made, constructed or
27 acquired) within or without the boundaries of the
28 district necessary to carry out the powers and
29 authority granted by this Act and the general laws.

30 (b) The right, power, and authority to enter
31 into contracts, of not exceeding 40 years duration
32 with persons, corporations, public or private,
33 municipal corporations, political subdivisions of the
34 State of Texas, and others, on such terms and
35 conditions as the board of directors may deem
36 desirable, fair and advantageous for:

37 (1) the purchase and sale of water, or
38 either;

39 (2) the transportation, treatment and
40 disposal of its domestic, industrial or communal
41 wastes or the transportation, treatment and disposal
42 of domestic, industrial or communal wastes of others;

43 (3) the continuing and orderly development
44 of the lands and property within the district through
45 the purchase, construction or installation of
46 facilities, works or improvements which the district
47 may otherwise be empowered and authorized to do or
48 perform so that, to the greatest extent reasonably
49 possible, considering sound engineering and economic
50 practices, all of such lands and property may be placed

1 in a position to ultimately receive the services of
2 such facilities, works or improvements; and
3 (4) the performance of any of the rights or
4 powers granted in this Act and the general laws
5 relating to water control and improvement districts.
6 . . .

7 Revisor's Note

8 (1) Section 5, Chapter 846, Acts of the 61st
9 Legislature, Regular Session, 1969, provides that,
10 "[n]ot by way of limitation," the district is granted
11 certain specified rights, powers, privileges, and
12 functions. The revised law omits the quoted language
13 because it is an accepted general principle of
14 statutory construction that a grant of a right, power,
15 privilege, or function does not act as a limitation.
16 The general principle applies to this revision.

17 (2) Section 5, Chapter 846, Acts of the 61st
18 Legislature, Regular Session, 1969, provides that the
19 district "shall have and is hereby expressly granted
20 the following rights, powers, privileges and
21 functions" and that the district has the "power and
22 authority" and the "right, power, and authority" to
23 take certain actions. The revised law substitutes
24 "may" for the quoted language because that term is more
25 concise and is the substantive equivalent of the
26 quoted language.

27 (3) Section 5, Chapter 846, Acts of the 61st
28 Legislature, Regular Session, 1969, refers to the
29 "powers and authority" granted by the act and general
30 laws. The revised law omits "authority" for the reason
31 stated in Revisor's Note (2) to Section 9061.101.

32 (4) Section 5, Chapter 846, Acts of the 61st
33 Legislature, Regular Session, 1969, refers to the
34 power of the district to enter into contracts with
35 persons, "corporations, public or private, municipal
36 corporations, political subdivisions of the State of
37 Texas, and others." The revised law omits the quoted

1 language because under Section 311.005(2), Government
2 Code (Code Construction Act), "person" is defined to
3 include any legal entity.

4 (5) Section 5, Chapter 846, Acts of the 61st
5 Legislature, Regular Session, 1969, provides that the
6 district may enter into a contract on "terms and
7 conditions" the board considers desirable, fair, and
8 advantageous. The revised law omits "conditions"
9 because "conditions" is included in the meaning of
10 "terms."

11 (6) Section 5, Chapter 846, Acts of the 61st
12 Legislature, Regular Session, 1969, refers to
13 activities the district is "empowered and authorized"
14 to do or perform. The revised law omits "empowered" in
15 this context as included in the meaning of
16 "authorized."

17 Revised Law

18 Sec. 9061.103. LIMIT ON EMINENT DOMAIN. The district may
19 exercise the power of eminent domain only:

20 (1) in Harris County; and

21 (2) when necessary to carry out the purposes for which
22 the district was created. (Acts 61st Leg., R.S., Ch. 846, Sec. 13
23 (part).)

24 Source Law

25 Sec. 13. The power of eminent domain of the
26 district shall be limited to the county or counties in
27 which the district is situated, and to situations
28 where the exercise of such power is necessary in order
29 to carry out the purposes for which the district was
30 created. . . .

31 Revised Law

32 Sec. 9061.104. COST OF RELOCATING OR ALTERING PROPERTY.

33 (a) In this section, "sole expense" means the actual cost of
34 relocating, raising, lowering, rerouting, changing the grade of, or
35 altering the construction of a facility described by Subsection (b)
36 in providing comparable replacement without enhancement of the
37 facility, after deducting from that cost the net salvage value

1 derived from the old facility.

2 (b) If the district's exercise of the power of eminent
3 domain makes necessary relocating, raising, rerouting, changing
4 the grade of, or altering the construction of a highway, railroad,
5 electric transmission line, telegraph or telephone property or
6 facility, or pipeline, the necessary action shall be accomplished
7 at the sole expense of the district. (Acts 61st Leg., R.S., Ch.
8 846, Sec. 13 (part).)

9 Source Law

10 Sec. 13. . . . In the event that the district,
11 in the exercise of the power granted hereunder, makes
12 necessary the relocation, raising, rerouting or
13 changing the grade of, or altering the construction
14 of, any highway, railroad, electric transmission line,
15 telegraph or telephone properties and facilities, or
16 pipeline, all such necessary relocation, raising,
17 rerouting, changing of grade or alteration of
18 construction shall be accomplished at the sole expense
19 of the district. The term "sole expense" shall mean the
20 actual cost of such relocation, raising, lowering,
21 rerouting, or change in grade or alteration of
22 construction in providing comparable replacement
23 without enhancement of such facilities, after
24 deducting therefrom the net salvage value derived from
25 the old facility.

26 Revised Law

27 Sec. 9061.105. NOTICE OF ELECTION. Notice of an election
28 may be given under the hand of the board president or secretary.
29 (Acts 61st Leg., R.S., Ch. 846, Sec. 18 (part).)

30 Source Law

31 Sec. 18. Notice of all elections may be given
32 under the hand of either the president or the secretary
33 of the district. . . .

34 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

35 Revised Law

36 Sec. 9061.151. TAX METHOD. (a) The district shall use the
37 ad valorem plan of taxation.

38 (b) The board is not required to call or hold a hearing on
39 the adoption of a plan of taxation. (Acts 61st Leg., R.S., Ch. 846,
40 Sec. 8.)

41 Source Law

42 Sec. 8. The ad valorem plan of taxation shall be
43 used by the district and it shall not be necessary for
44 the board of directors to call or hold a hearing on the

1 adoption of a plan of taxation.

2 Revised Law

3 Sec. 9061.152. DISTRICT ACCOUNTS. The district shall keep
4 a complete system of the district's accounts. (Acts 61st Leg.,
5 R.S., Ch. 846, Sec. 14 (part).)

6 Source Law

7 Sec. 14. . . .
8 A complete system of accounts shall be kept by the
9 district and

10 Revised Law

11 Sec. 9061.153. COPY OF AUDIT REPORT. A copy of the audit
12 report prepared under Subchapter G, Chapter 49, Water Code, shall
13 be delivered:

14 (1) to each director; and

15 (2) to a holder of at least 25 percent of the
16 outstanding bonds of the district, on request. (Acts 61st Leg.,
17 R.S., Ch. 846, Sec. 14 (part); New.)

18 Source Law

19 Sec. 14. . . . A written report of the audit
20 shall be delivered to each member of the board of
21 directors . . . a copy of such audit report shall be
22 delivered upon request to the holder or holders of at
23 least twenty-five percent of the then outstanding
24 bonds of the district; and

25 Revisor's Note

26 (1) Section 14, Chapter 846, Acts of the 61st
27 Legislature, Regular Session, 1969, refers to various
28 audit procedures, including who may receive a copy of
29 the audit report. As detailed in the revisor's notes
30 that follow, procedures contained in Section 14 that
31 conflict with Subchapter G, Chapter 49, Water Code,
32 have been omitted as superseded by Section 49.191(b),
33 Water Code, which states that Subchapter G "shall take
34 precedence over all prior statutory enactments."
35 Subchapter G, Chapter 49, Water Code, was enacted in
36 1995 by Section 2, Chapter 715, Acts of the 74th
37 Legislature, Regular Session. For context and the
38 convenience of the reader, the revised law adds a

1 reference to the audit report required by Subchapter
2 G, Chapter 49, Water Code.

3 (2) Section 14, Chapter 846, Acts of the 61st
4 Legislature, Regular Session, 1969, provides that an
5 annual audit of the district's affairs shall be
6 prepared by an independent certified public accountant
7 or a firm of independent certified public accountants
8 of recognized integrity and ability. The revised law
9 omits that provision as superseded by Sections
10 49.191(b) and (c), Water Code (enacted by Section 2,
11 Chapter 715, Acts of the 74th Legislature, Regular
12 Session, 1995). The omitted law reads:

13 Sec. 14. . . . an audit of its
14 affairs for each year shall be prepared by
15 an independent certified public accountant,
16 or a firm of independent certified public
17 accountants, of recognized integrity and
18 ability. . . .

19 (3) Section 14, Chapter 846, Acts of the 61st
20 Legislature, Regular Session, 1969, provides that a
21 written report of the audit shall be delivered to each
22 board member not later than 90 days after the close of
23 each fiscal year. The revised law omits the deadline
24 for delivery of the report as superseded by Sections
25 49.191(b) and (d), Water Code (enacted by Section 2,
26 Chapter 715, Acts of the 74th Legislature, Regular
27 Session, 1995). The omitted law reads:

28 Sec. 14. . . . [A written report of
29 the audit shall be delivered to each member
30 of the board of directors] not later than 90
31 days after the close of each fiscal year;
32 and

33 (4) Section 14, Chapter 846, Acts of the 61st
34 Legislature, Regular Session, 1969, provides that at
35 least five copies of the audit report shall be
36 delivered to the district office and that one of those
37 copies shall constitute a public record. The revised
38 law omits those provisions as superseded by Sections
39 49.191(b), 49.194(c), and 49.196(b), Water Code

1 (enacted by Section 2, Chapter 715, Acts of the 74th
2 Legislature, Regular Session, 1995). The omitted law
3 reads:

4 Sec. 14. . . . at least five
5 additional copies of said audit shall be
6 delivered to the office of the district, one
7 of which shall be kept on file, and shall
8 constitute a public record open to
9 inspection by any interested person or
10 persons within normal office hours; and
11

12 (5) Section 14, Chapter 846, Acts of the 61st
13 Legislature, Regular Session, 1969, provides that one
14 copy of the audit report shall be filed with the Texas
15 Water Rights Commission. The revised law omits that
16 provision as superseded by Sections 49.191(b) and
17 49.194(a), Water Code (enacted by Section 2, Chapter
18 715, Acts of the 74th Legislature, Regular Session,
19 1995). The omitted law reads:

20 Sec. 14. . . . one copy of such audit
21 report shall be filed with the Texas Water
22 Rights Commission. . . .

23 (6) Section 14, Chapter 846, Acts of the 61st
24 Legislature, Regular Session, 1969, provides that the
25 district shall pay the cost of the audit. The revised
26 law omits that provision because it duplicates Section
27 49.191(a), Water Code. The omitted law reads:

28 Sec. 14. . . . The cost of such audit
29 shall be paid for by the district.

30 Revised Law

31 Sec. 9061.154. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED.

32 The district is not required to pay a tax or assessment on:

33 (1) district property; or

34 (2) a purchase made by the district. (Acts 61st Leg.,
35 R.S., Ch. 846, Sec. 21 (part).)

36 Source Law

37 Sec. 21. . . . the district shall not be
38 required to pay any tax or assessment on its properties
39 or any part thereof or on any purchases made by the
40 district.

1 Revised Law

2 Sec. 9061.155. DEPOSITORY. (a) The board shall select one
3 or more banks in this state to act as depository for the district's
4 money.

5 (b) To the extent that money in the depository bank is not
6 insured by the Federal Deposit Insurance Corporation, the money
7 must be secured in the manner provided by law for the security of
8 county funds.

9 (c) A director may be a shareholder in a bank that is a
10 depository of district money. (Acts 61st Leg., R.S., Ch. 846, Sec.
11 14 (part).)

12 Source Law

13 Sec. 14. The board of directors of the district
14 shall select any bank or banks in the State of Texas to
15 act as depository or depositories for the funds of the
16 district. To the extent that funds in the depository
17 bank or banks are not insured by the Federal Deposit
18 Insurance Corporation, they shall be secured in the
19 manner provided by law for the security of county
20 funds. Any director of the district may be a
21 shareholder in said depository bank or banks.
22 . . .

23 Revisor's Note

24 Section 14, Chapter 846, Acts of the 61st
25 Legislature, Regular Session, 1969, refers to the
26 district's "funds." Throughout this chapter, the
27 revised law substitutes "money" for "funds" because,
28 in the context of district funds, the meaning is the
29 same and "money" is the more commonly used term.

30 Revisor's Note
31 (End of Subchapter)

32 Section 14, Chapter 846, Acts of the 61st
33 Legislature, Regular Session, 1969, provides that the
34 district's fiscal year is January 1 to December 31
35 unless changed by the board. The revised law omits the
36 provision specifying the dates of the fiscal year
37 because the board has already changed the district's
38 fiscal year. The revised law omits the provision
39 allowing the board to change the district's fiscal year

1 district to issue "negotiable" bonds. The revised law
2 omits "negotiable" because, under Section 1201.041,
3 Government Code, a public security is a negotiable
4 instrument. Section 1201.041 applies to district
5 bonds under Sections 1201.002 and 1201.003, Government
6 Code.

7 (2) Section 12, Chapter 846, Acts of the 61st
8 Legislature, Regular Session, 1969, provides that
9 district bonds shall be issued in the manner provided
10 and as authorized by "Article 7880-90a, Vernon's Texas
11 Civil Statutes, and Chapter 3A of Title 128, Vernon's
12 Texas Civil Statutes." The revised law substitutes a
13 reference to Chapters 49 and 51, Water Code, for the
14 source law reference to Chapter 3A, Title 128, Vernon's
15 Texas Civil Statutes, for the reasons stated in
16 Revisor's Note (6) to Section 9061.101. Further,
17 because Article 7880-90a was codified by Chapter 58,
18 Acts of the 62nd Legislature, Regular Session, 1971,
19 as Sections 51.450-51.454, Water Code, the revised law
20 omits an additional reference to those specific
21 sections of Chapter 51 as unnecessary.

22 (3) Section 12, Chapter 846, Acts of the 61st
23 Legislature, Regular Session, 1969, refers to the
24 district's authority to issue bonds under Chapter 3A,
25 Title 128, and Article 7880-90a, Vernon's Texas Civil
26 Statutes, "as presently or hereafter amended." The
27 revised law omits the quoted language for the reason
28 stated in Revisor's Note (1) to Section 9061.005.

29 (4) Section 12, Chapter 846, Acts of the 61st
30 Legislature, Regular Session, 1969, provides that
31 Chapter 3A, Title 128, Vernon's Texas Civil Statutes,
32 applies to district bonds except when Chapter 3A is
33 inconsistent or in conflict with the act. The revised
34 law omits this provision for the reason stated in

1 Revisor's Note (1) to the end of Subchapter A. The
2 omitted law reads:

3 Sec. 12. . . . except as the same may
4 be inconsistent or in conflict with the
5 provisions of this Act, the provisions of
6 said Chapter 3A of Title 128, Vernon's Texas
7 Civil Statutes, as presently or hereafter
8 amended, shall apply to all bonds issued
9 under the provisions of this Act (the
10 provisions of this Act to govern and take
11 precedence in the event of any such
12 inconsistency or conflict).
13 . . .

14 Revised Law

15 Sec. 9061.202. ADDITIONAL SECURITY. (a) Within the
16 discretion of the board, bonds issued under this subchapter may be
17 additionally secured by a deed of trust or mortgage lien on physical
18 property of the district and franchises, easements, water rights
19 and appropriation permits, leases, contracts, and all rights
20 appurtenant to that property, vesting in the trustee:

21 (1) the power to sell the property for payment of the
22 debt;

23 (2) the power to operate the property; and

24 (3) all other powers to further secure the bonds.

25 (b) A purchaser under a sale under the deed of trust or
26 mortgage lien, if one is given:

27 (1) is the absolute owner of the property, facilities,
28 and rights purchased; and

29 (2) may maintain and operate the property and
30 facilities. (Acts 61st Leg., R.S., Ch. 846, Sec. 12 (part).)

31 Source Law

32 Sec. 12. . . .

33 Such bonds, within the discretion of the board of
34 directors, may be additionally secured by a deed of
35 trust or mortgage lien upon part or all of the physical
36 properties of the district, and franchises, easements,
37 water rights and appropriation permits, leases, and
38 contracts and all rights appurtenant to such
39 properties, vesting in the trustee power to sell such
40 properties for payment of the indebtedness, power to
41 operate the properties and all other powers and
42 authority for the further security of the bonds. . . .
43 Any purchaser under a sale under the deed of trust or
44 mortgage lien, where one is given, shall be absolute
45 owner of the properties, facilities and rights so
46 purchased and shall have the right to maintain and
47 operate same.

1 . . .

2 Revisor's Note

3 Section 12, Chapter 846, Acts of the 61st
4 Legislature, Regular Session, 1969, refers to a
5 trustee's "powers and authority" to further secure the
6 bonds. The revised law omits "authority" for the
7 reason stated in Revisor's Note (2) to Section
8 9061.101.

9 Revised Law

10 Sec. 9061.203. TRUST INDENTURE. A trust indenture created
11 under Section 9061.202, regardless of the existence of a deed of
12 trust or mortgage lien on the property, may:

13 (1) contain provisions prescribed by the board for the
14 security of the bonds and the preservation of the trust estate;

15 (2) provide for amendment or modification of the trust
16 indenture;

17 (3) provide for the issuance of bonds to replace lost
18 or mutilated bonds;

19 (4) condition the right to spend district money or
20 sell district property on the approval of a licensed engineer
21 selected as provided by the trust indenture; and

22 (5) provide for the investment of district money.

23 (Acts 61st Leg., R.S., Ch. 846, Sec. 12 (part).)

24 Source Law

25 Sec. 12. . . . Such trust indenture,
26 regardless of the existence of the deed of trust or
27 mortgage lien on the properties, may contain
28 provisions prescribed by the board of directors for
29 the security of the bonds and the preservation of the
30 trust estate, and may make provisions for amendment or
31 modification thereof and the issuance of bonds to
32 replace lost or mutilated bonds, and may condition the
33 right to expend district money or sell district
34 property upon approval of a registered professional
35 engineer selected as provided therein and may make
36 provisions for investment of funds of the
37 district. . . .

38 Revisor's Note

39 Section 12, Chapter 846, Acts of the 61st
40 Legislature, Regular Session, 1969, refers to a
41 "registered professional engineer." The revised law

1 substitutes "licensed engineer" for the quoted
2 language to conform to the terminology used in Chapter
3 1001, Occupations Code. Under Chapter 1001,
4 Occupations Code, engineers are licensed, not
5 registered. The revised law is drafted accordingly.

6 Revised Law

7 Sec. 9061.204. ORDER OR RESOLUTION AUTHORIZING ISSUANCE OF
8 CERTAIN BONDS. (a) In an order or resolution authorizing the
9 issuance of revenue, tax-revenue, revenue refunding, or
10 tax-revenue refunding bonds, the board may:

11 (1) provide for:

12 (A) the flow of money; and

13 (B) the establishment and maintenance of the
14 interest and sinking fund, reserve fund, or other fund;

15 (2) make additional covenants with respect to the
16 bonds and the pledged revenue and the operation and maintenance of
17 the improvements and facilities the revenue of which is pledged,
18 including provisions for the operation or leasing of all or part of
19 the improvements and facilities and the use or pledge of money
20 received from the operation contract or lease as the board
21 considers appropriate;

22 (3) prohibit the further issuance of bonds or other
23 obligations payable from the pledged revenue or reserve the right
24 to issue additional bonds to be secured by a pledge of and payable
25 from the revenue on a parity with, or subordinate to, the lien and
26 pledge in support of the bonds being issued, subject to any
27 conditions set forth in the order or resolution; and

28 (4) include any other provision or covenant, as the
29 board determines, that is not prohibited by the Texas Constitution
30 or this chapter.

31 (b) The board may adopt and cause to be executed any other
32 proceeding or instrument necessary or convenient in the issuance of
33 the bonds. (Acts 61st Leg., R.S., Ch. 846, Sec. 12 (part).)

1 (such period not to exceed three years), as may be
2 provided in the bond orders or resolutions, and an
3 amount necessary to pay all expenses incurred and to be
4 incurred in the issuance, sale and delivery of the
5 bonds. . . .

6 Revisor's Note
7 (End of Subchapter)

8 (1) Section 11, Chapter 846, Acts of the 61st
9 Legislature, Regular Session, 1969, provides that the
10 district shall comply with the requirements of Article
11 7880-139, Vernon's Texas Civil Statutes. Article
12 7880-139 was codified by Chapter 58, Acts of the 62nd
13 Legislature, Regular Session, 1971, as Sections 51.421
14 and 51.422, Water Code. Chapter 715, Acts of the 74th
15 Legislature, Regular Session, 1995, repealed Sections
16 51.421 and 51.422, Water Code, and enacted Sections
17 49.181 and 49.182, Water Code, to govern the authority
18 of the Texas Commission on Environmental Quality over
19 the issuance of district bonds and supervision by the
20 commission of projects and improvements,
21 respectively. The revised law omits this provision
22 because Sections 49.181 and 49.182, Water Code, apply
23 to the district on their own terms, without an express
24 reference to those sections in this chapter. The
25 omitted law reads:

26 Sec. 11. The district shall comply
27 with the requirements of Article 7880-139,
28 Vernon's Texas Civil Statutes, as it
29 presently exists or as it may be hereafter
30 amended.

31 (2) Section 12, Chapter 846, Acts of the 61st
32 Legislature, Regular Session, 1969, provides for the
33 investment or placement of money established in a bond
34 order. The revised law omits that provision because it
35 duplicates in substance Section 49.157, Water Code,
36 and is superseded by Subchapter A, Chapter 2256,
37 Government Code (enacted as Chapter 889, Acts of the
38 70th Legislature, Regular Session, 1987). The omitted
39 law reads:

1 Sec. 12. . . . Moneys in the interest
2 and sinking fund or funds and the reserve
3 fund or funds, and in the other fund or
4 funds established or provided for in the
5 bond orders or resolutions may be invested
6 in such manner and in such securities as may
7 be provided in the bond order or orders or
8 may be placed on interest-bearing time
9 deposit. . . .

10 (3) Section 12, Chapter 846, Acts of the 61st
11 Legislature, Regular Session, 1969, provides that bond
12 proceeds may be invested in securities of the United
13 States or placed on interest-bearing time deposit.
14 The revised law omits that provision as superseded by
15 Subchapter A, Chapter 2256, Government Code (enacted
16 as Chapter 889, Acts of the 70th Legislature, Regular
17 Session, 1987). The omitted law reads:

18 Sec. 12. . . . Until such time as the
19 bond proceeds are needed to carry out the
20 bond purpose, such proceeds may be invested
21 in securities of the United States
22 Government or any agency thereof or may be
23 placed on interest-bearing time deposit,
24 either or both. . . .

25 (4) Section 12, Chapter 846, Acts of the 61st
26 Legislature, Regular Session, 1969, provides that
27 district bonds may be registered as to principal or as
28 to principal and interest. The revised law omits that
29 provision because it duplicates in substance Section
30 1201.024, Government Code, which applies to district
31 bonds under Sections 1201.002 and 1201.003, Government
32 Code. The omitted law reads:

33 Sec. 12. . . . Any such revenue
34 bonds, tax-revenue, revenue refunding
35 bonds, or tax-revenue refunding bonds
36 hereinafter mentioned may be registrable as
37 to principal, or as to both principal and
38 interest.
39 . . .

40 (5) Section 12, Chapter 846, Acts of the 61st
41 Legislature, Regular Session, 1969, authorizes the
42 district to issue refunding bonds for district bonds
43 and provides procedures applicable to refunding bonds.
44 The revised law omits these provisions because they
45 duplicate in substance Section 51.438, Water Code,

1 which provides general authority for a district to
2 issue refunding securities and prescribes procedures
3 applicable to those refunding securities. Section
4 51.438 applies to the district under Section 5,
5 Chapter 846, Acts of the 61st Legislature, Regular
6 Session, 1969, revised as Section 9061.101 of this
7 chapter. The omitted law reads:

8 Sec. 12. . . .

9 By orders or resolutions adopted by
10 its board of directors, said district shall
11 have the power and authority to issue
12 revenue refunding bonds or tax-revenue
13 refunding bonds to refund revenue bonds or
14 tax-revenue bonds (either original bonds or
15 refunding bonds) theretofore issued by such
16 district. Said refunding bonds shall be
17 approved by the attorney general as in the
18 case of original bonds, and shall be
19 registered by the comptroller of public
20 accounts upon the surrender and
21 cancellation of the bonds to be refunded,
22 but in lieu thereof, the orders or
23 resolutions authorizing their issuance may
24 provide that they shall be sold and the
25 proceeds thereof deposited in the place or
26 places where the underlying bonds are
27 payable, in which case the refunding bonds
28 may be issued provided an amount sufficient
29 to pay the interest and principal on the
30 underlying bonds to their maturity dates,
31 or to their option dates if said bonds have
32 been duly called for payment prior to
33 maturity according to their terms, has been
34 so deposited in the place or places where
35 said underlying bonds are payable, and the
36 comptroller of public accounts shall
37 register them without the surrender and
38 cancellation of the underlying bonds.

39 . . .

40 (6) Section 12, Chapter 846, Acts of the 61st
41 Legislature, Regular Session, 1969, requires district
42 bonds to be examined and approved by the attorney
43 general and registered with the comptroller. Those
44 provisions are omitted because they duplicate in
45 substance Sections 1202.003 and 1202.005, Government
46 Code. Section 1202.003 provides for the review and
47 approval of obligations by the attorney general.
48 Section 1202.005 provides for the registration of the
49 obligations with the comptroller. Chapter 1202,
50 Government Code, applies to district bonds under

1 Sections 1202.001 and 1202.003(c), Government Code.

2 The omitted law reads:

3 Sec. 12. . . .

4 After any bonds have been authorized
5 by the district hereunder, such bonds and
6 the record relating to their issuance shall
7 be submitted to the Attorney General of the
8 State of Texas for his examination as to the
9 validity thereof, and after said attorney
10 general has approved the same, such bonds
11 shall be registered by the Comptroller of
12 Public Accounts of the State of Texas. . . .

13 (7) Section 12, Chapter 846, Acts of the 61st
14 Legislature, Regular Session, 1969, provides that
15 after approval and registration, district bonds are
16 incontestable except for forgery or fraud. The
17 revised law omits that provision as impliedly repealed
18 by Section 1202.006, Government Code (enacted as
19 Section 3.002(d), Chapter 53, Acts of the 70th
20 Legislature, 2nd Called Session, 1987). Section
21 1202.006, Government Code, provides that after
22 approval and registration, bonds are incontestable for
23 any reason. Section 1202.006 applies to district
24 bonds under Sections 1202.001 and 1202.003(c),
25 Government Code. The omitted law reads:

26 Sec. 12. . . . When such bonds have
27 been approved by the attorney general,
28 registered by the comptroller of public
29 accounts, and delivered to the purchasers,
30 they shall thereafter be incontestable
31 except for forgery or fraud. . . .

32 (8) Section 12, Chapter 846, Acts of the 61st
33 Legislature, Regular Session, 1969, details various
34 procedures regarding approval of bond contracts and
35 proceedings by the attorney general. The revised law
36 omits the portion of Section 12 regarding the validity
37 and incontestability of a contract the proceeds of
38 which are pledged to the payment of a bond as impliedly
39 repealed by Section 1202.006, Government Code (enacted
40 as Section 3.002(d), Chapter 53, Acts of the 70th
41 Legislature, 2nd Called Session, 1987). Section

1 1202.006, Government Code, provides that after
2 approval and registration of the bond, the bond and
3 contract are incontestable for any reason. Section
4 1202.006 applies to district bonds under Sections
5 1202.001 and 1202.003(c), Government Code. The
6 omitted law reads:

7 Sec. 12. . . . When any bonds recite
8 that they are secured partially or
9 otherwise by a pledge of the proceeds of a
10 contract or contracts made between the
11 district and another party or parties
12 (private or public) a copy of such contract
13 or contracts and the proceedings
14 authorizing the same may or may not be
15 submitted to the attorney general along
16 with the bond record and, if so submitted,
17 the approval by the attorney general of the
18 bonds shall constitute an approval of such
19 contract or contracts, and thereafter the
20 contract or contracts shall be
21 incontestable for any cause except for
22 forgery or fraud. . . .

23 (9) Section 12, Chapter 846, Acts of the 61st
24 Legislature, Regular Session, 1969, provides that the
25 district may sell bonds only after taking public bids.
26 The revised law omits that provision because it
27 duplicates in substance Section 49.183(a), Water Code.
28 The omitted law reads:

29 Sec. 12. . . . The district's bonds
30 shall be sold only after taking public bids
31 therefor.

32 (10) Section 16, Chapter 846, Acts of the 61st
33 Legislature, Regular Session, 1969, provides that the
34 district's board of directors may sell bonds at a price
35 and on terms determined by the board of directors of
36 the district, except that the bonds may not be sold for
37 an amount less than provided by law. The revised law
38 omits those provisions as duplicative of other law or
39 unnecessary. The revised law omits the price and terms
40 provision because it duplicates language in Section
41 1204.006(b), Government Code, that allows an issuer to
42 sell bonds at any price, and Section 1201.022(a),
43 Government Code, which provides that a public security

1 may be issued with specified characteristics, on
2 specified terms, or in a specified manner. Section
3 1204.006, Government Code, applies to district bonds
4 under Sections 1204.001 and 1204.002 of that code.
5 Section 1201.022, Government Code, applies to district
6 bonds under Sections 1201.002 and 1201.003 of that
7 code.

8 The revised law omits the provision prohibiting
9 the sale of bonds for an amount less than provided by
10 law because a law that sets a minimum price for
11 district bonds would apply by its own terms and does
12 not require a reference. The omitted law reads:

13 Sec. 16. Bonds of the district may be
14 sold at a price and upon the terms
15 determined by the board of directors of the
16 district, except that such bonds shall not
17 be sold for a less amount than provided by
18 law.

19 (11) Section 17, Chapter 846, Acts of the 61st
20 Legislature, Regular Session, 1969, provides that
21 elections to authorize district bonds must be held
22 under general law applicable to water control and
23 improvement districts. Section 17 also provides that
24 if the first bond election fails, any provision of the
25 general law relating to the dissolution of a district
26 when a bond election fails does not apply to the
27 district. The revised law omits the provision
28 relating to the first bond election as executed. The
29 revised law omits the provision requiring bond
30 elections to be held under applicable general law
31 because the provision duplicates in substance Section
32 49.101, Water Code. The omitted law reads:

33 Sec. 17. All elections to authorize
34 the issuance of bonds by the district shall
35 be held pursuant to the general law
36 applicable to water control and improvement
37 districts; provided however, that if the
38 first bond election fails, Article
39 7880-77b, Vernon's Texas Civil Statutes, or
40 any other provision of the general law
41 pertaining to dissolution of the district

1 when a bond election fails, shall not apply.

2 (12) Section 19, Chapter 846, Acts of the 61st
3 Legislature, Regular Session, 1969, lists the entities
4 for which district bonds are legal investments and
5 provides that district bonds may secure deposits of
6 public funds of the state or political subdivisions.
7 The revised law omits the provision relating to the
8 eligibility of district bonds to be considered as
9 investments for various entities because it duplicates
10 Section 49.186(a), Water Code. The revised law omits
11 the provision relating to deposits of state funds as
12 impliedly repealed by Section 404.0221, Government
13 Code (enacted in 1995), which lists eligible
14 collateral for deposits of state funds by the
15 comptroller. As to deposits of other funds, the
16 provision is impliedly repealed by Chapter 2257,
17 Government Code (enacted as Chapter 627, Acts of the
18 71st Legislature, Regular Session, 1989), which
19 governs eligible collateral for deposits of funds of
20 other public agencies, including political
21 subdivisions, and permits those deposits to be secured
22 by obligations issued by conservation and reclamation
23 districts. The omitted law reads:

24 Sec. 19. All bonds and refunding
25 bonds of the district shall be and are
26 hereby declared to be legal, eligible and
27 authorized investments for banks, savings
28 and loan associations, insurance companies,
29 fiduciaries, and for the sinking funds of
30 cities, towns, villages, counties, school
31 districts, or other political corporations
32 or subdivisions of the State of Texas and
33 for all public funds of the State of Texas
34 or its agencies, including the State
35 Permanent School Fund. Such bonds and
36 refunding bonds shall be eligible to secure
37 the deposit of any and all public funds of
38 the State of Texas, cities, towns,
39 villages, counties, school districts, or
40 other political corporations or
41 subdivisions of the State of Texas; and such
42 bonds shall be lawful and sufficient
43 security for said deposits to the extent of
44 their face value, when accompanied by all
45 unmatured coupons appurtenant thereto.

1 application of Section 311.032, Government Code (Code
2 Construction Act), which provides that a provision of
3 a statute is severable from each other provision of the
4 statute that can be given effect. The omitted law
5 reads:

6 Sec. 22. If any word, phrase, clause,
7 paragraph, sentence, part, portion or
8 provision of this Act or the application
9 thereof to any person or circumstance shall
10 be held to be invalid or unconstitutional,
11 the remainder of the Act shall nevertheless
12 be valid, and the Legislature hereby
13 declares that this Act would have been
14 enacted without such invalid or
15 unconstitutional word, phrase, clause,
16 paragraph, sentence, part, portion or
17 provision.

18 (4) Section 23, Chapter 846, Acts of the 61st
19 Legislature, Regular Session, 1969, recites
20 legislative findings that the procedural requirements
21 for the creation of the district under Section 59(d),
22 Article XVI, Texas Constitution, including proper
23 legal notice and the filing of recommendations, have
24 been accomplished. The revised law omits that
25 provision as executed. The omitted law reads:

26 Sec. 23. It is determined and found
27 that a proper and legal notice of the
28 intention to introduce this Act, setting
29 forth the general substance of this Act, has
30 been published at least 30 days and not more
31 than 90 days prior to the introduction of
32 this Act in the Legislature of Texas, in a
33 newspaper having general circulation in
34 Harris County, Texas; that a copy of such
35 notice and a copy of this Act have been
36 delivered to the Governor of Texas who has
37 submitted such notice and Act to the Texas
38 Water Rights Commission, and said Texas
39 Water Rights Commission had filed its
40 recommendation as to such Act with the
41 Governor, Lieutenant Governor and Speaker
42 of the House of Representatives of Texas
43 within 30 days from the date such notice and
44 Act were received by the Texas Water Rights
45 Commission; and that all the requirements
46 and provisions of Article XVI, Section
47 59(d), Constitution of Texas have been
48 fulfilled and accomplished as therein
49 provided.

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2	BRAZORIA COUNTY, TEXAS	
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26 CHAPTER 9062. TREASURE ISLAND MUNICIPAL UTILITY DISTRICT OF
27 BRAZORIA COUNTY, TEXAS
28 SUBCHAPTER A. GENERAL PROVISIONS
29 Revised Law
30 Sec. 9062.001. DEFINITIONS. In this chapter:
31 (1) "Board" means the district's board of directors.
32 (2) "District" means the Treasure Island Municipal
33 Utility District of Brazoria County, Texas. (Acts 59th Leg., R.S.,
34 Ch. 532, Sec. 1 (part); New.)

1 district as a "governmental agency, a body politic and
2 corporate." The revised law omits the quoted language
3 because it duplicates in substance a portion of
4 Section 59(b), Article XVI, Texas Constitution, which
5 provides that a conservation and reclamation district
6 is a governmental agency and a body politic and
7 corporate.

8 Revised Law

9 Sec. 9062.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
10 The district is created to serve a public use and benefit.

11 (b) All land and other property in the district will benefit
12 from the creation of the district and the improvements the district
13 will purchase, construct, or otherwise acquire.

14 (c) The district is essential to accomplish the purposes of
15 Section 59, Article XVI, Texas Constitution. (Acts 59th Leg.,
16 R.S., Ch. 532, Secs. 6 (part), 8 (part).)

17 Source Law

18 Sec. 6. It is hereby found and determined that
19 all of the lands and other property included within the
20 District are, and will be, benefited by the creation of
21 the District and by the improvements that the District
22 will purchase, construct, or otherwise acquire, and
23 that the District is created to serve a public use and
24 benefit. . . .

25 Sec. 8. The Legislature hereby exercises the
26 authority conferred upon it by Section 59 of Article
27 XVI, Constitution of Texas, and declares that the
28 District created by this Act is essential to the
29 accomplishment of the purposes of said constitutional
30 provisions; finds that all of the land and other
31 property included therein are, and will be, benefited
32 thereby and by the improvements that the District will
33 purchase, construct, or otherwise acquire; and

34 Revisor's Note

35 Section 8, Chapter 532, Acts of the 59th
36 Legislature, Regular Session, 1965, states that the
37 legislature "hereby exercises the authority conferred
38 upon it by Section 59 of Article XVI, Constitution of
39 Texas, and declares that" the district "created by
40 this Act" is essential to accomplish the purposes of
41 that constitutional provision. The revised law omits

1 the quoted language as executed.

2 Revised Law

3 Sec. 9062.004. DISSOLUTION OF DISTRICT. The district may
4 be dissolved by the board in accordance with Sections
5 51.781-51.791, Water Code. (Acts 59th Leg., R.S., Ch. 532, Sec. 4
6 (part).)

7 Source Law

8 Sec. 4. . . . Said District may be dissolved by
9 its Board of Directors in accordance with the
10 provisions of Section 77b, Chapter 25, General Laws,
11 Acts of the 39th Legislature, Regular Session, 1925
12 (Article 7880-77b, Vernon's Civil Statutes).

13 Revisor's Note

14 Section 4, Chapter 532, Acts of the 59th
15 Legislature, Regular Session, 1965, refers to the
16 dissolution provisions of "Section 77b, Chapter 25,
17 General Laws, Acts of the 39th Legislature, Regular
18 Session, 1925 (Article 7880-77b, Vernon's Civil
19 Statutes)." Article 7880-77b was codified by Chapter
20 58, Acts of the 62nd Legislature, Regular Session,
21 1971, as Sections 51.781-51.792, Water Code. Section
22 51.792, Water Code, was repealed by Section 85(6),
23 Chapter 1248, Acts of the 71st Legislature, Regular
24 Session, 1989. The revised law is drafted
25 accordingly.

26 SUBCHAPTER B. DISTRICT TERRITORY

27 Revised Law

28 Sec. 9062.051. DISTRICT TERRITORY. The district is
29 composed of the territory described by Section 1, Chapter 532, Acts
30 of the 59th Legislature, Regular Session, 1965, as that territory
31 may have been modified under:

- 32 (1) Subchapter O, Chapter 51, Water Code;
33 (2) Subchapter J, Chapter 49, Water Code;
34 (3) Section 9062.052 or its predecessor statute,
35 former Section 4, Chapter 532, Acts of the 59th Legislature,
36 Regular Session, 1965; or

1 (4) other law. (New.)

2 Revisor's Note

3 The revision of the law governing the district
4 does not revise the statutory language describing the
5 territory of the district to avoid the lengthy
6 recitation of the description and because that
7 description may not be accurate on the effective date
8 of the revision or at the time of a later reading. For
9 the reader's convenience, the revised law includes
10 references to the statutory description of the
11 district's territory and to statutory authority to
12 change the district's territory under Subchapter O,
13 Chapter 51, Water Code, applicable to water control
14 and improvement districts, Subchapter J, Chapter 49,
15 Water Code, applicable to the district under Sections
16 49.001 and 49.002 of that chapter, and Section
17 9062.052 of this chapter or the predecessor statute,
18 Section 4, Chapter 532, Acts of the 59th Legislature,
19 Regular Session, 1965. The revised law also includes a
20 reference to the general authority of the legislature
21 to enact a law to change the district's territory.

22 Revised Law

23 Sec. 9062.052. ADDITION OF LAND TO DISTRICT. The district
24 may not add land to the district unless:

25 (1) an owner of land adjacent or contiguous to the
26 district requests in writing that the district add land;

27 (2) the owner of the land to be added consents to the
28 addition; and

29 (3) the land is adjacent or contiguous to the district
30 when added. (Acts 59th Leg., R.S., Ch. 532, Sec. 4 (part).)

31 Source Law

32 Sec. 4. . . . Land may be added to the District
33 only by written request of an adjacent, or contiguous,
34 landowner or landowners; and no land may be added
35 without the consent of the owner thereof. No land may
36 be added which is not adjacent or contiguous to the
37 District when added. . . .

1 Revised Law

2 Sec. 9062.053. EXCLUSION OF LAND FROM DISTRICT. (a) Land
3 may be excluded from the district in the manner provided by:

4 (1) Subchapter O, Chapter 51, Water Code; or

5 (2) Subchapter J, Chapter 49, Water Code.

6 (b) The board is not required to call or hold a hearing on
7 the exclusion of land or other property from the district;
8 provided, however, that the board shall hold a hearing if an owner
9 of land or other property located in the district files a written
10 request for a hearing with the board secretary before the
11 district's first bond election is called.

12 (c) Subsection (b) may not be construed to prevent the board
13 on its own motion from calling and holding an exclusion hearing
14 under general law. (Acts 59th Leg., R.S., Ch. 532, Secs. 4 (part),
15 6 (part).)

16 Source Law

17 Sec. 4. Land may be excluded from said District
18 in the manner now provided by Chapter 3A, Title 128,
19 Revised Civil Statutes of Texas, 1925, as amended.
20 . . .

21 Sec. 6. . . . It shall not be necessary for the
22 Board of Directors to call or hold a hearing on the
23 exclusion of land or other property from the District;
24 provided, however, that the Board of Directors shall
25 hold such hearing upon the written request of any land
26 or other property owner within the District filed with
27 the Secretary of the Board prior to the calling of the
28 first bond election for the District. Nothing in this
29 Section shall be construed to prevent the Board on its
30 own motion from calling and holding an exclusion
31 hearing or hearings pursuant to the provisions of the
32 general law. . . .

33 Revisor's Note

34 (1) Section 4, Chapter 532, Acts of the 59th
35 Legislature, Regular Session, 1965, refers to "Chapter
36 3A, Title 128, Revised Civil Statutes of Texas, 1925,
37 as amended." The revised law substitutes a reference
38 to Subchapter O, Chapter 51, and Subchapter J, Chapter
39 49, Water Code, for the reference to Chapter 3A because
40 the relevant provisions of Chapter 3A were codified by
41 Chapter 58, Acts of the 62nd Legislature, Regular

1 Session, 1971, as Subchapter O, Chapter 51, Water
2 Code. Chapter 715, Acts of the 74th Legislature,
3 Regular Session, 1995, repealed some of the relevant
4 provisions of Subchapter O, Chapter 51, Water Code,
5 and enacted Subchapter J, Chapter 49, Water Code, to
6 govern the addition or exclusion of land from a water
7 control and improvement district and certain other
8 districts. The revised law omits the reference to "as
9 amended" because under Section 311.027, Government
10 Code (Code Construction Act), a reference to a statute
11 applies to all reenactments, revisions, or amendments
12 of that statute unless expressly provided otherwise.

13 (2) Section 4, Chapter 532, Acts of the 59th
14 Legislature, Regular Session, 1965, provides that the
15 district may exclude land in the manner provided by
16 Chapter 3A, Title 128, Revised Civil Statutes of
17 Texas, 1925. Section 6, Chapter 532, Acts of the 59th
18 Legislature, Regular Session, 1965, provides that it
19 is not necessary for the board to call or hold a
20 hearing on the exclusion of land or other property from
21 the district unless the board receives a written
22 request for such a hearing from an owner of land or
23 other property in the district before the calling of
24 the district's first bond election. Section 6 also
25 provides that the discretion not to call or hold an
26 exclusion hearing does not prevent the board on its own
27 motion from calling and holding such a hearing under
28 general law. While the Section 4 provision and the
29 Section 6 provision relating to the applicability of
30 general law would normally be omitted as applicable on
31 their own terms or under the relevant part of Section 2
32 of Chapter 532 (revised in this chapter as Section
33 9062.151), the revised law retains those provisions to
34 preserve the ambiguity created by the Section 6

1 provision giving the board discretion not to call or
2 hold an exclusion hearing. It is unclear whether the
3 provision giving the board that discretion was
4 intended to apply only until the first bond election is
5 called or whether it was intended to continue to apply
6 after that election has been called.

7 SUBCHAPTER C. BOARD OF DIRECTORS

8 Revised Law

9 Sec. 9062.101. COMPOSITION OF BOARD. The board is composed
10 of five elected directors. (Acts 59th Leg., R.S., Ch. 532, Sec. 3
11 (part).)

12 Source Law

13 Sec. 3. The management and control of the
14 District is hereby vested in a Board of five (5)
15 directors . . . elections for Directors shall be
16 held

17 Revisor's Note

18 Section 3, Chapter 532, Acts of the 59th
19 Legislature, Regular Session, 1965, provides that the
20 "management and control of the District is hereby
21 vested" in the board. The revised law omits the quoted
22 language because it duplicates in substance Sections
23 49.051 and 49.057, Water Code. Throughout this
24 chapter, the revised law omits law that is superseded
25 by Chapter 49, Water Code, or that duplicates law
26 contained in that chapter. Chapter 49, Water Code,
27 applies to the district under Sections 49.001 and
28 49.002 of that code.

29 Revisor's Note

30 (End of Subchapter)

31 (1) Section 3, Chapter 532, Acts of the 59th
32 Legislature, Regular Session, 1965, refers to the
33 powers, authority, and duties conferred and imposed on
34 the board under Chapter 3A, Title 128, Revised Civil
35 Statutes of Texas, 1925. The revised law omits the
36 reference to Chapter 3A, Title 128, Revised Statutes,

1 because the relevant parts of that chapter were
2 codified in 1971 as Chapter 51, Water Code. In 1995,
3 the legislature enacted Chapter 715, Acts of the 74th
4 Legislature, Regular Session, which repealed many
5 provisions of Chapter 51 and enacted similar
6 provisions in Chapter 49, Water Code. Chapters 51 and
7 49, Water Code, including provisions in those chapters
8 relating to the board's powers, authority, and duties,
9 apply to the district on their own terms. The omitted
10 law reads:

11 Sec. 3. . . . [a Board] . . . which
12 shall have all of the powers and authority
13 and duties conferred and imposed upon
14 boards of directors of water control and
15 improvement districts organized under the
16 provisions of Chapter 3A of Title 128,
17 Revised Civil Statutes of Texas, 1925,
18 together with all amendments thereof and
19 additions thereto. . . .

20 (2) Section 3, Chapter 532, Acts of the 59th
21 Legislature, Regular Session, 1965, provides for the
22 appointment of the initial board of directors of the
23 district, the initial meeting and organization of the
24 board, and the election of subsequent directors. The
25 revised law omits the provisions pertaining to the
26 appointment of initial directors and the initial
27 meeting and organization as executed. The provisions
28 of Section 3 that require the election of subsequent
29 directors to be held as provided by general laws
30 relating to water control and improvement districts
31 are omitted because those provisions are covered by
32 Subchapter D, Chapter 49, Water Code, and parts of
33 Subchapter C, Chapter 51, Water Code, which govern
34 director elections and apply on their own terms. The
35 omitted law reads:

36 Sec. 3. . . . The members of the
37 first Board of Directors shall be
38 Frederick Wagner
39 F. Davis Weaver
40 Hazel Strong
41 June Christian

1 Teno Elliott
2 Said members shall become Directors
3 immediately after this Act becomes
4 effective, and said first Board of
5 Directors shall meet and organize as soon as
6 practicable after the effective date of
7 this Act, and shall file their official
8 bonds. If any of the aforementioned members
9 of said first Board of Directors shall die,
10 become incapacitated or otherwise not
11 qualify to assume their duties under this
12 Act, the remaining members of said Board of
13 Directors shall appoint his or their
14 successors. With the exception of said
15 first Board of Directors, the Board of
16 Directors shall be selected as provided by
17 the General Laws for water control and
18 improvement districts. The first election
19 of Directors of such District shall be held
20 on the second Tuesday in January, 1967, and
21 in accordance with Article 7880-37, Revised
22 Civil Statutes of Texas, 1925, as amended.
23 Thereafter, Directors of the District shall
24 be chosen, and [elections for Directors
25 shall be held] in accordance with the
26 provisions of the General Laws relating to
27 water control and improvement districts.

28 SUBCHAPTER D. POWERS AND DUTIES

29 Revised Law

30 Sec. 9062.151. WATER CONTROL AND IMPROVEMENT DISTRICT
31 POWERS. The district has the rights, powers, privileges, and
32 duties provided by general law applicable to a water control and
33 improvement district created under Section 59, Article XVI, Texas
34 Constitution, including Chapters 49 and 51, Water Code. (Acts 59th
35 Leg., R.S., Ch. 532, Sec. 2 (part).)

36 Source Law

37 Sec. 2. The District shall have and exercise,
38 and is hereby vested with, all of the rights, powers,
39 privileges and duties conferred and imposed by the
40 General Laws of the State of Texas now in force or
41 hereafter enacted, applicable to water control and
42 improvement districts created under authority of
43 Section 59 of Article XVI, Constitution of Texas, but
44 Without in any way limiting the generalization
45 of the foregoing, it is expressly provided the
46 District shall have and exercise, and is hereby vested
47 with, all of the rights, powers, privileges and duties
48 conferred and imposed by Chapter 3A of Title 128,
49 Revised Civil Statutes of Texas, 1925, together with
50 all amendments thereof and additions thereto, and
51

52 Revisor's Note

53 (1) Section 2, Chapter 532, Acts of the 59th
54 Legislature, Regular Session, 1965, states that the
55 district "shall have and exercise, and is hereby

1 vested with," certain rights, powers, privileges, and
2 duties. The revised law substitutes "has" for the
3 quoted language because, in context, the terms are
4 synonymous and "has" is more commonly used.

5 (2) Section 2, Chapter 532, Acts of the 59th
6 Legislature, Regular Session, 1965, states that the
7 district has the rights, powers, privileges, and
8 duties "conferred and imposed" by general law. The
9 revised law substitutes "provided" for the quoted
10 language because regardless of whether a right, power,
11 privilege, or duty is "conferred" by general law or
12 "imposed" by general law, it is not necessary to
13 characterize in the revised law the nature of the
14 granting of that authority. In context, "provided" is
15 synonymous with "conferred and imposed" and "provided"
16 is more commonly used.

17 (3) Section 2, Chapter 532, Acts of the 59th
18 Legislature, Regular Session, 1965, refers to the
19 general laws of this state "now in force or hereafter
20 enacted." The revised law omits the quoted language
21 because it duplicates in substance accepted general
22 principles of statutory construction. The "[g]eneral
23 [l]aws of the State of Texas" means those laws "in
24 force" at the time the provision was adopted. It is
25 unnecessary to state that an entity may be granted
26 additional powers by later enacted laws because those
27 laws apply on their own terms.

28 (4) Section 2, Chapter 532, Acts of the 59th
29 Legislature, Regular Session, 1965, provides that the
30 act prevails over general law in case of a conflict or
31 other inconsistency and that all general laws
32 applicable to water control and improvement districts
33 not in conflict or inconsistent with the provisions of
34 the act are incorporated by reference. The revised law

1 omits the portion of the provision relating to the act
2 prevailing over general law because it duplicates in
3 substance Section 311.026(b), Government Code (Code
4 Construction Act). The revised law omits the portion
5 of the provision relating to the incorporation of
6 general laws because Section 2 of Chapter 532 (revised
7 in part as this section) provides that those laws apply
8 to the district, and it is unnecessary to repeat that
9 authority. The omitted law reads:

10 Sec. 2. [The District shall have and
11 exercise, and is hereby vested with, all of
12 the rights, powers, privileges and duties
13 conferred and imposed by the General Laws of
14 the State of Texas now in force or hereafter
15 enacted, applicable to water control and
16 improvement districts created under
17 authority of Section 59 of Article XVI,
18 Constitution of Texas, but] to the extent
19 that the provisions of such General Laws may
20 be in conflict or inconsistent with the
21 provisions of this Act, the provisions of
22 this Act shall prevail. All such General
23 Laws are hereby incorporated by reference
24 with the same effect as if incorporated in
25 full in this Act. . . .

26 (5) Section 2, Chapter 532, Acts of the 59th
27 Legislature, Regular Session, 1965, provides that
28 "[w]ithout in any way limiting the generalization of
29 the foregoing" powers and duties provided by general
30 law applicable to water control and improvement
31 districts, the district has certain rights, powers,
32 privileges, and duties provided by specified law. The
33 revised law omits the quoted language because an
34 accepted principle of statutory construction requires
35 a statute to be given cumulative effect with other
36 statutes unless it provides otherwise or unless the
37 statutes are in conflict. The general principle
38 applies to this revision.

39 (6) Section 2, Chapter 532, Acts of the 59th
40 Legislature, Regular Session, 1965, refers to "Chapter
41 3A of Title 128, Revised Civil Statutes of Texas, 1925,
42 together with all amendments thereof and additions

1 thereto." The revised law substitutes a reference to
2 Chapters 49 and 51, Water Code, for the quoted language
3 for the reason stated in Revisor's Note (1) at the end
4 of Subchapter C. In addition, the revised law omits
5 the reference to "all amendments thereof and additions
6 thereto" because under Section 311.027, Government
7 Code (Code Construction Act), a reference to a statute
8 applies to all reenactments, revisions, or amendments
9 of that statute unless expressly provided otherwise.

10 (7) Section 2, Chapter 532, Acts of the 59th
11 Legislature, Regular Session, 1965, refers to certain
12 powers granted by Chapter 3A, Title 128, Revised Civil
13 Statutes of Texas, and by Article 7880-90a, Vernon's
14 Texas Civil Statutes. The revised law omits those
15 references because the provisions, under which the
16 powers were granted, were included in the 1971
17 codification of Chapter 51, Water Code, and now are
18 contained in Chapter 51, Water Code, or have been
19 replaced by provisions of Chapter 49, Water Code, both
20 of which apply to the district on their own terms and
21 are referred to by the revised law. The omitted law
22 reads:

23 Sec. 2. . . . [the District shall
24 have . . . all of the rights, powers,
25 privileges and duties conferred and imposed
26 by Chapter 3A of Title 128, Revised Civil
27 Statutes of Texas, 1925 . . . including all
28 powers and authority relating to] the
29 navigation of its coastal and inland waters
30 and . . . including all powers and
31 authority relating to sanitary sewer
32 systems and the issuance of bonds therefor
33 as authorized by and provided in said
34 Chapter, including the power and authority
35 to issue tax bonds, revenue bonds or
36 tax-revenue bonds as authorized by and
37 provided in Article 7880-90a, Vernon's
38 Texas Civil Statutes, as amended. . . .

39 Revised Law

40 Sec. 9062.152. RECLAMATION AND DRAINAGE. The district may
41 provide for the reclamation and drainage of overflowed land and
42 other land needing drainage in the district. (Acts 59th Leg., R.S.,

1 Ch. 532, Sec. 2 (part).)

2 Source Law

3 Sec. 2. . . . [Without in any way limiting the
4 generalization of the foregoing,] it is expressly
5 provided the District shall have and exercise, and is
6 hereby vested with, all of the rights, powers,
7 privileges and duties . . . including all powers and
8 authority relating to . . . the reclamation and
9 drainage of overflowed lands and other lands needing
10 drainage in said District,

11 Revisor's Note

12 Section 2, Chapter 532, Acts of the 59th
13 Legislature, Regular Session, 1965, states that the
14 district "shall have and exercise, and is hereby
15 vested with," all rights, powers, privileges, and
16 duties relating to the reclamation and drainage of
17 certain lands. The revised law substitutes "may
18 provide for" for the quoted language because, in
19 context, the language is synonymous and "may provide
20 for" is more commonly used.

21 Revised Law

22 Sec. 9062.153. ACQUISITION OF IMPROVEMENTS. The district
23 may make, construct, or otherwise acquire improvements inside or
24 outside the district that are necessary to carry out a power granted
25 to the district under this chapter or a general law described by
26 Section 9062.151. (Acts 59th Leg., R.S., Ch. 532, Sec. 2 (part).)

27 Source Law

28 Sec. 2. . . . Said District shall have the power
29 to make, construct, or otherwise acquire improvements
30 either within or without the boundaries thereof
31 necessary to carry out the powers and authority
32 granted by this Act and said General Laws;

33 Revisor's Note

34 (1) Section 2, Chapter 532, Acts of the 59th
35 Legislature, Regular Session, 1965, provides that the
36 district "shall have the power" to take certain
37 actions regarding improvements. The revised law
38 substitutes "may" for the quoted language because that
39 term is more concise and is the substantive equivalent
40 of the quoted language.

1 (2) Section 2, Chapter 532, Acts of the 59th
2 Legislature, Regular Session, 1965, refers to the
3 district's "powers and authority." The revised law
4 omits the reference to "authority" because, in
5 context, it is included in the meaning of "powers."

6 Revised Law

7 Sec. 9062.154. COST OF RELOCATING OR ALTERING PROPERTY.

8 (a) In this section, "sole expense" means the actual cost of
9 relocating, raising, lowering, rerouting, changing the grade of, or
10 altering the construction of a facility described by Subsection (b)
11 in providing comparable replacement without enhancement of the
12 facility, after deducting from that cost the net salvage value
13 derived from the old facility.

14 (b) If the district's exercise of the power of eminent
15 domain, the power of relocation, or any other power granted by this
16 chapter makes necessary relocating, raising, rerouting, changing
17 the grade of, or altering the construction of a highway, railroad,
18 electric transmission line, telephone or telegraph property or
19 facility, or pipeline, the necessary action shall be accomplished
20 at the sole expense of the district. (Acts 59th Leg., R.S., Ch.
21 532, Sec. 2 (part).)

22 Source Law

23 Sec. 2. . . . In the event that the District in
24 the exercise of the power of eminent domain or power of
25 relocation, or any other power granted hereunder,
26 makes necessary the relocation, raising, rerouting or
27 changing the grade of, or altering the construction
28 of, any highway, railroad, electric transmission line,
29 telephone or telegraph properties and facilities, or
30 pipeline, all such necessary relocation, raising,
31 rerouting, changing of grade or alteration of
32 construction shall be accomplished at the sole expense
33 of the District. The term "sole expense" shall mean
34 the actual cost of such relocation, raising, lowering,
35 rerouting, or change in grade or alteration of
36 construction in providing comparable replacement
37 without enhancement of such facilities after deducting
38 therefrom the net salvage value derived from the old
39 facility.

40 Revised Law

41 Sec. 9062.155. LIMIT ON EMINENT DOMAIN POWER. The district
42 may not exercise the power of eminent domain outside the district.

1 (Acts 59th Leg., R.S., Ch. 532, Sec. 2 (part).)

2 Source Law

3 Sec. 2. . . . provided, however, that the
4 exercise of the power of eminent domain shall not
5 extend beyond the boundaries of the District. . . .

6 Revised Law

7 Sec. 9062.156. DURATION OF CONTRACT FOR WATER PURCHASE OR
8 SALE. A district contract for the purchase or sale of water may not
9 exceed 40 years. (Acts 59th Leg., R.S., Ch. 532, Sec. 2 (part).)

10 Source Law

11 Sec. 2. . . . The powers of its Board of
12 Directors shall include, but not be limited to, the
13 right to enter into contracts on behalf of said
14 District for the purchase and sale, or either, of water
15 for such periods of time, not exceeding forty (40)
16 years, and on such terms and conditions as its Board of
17 Directors may deem desirable. . . .

18 Revisor's Note

19 Section 2, Chapter 532, Acts of the 59th
20 Legislature, Regular Session, 1965, provides that the
21 board has "the right to enter into contracts on behalf
22 of said District for the purchase and sale, or either,
23 of water . . . on such terms and conditions as its
24 Board of Directors may deem desirable." The revised
25 law omits the quoted language because it duplicates in
26 substance a portion of Section 49.213(c), Water Code.

27 Revisor's Note
28 (End of Subchapter)

29 Section 2, Chapter 532, Acts of the 59th
30 Legislature, Regular Session, 1965, provides that the
31 district may not perform or duplicate a function or
32 service being performed by Folletts Island Water
33 Supply District of Brazoria County, Texas. The
34 revised law omits that provision because, according to
35 the Texas Commission on Environmental Quality's Water
36 Utility Database, Folletts Island Water Supply
37 District of Brazoria County, Texas, was dissolved in
38 1976. The omitted law reads:

39 Sec. 2. . . . Provided, however,

1 that this District shall not perform or
2 duplicate any function or service that is
3 being performed by Folletts Island Water
4 Supply District of Brazoria County, Texas,
5 created by House Bill 1140, Acts of the 59th
6 Legislature, Regular Session, 1965. . . .

7 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

8 Revised Law

9 Sec. 9062.201. TAX METHOD. (a) The district shall use the
10 ad valorem basis or plan of taxation.

11 (b) The board is not required to hold a hearing on the
12 adoption of a plan of taxation. (Acts 59th Leg., R.S., Ch. 532,
13 Sec. 6 (part).)

14 Source Law

15 Sec. 6. . . . The ad valorem basis or plan of
16 taxation shall be used by said District, and it shall
17 not be necessary for the Board of Directors to hold a
18 hearing on the adoption of a plan of taxation.

19 Revised Law

20 Sec. 9062.202. DEPOSITORY. (a) The board by resolution
21 shall designate one or more banks inside or outside the district to
22 serve as the district's depository. A designated bank serves for
23 two years and until a successor is designated.

24 (b) All district money shall be secured in the manner
25 provided for securing county funds. (Acts 59th Leg., R.S., Ch. 532,
26 Sec. 7.)

27 Source Law

28 Sec. 7. As soon as practicable after the
29 qualification of the first Board of Directors of said
30 District, said Board shall by resolution designate one
31 or more banks within or without the District to serve
32 as the District's depository, and all funds of said
33 District shall be secured in the manner now provided
34 for the security of county funds. Such bank or banks
35 shall serve for a period of two (2) years and until a
36 successor has been selected.

37 Revisor's Note

38 Section 7, Chapter 532, Acts of the 59th
39 Legislature, Regular Session, 1965, requires the board
40 to select a depository bank "[a]s soon as practicable
41 after the qualification of the first Board of
42 Directors." The revised law omits the quoted language
43 as executed.

1 Revisor's Note
2 (End of Subchapter)

3 (1) Section 5, Chapter 532, Acts of the 59th
4 Legislature, Regular Session, 1965, lists the entities
5 for which district bonds are legal investments and
6 provides that district bonds may secure deposits of
7 public funds of the state or political subdivisions.
8 The revised law omits the provision relating to the
9 eligibility of district bonds to be considered as
10 investments for various entities because it duplicates
11 Section 49.186(a), Water Code. While Section 5 lists
12 "guardians" and Section 49.186(a), Water Code, does
13 not, Section 49.186(a) includes "fiduciaries," and a
14 guardian is a fiduciary. The revised law omits the
15 provision relating to deposits of state funds as
16 impliedly repealed by Section 404.0221, Government
17 Code (enacted in 1995), which lists eligible
18 collateral for deposits of state funds by the
19 comptroller. As to deposits of other funds, the
20 provision is impliedly repealed by Chapter 2257,
21 Government Code (enacted as Chapter 627, Acts of the
22 71st Legislature, Regular Session, 1989), which
23 governs eligible collateral for deposits of funds of
24 other public agencies, including political
25 subdivisions, and permits those deposits to be secured
26 by obligations issued by conservation and reclamation
27 districts. The omitted law reads:

28 Sec. 5. The bonds of the District
29 shall be and are hereby declared to be legal
30 and authorized investments for banks,
31 savings banks, trust companies, building
32 and loan associations, savings and loan
33 associations, insurance companies,
34 fiduciaries, trustees, guardians, and for
35 the sinking funds of cities, towns,
36 villages, counties, school districts, or
37 other political corporations or
38 subdivisions of the State of Texas. Such
39 bonds shall be eligible to secure the
40 deposit of any and all public funds of the
41 State of Texas, and any and all public funds
42 of cities, towns, villages, counties,

1 school districts, or other political
2 corporations or subdivisions of the State
3 of Texas; and such bonds shall be lawful and
4 sufficient security for said deposits to
5 the extent of their value, when accompanied
6 by all unmatured coupons appurtenant
7 thereto. . . .

8 (2) Section 5, Chapter 532, Acts of the 59th
9 Legislature, Regular Session, 1965, provides that
10 district bonds may be in denominations of \$1,000 or
11 multiples of \$1,000. The revised law omits that
12 provision as impliedly repealed by Section 3, Chapter
13 845, Acts of the 67th Legislature, Regular Session,
14 1981 (Article 717k-6, Vernon's Texas Civil Statutes),
15 which was revised as Section 1201.021, Government
16 Code, by Section 1, Chapter 227, Acts of the 76th
17 Legislature, Regular Session, 1999. Section 1201.021,
18 Government Code, allows a public security to be issued
19 in any denomination and applies to a district bond by
20 application of Section 1201.002, Government Code. The
21 omitted law reads:

22 Sec. 5. . . . Said bonds may be in
23 the denomination of \$1,000 or in multiples
24 thereof, and

25 (3) Section 5, Chapter 532, Acts of the 59th
26 Legislature, Regular Session, 1965, provides that bond
27 proceeds may be invested in obligations of the United
28 States or placed on time deposit. The revised law
29 omits that provision as superseded by Chapter 2256,
30 Government Code (enacted as Chapter 889, Acts of the
31 70th Legislature, Regular Session, 1987), which
32 governs the investments of certain public entities.
33 The omitted law reads:

34 Sec. 5. . . . until such time as the
35 bond proceeds are needed to carry out the
36 bond purpose, such proceeds may be invested
37 in direct obligations of the United States
38 of America or may be placed on time deposit,
39 either or both.

40 Revisor's Note
41 (End of Chapter)

42 (1) Section 9, Chapter 532, Acts of the 59th

1 Legislature, Regular Session, 1965, provides that the
 2 act is severable. The revised law omits that provision
 3 because it duplicates in substance Section 311.032(c),
 4 Government Code (Code Construction Act), which
 5 provides that a provision of a statute is severable
 6 from each other provision of the statute that can be
 7 given effect. The omitted law reads:

8 Sec. 9. If any word, phrase, clause,
 9 sentence, paragraph, section, or other part
 10 of this Act or the application thereof to
 11 any person or circumstance, shall ever be
 12 held by a court of competent jurisdiction to
 13 be invalid or unconstitutional, the
 14 remainder of the Act and the application of
 15 such word, phrase, clause, sentence,
 16 paragraph, section, or other part of this
 17 Act to other persons or circumstances shall
 18 not be affected thereby.

19 (2) Section 10, Chapter 532, Acts of the 59th
 20 Legislature, Regular Session, 1965, provides that
 21 proof of publication of the constitutionally required
 22 notice has been made. The revised law omits that
 23 provision as executed. The omitted law reads:

24 Sec. 10. Proof of publication of the
 25 Constitutional notice required in the
 26 enactment hereof under the provisions of
 27 paragraph (d) of Section 59 of Article XVI
 28 of the Texas Constitution has been made in
 29 the manner provided therein and a copy of
 30 said notice and the bill as originally
 31 introduced have been delivered to the
 32 Governor of the State of Texas as required
 33 in such Constitutional provision, and such
 34 notice and delivery are hereby found and
 35 declared to be proper and sufficient to
 36 satisfy such requirements.

37 CHAPTER 9063. UPPER JASPER COUNTY WATER AUTHORITY

38 SUBCHAPTER A. GENERAL PROVISIONS

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 40 Sec. 9063.002. NATURE OF AUTHORITY 912
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44 SUBCHAPTER B. BOARD OF DIRECTORS

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1 Sec. 9063.052. QUALIFICATIONS FOR OFFICE 916
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11 CHAPTER 9063. UPPER JASPER COUNTY WATER AUTHORITY

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Revised Law

14 Sec. 9063.001. DEFINITIONS. In this chapter:

15 (1) "Authority" means the Upper Jasper County Water
16 Authority.

17 (2) "Board" means the authority's board of directors.

18 (3) "Director" means a board member. (Acts 54th Leg.,
19 R.S., Ch. 508, Sec. 1 (part); New.)

20 Source Law

21 Sec. 1. . . . [a . . . district] to be known as
22 the "Upper Jasper County Water Authority,"

23 Revisor's Note

24 The definitions of "board" and "director" are
25 added to the revised law for drafting convenience and
26 to eliminate frequent, unnecessary repetition of the
27 substance of the definitions.

28 Revised Law

29 Sec. 9063.002. NATURE OF AUTHORITY. (a) The authority is a
30 conservation and reclamation district.

31 (b) The creation of the authority is essential to accomplish
32 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
33 54th Leg., R.S., Ch. 508, Sec. 1 (part).)

34 Source Law

35 Sec. 1. There is hereby created within the State

1 of Texas, a conservation and reclamation district
2 . . . the creation of such Authority is hereby
3 declared to be essential to the accomplishment of the
4 purposes set forth in Section 59 of Article XVI of the
5 Constitution of the State of Texas.

6 Revisor's Note

7 (1) Section 1, Chapter 508, Acts of the 54th
8 Legislature, Regular Session, 1955, provides that the
9 authority "is hereby created within the State of
10 Texas." The revised law omits the quoted language as
11 executed.

12 (2) Section 1, Chapter 508, Acts of the 54th
13 Legislature, Regular Session, 1955, provides that the
14 authority is "a governmental agency and body politic
15 and corporate with the powers of government." The
16 revised law omits the quoted language because it
17 duplicates a portion of Section 59(b), Article XVI,
18 Texas Constitution, which provides that a conservation
19 and reclamation district is a governmental agency and
20 body politic and corporate, with governmental powers
21 conferred by law. The omitted law reads:

22 Sec. 1. . . .
23 The Authority shall be, and is hereby
24 declared to be, a governmental agency and
25 body politic and corporate with the powers
26 of government and

27 Revised Law

28 Sec. 9063.003. AUTHORITY TERRITORY. The authority consists
29 of the territory included in the boundaries of County Commissioners
30 Precincts 1 and 2 of Jasper County, as those boundaries existed on
31 June 22, 1955. The authority's territory may have been modified
32 under:

- 33 (1) Subchapter O, Chapter 51, Water Code;
34 (2) Subchapter J, Chapter 49, Water Code; or
35 (3) other law. (Acts 54th Leg., R.S., Ch. 508, Sec. 1
36 (part); New.)

37 Source Law

38 Sec. 1. . . . which shall include and consist of
39 that part of the State of Texas included within the
40 boundaries of Commissioners Precinct No. 1 and 2 of

1 Jasper County, Texas, and the boundaries of said
2 Precincts shall be the boundaries of said Authority.
3 . . .

4 Revisor's Note

5 (1) Section 1, Chapter 508, Acts of the 54th
6 Legislature, Regular Session, 1955, provides that the
7 authority's territory consists of that part of the
8 state "included within the boundaries of Commissioners
9 Precinct No. 1 and 2 of Jasper County." Under Section
10 18(b), Article V, Texas Constitution, the
11 commissioners court may set the commissioners precinct
12 boundaries. Following the release of each federal
13 decennial census, the commissioners court may change
14 the commissioners precinct boundaries to comply with
15 the "one-person, one-vote" mandate of the Equal
16 Protection Clause of the Fourteenth Amendment of the
17 federal constitution. See Avery v. Midland County,
18 390 U.S. 474, 484-485 (1968).

19 It is unlikely that the legislature intended for
20 the authority boundaries to change when the
21 commissioners precinct boundaries change. An
22 applicable rule of statutory construction provides
23 that the delineation of a political subdivision's
24 boundary by reference to that of another political
25 subdivision refers to the boundary as it existed at the
26 time of the delineation. See Op. Tex. Att'y Gen. No.
27 DM-186 (1992) (Hamilton County Hospital District
28 boundaries do not change after commissioners precinct
29 boundaries changed). Changing the authority
30 boundaries based on changes in the commissioners
31 precinct boundaries would cause some territory
32 included in the authority and subject to an ad valorem
33 tax to be removed from the authority, possibly
34 resulting in an unconstitutional impairment of any
35 contract under which authority bonds issued were
36 supported by an ad valorem tax imposed on authority

1 property.

2 Had the legislature intended this result, it
3 could have provided in the statute a method by which
4 the changes in authority boundaries could have been
5 made to avoid these constitutional issues. See Op.
6 Tex. Att'y Gen. No. DM-186 (1992). Accordingly, the
7 revised law defines the authority boundaries as of the
8 effective date of the act that made the boundaries
9 coextensive with the commissioners precincts.

10 (2) The revision of the law governing the
11 authority revises the statutory language describing
12 the territory of the authority. Because the
13 authority's boundaries are subject to change under
14 general law, that description may not be accurate on
15 the effective date of the revision or at the time of a
16 later reading. For the reader's convenience, the
17 revised law includes references to statutory authority
18 to change the authority's territory under Subchapter
19 O, Chapter 51, Water Code, applicable to water control
20 and improvement districts, and under Subchapter J,
21 Chapter 49, Water Code, applicable to the authority
22 under Sections 49.001 and 49.002 of that chapter. The
23 revised law also includes a reference to the general
24 authority of the legislature to enact a law to change
25 the authority's territory.

26 Revised Law

27 Sec. 9063.004. SABINE RIVER AUTHORITY NOT AFFECTED;
28 LEGISLATIVE INTENT. In enacting Chapter 508, Acts of the 54th
29 Legislature, Regular Session, 1955, revised as this chapter, the
30 legislature intended to preserve the area and authority of the
31 Sabine River Authority as that area and authority existed on June
32 22, 1955, and this chapter may not be construed as limiting the area
33 and authority of the Sabine River Authority as it existed on June
34 22, 1955. (Acts 54th Leg., R.S., Ch. 508, Sec. 4 (part).)

1 Source Law

2 Sec. 4. . . . Nothing herein shall be construed
3 as limiting the present area and authority of the
4 Sabine River Authority, and it is the intent of the
5 Legislature to preserve the present area and authority
6 of the Sabine River Authority.

7 Revisor's Note

8 Section 4, Chapter 508, Acts of the 54th
9 Legislature, Regular Session, 1955, provides that
10 nothing in Chapter 508 shall be construed as limiting
11 the "present" area and authority of the Sabine River
12 Authority. Section 4 also provides that it is the
13 intent of the legislature to preserve that "present"
14 area and authority. Accordingly, the revised law omits
15 "present" and substitutes references to June 22, 1955,
16 the effective date of Chapter 508.

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Revised Law

19 Sec. 9063.051. COMPOSITION OF BOARD. The authority is
20 governed by a board of five elected directors. (Acts 54th Leg.,
21 R.S., Ch. 508, Sec. 2 (part).)

22 Source Law

23 Sec. 2. The governing body of the Authority
24 shall be a Board of Directors, composed of five (5)
25 persons, . . . succeeding directors shall be elected,
26 and

27 Revisor's Note

28 Section 2, Chapter 508, Acts of the 54th
29 Legislature, Regular Session, 1955, refers to
30 "succeeding directors" to distinguish those directors
31 from the initial directors appointed under that
32 section. The revised law omits "succeeding" because
33 all provisions referring to initial directors are
34 omitted as executed and the distinction is no longer
35 required.

36 Revised Law

37 Sec. 9063.052. QUALIFICATIONS FOR OFFICE. (a) A director
38 must be:

- 1 (1) at least 18 years of age;
2 (2) a resident of the state and authority; and
3 (3) the owner of property subject to taxation in the
4 authority.

5 (b) At least one director must reside in County
6 Commissioners Precinct 1 of Jasper County. (Acts 54th Leg., R.S.,
7 Ch. 508, Sec. 2 (part).)

8 Source Law

9 Sec. 2. . . . [a Board of Directors] . . . each
10 of whom shall be at least twenty-one (21) years of age,
11 a citizen of the State of Texas, and the owner of
12 property subject to taxation within the District and a
13 resident of said District and at least one of whom
14 shall reside in Precinct No. 1. . . .

15 Revisor's Note

16 (1) Section 2, Chapter 508, Acts of the 54th
17 Legislature, Regular Session, 1955, states that a
18 director must be "at least twenty-one (21) years of
19 age." The revised law substitutes "at least 18 years
20 of age" for the quoted language because Section
21 129.001, Civil Practice and Remedies Code, establishes
22 18 years as the age of majority in this state. Section
23 129.002, Civil Practice and Remedies Code, provides
24 that a law adopted before August 27, 1973, that extends
25 a right, privilege, or obligation to an individual on
26 the basis of a minimum age of 19, 20, or 21 years shall
27 be interpreted as prescribing a minimum age of 18
28 years. Section 2 was enacted in 1955 and has not been
29 amended.

30 (2) Section 2, Chapter 508, Acts of the 54th
31 Legislature, Regular Session, 1955, refers to a
32 "citizen" of the state. The revised law substitutes
33 "resident" for "citizen" because, in the context of
34 this section, "citizen" and "resident" are synonymous
35 and "resident" is more commonly used.

1 context, "provided" is synonymous with "conferred and
2 imposed" and "provided" is more commonly used.

3 (3) Section 3, Chapter 508, Acts of the 54th
4 Legislature, Regular Session, 1955, refers to the
5 "rights, powers, privileges, [and] authority" of the
6 authority. The revised law omits the reference to
7 "authority" because, in context, "authority" is
8 included in the meaning of "rights, powers, [and]
9 privileges."

10 (4) Section 3, Chapter 508, Acts of the 54th
11 Legislature, Regular Session, 1955, refers to the
12 general laws of this state "now in force or hereafter
13 enacted." The revised law omits the quoted language as
14 unnecessary under accepted general principles of
15 statutory construction. The "[g]eneral [l]aws of this
16 [s]tate" means those laws "in force" at the time the
17 provision was adopted. It is unnecessary to state that
18 the authority may be granted additional powers by
19 later enacted laws because those laws apply on their
20 own terms.

21 (5) Section 3, Chapter 508, Acts of the 54th
22 Legislature, Regular Session, 1955, refers to the
23 general laws "applicable to water control and
24 improvement authorities." For the reader's
25 convenience, the revised law adds references to
26 Chapter 49, Water Code, applicable under Sections
27 49.001 and 49.002 of that chapter to many types of
28 districts, including water control and improvement
29 districts, created under Section 59, Article XVI,
30 Texas Constitution, and to Chapter 51, Water Code,
31 applicable to water control and improvement districts.

32 (6) Section 3, Chapter 508, Acts of the 54th
33 Legislature, Regular Session, 1955, provides that the
34 act prevails over general law in case of a conflict or

1 extend, repair, maintain, and operate water distribution projects
2 and facilities for supplying water to users in the authority. (Acts
3 54th Leg., R.S., Ch. 508, Sec. 4 (part).)

4 Source Law

5 Sec. 4. The Authority is specifically
6 authorized to cooperate, and enter into agreements,
7 with the Sabine River Authority, municipal
8 corporations and political subdivisions of the State,
9 in regard to the construction, improvement, extension,
10 maintenance, repair and operation of water supply and
11 distribution projects and facilities, within the
12 boundaries of the Authority, upon such terms and
13 conditions as the Board of Directors of the Authority
14 shall determine to be for the best interests of the
15 Authority. The Authority is authorized, either
16 separately or jointly with one or more of the
17 aforementioned agencies of the State, to acquire,
18 construct, enlarge, improve, extend, repair, maintain
19 and operate water distribution projects and facilities
20 for supplying water to users within the boundaries of
21 the Authority. . . .

22 Revisor's Note

23 (1) Section 4, Chapter 508, Acts of the 54th
24 Legislature, Regular Session, 1955, refers to
25 "municipal corporations and political subdivisions of
26 the State." The revised law omits the reference to
27 "municipal corporations" because municipal
28 corporations are political subdivisions of the state.

29 (2) Section 4, Chapter 508, Acts of the 54th
30 Legislature, Regular Session, 1955, provides that the
31 authority may cooperate and enter into certain
32 agreements on "terms and conditions" the board
33 determines to be for the best interests of the
34 authority. The revised law omits "conditions" because
35 "conditions" is included in the meaning of "terms."

36 (3) Section 4, Chapter 508, Acts of the 54th
37 Legislature, Regular Session, 1955, provides that the
38 powers conferred by Section 4 are cumulative of other
39 powers granted to the authority by Chapter 508. The
40 revised law omits the provision because, as a
41 principle of statutory construction, the various
42 provisions granting power to the authority are read

1 cumulatively. The omitted law reads:

2 Sec. 4. . . . The provisions of this
3 Section shall be cumulative of other powers
4 granted to the Authority herein. . . .

5 Revised Law

6 Sec. 9063.104. COST OF RELOCATING OR ALTERING PROPERTY. If
7 the authority's exercise of the power of eminent domain, the power
8 of relocation, or any other power granted by this chapter makes
9 necessary relocating, raising, rerouting, changing the grade of, or
10 altering the construction of a railroad, highway or other public
11 road, electric transmission line, or telephone or telegraph
12 property or facility, the necessary action shall be accomplished at
13 the sole expense of the authority. (Acts 54th Leg., R.S., Ch. 508,
14 Sec. 3a.)

15 Source Law

16 Sec. 3a. In the event that the District, in the
17 exercise of the power of eminent domain or power of
18 relocation, or any other power granted hereunder,
19 makes necessary the relocation, raising, re-routing or
20 changing the grade of, or altering the construction of
21 any railroad, highways and other public roads,
22 electric transmission line, telephone or telegraph
23 properties and facilities, as such necessary
24 relocation, raising, re-routing, changing of grade or
25 alteration of construction shall be accomplished at
26 the sole expense of the District.

27 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

28 Revised Law

29 Sec. 9063.151. TAX METHOD; HEARING REQUIRED. Before an
30 election authorizing bonds, the board must hold a public hearing on
31 the adoption of the plan of taxation to be used by the authority and
32 adopt a plan of taxation. (Acts 54th Leg., R.S., Ch. 508, Sec. 3
33 (part).)

34 Source Law

35 Sec. 3. . . . The Board of Directors shall,
36 prior to election authorizing the bonds, hold and
37 conduct a public hearing on the adoption of the plan of
38 taxation to be utilized by the District and shall adopt
39 a plan

40 Revisor's Note

41 Section 3, Chapter 508, Acts of the 54th
42 Legislature, Regular Session, 1955, requires the board

1 to adopt a plan of taxation in the manner provided by
2 general law for water control and improvement
3 districts. The revised law omits that provision
4 because general law applicable to water control and
5 improvement districts, including taxation provisions
6 in Chapters 49 and 51, Water Code, applies on its own
7 terms or under the relevant part of Section 3 of
8 Chapter 508 (revised by this chapter as Section
9 9063.102). The omitted law reads:

10 Sec. 3. . . . [The Board] . . .
11 [shall adopt a plan] in the same manner as
12 is now provided by the General Law governing
13 water control and improvement districts.

14 Revisor's Note
15 (End of Chapter)

16 (1) Section 3, Chapter 508, Acts of the 54th
17 Legislature, Regular Session, 1955, includes
18 provisions controlling the creation of the authority
19 that relate to the applicability of general laws
20 governing the creation of water control and
21 improvement districts. The provisions are transition
22 provisions clarifying procedures relative to the
23 creation of the authority, and the revised law
24 therefore omits those provisions as executed. The
25 omitted law reads:

26 Sec. 3. . . . It shall not be
27 necessary for the Board of Directors to call
28 a confirmation election. It shall be
29 necessary, however, for the Board of
30 Directors to have and conduct a hearing for
31 the exclusion of lands in the same manner as
32 now provided by the General Law governing
33 water control and improvement districts.
34 . . .

35 (2) Section 5, Chapter 508, Acts of the 54th
36 Legislature, Regular Session, 1955, provides that the
37 act is severable. The revised law omits that provision
38 because it duplicates in substance Section 311.032,
39 Government Code (Code Construction Act), which
40 provides that a provision of a statute is severable

1 from each other provision of the statute that can be
2 given effect. The omitted law reads:

3 Sec. 5. If any section, sentence,
4 clause or part of this Act is for any reason
5 held to be invalid, such decision shall not
6 affect the remaining portions of this Act.

7 SUBTITLE X. DISTRICTS WITH COMBINED POWERS

8 CHAPTER 11005. MUENSTER WATER DISTRICT

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2 CHAPTER 11005. MUENSTER WATER DISTRICT

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Revised Law

5 Sec. 11005.001. DEFINITIONS. In this chapter:

6 (1) "Board" means the board of directors of the
7 district.

8 (2) "City" means the city of Muenster.

9 (3) "City council" means the city council of the city.

10 (4) "Director" means a member of the board appointed
11 by the city council.

12 (5) "District" means the Muenster Water District.
13 (Acts 63rd Leg., R.S., Ch. 619, Secs. 1 (part), 2 (part), 4(a)
14 (part); New.)

15 Source Law

16 Sec. 1. . . . the "Muenster Water District"
17 (hereinafter called "district"),

18 Sec. 2. . . . the City of Muenster, in Cooke
19 County, State of Texas (hereinafter called the
20 "city"),

21 Sec. 4. (a) [The district shall be governed by
22 a Board of Directors] (hereinafter called the
23 "board"), [composed of five members,] entitled
24 directors, The five regular directors shall be
25 appointed by the City Council of the City of
26 Muenster. . . .

27 Revisor's Note

28 (1) The definition of "city council" is added to
29 the revised law for drafting convenience and to
30 eliminate frequent, unnecessary repetition of the
31 substance of the definition.

32 (2) Section 4(a), Chapter 619, Acts of the 63rd
33 Legislature, Regular Session, 1973, refers to "regular
34 directors." Throughout this chapter, the revised law
35 omits "regular" when used in this context because it is
36 unnecessary to distinguish between "regular"
37 directors and other directors. It is clear from
38 Section 4(a) that the board is governed by five
39 directors, each of whom is appointed by the city

1 council of the city of Muenster, and the revised law
2 defines "director" to mean a member of the board
3 appointed by the city council. Although Section 4(a)
4 also provides that the mayor of the city of Muenster
5 serves as an honorary member of the board (see the
6 portion of Section 4(a) revised as Section 11005.101
7 of this chapter), the mayor is not a director because
8 the mayor is not appointed to the board by the city
9 council and the mayor, while serving as an honorary
10 board member, may not vote.

11 Revised Law

12 Sec. 11005.002. NATURE OF DISTRICT. The district is a
13 conservation and reclamation district created under Section 59,
14 Article XVI, Texas Constitution. (Acts 63rd Leg., R.S., Ch. 619,
15 Sec. 1 (part).)

16 Source Law

17 Sec. 1. By virtue of Article XVI, Section 59 of
18 the Texas Constitution, there is hereby created a
19 conservation and reclamation district to be known as
20 the "Muenster Water District" . . . which shall be a
21 governmental agency and a body politic and corporate.

22 Revisor's Note

23 Section 1, Chapter 619, Acts of the 63rd
24 Legislature, Regular Session, 1973, refers to the
25 district as "a governmental agency and a body politic
26 and corporate." The revised law omits the quoted
27 language because it duplicates a portion of Section
28 59(b), Article XVI, Texas Constitution, which provides
29 that a conservation and reclamation district is a
30 governmental agency and a body politic and corporate.

31 Revised Law

32 Sec. 11005.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

33 (a) All territory and taxable property in the city will benefit
34 from the works and improvements of the district.

35 (b) The accomplishment of the purposes stated in this
36 chapter will benefit the people of this state and improve their

1 property and industries.

2 (c) The district, in carrying out the purposes of this
3 chapter, will be performing an essential public function under the
4 constitution. (Acts 63rd Leg., R.S., Ch. 619, Secs. 2 (part), 22
5 (part).)

6 Source Law

7 Sec. 2. [The district shall contain all of the
8 territory contained in the boundaries of the City of
9 Muenster] . . . it being hereby found and determined
10 that all of the territory and taxable property
11 contained within the boundaries of said City will be
12 benefited by the works and improvements of the
13 district.

14 Sec. 22. The accomplishment of the purposes
15 stated in this Act is for the benefit of the people of
16 this state and for the improvement of their properties
17 and industries, and the district, in carrying out the
18 purposes of this Act will be performing an essential
19 public function under the Constitution. . . .

20 Revisor's Note
21 (End of Subchapter)

22 Section 3, Chapter 619, Acts of the 63rd
23 Legislature, Regular Session, 1973, provides that an
24 election must be held to confirm the creation of the
25 district. Section 13, Chapter 619, Acts of the 63rd
26 Legislature, Regular Session, 1973, requires that an
27 election be held to determine if the proposed district
28 shall be established before issuing any bonds or other
29 obligations. The revised law omits those provisions
30 as executed because the confirmation election has been
31 held. The omitted law reads:

32 Sec. 3. The city shall call an
33 election for the confirmation of the
34 creation of the district in the same manner
35 as city elections are held, pursuant to
36 Chapter 1 of Title 22 of Vernon's Texas
37 Statutes. The ballots shall have printed
38 thereon "FOR THE DISTRICT" or "AGAINST THE
39 DISTRICT". The election shall be conducted
40 as provided for city elections in the Texas
41 Election Code. If a majority of the votes
42 cast in the election favor the creation of
43 the district, the district shall be
44 created. If the election fails to carry, the
45 city may re-call such election.

46 Sec. 13. Before issuing any bonds or
47 other obligations an election shall be held
48 within the boundaries of the proposed

1 district to determine if the proposed
2 district shall be established; and such
3 election and notice thereof shall be held
4 and given in the manner provided by Chapter
5 54, Texas Water Code.

6 SUBCHAPTER B. DISTRICT TERRITORY; ANNEXATION

7 Revised Law

8 Sec. 11005.051. DISTRICT TERRITORY. (a) The boundaries of
9 the district are coextensive with the boundaries of the city as
10 those boundaries existed on January 1, 1973, and as the district
11 territory may have been modified under:

12 (1) this subchapter or its predecessor statute,
13 Section 7, Chapter 619, Acts of the 63rd Legislature, Regular
14 Session, 1973;

15 (2) Subchapter J, Chapter 49, Water Code; or

16 (3) other law.

17 (b) An invalidity in the fixing of the boundaries of the
18 city as they existed on January 1, 1973, does not affect the
19 boundaries of the district. (Acts 63rd Leg., R.S., Ch. 619, Sec. 2
20 (part); New.)

21 Source Law

22 Sec. 2. The district shall contain all of the
23 territory contained in the boundaries of the City of
24 Muenster, in Cooke County, State of Texas . . . as the
25 boundaries of said city existed on January 1, 1973. It
26 is provided, however, that no invalidity in the fixing
27 of such boundaries shall affect the boundaries of the
28 territory contained in this district,

29 Revisor's Note

30 For the reader's convenience, the revised law
31 includes references to statutory authority to change
32 the district's territory under this chapter and
33 Subchapter J, Chapter 49, Water Code, applicable to
34 the district under Sections 49.001 and 49.002 of that
35 chapter. The revised law also includes a reference to
36 the general authority of the legislature to enact
37 other laws to change the district's territory.

38 Revised Law

39 Sec. 11005.052. ANNEXATION OF CITY TERRITORY. (a)
40 Territory annexed to the city after January 1, 1973, may be annexed

1 to the district as provided by this section.

2 (b) At any time after final passage of an ordinance or
3 resolution annexing territory to the city, the board may give
4 notice of a hearing on the question of annexing that territory to
5 the district. The notice is sufficient if it:

6 (1) states the date and place of the hearing; and

7 (2) describes the territory proposed to be annexed or
8 refers to the annexation ordinance or resolution of the city.

9 (c) At least 10 days before the date set for the hearing, the
10 notice must be published one time in a newspaper of general
11 circulation in the city.

12 (d) If, as a result of the hearing, the board finds that the
13 territory will benefit from the present or contemplated
14 improvements, works, or facilities of the district, the board shall
15 adopt a resolution annexing the territory to the district.

16 (e) After the territory is annexed to the district, the
17 board may hold an election in the entire district to determine
18 whether:

19 (1) the entire district will assume any tax-supported
20 bonds then outstanding and those bonds previously voted but not yet
21 sold; and

22 (2) an ad valorem tax for the payment of the bonds will
23 be imposed on all taxable property in the district.

24 (f) An election held under Subsection (e) must be held and
25 notice must be given in the same manner as an election is held and
26 notice is given under Section 11005.254 for the issuance of bonds.
27 (Acts 63rd Leg., R.S., Ch. 619, Secs. 7 (part), (a), (b), (c), (d).)

28 Source Law

29 Sec. 7. Territory annexed after January 1,
30 1973, to the city may be annexed to the district in the
31 following manner, to-wit:

32 (a) At any time after final passage of an
33 ordinance or resolution annexing territory to the
34 city, the board may issue a notice of hearing on the
35 question of annexing said territory to the district.
36 Such notice shall be sufficient if it states the date
37 and place of the hearing and a description of the area
38 proposed to be annexed, but in lieu of such description
39 the notice may make reference to the annexation
40 ordinance or resolution of the city.

1 (b) The notice shall be published one time in a
2 newspaper having general circulation in the city, such
3 publication to be at least 10 days before the date set
4 for the hearing.

5 (c) If, pursuant to such hearing, the board
6 finds that the territory proposed to be annexed will be
7 benefited by the then present or contemplated
8 improvements, works or facilities of the district, the
9 board shall adopt a resolution annexing said territory
10 to the district.

11 (d) After such territory is added to the
12 district, the board may call an election over the
13 entire district for the purpose of determining whether
14 the entire district as enlarged shall assume any tax
15 supported bonds then outstanding and those theretofore
16 voted but not yet sold and whether an ad valorem tax
17 shall be levied upon all taxable property within the
18 district as enlarged for the payment thereof. Such
19 election shall be called and held and notice thereof
20 given in the same manner as elections for the issuance
21 of bonds as provided in this Act.

22 Revisor's Note

23 (1) Section 7(d), Chapter 619, Acts of the 63rd
24 Legislature, Regular Session, 1973, provides that
25 after territory has been annexed, the board may "call"
26 an election that is "called and held" in the same
27 manner as a bond election. The revised law omits
28 "call" and "called" because, in this context, "call"
29 or "called" is included in the meaning of holding an
30 election. Under Chapter 3, Election Code, all
31 elections must be ordered (called) before they may be
32 held.

33 (2) Section 7(d), Chapter 619, Acts of the 63rd
34 Legislature, Regular Session, 1973, refers to an
35 election after the annexation of territory to
36 determine whether an ad valorem tax shall be "levied"
37 on all taxable property in the district as enlarged.
38 The revised law substitutes "imposed" for "levied."
39 Throughout this chapter, the revised law substitutes
40 "impose" for "assess," "levy," "collect," and similar
41 terms because "impose" is the term generally used in
42 Title 1, Tax Code, and includes the assessment,
43 levying, and collection of a tax.

44 (3) Section 7(d), Chapter 619, Acts of the 63rd
45 Legislature, Regular Session, 1973, requires that an

1 election on the assumption of bonds by the district as
2 enlarged and the imposition of an ad valorem tax to pay
3 the bonds be called and held and notice be given "in
4 the same manner as elections for the issuance of bonds
5 as provided in this Act." For the reader's
6 convenience, the revised law adds a reference to
7 Section 11005.254 of this chapter, because that is
8 where the provisions of the act providing for bond
9 elections are revised.

10 Revised Law

11 Sec. 11005.053. ANNEXATION OF OTHER TERRITORY. (a)
12 Territory other than territory subject to Section 11005.052 may be
13 annexed to the district as provided by this section.

14 (b) The board may annex territory or a municipality under
15 this section only if a petition requesting annexation is signed by
16 50 registered voters of the territory or municipality to be
17 annexed, or a majority of the registered voters of that territory or
18 municipality, whichever is fewer, and is filed with the board. The
19 petition must describe the territory to be annexed by metes and
20 bounds, or otherwise. If the territory is the same as that
21 contained in the boundaries of a municipality, the petition is
22 sufficient if it states that the territory to be annexed is the
23 territory contained in the municipal boundaries.

24 (c) If the board finds that the petition complies with
25 Subsection (b), that the annexation would be in the best interest of
26 the territory or municipality and the district, and that the
27 district will be able to supply water to the territory or
28 municipality, the board shall:

29 (1) adopt a resolution stating the conditions, if any,
30 under which the territory or municipality may be annexed to the
31 district; and

32 (2) set a time and place to hold a hearing on the
33 question of whether the territory or municipality to be annexed
34 will benefit from:

1 (A) the improvements, works, or facilities owned
2 or operated or contemplated to be owned or operated by the district;
3 or

4 (B) the other functions of the district.

5 (d) At least 10 days before the date of the hearing, notice
6 of the adoption of the resolution stating the time and place of the
7 hearing must be published one time in a newspaper of general
8 circulation in the territory or municipality proposed to be
9 annexed. The notice must describe the territory in the same manner
10 in which Subsection (b) requires or permits the petition to
11 describe the territory.

12 (e) Any interested person may appear at the hearing and
13 offer evidence for or against the annexation.

14 (f) The hearing may proceed in the order and under the rules
15 prescribed by the board. The hearing may be recessed from time to
16 time.

17 (g) If, at the conclusion of the hearing, the board finds
18 that the property in the territory or municipality will benefit
19 from the present or contemplated improvements, works, or facilities
20 of the district, the board shall adopt a resolution making a finding
21 of the benefit and calling an election in the territory or
22 municipality to be annexed.

23 (h) The resolution must state:

- 24 (1) the date of the election;
25 (2) each place where the election will be held; and
26 (3) the proposition to be voted on.

27 (i) At least 10 days before the date set for the election,
28 notice of the election must be given by publishing a substantial
29 copy of the resolution calling the election one time in a newspaper
30 of general circulation in the territory proposed to be annexed.

31 (j) In calling an election on the proposition for annexation
32 of the territory or municipality, the board may include, as part of
33 the same proposition or as a separate proposition, a proposition
34 for:

1 (1) the territory to assume its part of the
2 tax-supported bonds of the district then outstanding and those
3 bonds previously voted but not yet sold; and

4 (2) an ad valorem tax to be imposed on taxable property
5 in the territory along with the tax in the rest of the district for
6 the payment of the bonds.

7 (k) If a majority of the votes cast at the election are in
8 favor of annexation, the board by resolution shall annex the
9 territory to the district.

10 (l) An annexation under this section is incontestable
11 except in the manner and within the time for contesting elections
12 under the Election Code. (Acts 63rd Leg., R.S., Ch. 619, Sec. 7(e)
13 (part).)

14 Source Law

15 (e) Other territory may be annexed to the
16 District in the following manner:

17 (1) A petition praying for such annexation
18 signed by fifty (50) or a majority, whichever number is
19 smaller, of the resident, qualified voters of the
20 territory or of duly incorporated cities or towns,
21 sought to be annexed shall be filed with the board.
22 The petition shall describe the territory to be
23 annexed by metes and bounds, or otherwise, unless such
24 territory is the same as that contained within the
25 boundaries of such city or town, in which event it
26 shall be sufficient to state that the territory to be
27 annexed is that which is contained within the
28 boundaries of such city or town.

29 (2) If the board finds that the petition
30 complies with, and is signed by the number of qualified
31 persons required by the foregoing subsection, that the
32 annexation would be to the best interest of the
33 territory, city or town, and the district, and that the
34 district will be able to supply water, or cause water
35 to be supplied to the territory, city or town, it shall
36 adopt a resolution stating the conditions, if any,
37 under which such territory, city or town, may be
38 annexed to the district, and shall fix a time and place
39 when and where a hearing shall be held by the board on
40 the question of whether the territory, city or town,
41 sought to be annexed will be benefited by the
42 improvements, works, and facilities then owned or
43 operated or contemplated to be owned or operated by the
44 district or by the other functions of the district.
45 Notice of the adoption of such resolution stating the
46 time and place of such hearing shall be published one
47 (1) time in a newspaper of general circulation in the
48 territory, city or town, sought to be annexed at least
49 ten (10) days prior to the date of such hearing. The
50 notice shall describe the territory in the same manner
51 in which it is required or permitted by this Act to be
52 described in the petition. All persons interested may
53 appear at such hearing and offer evidence for or
54 against the proposed annexation. Such hearing may

1 proceed in such order and under such rules as may be
2 prescribed by the board, and the hearing may be
3 recessed from time to time. If, at the conclusion of
4 the hearing, the board finds that the property in such
5 territory, city or town, will be benefited by the
6 present or contemplated improvements, works or
7 facilities of the district, the board shall adopt a
8 resolution making a finding of such benefit and
9 calling an election in the territory, city or town,
10 proposed to be annexed stating therein the date of the
11 election, the place or places of holding the same, the
12 proposition to be voted on and

13 Notice of such election shall be given by
14 publishing a substantial copy of the resolution
15 calling the election one (1) time in a newspaper of
16 general circulation in the territory sought to be
17 annexed to the district at least ten (10) days before
18 the date set for the election. . . . If . . . a
19 majority of the votes cast are in favor of annexation
20 the board shall by resolution annex said territory to
21 the district, and such annexation shall thereafter be
22 incontestable except in the manner and within the time
23 for contesting elections under the General Election
24 Code.

25 (3) The board, in calling an election on
26 the proposition for annexation of territory, city or
27 town, may include as a part of the same proposition, or
28 a separate proposition for the assumption of its part
29 of the tax supported bonds of the district then
30 outstanding and those theretofore voted but not yet
31 sold, and for the levy of an ad valorem tax on taxable
32 property in said territory along with the tax in the
33 rest of the district for the payment thereof

34 Revisor's Note

35 (1) Section 7(e)(1), Chapter 619, Acts of the
36 63rd Legislature, Regular Session, 1973, refers to
37 "resident, qualified voters" of the territory or
38 municipality proposed to be annexed. The revised law
39 substitutes "registered voters" for the quoted
40 language because in the context of eligibility to sign
41 a petition, Section 277.0021, Election Code, provides
42 that "qualified voter" means a "registered voter."

43 (2) Section 7, Chapter 619, Acts of the 63rd
44 Legislature, Regular Session, 1973, refers to a "city"
45 or "town" and to "duly incorporated cities or towns."
46 The revised law substitutes "municipality" for "city"
47 or "town" because the terms are synonymous and
48 "municipality" is the term used in the Local
49 Government Code. The revised law omits "duly
50 incorporated" because, under the Local Government
51 Code, all municipalities must be incorporated.

1 (3) Section 7(e)(2), Chapter 619, Acts of the
2 63rd Legislature, Regular Session, 1973, refers to a
3 finding by the board that the district will be able to
4 "supply water, or cause water to be supplied." The
5 revised law omits the reference to "cause water to be
6 supplied" because it is included in the meaning of
7 "supply water."

8 (4) Section 7(e)(2), Chapter 619, Acts of the
9 63rd Legislature, Regular Session, 1973, provides that
10 the board shall "fix a time and place" for a hearing on
11 the question of annexation. The revised law
12 substitutes "set" for "fix" because the terms are
13 synonymous in this context and "set" is more commonly
14 used.

15 (5) Section 7(e)(2), Chapter 619, Acts of the
16 63rd Legislature, Regular Session, 1973, requires
17 notice by publication to describe the territory to be
18 annexed in the same manner in which it is "required or
19 permitted by this Act" to be described in the petition.
20 The provisions for describing the territory in the
21 petition are revised in Subsection (b) of this
22 section. The revised law is drafted accordingly.

23 (6) Section 7(e)(2), Chapter 619, Acts of the
24 63rd Legislature, Regular Session, 1973, requires the
25 board to adopt a resolution regarding the appointment
26 of judges and clerks for each voting place. The
27 revised law omits the provision as superseded by the
28 1985 enactment of the Election Code, applicable to the
29 district under Section 1.002, Election Code. Chapter
30 32, Election Code, governs the selection of election
31 judges and clerks. The omitted law reads:

32 (2) . . . [the board shall
33 adopt a resolution] . . . appointing a
34 presiding judge for each voting place who
35 shall appoint the necessary assistant
36 judges and clerks to assist in holding the
37 election.

1 . . .

2 (7) Section 7(e)(2), Chapter 619, Acts of the
3 63rd Legislature, Regular Session, 1973, restricts
4 certain voting to "constitutionally qualified
5 electors who reside in the territory, city or town,
6 sought to be annexed." Similarly, Section 7(e)(3) of
7 that chapter restricts certain voting to
8 "constitutionally qualified electors." Throughout
9 this chapter, the revised law omits such provisions as
10 unnecessary because Chapter 11, Election Code, governs
11 eligibility to vote in an election in this state and
12 allows only "qualified voters" who are residents of
13 the territory covered by the election to vote in an
14 election. In addition, as a general principle of law,
15 all state statutes, including the Election Code, must
16 be consistent with the constitution. The omitted law
17 reads:

18 (2) . . . Only constitutionally
19 qualified electors who reside in the
20 territory, city or town, sought to be
21 annexed shall be qualified to vote in said
22 election. . . .

23 (3) . . . in which event the
24 voting shall be restricted to
25 constitutionally qualified electors.

26 (8) Section 7(e)(2), Chapter 619, Acts of the
27 63rd Legislature, Regular Session, 1973, states that
28 the board shall receive and canvass the election
29 returns and adopt an order declaring the results. The
30 revised law omits this provision as superseded by the
31 1985 enactment of the Election Code, applicable to the
32 district under Section 1.002, Election Code. Chapter
33 67, Election Code, provides for the canvass of
34 elections. The omitted law reads:

35 (2) . . . Returns of the result
36 of said election shall be made to the board.
37 The board shall canvass the returns of the
38 election and adopt an order declaring the
39 results thereof. [If] such order shows that
40

1 Revised Law

2 Sec. 11005.054. DETACHMENT OF DISTRICT TERRITORY AFTER
3 ISSUANCE OF BONDS. Territory may not be detached from the district
4 after the issuance of bonds payable from revenue or taxes, or both
5 revenue and taxes. (Acts 63rd Leg., R.S., Ch. 619, Sec. 17(a)
6 (part).)

7 Source Law

8 (a) . . . No territory shall be detached from
9 the district after the issuance of bonds which are
10 payable from revenues or taxes or both. . . .

11 SUBCHAPTER C. BOARD OF DIRECTORS

12 Revised Law

13 Sec. 11005.101. COMPOSITION OF BOARD; TERMS. (a) The
14 district is governed by a board of five directors appointed by the
15 city council. The directors occupy numbered places on the board.

16 (b) Directors serve staggered two-year terms, with the
17 terms of the directors occupying Places 1, 2, and 3 expiring at
18 midnight on March 1 of each odd-numbered year and the terms of the
19 directors occupying Places 4 and 5 expiring at midnight on March 1
20 of each even-numbered year.

21 (c) The mayor of the city serves, ex officio, as an honorary
22 board member. The mayor may attend all board meetings and
23 participate in all board proceedings except that the mayor may not
24 vote. (Acts 63rd Leg., R.S., Ch. 619, Sec. 4(a) (part).)

25 Source Law

26 Sec. 4. (a) The district shall be governed by a
27 Board of Directors [(hereinafter called the "board"),]
28 composed of five members, [entitled directors,] who
29 shall occupy places on the board to be designated as
30 Places 1, 2, 3, 4, and 5, respectively. [Three initial
31 directors shall be appointed to occupy Places 1, 2, and
32 3 and to hold office for terms expiring at 12:00 a. m.
33 on March 1, 1975, and two initial directors shall be
34 appointed to occupy Places 4 and 5, and to hold office
35 for terms expiring at 12:00 a. m. on March 1, 1974.]
36 The Mayor of the City of Muenster shall, ex officio,
37 serve as an honorary member entitled to attend all
38 meetings of the board and participate in all
39 proceedings of the board, except that he or she shall
40 not have a vote. The five regular directors shall be
41 appointed by the City Council of the City of Muenster.
42 Each regular director appointed to succeed an initial
43 regular director shall be appointed to hold office for
44 a term of two years, commencing at 12:00 a. m. on March
45 1 of the applicable year;

1 Revisor's Note

2 Section 4(a), Chapter 619, Acts of the 63rd
3 Legislature, Regular Session, 1973, refers to the
4 initial directors and their terms of office. The
5 revised law omits those provisions as executed. The
6 omitted law reads:

7 (a) . . . Three initial directors
8 shall be appointed to occupy Places 1, 2,
9 and 3 and to hold office for terms expiring
10 at 12:00 a. m. on March 1, 1975, and two
11 initial directors shall be appointed to
12 occupy Places 4 and 5, and to hold office
13 for terms expiring at 12:00 a. m. on March
14 1, 1974. . . .

15 Revised Law

16 Sec. 11005.102. COMPENSATION OF DIRECTORS. (a) A director
17 may not receive any remuneration or emolument of office, but the
18 director is entitled to reimbursement for the actual expenses
19 incurred in performing the director's duties, to the extent
20 authorized and permitted by the board.

21 (b) In all areas of conflict with Subsection (a) of this
22 section, Section 49.060, Water Code, takes precedence.

23 (c) A director's compensation may be increased as
24 authorized by Section 49.060, Water Code, by resolution adopted by
25 the board in accordance with Subsection (e) of that section on or
26 after September 1, 1995. (Acts 63rd Leg., R.S., Ch. 619, Sec. 5(a);
27 New.)

28 Source Law

29 Sec. 5. (a) The directors shall not receive
30 any remuneration or emolument of office, but they
31 shall be entitled to reimbursement for their actual
32 expenses incurred in performing their duties, to the
33 extent authorized and permitted by the board.

34 Revisor's Note

35 Section 5(a), Chapter 619, Acts of the 63rd
36 Legislature, Regular Session, 1973, provides that
37 "directors shall not receive any remuneration or
38 emolument of office, but they are entitled to
39 reimbursement for their actual expenses incurred in
40 performing their duties, to the extent authorized and

1 permitted by the board." Section 49.060, Water Code,
2 enacted in 1995 and applicable by its own terms to the
3 district, provides for a director's fees of office,
4 computed on a rate per day of certain service, and
5 Subsection (a-1) of that section, enacted in 2003,
6 requires the board of each district to adopt a
7 resolution limiting a director's total annual fees of
8 office. Section 49.060(e) provides that, in all areas
9 of conflict, Section 49.060 takes precedence over all
10 prior statutory enactments and that, if the enactment
11 of that section would result in a fee increase, the
12 increase does not apply to a district unless the board
13 by resolution authorizes payment of the higher fees.
14 It is unclear to what extent the quoted language may be
15 in conflict with Section 49.060. To preserve the
16 ambiguity, the revised law includes the substance of
17 the quoted language and adds provisions necessary to
18 preserve the effect of Section 49.060 to the extent of
19 a conflict with that language.

20 Revised Law

21 Sec. 11005.103. QUALIFICATIONS FOR OFFICE. (a) To be
22 eligible to be appointed or to serve as a director, a person:

23 (1) must be a resident, qualified voter of the
24 district;

25 (2) must not hold any other public office; and

26 (3) must not be an officer or employee of the city.

27 (b) A director is eligible for reappointment. (Acts 63rd
28 Leg., R.S., Ch. 619, Secs. 4(a) (part), (b).)

29 Source Law

30 (a) . . . Each director shall be eligible for
31 reappointment. . . .

32 (b) To be eligible to be appointed or serve as a
33 regular director, a person must be a resident,
34 qualified elector of the State of Texas and of the
35 district; and not hold any other public office or be an
36 officer or employee of the city.

1 Revisor's Note

2 (1) Section 4(b), Chapter 619, Acts of the 63rd
3 Legislature, Regular Session, 1973, refers to an
4 "elector" of the district. Throughout this chapter,
5 the revised law substitutes "voter" for "elector"
6 because the terms are synonymous and "voter" is the
7 term used in the Election Code.

8 (2) Section 4(b), Chapter 619, Acts of the 63rd
9 Legislature, Regular Session, 1973, requires a
10 director to be a qualified elector (or "voter" under
11 the terminology of the Election Code (see Revisor's
12 Note (1) to this section)) of the State of Texas and of
13 the district. The revised law omits the reference to
14 the State of Texas because a qualified voter of the
15 district is necessarily a qualified voter of the
16 state.

17 Revised Law

18 Sec. 11005.104. VACANCIES. Any vacancy occurring on the
19 board shall be filled for the unexpired term by appointment in the
20 manner in which the vacating director was appointed. (Acts 63rd
21 Leg., R.S., Ch. 619, Sec. 4(a) (part).)

22 Source Law

23 (a) . . . Any vacancy occurring on the board
24 through death, resignation, or otherwise, shall be
25 filled by appointment in the manner in which the
26 vacating director was appointed, to hold office until
27 the expiration of the term for which the vacating
28 director had been appointed.

29 Revisor's Note

30 Section 4(a), Chapter 619, Acts of the 63rd
31 Legislature, Regular Session, 1973, refers to a
32 vacancy occurring on the board "through death,
33 resignation, or otherwise." The revised law omits the
34 quoted language because it describes every manner in
35 which a vacancy may occur without limiting in any way
36 the city council's duty to fill a vacancy.

1 Revised Law

2 Sec. 11005.105. REMOVAL FROM OFFICE. (a) After reasonable
3 notice and a public hearing, the board may remove a director from
4 office for misfeasance, malfeasance, or wilful neglect of duty.

5 (b) Reasonable notice and a public hearing are not required
6 if the notice and hearing are expressly waived in writing. (Acts
7 63rd Leg., R.S., Ch. 619, Sec. 4(c).)

8 Source Law

9 (c) Any director may be removed from office by
10 the board for misfeasance, malfeasance, or willful
11 neglect of duty, but only after reasonable notice and
12 public hearing, unless the notice and public hearing
13 are expressly waived in writing.

14 Revised Law

15 Sec. 11005.106. BOARD RESOLUTIONS; QUORUM; VOTING
16 REQUIREMENTS. (a) The district shall act through resolutions
17 adopted by the board.

18 (b) Three directors constitute a quorum.

19 (c) Each director has a vote.

20 (d) The affirmative vote of at least three directors is
21 necessary to adopt any resolution. (Acts 63rd Leg., R.S., Ch. 619,
22 Sec. 5(c).)

23 Source Law

24 (c) Any three regular directors appointed shall
25 constitute a quorum, and all regular directors shall
26 have a vote. The district shall act and proceed by and
27 through resolutions adopted by the board, and the
28 affirmative vote of at least three of the directors
29 shall be necessary to adopt any resolution.

30 Revised Law

31 Sec. 11005.107. OFFICERS AND ASSISTANTS. (a) The board
32 shall elect a president, vice president, secretary, and treasurer
33 at the first meeting of the board in March of each year or at any
34 time necessary to fill a vacancy.

35 (b) The board shall elect the president and vice president
36 from among the directors.

37 (c) The president shall serve for a term of one year.

38 (d) The offices of secretary and treasurer:

39 (1) may be held by one person; and

1 prescribed by the board. (Acts 63rd Leg., R.S., Ch. 619, Sec. 5(b)
2 (part).)

3 Source Law

4 (b) [The board shall elect one of the directors
5 as president of the board,] . . . who shall preside at
6 meetings of the board, and perform such other duties as
7 are prescribed by the board. . . . [The board shall
8 elect a secretary of the board,] who shall be the
9 official custodian of the minutes, books, records, and
10 seal of the board, and who shall perform such other
11 duties and functions as are prescribed by the board;
12 [and shall elect a treasurer of the board,] who shall
13 perform such duties and functions as are prescribed by
14 the board. . . . [The board may appoint . . . an
15 assistant secretary of the board,] who may perform any
16 duty or function of the secretary of the board.

17 Revisor's Note

18 Section 5(b), Chapter 619, Acts of the 63rd
19 Legislature, Regular Session, 1973, provides the
20 duties of the board vice president. The revised law
21 omits the provision because it duplicates Section
22 49.054(c), Water Code. Throughout this chapter, the
23 revised law omits law that is superseded by Chapter 49,
24 Water Code, or that duplicates law contained in that
25 chapter. Chapter 49, Water Code, applies to the
26 district under Sections 49.001 and 49.002, Water Code.
27 The omitted law reads:

28 (b) . . . [The board shall elect
29 another of the directors as vice-president
30 of the board,] who shall perform the duties
31 of the president when the president is not
32 present or is otherwise
33 incapacitated. . . .

34 Revised Law

35 Sec. 11005.109. MEETINGS. The board shall have regular
36 meetings at times specified by board resolution and shall have
37 special meetings when called by the board president or by any three
38 directors. (Acts 63rd Leg., R.S., Ch. 619, Sec. 5(e).)

39 Source Law

40 (e) The board shall have regular meetings at
41 times specified by resolution of the board, and shall
42 have special meetings whenever called by the
43 president, or whenever called by any three of the
44 directors.

1 Revised Law

2 Sec. 11005.110. PERSONAL LIABILITY OF DIRECTORS. A
3 director is not personally liable for any bond issued or contract
4 executed by the district. (Acts 63rd Leg., R.S., Ch. 619, Sec.
5 5(f).)

6 Source Law

7 (f) No director shall be liable personally for
8 any bonds issued, or contracts executed, by the
9 district.

10 Revisor's Note
11 (End of Subchapter)

12 Section 4(a), Chapter 619, Acts of the 63rd
13 Legislature, Regular Session, 1973, provides that a
14 director holds over in office until the director's
15 successor has been appointed and has qualified. The
16 revised law omits the provision because it duplicates
17 in substance Section 17, Article XVI, Texas
18 Constitution, which provides that an officer in this
19 state continues to perform the officer's official
20 duties until a successor has qualified. The omitted
21 law reads:

22 (a) . . . provided that a director
23 shall hold over in office past the
24 expiration of his term until his successor
25 shall have been appointed and has
26 qualified, in the event such appointment
27 and qualification shall not have occurred
28 by the expiration of such term. . . .

29 SUBCHAPTER D. POWERS AND DUTIES

30 Revised Law

31 Sec. 11005.151. DISTRICT POWERS. The district may exercise
32 any power necessary or appropriate to achieve the purposes of this
33 chapter, including the power to:

- 34 (1) sue and be sued, and plead and be impleaded, in its
35 own name;
- 36 (2) adopt an official seal;
- 37 (3) adopt and enforce bylaws and rules for the conduct
38 of its affairs;
- 39 (4) acquire, hold, use, and dispose of its receipts

1 and money from any source;

2 (5) select a depository or depositories;

3 (6) acquire, own, rent, lease, accept, hold, or
4 dispose of property, or an interest in property, including a right
5 or easement, by purchase, exchange, gift, assignment,
6 condemnation, sale, lease, or otherwise, in performing district
7 duties or exercising district powers under this chapter;

8 (7) hold, manage, operate, or improve property;

9 (8) lease or rent any land, building, structure, or
10 facility from or to any person;

11 (9) sell, assign, lease, encumber, mortgage, or
12 otherwise dispose of property, or an interest in property, and
13 release or relinquish a right, title, claim, lien, interest,
14 easement, or demand, regardless of the manner in which acquired,
15 and conduct a transaction authorized by this subdivision by public
16 or private sale, with or without public bidding;

17 (10) issue bonds, provide for and secure the payment
18 of the bonds, and provide for the rights of the holders of the bonds
19 in the manner and to the extent authorized by this chapter;

20 (11) request and accept any appropriation, grant,
21 allocation, subsidy, guaranty, aid, service, material, or gift from
22 any source, including the federal government, the state, a public
23 agency, or a political subdivision;

24 (12) operate and maintain an office;

25 (13) appoint and determine the duties, tenure,
26 qualifications, and compensation of officers, employees, agents,
27 professional advisors, and counselors considered necessary or
28 advisable by the board, including financial consultants,
29 accountants, attorneys, architects, engineers, appraisers, and
30 financing experts; and

31 (14) exercise any power granted by Chapter 30, Water
32 Code, to districts created under Section 59, Article XVI, Texas
33 Constitution. (Acts 63rd Leg., R.S., Ch. 619, Sec. 6 (part).)

1 district's power to "carry out, achieve, or
2 effectuate" certain purposes. The revised law omits
3 "carry out" and "effectuate" because those terms are
4 included in the meaning of "achieve."

5 (2) Section 6, Chapter 619, Acts of the 63rd
6 Legislature, Regular Session, 1973, grants the
7 district certain powers "including, without
8 limitation," the enumerated powers. That section also
9 refers to persons the district may hire "including,
10 without limitation," certain consultants and advisors
11 named in the section. The revised law omits "without
12 limitation" because Section 311.005(13), Government
13 Code (Code Construction Act), provides that
14 "including" is a term of enlargement and not of
15 limitation and does not create a presumption that
16 components not expressed are excluded.

17 (3) Section 6(b), Chapter 619, Acts of the 63rd
18 Legislature, Regular Session, 1973, authorizes the
19 district to adopt an official seal and to "alter same
20 when deemed advisable." The revised law omits the
21 quoted language because the authority to adopt a seal
22 includes the authority to alter it.

23 (4) Section 6(b), Chapter 619, Acts of the 63rd
24 Legislature, Regular Session, 1973, states that the
25 district may adopt and enforce bylaws and "rules and
26 regulations" for the conduct of its affairs "not
27 inconsistent with the provisions of this Act." The
28 revised law omits "regulations" because Section
29 311.005(5), Government Code (Code Construction Act),
30 defines "rule" to include "regulation." The revised
31 law omits "not inconsistent with the provisions of
32 this Act" as unnecessary because as a general
33 principle of law, the district has the authority to
34 take only those actions that are consistent with the

1 law revised in this chapter.

2 (5) Section 6(c), Chapter 619, Acts of the 63rd
3 Legislature, Regular Session, 1973, refers to the
4 district's power regarding its "revenues, income,
5 . . . funds, and monies." The revised law omits
6 "revenues," "income," and "funds" because the meaning
7 of those terms is included in the meaning of "money."
8 Throughout this chapter, the revised law substitutes
9 "money" for "monies" and "funds" (except where a
10 specific type of fund is indicated) because, in
11 context, the meaning is the same and "money" is the
12 more commonly used term.

13 (6) Sections 6(d) and (e), Chapter 619, Acts of
14 the 63rd Legislature, Regular Session, 1973, refer to
15 "real, personal, or mixed property." The revised law
16 omits references to "real," "personal," and "mixed"
17 property because under Section 311.005(4), Government
18 Code (Code Construction Act), "property" includes real
19 and personal and, by extension, mixed property.

20 (7) Section 6(e), Chapter 619, Acts of the 63rd
21 Legislature, Regular Session, 1973, provides that the
22 district may conduct certain property transactions by
23 public or private sale, with or without public
24 bidding, "notwithstanding the provisions of any other
25 law," meaning that provision of Section 6(e) prevails
26 as an exception to a conflicting general law. The
27 revised law omits the quoted language because, under
28 general rules of statutory construction, a statute
29 automatically has the effect of superseding prior
30 conflicting enactments and is ineffective to supersede
31 subsequent legislation. Furthermore, Section 311.026,
32 Government Code (Code Construction Act), provides that
33 if there is a conflict between a general provision of
34 law and a special provision, the special provision

1 prevails unless the general provision is the later
2 enactment and the manifest intent is that the general
3 provision prevail.

4 (8) Section 6(e), Chapter 619, Acts of the 63rd
5 Legislature, Regular Session, 1973, refers to any
6 "person, firm, corporation, city, or other public
7 agency or political subdivision." Throughout this
8 chapter, the revised law substitutes "person" for the
9 quoted language or similar language because Section
10 311.005(2), Government Code (Code Construction Act),
11 defines "person" to include any legal entity.

12 (9) Section 6(f), Chapter 619, Acts of the 63rd
13 Legislature, Regular Session, 1973, provides that the
14 district may request and accept "appropriations,
15 grants, allocations, subsidies, guaranties, aid,
16 contributions, services, labor, materials, gifts, or
17 donations" from any source, including "any city . . .
18 [or] political subdivision." The revised law omits
19 "contributions," "labor," and "donations" because the
20 meaning of those terms is included in the meaning of
21 "aid," "services," or "gifts." The revised law also
22 omits the reference to "city" because "city" is
23 included in the meaning of "political subdivision."

24 (10) Section 6(i), Chapter 619, Acts of the 63rd
25 Legislature, Regular Session, 1973, authorizes the
26 district to fix and "revise from time to time" certain
27 fees for those who use district facilities or services
28 and to charge and collect those fees. The revised law
29 omits the reference to fixing, charging, and
30 collecting fees because it duplicates, in substance,
31 Section 49.212, Water Code. The revised law also omits
32 the reference to revising the fees from time to time
33 because the power to set the fees includes the power to
34 revise them from time to time. The omitted law reads:

1 agreed to by the parties, for any purpose relating to the district's
2 powers or functions, including a contract or agreement for a water
3 supply. Approval, notice, consent, or an election is not required
4 in connection with the contract or agreement. (Acts 63rd Leg.,
5 R.S., Ch. 619, Sec. 9(b) (part).)

6 Source Law

7 (b) All public agencies and political
8 subdivisions of the State of Texas, including
9 specifically the City of Muenster, is authorized to
10 enter into contracts and agreements with the district
11 for a water supply, or for any purpose relating to the
12 district's powers or functions, upon such terms and
13 conditions as the parties may agree. . . . No
14 approval, notice or consent whatsoever, nor any
15 election, shall be required in connection with any
16 such contract, agreement, or

17 Revisor's Note

18 Section 9(b), Chapter 619, Acts of the 63rd
19 Legislature, Regular Session, 1973, refers to certain
20 "terms and conditions." Throughout this chapter, the
21 revised law omits the reference to "conditions"
22 because "conditions" is included in the meaning of
23 "terms."

24 Revised Law

25 Sec. 11005.154. DISTRICT AUTHORITY TO CONTRACT TO SUPPLY
26 WATER. (a) The district may contract with municipalities and
27 others, including the city, to supply water to them. The district
28 may sell water inside or outside the boundaries of the district.

29 (b) The district may contract with a public agency or
30 political subdivision for the rental or leasing of or for the
31 operation of the water production, water supply, water filtration
32 or purification, and water supply facilities of the entity on the
33 consideration agreed to by the district and the entity.

34 (c) A contract under Subsection (a) or (b) may:

35 (1) be on terms and for the time agreed to by the
36 parties; and

37 (2) provide that it will continue in effect until
38 bonds specified in it and refunding bonds issued in lieu of the
39 bonds are paid.

1 (d) The district may contract with the city for the
2 operation of the district's water facilities by the city. An
3 election is not required in connection with the contract. (Acts
4 63rd Leg., R.S., Ch. 619, Secs. 9(a) (part), 19.)

5 Source Law

6 Sec. 9. (a) . . . The district is empowered to
7 sell water within and without the boundaries of the
8 district and

9 Sec. 19. (a) The district is authorized to
10 enter into contracts with cities and others, including
11 specifically the City of Muenster, for supplying water
12 to them. The district is also authorized to contract
13 with any city, public agency, or political subdivision
14 for the rental or leasing of, or for the operation of
15 the water production, water supply, water filtration
16 or purification, water supply facilities of such
17 entity upon such consideration as the district and
18 such entity may agree. Any such contract may be upon
19 such terms and for such time as the parties may agree,
20 and it may provide that it shall continue in effect
21 until bonds specified therein and refunding bonds
22 issued in lieu of such bonds are paid. The district is
23 further authorized to contract with the city for the
24 operation of the district's water facilities by the
25 city. No election shall be required in connection with
26 any such contract.

27 Revisor's Note

28 Section 19, Chapter 619, Acts of the 63rd
29 Legislature, Regular Session, 1973, states that the
30 district may contract with any "city, public agency,
31 or political subdivision" for certain district
32 purposes. The revised law omits the reference to a
33 "city" because "city" is included in the meaning of
34 "political subdivision."

35 Revised Law

36 Sec. 11005.155. SOURCES FOR WATER; ACQUISITION OF LAND;
37 STORAGE CAPACITY. (a) The district may acquire or construct,
38 inside or outside the district, a reservoir or any work, plant,
39 transmission line, or other facility necessary or useful to divert,
40 impound, store, treat, or transport to the city and others water for
41 municipal, domestic, industrial, mining, oil flooding, or any other
42 useful purpose.

43 (b) The district may develop or otherwise acquire
44 underground sources of water.

1 (c) The district may acquire land, or an interest in land,
2 inside or outside the district, for any work, plant, or other
3 facility necessary or useful to divert, impound, store, treat, or
4 transport to the city and others water for municipal, domestic,
5 industrial, mining, oil flooding, or any other useful purpose.

6 (d) The district may lease, purchase, or otherwise acquire
7 rights in and to storage and storage capacity in any reservoir
8 constructed or to be constructed by any person or from the United
9 States. (Acts 63rd Leg., R.S., Ch. 619, Secs. 8 (part), 9(a)
10 (part), 10 (part).)

11 Source Law

12 Sec. 8. . . . The district is hereby empowered
13 to lease, purchase, or otherwise acquire rights in and
14 to storage and storage capacity in any reservoir
15 constructed or to be constructed by any person, firm,
16 corporation, public agency, political subdivision,
17 the state, or from the United States or any of its
18 agencies.

19 Sec. 9. (a) . . . The district is authorized
20 to acquire or construct within or without the
21 boundaries of the district a reservoir or reservoirs
22 and all works, plants, transmission lines and other
23 facilities necessary or useful for the purpose of
24 diverting, impounding, storing, treating, and
25 transporting water to the city and others for
26 municipal, domestic, industrial, mining, oil
27 flooding, or any other useful purposes. The district
28 . . . is further empowered and authorized to develop
29 or otherwise acquire underground sources of water.

30 Sec. 10. The district is empowered to acquire
31 land, or any interest therein, within or without the
32 boundaries of the district for all works, plants, and
33 other facilities necessary or useful for the purpose
34 of diverting, impounding, storing, treating, and
35 transporting water to the city and others for
36 municipal, domestic, industrial, mining, oil
37 flooding, and all other useful purposes. . . .

38 Revisor's Note

39 Section 8, Chapter 619, Acts of the 63rd
40 Legislature, Regular Session, 1973, refers to the
41 United States "or any of its agencies." The revised
42 law omits the quoted language because Section
43 311.005(9), Government Code (Code Construction Act),
44 defines the United States to include its agencies.

45 Revised Law

46 Sec. 11005.156. CONSTRUCTION CONTRACTS. (a) The district

1 may award a construction contract that requires an expenditure of
2 more than \$5,000 only after publication of notice to bidders once
3 each week for two weeks in a newspaper of general circulation in the
4 district.

5 (b) The notice is sufficient if it states:

6 (1) the time and place for opening the bids;

7 (2) the general nature of the work to be done or the
8 material, equipment, or supplies to be purchased; and

9 (3) where the terms of bidding and copies of the plans
10 and specifications may be obtained. (Acts 63rd Leg., R.S., Ch. 619,
11 Sec. 12.)

12 Source Law

13 Sec. 12. Any construction contract requiring an
14 expenditure of more than \$5,000 shall be made after
15 publication of a notice to bidders once each week for
16 two weeks in a newspaper of general circulation in the
17 district, before awarding the contract. Such notice
18 shall be sufficient if it states the time and place
19 when and where the bids will be opened, the general
20 nature of the work to be done, or the material,
21 equipment or supplies to be purchased, and states
22 where the terms and conditions of bidding and copies of
23 the plans and specifications may be obtained.

24 Revised Law

25 Sec. 11005.157. CONVEYANCE OF LAND TO DISTRICT. A public
26 agency or political subdivision of this state, including the city,
27 may lease, sell, or otherwise convey its land or an interest in its
28 land to the district for consideration that the parties agree is
29 adequate. Approval, notice, consent, or an election is not
30 required in connection with the conveyance. (Acts 63rd Leg., R.S.,
31 Ch. 619, Sec. 9(b) (part).)

32 Source Law

33 (b) All public agencies and political
34 subdivisions of the State of Texas, including
35 specifically the City of Muenster, Also, each
36 such entity, including specifically the City of
37 Muenster, is authorized to lease, sell, or otherwise
38 convey any of its land or any interest therein to the
39 district for such consideration as is agreed upon
40 between the parties to be adequate. No approval,
41 notice or consent whatsoever, nor any election, shall
42 be required in connection with any such . . .
43 conveyance.

1 raising, lowering, rerouting, or changing the grade of or altering
2 the construction of any railroad, electric transmission,
3 telegraph, or telephone line, conduit, pole, property, or facility
4 or pipeline, the action shall be accomplished at the sole expense of
5 the district. The term "sole expense" means the actual cost of the
6 lowering, rerouting, or change in grade or alteration of
7 construction to provide a comparable replacement without enhancing
8 the facility, after deducting from the cost the net salvage value
9 derived from the old facility.

10 (b) The district has all necessary or useful rights-of-way
11 and easements along, over, under, and across all public, state,
12 municipal, and county roads, highways, and places for any of its
13 purposes. The district shall restore a used facility to its
14 previous condition as nearly as possible at the sole expense of the
15 district. (Acts 63rd Leg., R.S., Ch. 619, Secs. 11(b), (c).)

16 Source Law

17 (b) The district is hereby given and granted all
18 necessary or useful rights-of-way and/or easements
19 along, over, under, and across all public, state,
20 city, and county roads, highways, and places for any of
21 its purposes, but the district shall restore any such
22 facilities used to their previous condition as nearly
23 as possible at the sole expense of the district.

24 (c) In the event the district, in the exercise
25 of its power of eminent domain or police power, or any
26 other power requires the relocation, raising,
27 lowering, rerouting, or change in grade or alteration
28 in the construction of any railroad, electric
29 transmission, telegraph, or telephone lines,
30 conduits, poles, properties, or facilities or
31 pipelines, all such relocation, raising, lowering,
32 rerouting, or changes in grade or alteration of
33 construction shall be accomplished at the sole expense
34 of the district. The term "sole expense" shall mean
35 the actual cost of such lowering, rerouting, or change
36 in grade or alteration of construction in providing
37 comparable replacement without enhancement of such
38 facilities, after deducting therefrom the net salvage
39 value derived from the old facility.

40 Revised Law

41 Sec. 11005.161. OTHER DISTRICT POWERS. The district has
42 the same power as is conferred by general law on municipal utility
43 districts or on water control and improvement districts, with
44 reference to entering land and making surveys and attending to
45 other business of the district. (Acts 63rd Leg., R.S., Ch. 619,

1 Sec. 11(a) (part).)

2 Source Law

3 (a) . . . The district shall have the same power
4 as is conferred by general law upon municipal utility
5 districts and/or upon water control and improvement
6 districts, with reference to entering land and making
7 surveys and attending to other business of the
8 district.

9 Revisor's Note
10 (End of Subchapter)

11 (1) Section 9(a), Chapter 619, Acts of the 63rd
12 Legislature, Regular Session, 1973, provides in part
13 that the district may contract with any person for the
14 purchase or sale of water and for any other district
15 purpose. The revised law omits that provision because
16 it duplicates in substance Section 49.213(b), Water
17 Code, which authorizes the district to enter into a
18 contract with any person for any district purpose, and
19 part of Section 49.213(c), Water Code, which
20 authorizes the district to enter into a contract for
21 the purchase or sale of water. The district may
22 enforce a contract or agreement under Section 6(a),
23 Chapter 619, Acts of the 63rd Legislature, Regular
24 Session, 1973, revised in this chapter as Section
25 11005.151(1), and under Section 49.066, Water Code,
26 which provide that the district may sue and be sued.
27 The omitted law reads:

28 Sec. 9. (a) The district is
29 authorized to enter into and enforce
30 contracts and agreements for the purchase
31 or sale of water, and for any other purpose
32 relating to its powers, with any person,
33 firm, corporation, public agency, political
34 subdivision, the state, or from the United
35 States or any of its agencies. . . .

36 (2) Section 9(c), Chapter 619, Acts of the 63rd
37 Legislature, Regular Session, 1973, provides that the
38 rights, powers, privileges, authority, and functions
39 granted to the district are subject to supervision by
40 the state through the Texas Water Rights Commission,
41 subject to "the provisions of this Act, and Chapter 50,

1 Texas Water Code." The revised law omits the provision
2 as unnecessary. As noted by the revisor's note to
3 Section 11005.152, the Texas Commission on
4 Environmental Quality is the successor agency to the
5 former Texas Water Rights Commission, and therefore
6 the provision duplicates in substance part of Section
7 12.081, Water Code, which applies to the district by
8 its own terms. The reference to Chapter 50, Water
9 Code, is omitted because most of Chapter 50 was
10 repealed by Chapter 715, Acts of the 74th Legislature,
11 Regular Session, 1995, and supervision of the district
12 under that chapter is provided only under Section
13 50.107, which, to the extent it may have effect,
14 applies by its own terms. The omitted law reads:

15 (c) The rights, powers, privileges,
16 authority, and functions herein granted to
17 the district shall be subject to the
18 continuing right of supervision of the
19 state, to be exercised by and through the
20 Texas Water Rights Commission, subject to
21 the provisions of this Act, and Chapter 50,
22 Texas Water Code.

23 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

24 Revised Law

25 Sec. 11005.201. DEPOSITORY. (a) The board shall designate
26 one or more banks inside or outside the district to serve as the
27 depository for the district's money.

28 (b) District money shall be deposited in the depository
29 designated by the board, except that:

30 (1) bond proceeds and money pledged to pay bonds, to
31 the extent provided in a resolution or trust indenture authorizing
32 or securing district bonds, may be deposited with another bank or
33 trustee named in the bond resolution or trust indenture; and

34 (2) money shall be remitted to each paying agent for
35 the payment of principal of and interest on the bonds.

36 (c) To the extent that money in a depository bank or trustee
37 bank is not insured by the Federal Deposit Insurance Corporation,
38 the money must be secured in the manner provided by law for the

1 security of municipal money. (Acts 63rd Leg., R.S., Ch. 619, Sec.
2 20 (part).)

3 Source Law

4 Sec. 20. The board shall designate one or more
5 banks within or without the district to serve as
6 depository for the funds of the district. All funds of
7 the district shall be deposited in such depository
8 bank or banks, except that bond proceeds and funds
9 pledged to pay bonds may, to the extent provided in any
10 resolution or trust indenture authorizing or securing
11 bonds of the district, be deposited with any other bank
12 or trustee named in the bond resolution or trust
13 indenture, and except that funds shall be remitted to
14 each paying agent for the payment of principal of and
15 interest on the bonds. To the extent that funds in the
16 depository banks and the trustee bank are not insured
17 by the F.D.I.C., they shall be secured in the manner
18 provided by law for the security of city funds. . . .

19 Revisor's Note

20 Section 20, Chapter 619, Acts of the 63rd
21 Legislature, Regular Session, 1973, refers to the
22 "F.D.I.C." The revised law substitutes a reference to
23 the "Federal Deposit Insurance Corporation" because
24 that is the full name of that entity.

25 Revised Law

26 Sec. 11005.202. INVESTMENT OF DISTRICT MONEY. The board
27 may invest district money in obligations and make time deposits of
28 district money in the manner determined by the board or in the
29 manner permitted or required in a resolution or trust indenture
30 authorizing or securing district bonds. (Acts 63rd Leg., R.S., Ch.
31 619, Sec. 20 (part).)

32 Source Law

33 Sec. 20. . . . The board may invest district
34 funds in obligations and make time deposits of
35 district funds, in such manner as is determined by the
36 board, or in the manner permitted or required in any
37 resolution or trust indenture authorizing or securing
38 bonds of the district.

39 Revised Law

40 Sec. 11005.203. DISTRICT FACILITIES EXEMPT FROM TAXATION
41 AND ASSESSMENT. The district is not required to pay a tax or
42 assessment on its facilities or any part of its facilities. (Acts
43 63rd Leg., R.S., Ch. 619, Sec. 22 (part).)

1 Source Law

2 Sec. 22. . . . The district shall not be
3 required to pay any tax or assessment on its facilities
4 or any part thereof, and

5 Revisor's Note
6 (End of Subchapter)

7 Section 23, Chapter 619, Acts of the 63rd
8 Legislature, Regular Session, 1973, establishes
9 certain procedures relating to the imposition of
10 property taxes. The revised law omits those
11 provisions as superseded by Title 1, Tax Code, which
12 was intended as a comprehensive, substantive
13 codification of all property tax law and its
14 administration. Title 1, Tax Code, was enacted by
15 Chapter 841, Acts of the 66th Legislature, Regular
16 Session, 1979. Section 6(b) of that act repealed all
17 "general, local, and special laws" that conflicted
18 with that act. The omitted law reads:

19 Sec. 23. (a) The tax rolls of the
20 city are hereby adopted and shall
21 constitute the tax rolls of the district
22 until assessment and tax rolls shall be made
23 by the district.

24 (b) [If the district issues and
25 delivers bonds which are payable wholly or
26 partially from ad valorem taxes the board
27 annually shall cause the taxable property
28 in the district to be rendered and assessed
29 for ad valorem taxation, and] the value of
30 such taxable property to be equalized, and
31 . . . in accordance with any of the methods
32 set forth in this section, and any method
33 adopted shall remain in effect until
34 changed by the board.

35 (1) The laws of this state
36 applicable to general law cities and towns
37 may be adopted and shall be used to the
38 extent pertinent and practicable.

39 (2) The laws of this state
40 applicable to counties may be adopted and
41 shall be used to the extent pertinent and
42 practicable, provided that the board shall
43 have the authority to act as its own board
44 of equalization, or to appoint three
45 resident, qualified electors of the
46 district who own taxable property therein
47 to act as the board of equalization of the
48 district, and in either case the board of
49 equalization shall qualify and perform the
50 duties prescribed by law for county
51 commissioners courts acting as boards of
52 equalization.

53 (3) The board shall be

1 authorized to have the taxable property in
2 the district assessed, its values
3 equalized, and/or its taxes collected, in
4 whole or in part, by the tax assessors,
5 board of equalization, and/or tax
6 collectors, respectively, of any county,
7 city, taxing district, or other
8 governmental subdivision in which all or
9 any part of the district is located; and
10 such property may be assessed and the values
11 thereof equalized on the same basis or a
12 different basis than that used by any such
13 governmental subdivision. Such property
14 shall be assessed, the values thereof
15 equalized, and such taxes collected, in the
16 manner and for such compensation as shall be
17 agreed upon between the appropriate
18 parties, and the functions thus assumed by
19 the officials of any such governmental
20 subdivision shall be additional duties
21 pertaining to their offices, respectively.
22 The ad valorem tax law applicable to each
23 such governmental subdivision shall apply
24 to its officials in carrying out such
25 functions for the district.

26 (4) It is specifically
27 provided, however, that under any method
28 used all taxable property within the
29 district shall be assessed on the same basis
30 and the values thereof shall be equalized by
31 only one board of equalization, in an equal
32 and uniform manner, as required by the Texas
33 Constitution. If the board desires that
34 taxable property shall be assessed and
35 taxes collected by the tax assessors and/or
36 collectors of more than one governmental
37 subdivision, the board shall either act as
38 its own board of equalization, or appoint
39 three resident, qualified electors of the
40 district who own taxable property therein
41 to act as the board of equalization, and in
42 either case the board of equalization shall
43 qualify and perform the duties prescribed
44 by law for county commissioners courts
45 acting as boards of equalization.

46 (5) Any other method or
47 procedure authorized or permitted by any
48 other statute of the state may be adopted,
49 in whole or in part, to the extent pertinent
50 and practicable.

51 SUBCHAPTER F. BONDS

52 Revised Law

53 Sec. 11005.251. AUTHORITY TO ISSUE BONDS. (a) The district
54 may issue bonds payable from and secured by revenue or ad valorem
55 taxes, or both revenue and ad valorem taxes, of the district to
56 carry out any power conferred by this chapter. The bonds must be
57 authorized by a board resolution.

58 (b) The bonds must be issued in the manner and under the
59 terms of the resolution authorizing the issuance of the bonds.

1 (Acts 63rd Leg., R.S., Ch. 619, Secs. 14(a), (b) (part), (e)
2 (part).)

3 Source Law

4 Sec. 14. (a) For the purpose of carrying out
5 any power or authority conferred by this Act, the
6 district is empowered to issue its negotiable bonds to
7 be payable from and secured by revenues or ad valorem
8 taxes, or both revenues and ad valorem taxes, of the
9 district, in the manner and under the terms and
10 conditions provided in the resolution authorizing the
11 issuance of the bonds.

12 (b) Such bonds shall be authorized by resolution
13 of the board and

14 (e) The district is also empowered to issue
15 bonds payable from ad valorem taxes . . . to issue
16 bonds secured by and payable from both such taxes and
17 revenues of the district

18 Revisor's Note

19 (1) Section 14(a), Chapter 619, Acts of the 63rd
20 Legislature, Regular Session, 1973, authorizes the
21 district to issue "negotiable" bonds. The revised law
22 omits "negotiable" because Section 1201.041,
23 Government Code, provides that a public security is a
24 negotiable instrument. Throughout this chapter, the
25 revised law omits law that is superseded by Chapter
26 1201, Government Code, or that duplicates law
27 contained in that chapter. Chapter 1201, Government
28 Code, applies to district bonds under Sections
29 1201.002 and 1201.003, Government Code.

30 (2) Section 14(c), Chapter 619, Acts of the 63rd
31 Legislature, Regular Session, 1973, states that bonds
32 may be issued in "more than one series and from time to
33 time as required for carrying out the purposes of this
34 Act." The revised law omits "more than one series"
35 because it duplicates a provision of Section 1201.022,
36 Government Code. The revised law omits "from time to
37 time" because the power to issue bonds implies the
38 power to do so at any time. The revised law omits "as
39 required for carrying out the purposes of this Act"
40 because Section 14(a), Chapter 619, Acts of the 63rd

1 Legislature, Regular Session, 1973, revised as this
2 section, authorizes the district to issue bonds for
3 the purposes of the act. The omitted law reads:

4 (c) Bonds may be issued in more than
5 one series and from time to time as required
6 for carrying out the purposes of this Act.

7 Revised Law

8 Sec. 11005.252. FORM OF BONDS. District bonds must be:

- 9 (1) issued in the district's name;
10 (2) signed by the president or vice president; and
11 (3) attested by the secretary. (Acts 63rd Leg., R.S.,
12 Ch. 619, Sec. 14(b) (part).)

13 Source Law

14 (b) Such bonds . . . shall be issued in the name
15 of the district, signed by the president or
16 vice-president, attested by the secretary and . . .

17 Revisor's Note

18 Section 14(b), Chapter 619, Acts of the 63rd
19 Legislature, Regular Session, 1973, provides that
20 district bonds must bear the seal of the district and
21 authorizes facsimile "printed or lithographed"
22 signatures and seals. The revised law omits those
23 provisions as unnecessary. The requirement that the
24 bonds bear the seal of the district was impliedly
25 repealed by Section 3, Bond Procedures Act of 1981
26 (Article 717k-6, Vernon's Texas Civil Statutes)
27 (revised in relevant part in 1999 as Section
28 1201.026(a), Government Code), which provides that
29 bonds may be signed with or without a seal. The
30 authorization for the use of printed or lithographed
31 signatures duplicates Section 1201.026(a), Government
32 Code, which also provides that bonds and interest
33 coupons may be executed with manual or facsimile
34 signatures. The omitted law reads:

35 (b) [Such bonds] . . . shall bear the
36 seal of the district. It is provided,
37 however, that the signatures of the
38 president, the vice-president, or the

1 secretary or of both may be printed or
2 lithographed on the bonds if authorized by
3 the board and that the seal of the district
4 may be impressed on the bonds or may be
5 printed or lithographed thereon. . . .

6 Revised Law

7 Sec. 11005.253. MATURITY. District bonds must mature not
8 later than 40 years after the date of their issuance. (Acts 63rd
9 Leg., R.S., Ch. 619, Sec. 14(b) (part).)

10 Source Law

11 (b) . . . The bonds shall mature serially or
12 otherwise in not to exceed 40 years from their date and
13

14 Revisor's Note

15 Section 14(b), Chapter 619, Acts of the 63rd
16 Legislature, Regular Session, 1973, provides that
17 district bonds shall mature "serially or otherwise."
18 The revised law omits the quoted language because it is
19 superseded by Section 1201.021, Government Code
20 (enacted as Section 3, Bond Procedures Act of 1981
21 (Article 717k-6, Vernon's Texas Civil Statutes)),
22 which provides that the governing body of an issuer may
23 determine the time of payment of public securities it
24 issues, and by Section 1201.022, Government Code
25 (enacted as Section 5(a), Bond Procedures Act of 1981
26 (Article 717k-6, Vernon's Texas Civil Statutes)),
27 which provides that a public security may be issued
28 with specified characteristics, on specified terms, or
29 in a specified manner.

30 Revised Law

31 Sec. 11005.254. ELECTION FOR BONDS PAYABLE FROM AD VALOREM
32 TAXES. (a) Bonds, other than refunding bonds, payable wholly or
33 partly from ad valorem taxes may not be issued unless authorized by
34 a majority of the district voters voting at an election held for
35 that purpose.

36 (b) The board may call an election under this section
37 without a petition. The resolution calling the election must
38 specify:

- 1 (1) the time and place at which the election will be
2 held;
- 3 (2) the purpose for which the bonds will be issued;
- 4 (3) the amount of the bonds;
- 5 (4) the form of the ballot; and
- 6 (5) other matters the board considers necessary or
7 advisable.

8 (c) Notice of the election must be given by publishing a
9 substantial copy of the resolution calling the election in a
10 newspaper of general circulation in the district. The notice must
11 be published once each week for two consecutive weeks. The first
12 publication must be not later than the 14th day before the date of
13 the election.

14 (d) The district may issue bonds not payable wholly or
15 partly from ad valorem taxes without an election. (Acts 63rd Leg.,
16 R.S., Ch. 619, Secs. 17(a) (part), (b).)

17 Source Law

18 Sec. 17. (a) No bonds payable wholly or
19 partially from ad valorem taxes (except refunding
20 bonds) shall be issued unless authorized at an
21 election at which only the qualified electors who
22 reside in the district and who own taxable property
23 therein and who have duly rendered the same for
24 taxation are allowed to vote and unless a majority of
25 the votes cast is in favor of the issuance of the
26 bonds. . . . Bonds not payable wholly or partially
27 from ad valorem taxes may be issued without an
28 election.

29 (b) Such elections may be called by the board
30 without a petition. The resolution calling the
31 election shall specify the time and place or places of
32 holding the same, the purpose for which the bonds are
33 to be issued, the amount thereof, the form of the
34 ballot, and such other matters as are deemed necessary
35 or advisable by the board. Notice of the election
36 shall be given by publishing a substantial copy of the
37 resolution calling the election in a newspaper having
38 general circulation in the district, once each week
39 for two consecutive weeks, with the first publication
40 to be at least 14 days prior to the election.

41 Revisor's Note

42 (1) Section 17(a), Chapter 619, Acts of the 63rd
43 Legislature, Regular Session, 1973, provides that the
44 district may not issue bonds payable from ad valorem
45 taxes unless authorized by a majority of "the

1 qualified electors who reside in the district and who
2 own taxable property therein and who have duly
3 rendered the same for taxation." The revised law omits
4 the reference to "qualified electors who reside in the
5 district" for the reason stated in Revisor's Note (7)
6 to Section 11005.053. The revised law also omits the
7 reference to voting by persons who own taxable
8 property and render that property for taxation because
9 in Hill v. Stone, 421 U.S. 289 (1975), the United
10 States Supreme Court determined that property
11 ownership as a qualification for voting is an
12 unconstitutional denial of equal protection.

13 (2) Section 17(c), Chapter 619, Acts of the 63rd
14 Legislature, Regular Session, 1973, provides that the
15 board shall receive and canvass election returns. The
16 revised law omits that provision for the reason stated
17 in Revisor's Note (8) to Section 11005.053. The
18 omitted law reads:

19 (c) The returns of the election shall
20 be made to and canvassed by the board.

21 (3) Section 17(d), Chapter 619, Acts of the 63rd
22 Legislature, Regular Session, 1973, provides that the
23 Election Code and general laws relating to elections
24 apply to an election under that section except as
25 otherwise provided by that section. The revised law
26 omits the reference to the Election Code because
27 Section 1.002, Election Code, provides that the
28 Election Code applies to all elections held in this
29 state. An exception to the application of the Election
30 Code would apply by its own terms. The revised law
31 omits the reference to general laws relating to
32 elections because any other general law applicable to
33 district elections would apply by its own terms. The
34 omitted law reads:

35 (d) The Texas Election Code and

1 general laws relating to elections shall be
2 applicable to elections held under this
3 Section, except as otherwise provided
4 herein.

5 Revised Law

6 Sec. 11005.255. BONDS SECURED BY REVENUE; ADDITIONAL BONDS.

7 (a) District bonds issued may be secured by a pledge of all or part
8 of the district's revenue, or by all or part of the revenue of one or
9 more contracts previously or subsequently made or other revenue or
10 income specified by board resolution or a trust indenture securing
11 the bonds. The pledge may reserve the right, under conditions
12 specified by the pledge, to issue additional bonds that will be on a
13 parity with or subordinate to the bonds then being issued.

14 (b) The district may issue bonds secured by both taxes and
15 revenue of the district described by Subsection (a). (Acts 63rd
16 Leg., R.S., Ch. 619, Secs. 14(d), (e) (part).)

17 Source Law

18 (d) The bonds may be secured by a pledge of all
19 or any part of the revenues of the district, or by all
20 or any part of the revenues of any one or more
21 contracts theretofore or thereafter made or other
22 revenues or income specified by resolution of the
23 board or in any trust indenture securing the bonds.
24 Any such pledge may reserve the right, under
25 conditions therein specified, to issue additional
26 bonds which will be on a parity with or subordinate to
27 the bonds then being issued.

28 (e) The district is also empowered to . . .
29 issue bonds secured by and [payable from] both such
30 taxes and revenues of the district described in (d),
31 above. . . .

32 Revised Law

33 Sec. 11005.256. BONDS PAYABLE FROM AD VALOREM TAXES. (a)

34 If bonds are issued payable wholly or partly from ad valorem taxes,
35 the board shall annually impose a tax on the taxable property in the
36 district in an amount sufficient to pay the principal of and
37 interest on the bonds when due.

38 (b) The district may adopt the rate of a tax imposed under
39 Subsection (a) for any year after giving consideration to the money
40 received from the pledged revenue that may be available for payment
41 of principal and interest, to the extent and in the manner permitted
42 by the resolution authorizing the issuance of the bonds. (Acts 63rd
43 Leg., R.S., Ch. 619, Secs. 14(e) (part), 23(b) (part).)

1 Source Law

2 [Sec. 14]

3 (e) [The district is also empowered to issue
4 bonds payable from ad valorem taxes] to be levied on
5 all taxable property therein, or Where bonds
6 are issued payable wholly or partially from ad valorem
7 taxes, it shall be the duty of the board to levy a tax
8 sufficient to pay the principal of and the interest on
9 such bonds when due, but the rate of the tax for any
10 year may be fixed after giving consideration to the
11 money received from the pledged revenues which may be
12 available for payment of principal and interest, to
13 the extent and in the manner permitted by the
14 resolution authorizing the issuance of the bonds.

15 [Sec. 23]

16 (b) If the district issues and delivers bonds
17 which are payable wholly or partially from ad valorem
18 taxes the board annually shall cause the taxable
19 property in the district to be rendered and assessed
20 for ad valorem taxation, and . . . the ad valorem taxes
21 in the district to be collected,

22 Revisor's Note

23 Section 14(e), Chapter 619, Acts of the 63rd
24 Legislature, Regular Session, 1973, provides that the
25 rate of the property tax for any year may be "fixed" by
26 the board. The revised law substitutes "adopt" for
27 "fixed" to conform to the terminology used in Section
28 26.05, Tax Code.

29 Revised Law

30 Sec. 11005.257. ADDITIONAL SECURITY. (a) District bonds,
31 including refunding bonds, that are not payable wholly from ad
32 valorem taxes may be additionally secured, at the discretion of the
33 board, by a deed of trust or mortgage lien on physical property of
34 the district and all franchises, easements, water rights and
35 appropriation permits, leases, and contracts and all rights
36 appurtenant to the property, vesting in the trustee power to:

- 37 (1) sell the property for the payment of the debt;
38 (2) operate the property; and
39 (3) take other action to further secure the bonds.

40 (b) A purchaser under a sale under the deed of trust lien, if
41 one is given:

- 42 (1) is the absolute owner of property, facilities, and
43 rights purchased; and

1 (2) is entitled to maintain and operate the property,
2 facilities, and rights. (Acts 63rd Leg., R.S., Ch. 619, Sec. 16
3 (part).)

4 Source Law

5 Sec. 16. Any bonds (including refunding bonds)
6 authorized by this law, not payable wholly from ad
7 valorem taxes, Such bonds, within the
8 discretion of the board, may be additionally secured
9 by a deed of trust or mortgage lien upon physical
10 properties of the district and all franchises,
11 easements, water rights and appropriation permits,
12 leases and contracts and all rights appurtenant to
13 such properties, vesting in the trustee power to sell
14 the properties for the payment of indebtedness, power
15 to operate the properties and all other powers and
16 authority for the further security of the bonds. . . .
17 The purchaser at a sale under the deed of trust lien
18 where one is given, shall be the absolute owner of
19 properties, facilities, and rights so purchased and
20 shall have the right to maintain and operate the same.

21 Revised Law

22 Sec. 11005.258. TRUST INDENTURE. (a) District bonds,
23 including refunding bonds, that are not payable wholly from ad
24 valorem taxes may be additionally secured by a trust indenture. The
25 trustee may be a bank with trust powers located inside or outside
26 the state.

27 (b) A trust indenture, regardless of the existence of a deed
28 of trust or mortgage lien on property, may:

29 (1) provide for the security of the bonds and the
30 preservation of the trust estate as prescribed by the board;

31 (2) provide for amendment or modification of the trust
32 indenture;

33 (3) provide for the issuance of bonds to replace lost
34 or mutilated bonds;

35 (4) condition the right to spend district money or
36 sell district property on the approval of a licensed engineer
37 selected as provided by the trust indenture; and

38 (5) provide for the investment of district money.
39 (Acts 63rd Leg., R.S., Ch. 619, Sec. 16 (part).)

40 Source Law

41 Sec. 16. Any bonds (including refunding bonds)
42 authorized by this law, not payable wholly from ad
43 valorem taxes, may be additionally secured by a trust

1 indenture under which the trustee may be a bank having
2 trust powers situated either within or outside of the
3 state. . . . Such trust indenture, regardless of the
4 existence of the deed of trust or mortgage lien on the
5 properties may contain any provisions prescribed by
6 the board for the security of the bonds and the
7 preservation of the trust estate, and may make
8 provision for amendment or modification thereof and
9 the issuance of bonds to replace lost or mutilated
10 bonds, and may condition the right to expend district
11 money or sell district property upon approval of a
12 registered professional engineer selected as provided
13 therein, and may make provision for the investment of
14 funds of the district. . . .

15 Revisor's Note

16 Section 16, Chapter 619, Acts of the 63rd
17 Legislature, Regular Session, 1973, refers to a
18 "registered professional engineer." The revised law
19 substitutes "licensed engineer" for the quoted
20 language because under Chapter 1001, Occupations Code,
21 engineers are licensed, not registered.

22 Revised Law

23 Sec. 11005.259. RATES FOR SERVICES; PAYMENT OF REVENUE
24 BONDS. (a) If district bonds payable wholly from revenue are
25 issued, the board shall set the rates of compensation for water sold
26 and services provided by the district. The rates must be sufficient
27 to:

28 (1) pay the expense of operating and maintaining
29 district facilities;

30 (2) pay the principal of and interest on the bonds when
31 due; and

32 (3) maintain the reserve fund and other funds as
33 provided in the resolution authorizing the bonds.

34 (b) If bonds payable partly from revenue are issued, the
35 board shall set the rate of compensation for water sold and any
36 other services provided by the district. The rate must be
37 sufficient to ensure compliance with the resolution authorizing the
38 bonds or the trust indenture securing the bonds. (Acts 63rd Leg.,
39 R.S., Ch. 619, Sec. 14(f).)

40 Source Law

41 (f) Where bonds payable wholly from revenues are
42 issued, it shall be the duty of the board to fix, and

1 from time to time to revise, the rates of compensation
2 for water sold and services rendered by the district
3 which will be sufficient to pay the expense of
4 operating and maintaining the facilities of the
5 district and to pay the principal of and interest on
6 the bonds when due, and to maintain the reserve and
7 other funds as provided in the resolution authorizing
8 the bonds. Where bonds payable partially from
9 revenues are issued it shall be the duty of the board
10 to fix, and from time to time revise, the rate of
11 compensation for water sold, and any other services
12 rendered by the district, which will be sufficient to
13 assure compliance with the resolution authorizing the
14 bonds or the trust indenture securing such bonds.

15 Revisor's Note

16 (1) Section 14(f), Chapter 619, Acts of the 63rd
17 Legislature, Regular Session, 1973, provides that the
18 board shall "fix" the rates the district charges for
19 water sold and services provided by the district. The
20 revised law substitutes "set" for "fix" for the reason
21 stated in Revisor's Note (4) to Section 11005.053.

22 (2) Section 14(f), Chapter 619, Acts of the 63rd
23 Legislature, Regular Session, 1973, provides that the
24 board shall fix "from time to time" and "revise" the
25 rates the district charges for water sold and services
26 provided by the district. The revised law omits the
27 quoted language because the duty to set the rates
28 includes the duty to revise them from time to time.

29 Revised Law

30 Sec. 11005.260. USE OF BOND PROCEEDS. (a) The district may
31 set aside an amount of proceeds from the sale of district bonds for:

32 (1) the payment of interest expected to accrue during
33 construction not to exceed three years;

34 (2) a reserve interest and sinking fund; and

35 (3) other funds as may be provided in the resolution
36 authorizing the bonds or in the trust indenture.

37 (b) The district may use proceeds from the sale of the bonds
38 to pay any expense necessarily incurred in accomplishing the
39 purpose of the district, including any expense of issuing and
40 selling the bonds. (Acts 63rd Leg., R.S., Ch. 619, Sec. 14(g).)

1 Revisor's Note

2 Section 14(h), Chapter 619, Acts of the 63rd
3 Legislature, Regular Session, 1973, refers to a court
4 "of competent jurisdiction." The revised law omits
5 the quoted language because the general laws of civil
6 jurisdiction determine which courts have "competent
7 jurisdiction" over a matter. For example, see Section
8 24.003, Government Code, for the jurisdiction of
9 certain district courts to appoint receivers.

10 Revised Law

11 Sec. 11005.262. REFUNDING BONDS. (a) The district may
12 issue refunding bonds to refund outstanding district bonds and
13 interest on those bonds.

14 (b) Refunding bonds may:

15 (1) be issued to refund bonds of more than one series;

16 (2) combine the pledges for the outstanding bonds for
17 the security of the refunding bonds; or

18 (3) be secured by a pledge of other or additional
19 revenue or mortgage liens.

20 (c) The provisions of this subchapter regarding the
21 issuance of other bonds, their security, and the remedies of the
22 holders apply to refunding bonds.

23 (d) The comptroller shall register the refunding bonds on
24 surrender and cancellation of the bonds to be refunded.

25 (e) Instead of issuing bonds to be registered on the
26 surrender and cancellation of the bonds to be refunded, the
27 district, in the resolution authorizing the issuance of the
28 refunding bonds, may provide for the sale of the refunding bonds and
29 the deposit of the proceeds in a bank at which the bonds to be
30 refunded are payable. In that case, the refunding bonds may be
31 issued in an amount sufficient to pay the principal of and interest
32 and any required redemption premium on the bonds to be refunded to
33 any redemption date or to their maturity date, and the comptroller
34 shall register the refunding bonds without the surrender and

1 cancellation of the bonds to be refunded.

2 (f) An election is not required to authorize the issuance of
3 refunding bonds.

4 (g) The district may also issue refunding bonds under any
5 other applicable law. (Acts 63rd Leg., R.S., Ch. 619, Sec. 15.)

6 Source Law

7 Sec. 15. The district is authorized to issue
8 refunding bonds for the purpose of refunding any
9 outstanding bonds authorized by this Act and interest
10 thereon. Such refunding bonds may be issued to refund
11 more than one series of outstanding bonds and combine
12 the pledges for the outstanding bonds for the security
13 of the refunding bonds, and may be secured by other or
14 additional revenues and mortgage liens. The
15 provisions of this Act with reference to the issuance
16 by the district of other bonds, their security, and
17 their approval by the attorney general and the
18 remedies of the holders shall be applicable to
19 refunding bonds. Refunding bonds shall be registered
20 by the comptroller upon surrender and cancellation of
21 the bonds to be refunded, but in lieu thereof, the
22 resolution authorizing their issuance may provide that
23 they shall be sold and the proceeds thereof deposited
24 in the bank where the original bonds are payable, in
25 which case the refunding bonds may be issued in an
26 amount sufficient to pay all principal coming due, all
27 interest accruing, and any required redemption
28 premium, on the bonds being refunded to or through any
29 date upon which they are subject to redemption prior to
30 maturity, or through or at their maturity date or
31 dates, respectively, and the comptroller shall
32 register them without concurrent surrender and
33 cancellation of the original bonds. Such refunding
34 bonds may be issued without having been authorized at
35 an election. Refunding bonds also may be issued by the
36 district pursuant to any other applicable law.

37 Revisor's Note

38 Section 15, Chapter 619, Acts of the 63rd
39 Legislature, Regular Session, 1973, refers to the
40 "approval by the attorney general" of refunding bonds.
41 The revised law omits the quoted language because it is
42 superseded by Section 1202.003, Government Code,
43 enacted in 1987 as Section 3.002(a), Chapter 53, Acts
44 of the 70th Legislature, 2nd Called Session (Article
45 717k-8, Vernon's Texas Civil Statutes). Throughout
46 this chapter, the revised law omits law that is
47 superseded by Chapter 1202, Government Code, or that
48 duplicates law contained in that chapter. Chapter
49 1202, Government Code, applies to district bonds under

1 Sections 1202.001 and 1202.003(c), Government Code.

2 Revised Law

3 Sec. 11005.263. LIMITATION ON RIGHTS OF BONDHOLDERS. The
4 resolution authorizing the bonds or the trust indenture securing
5 the bonds may limit or qualify the rights of the holders of less
6 than all of the outstanding bonds payable from the same source to
7 institute or prosecute litigation affecting the district's
8 property or income. (Acts 63rd Leg., R.S., Ch. 619, Sec. 14(h)
9 (part).)

10 Source Law

11 (h) . . . The resolution authorizing the
12 issuance of the bonds, or the trust indenture securing
13 them, may limit or qualify the rights of the holders of
14 less than all of the outstanding bonds payable from the
15 same source to institute or prosecute litigation
16 affecting the district's property or income.

17 Revised Law

18 Sec. 11005.264. BONDS EXEMPT FROM TAXATION. A district
19 bond, the transfer of the bond, and the income from the bond,
20 including profits made on the sale of the bond, are exempt from
21 taxation in this state. (Acts 63rd Leg., R.S., Ch. 619, Sec. 22
22 (part).)

23 Source Law

24 Sec. 22. . . . the bonds issued thereunder and
25 their transfer and the income therefrom, including the
26 profits made on the sale thereof, shall at all times be
27 free from taxation within this state.

28 Revisor's Note

29 (End of Subchapter)

30 (1) Section 14(b), Chapter 619, Acts of the 63rd
31 Legislature, Regular Session, 1973, provides that
32 district bonds may be sold "at a price and under terms
33 determined by the board to be the most advantageous
34 reasonably obtainable." The revised law omits the
35 quoted language because it is superseded by Section
36 1201.022, Government Code, which provides that an
37 issuer may sell public securities "under the terms
38 determined by the governing body of the issuer to be in
39 the issuer's best interests." The omitted law reads:

1 (b) . . . [The bonds] . . . may be
2 sold at a price and under terms determined
3 by the board to be the most advantageous
4 reasonably obtainable,

5 (2) Section 14(b), Chapter 619, Acts of the 63rd
6 Legislature, Regular Session, 1973, provides that
7 district bonds may bear interest at a rate not to
8 exceed 10 percent. The revised law omits that
9 provision because it is superseded by other law.
10 Section 14(b) was enacted in 1973 and was impliedly
11 amended by the subsequent amendment of Chapter 3, Acts
12 of the 61st Legislature, Regular Session, 1969
13 (Article 717k-2, Vernon's Texas Civil Statutes). The
14 maximum interest rate noted in Chapter 3 was revised in
15 1999 as Section 1204.006, Government Code. Section
16 1204.006 permits a public agency to issue public
17 securities at any net effective interest rate of 15
18 percent or less. Section 1204.006, Government Code,
19 applies to district bonds by application of Sections
20 1204.001 and 1204.002, Government Code. The omitted
21 law reads:

22 (b) . . . [The bonds] . . . [may be
23 sold] . . . provided that the interest cost
24 to the district, including the discount, if
25 any, does not exceed ten percent per annum,
26 and

27 (3) Section 14(b), Chapter 619, Acts of the 63rd
28 Legislature, Regular Session, 1973, provides that
29 district bonds may be redeemed before maturity at the
30 time and price specified in the bonds. The revised law
31 omits that provision because it duplicates Sections
32 1201.021 and 1201.022, Government Code, which provide
33 that a public security may be redeemed before maturity
34 and be payable in specified amounts and at specified
35 times. The omitted law reads:

36 (b) . . . [The bonds] . . . within
37 the discretion of the board may be made
38 callable prior to maturity at such times and
39 prices as may be prescribed in the bonds,
40 and

1 (4) Section 14(b), Chapter 619, Acts of the 63rd
2 Legislature, Regular Session, 1973, provides that
3 district bonds may be made registrable as to principal
4 or as to principal and interest. The revised law omits
5 that provision because it duplicates Section
6 1201.024(a)(3), Government Code. The omitted law
7 reads:

8 (b) . . . [The bonds] . . . may be
9 made registerable as to principal or as to
10 both principal and interest.

11 (5) Section 17(e), Chapter 619, Acts of the 63rd
12 Legislature, Regular Session, 1973, requires the
13 district to secure approval from the Texas Water
14 Rights Commission (now the Texas Commission on
15 Environmental Quality, as noted in the revisor's note
16 to Section 11005.152) before issuing bonds for
17 improvements, as provided by Section 51.421, Water
18 Code. Chapter 715, Acts of the 74th Legislature,
19 Regular Session, 1995, repealed Section 51.421, Water
20 Code, and enacted Section 49.181, Water Code, to
21 govern the authority of the commission over the
22 issuance of district bonds. A reference to Section
23 49.181, Water Code, is unnecessary because that
24 section applies to the district under Sections 49.001
25 and 49.002, Water Code, without an express reference
26 to that section in this chapter. The omitted law
27 reads:

28 (e) That provided that before the
29 district shall issue any bonds for such
30 improvements, it shall secure prior
31 approval from the Texas Water Rights
32 Commission as provided by Section 51.421,
33 Texas Water Code.

34 (6) Section 18, Chapter 619, Acts of the 63rd
35 Legislature, Regular Session, 1973, requires the
36 district to deliver its bonds to the attorney general
37 for examination and approval. The revised law omits
38 that provision because it duplicates in substance

1 Section 1202.003, Government Code. The omitted law
2 reads:

3 Sec. 18. After any bonds (including
4 refunding bonds) are authorized by the
5 district, such bonds and the proceedings
6 relating to their issuance shall be
7 submitted to the attorney general of Texas
8 for his examination as to the validity
9 thereof. . . . If he finds that such bonds
10 have been authorized and . . . in
11 accordance with the Constitution and laws
12 of the State of Texas he shall approve the
13 bonds and

14 (7) Section 18, Chapter 619, Acts of the 63rd
15 Legislature, Regular Session, 1973, provides that
16 after approval the bonds shall be registered with the
17 comptroller. The revised law omits that provision
18 because it duplicates in substance Section 1202.005,
19 Government Code. The omitted law reads:

20 Sec. 18. . . . [he shall approve the
21 bonds and] . . . the bonds then shall be
22 registered by the Comptroller of Public
23 Accounts. . . .

24 (8) Section 18, Chapter 619, Acts of the 63rd
25 Legislature, Regular Session, 1973, provides that
26 after approval and registration, district bonds shall
27 be incontestable and binding obligations. The revised
28 law omits that provision because it duplicates in
29 substance Section 1202.006, Government Code, which
30 provides that after approval and registration, bonds
31 are incontestable for any reason. The omitted law
32 reads:

33 Sec. 18. . . . Thereafter the bonds,
34 and . . . shall be valid and binding
35 obligations in accordance with their terms
36 for all purposes, and shall be
37 incontestable in any court, or other forum,
38 for any reason.

39 (9) Section 18, Chapter 619, Acts of the 63rd
40 Legislature, Regular Session, 1973, details various
41 procedures regarding approval of bond contracts and
42 proceedings by the attorney general. The revised law
43 omits the portion of Section 18 regarding the validity

1 and incontestability of a contract the revenue or
2 proceeds of which are pledged to the payment of a bond
3 because it duplicates in substance Section 1202.006,
4 Government Code, which provides that after approval
5 and registration of the bond, the bond and contract are
6 incontestable for any reason. The omitted law reads:

7 Sec. 18. . . . If such bonds recite
8 that they are secured by a pledge of the
9 revenues or proceeds of a contract
10 theretofore made between the district and
11 any city, or other public agency or
12 political subdivision, or other entity, a
13 copy of such contract and the proceedings of
14 the city or other public agency or political
15 subdivision, or other entity, authorizing
16 such contract also shall be submitted to the
17 attorney general. [If he finds that] . . .
18 such contracts have been made [in
19 accordance with the Constitution and laws
20 of the State of Texas he shall approve]
21 . . . such contracts, and
22 [Thereafter] . . . the contracts, if any,
23 [shall be valid and binding obligations in
24 accordance with their terms for all
25 purposes, and shall be incontestable in any
26 court, or other forum, for any reason.]

27 (10) Section 21, Chapter 619, Acts of the 63rd
28 Legislature, Regular Session, 1973, lists the entities
29 for which district bonds are legal investments and
30 provides that district bonds may secure deposits of
31 public funds of the state or political subdivisions.
32 The revised law omits the provision relating to the
33 eligibility of district bonds to be considered as
34 investments for various entities because it duplicates
35 Section 49.186(a), Water Code. While Section 21 lists
36 "guardians" and Section 49.186(a), Water Code, does
37 not, the latter statute includes "fiduciaries," and a
38 guardian is a fiduciary. The revised law omits the
39 provision relating to securing deposits of state funds
40 as impliedly repealed by Section 404.0221, Government
41 Code (enacted in 1995), which lists eligible
42 collateral for deposits of state funds by the
43 comptroller, and by Section 404.031, Government Code
44 (enacted in 1985 as Section 3.001, Article 4393-1,

1 Vernon's Texas Civil Statutes), which provides for the
2 valuation of that collateral. As to securing deposits
3 of other funds, the provision is impliedly repealed by
4 Chapter 2257, Government Code (enacted in 1989 as
5 Article 2529d, Vernon's Texas Civil Statutes), which
6 governs eligible collateral for deposits of funds of
7 certain public agencies, including political
8 subdivisions, and permits those deposits to be secured
9 by obligations issued by conservation and reclamation
10 districts. The omitted law reads:

11 Sec. 21. All bonds of the district
12 shall be and are hereby declared to be legal
13 and authorized investments for banks,
14 savings banks, trust companies, building
15 and loan associations, insurance companies,
16 fiduciaries, trustees, guardians, and for
17 the sinking fund of cities, towns,
18 villages, counties, school districts, or
19 other political corporations or
20 subdivisions of the State of Texas. Such
21 bonds shall be eligible to secure the
22 deposit of any and all public funds of the
23 State of Texas, and any and all public funds
24 of cities, towns, villages, counties,
25 school districts, or other political
26 corporations or subdivisions of the State
27 of Texas; and such bonds shall be lawful and
28 sufficient security for said deposits to
29 the extent of their value, when accompanied
30 by all unmatured coupons appurtenant
31 thereto.

32 Revisor's Note
33 (End of Chapter)

34 (1) Section 24, Chapter 619, Acts of the 63rd
35 Legislature, Regular Session, 1973, provides in part
36 that the act is sufficient authority for the issuance
37 of bonds, the execution of contracts and conveyances,
38 and the performance of other authorized acts by the
39 district, the city of Muenster, and all other public
40 agencies and political subdivisions, without
41 reference to any other law or any restrictions or
42 limitations contained in another law, except as
43 specifically provided by the act, and that in case of
44 certain conflicts between the act and any other law,
45 the act prevails.

1 The revised law omits the statement that the act
2 is sufficient authority for the performance of acts
3 authorized by the act because it is unnecessary. The
4 operative provisions of the act are fully effective on
5 their own terms.

6 The revised law omits the statement that other
7 laws or restrictions or limitations contained in those
8 laws do not apply and that in case of certain conflicts
9 between the act and other law the act prevails because
10 it is both unnecessary and potentially misleading. An
11 accepted general principle of statutory construction
12 requires a statute to be given cumulative effect with
13 other statutes unless it provides otherwise or unless
14 the statutes are in conflict. To the extent the
15 statement means the act prevails over other law in
16 existence at the time the act became effective and with
17 which the act conflicts, it merely restates general
18 rules of statutory construction. To the extent the
19 statement means the act prevails over future
20 enactments of the legislature that may conflict with
21 it, it is misleading. It is a fundamental principle of
22 statutory construction that one session of the
23 legislature may not bind a future session of the
24 legislature. In addition, Section 311.026, Government
25 Code (Code Construction Act), governs the
26 interpretation of the revised law in instances of
27 apparent conflict with other laws.

28 Finally, codification of the statement is
29 potentially misleading because the revised law not
30 only omits provisions of the act that are impliedly
31 repealed by other law, it also omits provisions that
32 are duplicative of other law. Codification of the
33 statement might create an impression that the
34 provisions of other law that duplicate the omitted

1 provisions do not apply.

2 Section 24 also provides that the district, the
3 city of Muenster, and all other public agencies and
4 political subdivisions may use the provisions of other
5 laws that do not conflict with the act to carry out any
6 power granted by the act. The revised law omits that
7 provision as unnecessary. The operative provisions of
8 other applicable laws are fully effective on their own
9 terms. The omitted law reads:

10 Sec. 24. This Act shall be wholly
11 sufficient authority within itself for the
12 issuance of the bonds, the execution of
13 contracts, and conveyances, and the
14 performance of the other acts and
15 procedures authorized herein by the
16 district, the City of Muenster, and all
17 other public agencies and political
18 subdivisions, without reference to any
19 other law or any restrictions or
20 limitations contained therein, except as
21 herein specifically provided; and when any
22 bonds are being issued or other action taken
23 under this Act, then to the extent of any
24 conflict or inconsistency between any
25 provisions of this Act and any provisions of
26 any other law, the provisions of this Act
27 shall prevail and control; provided,
28 however, that the district, the City of
29 Muenster, and all other public agencies and
30 political subdivisions, shall have the
31 right to use the provisions of any other
32 laws, not in conflict with the provisions
33 hereof, to the extent convenient or
34 necessary to carry out any power or
35 authority, express or implied, granted by
36 this Act.

37 (2) Section 25, Chapter 619, Acts of the 63rd
38 Legislature, Regular Session, 1973, provides that the
39 act is severable. The revised law omits that provision
40 because the same result is produced by application of
41 Section 311.032, Government Code (Code Construction
42 Act), which provides that a provision of a statute is
43 severable from each other provision of the statute
44 that can be given effect. The omitted law reads:

45 Sec. 25. In case any one or more of
46 the sections, provisions, clauses, or words
47 of this Act, or the application thereof to
48 any situation or circumstance, shall for
49 any reason be held to be invalid or
50 unconstitutional, such invalidity or

1 unconstitutional shall not affect any
2 other sections, provisions, clauses, or
3 words of this Act, or the application
4 thereof to any other situation or
5 circumstance, and it is intended that this
6 Act shall be severable and shall be
7 construed and applied as if any such invalid
8 or unconstitutional section, provision,
9 clause, or word had not been included
10 herein.

11 (3) Section 26, Chapter 619, Acts of the 63rd
12 Legislature, Regular Session, 1973, provides that
13 proof of publication of the constitutionally required
14 notice has been made. The revised law omits that
15 provision as executed. The omitted law reads:

16 Sec. 26. Proof of publication of the
17 constitutional notice required in the
18 enactment hereof under the provisions of
19 Article XVI, Section 59(d), of the Texas
20 Constitution, has been made in the manner
21 provided therein and a copy of said notice
22 and the bill as originally introduced have
23 been delivered to the Governor of the State
24 of Texas as required in such constitutional
25 provision, and such notice and delivery are
26 hereby found and declared to be proper and
27 sufficient to satisfy such requirements.

28 CHAPTER 11006. SOUTH TEXAS WATER AUTHORITY

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9 CHAPTER 11006. SOUTH TEXAS WATER AUTHORITY

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Revised Law

12 Sec. 11006.001. DEFINITIONS. In this chapter:

13 (1) "Authority" means the South Texas Water Authority.

14 (2) "Board" means the board of directors of the
15 authority.

16 (3) "Cities" means the cities of Agua Dulce, Bishop,
17 Driscoll, and Kingsville.

18 (4) "Director" means a member of the board. (Acts 66th
19 Leg., R.S., Ch. 436, Secs. 1 (part), 4(a) (part); New.)

20 Source Law

21 Sec. 1. . . . "South Texas Water Authority,"
22 referred to as the "authority,"

23 Sec. 4. (a) The authority shall be governed by
24 a board of directors, referred to as the "board,"
25

26 Revisor's Note

27 The definitions of "cities" and "director" are
28 added to the revised law for drafting convenience and
29 to eliminate frequent, unnecessary repetition of the
30 substance of the definitions.

31 Revised Law

32 Sec. 11006.002. NATURE OF AUTHORITY. The authority is a
33 conservation and reclamation district created under Section 59,
34 Article XVI, Texas Constitution. (Acts 66th Leg., R.S., Ch. 436,
35 Sec. 1 (part).)

1 Source Law

2 Sec. 1. By virtue of Article XVI, Section 59, of
3 the Texas Constitution, there is created a
4 conservation and reclamation district to be known as
5 "South Texas Water Authority," . . . which shall be a
6 governmental agency and a body politic and
7 corporate,

8 Revisor's Note

9 (1) Section 1, Chapter 436, Acts of the 66th
10 Legislature, Regular Session, 1979, refers to the
11 authority as "a governmental agency and a body politic
12 and corporate." The revised law omits the references
13 to "governmental agency" and "body politic and
14 corporate" because they duplicate a portion of Section
15 59(b), Article XVI, Texas Constitution, which provides
16 that a conservation and reclamation district is a
17 governmental agency and a body politic and corporate.

18 (2) Section 1, Chapter 436, Acts of the 66th
19 Legislature, Regular Session, 1979, refers to a
20 confirmation election. Because the confirmation
21 election has already been held, the revised law omits
22 the provision as executed. The omitted law reads:

23 Sec. 1. . . . subject to approval of
24 the creation at a confirmation election to
25 be called and held by the board of directors
26 at any time as provided for in Chapter 54,
27 Water Code, and notwithstanding the
28 limitations of Section 9b, Texas Election
29 Code (Article 2.01b, Vernon's Texas
30 Election Code) as to election dates.

31 Revised Law

32 Sec. 11006.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

33 (a) The authority is created to serve a public use and benefit.

34 (b) All land and other property in the authority will
35 benefit from the works and projects to be accomplished by the
36 authority under powers conferred by Section 59, Article XVI, Texas
37 Constitution.

38 (c) The accomplishment of the purposes stated in this
39 chapter will benefit the people of this state and improve their
40 properties and industries.

1 (d) The authority, in carrying out the purposes of this
2 chapter, will be performing an essential public function under the
3 constitution of this state. (Acts 66th Leg., R.S., Ch. 436, Secs.
4 3, 22 (part).)

5 Source Law

6 Sec. 3. It is determined and found that all of
7 the land and other property included within the area
8 and boundaries of the authority will be benefited by
9 the works and projects that are to be accomplished by
10 the authority pursuant to powers conferred by the
11 provisions of Article XVI, Section 59, of the Texas
12 Constitution, and that the authority is created to
13 serve a public use and benefit.

14 Sec. 22. The accomplishment of the purposes
15 stated in this Act is for the benefit of the people of
16 this state and for the improvement of their properties
17 and industries, and the authority, in carrying out the
18 purposes of this Act, will be performing an essential
19 public function under the constitution. . . .

20 SUBCHAPTER B. AUTHORITY TERRITORY; ANNEXATION

21 Revised Law

22 Sec. 11006.051. AUTHORITY TERRITORY. (a) The authority is
23 composed of the territory described by Section 2, Chapter 436, Acts
24 of the 66th Legislature, Regular Session, 1979, as that territory
25 may have been modified under:

26 (1) this subchapter or its predecessor statute,
27 Section 7, Chapter 436, Acts of the 66th Legislature, Regular
28 Session, 1979;

29 (2) Subchapter J, Chapter 49, Water Code; or

30 (3) other law.

31 (b) The boundaries of the authority form a closure. A
32 mistake does not affect:

33 (1) the authority's organization, existence, or
34 validity;

35 (2) the authority's right to issue any type of bond for
36 a purpose for which the authority is created or to pay the principal
37 of and interest on the bond;

38 (3) the authority's right to impose a tax; or

39 (4) the legality or operation of the authority, its
40 bonds, or its governing body. (Acts 66th Leg., R.S., Ch. 436, Sec.

1 2 (part).)

2 Source Law

3 Sec. 2. The authority's boundaries will
4 encompass . . . and these boundaries form a closure,
5 and no mistake shall affect the organization,
6 existence, and validity of the authority, or the right
7 to issue any type of bonds or refunding bonds, for the
8 purposes for which the authority is created, or to pay
9 principal of and interest on the bonds, or the right to
10 assess, levy, and collect taxes, or in any other manner
11 affect the legality or operation of the authority, its
12 bonds, or its governing body.

13 Revisor's Note

14 (1) The revision of the law governing the
15 authority does not revise the statutory language
16 describing the territory of the authority to avoid the
17 lengthy recitation of the description and because that
18 description may not be accurate on the effective date
19 of the revision or at the time of a later reading. For
20 the reader's convenience, the revised law includes
21 references to the statutory description of the
22 authority's territory and to the power to change the
23 authority's territory under this chapter and under
24 Subchapter J, Chapter 49, Water Code, applicable to
25 the authority under Sections 49.001 and 49.002 of that
26 chapter. The revised law also includes a reference to
27 the general power of the legislature to enact other
28 laws to change the authority's territory.

29 (2) Section 2, Chapter 436, Acts of the 66th
30 Legislature, Regular Session, 1979, provides that a
31 mistake in the description of the authority boundaries
32 does not affect the right of the authority to issue
33 "any type of bonds or refunding bonds." The revised
34 law omits the reference to "refunding bonds" because
35 refunding bonds are included in the meaning of "any
36 type of bonds."

37 (3) Section 2, Chapter 436, Acts of the 66th
38 Legislature, Regular Session, 1979, refers to the
39 authority's power to "assess, levy, and collect"

1 taxes. Throughout this chapter, the revised law
2 substitutes "impose" for "assess, levy, and collect"
3 because "impose" is the term generally used in Title 1,
4 Tax Code, and includes the assessment, levy, and
5 collection of a tax.

6 Revised Law

7 Sec. 11006.052. ANNEXATION OF TERRITORY. (a) Territory
8 may be annexed to the authority as provided by this section.

9 (b) The board may annex territory or a municipality under
10 this section only if a petition requesting annexation is signed by
11 50 registered voters of the territory or municipality to be
12 annexed, or a majority of the registered voters of that territory or
13 municipality, whichever is fewer, and is filed with the board. The
14 petition must describe the territory to be annexed by metes and
15 bounds, or otherwise, except that if the territory is the same as
16 that contained in the boundaries of a municipality, the petition is
17 sufficient if it states that the territory to be annexed is the
18 territory contained in the municipal boundaries.

19 (c) If the board determines that the petition complies with
20 Subsection (b), that the annexation would be in the best interest of
21 the territory or municipality and the authority, and that the
22 authority will be able to supply water or have water supplied to the
23 territory or municipality, the board shall:

24 (1) adopt a resolution stating the conditions, if any,
25 under which the territory or municipality may be annexed to the
26 authority; and

27 (2) set a time and place to hold a hearing on the
28 question of whether the territory or municipality to be annexed
29 will benefit from:

30 (A) the improvements, works, or facilities owned
31 or operated or contemplated to be owned or operated by the
32 authority; or

33 (B) the other functions of the authority.

34 (d) At least 10 days before the date of the hearing, notice

1 of the adoption of the resolution stating the time and place of the
2 hearing must be published one time in a newspaper of general
3 circulation in the territory or municipality proposed to be
4 annexed. The notice must describe the territory in the same manner
5 in which Subsection (b) requires the petition to describe the
6 territory.

7 (e) Any interested person may appear at the hearing and
8 offer evidence for or against the annexation.

9 (f) The hearing may proceed in the order and under the rules
10 prescribed by the board and may be recessed from time to time.

11 (g) If, at the conclusion of the hearing, the board finds
12 that the property in the territory or municipality will benefit
13 from the present or contemplated improvements, works, or
14 facilities, the board shall adopt a resolution making a finding of
15 the benefit and calling an election in the territory or
16 municipality to be annexed.

17 (h) The resolution must state:

- 18 (1) the date of the election;
- 19 (2) each place where the election will be held; and
- 20 (3) the proposition to be voted on.

21 (i) At least 10 days before the date set for the election,
22 notice of the election must be given by publishing a substantial
23 copy of the resolution calling the election one time in a newspaper
24 of general circulation in the territory or municipality proposed to
25 be annexed.

26 (j) If a majority of the votes cast at the election are in
27 favor of annexation, the board by resolution shall annex the
28 territory or municipality to the authority.

29 (k) An annexation under this section is incontestable
30 except in the manner and within the time for contesting elections
31 under the Election Code.

32 (l) The board is not required to call an election if:

- 33 (1) a petition requesting annexation is signed by all
34 residents and landowners of the territory or municipality to be

1 annexed, the same as provided by law for conveyance of real
2 property; and

3 (2) the petition:

4 (A) states that the petitioners:

5 (i) approve their share of the outstanding
6 bonds or other obligations and the unissued bonds, if any, of the
7 authority; and

8 (ii) authorize the board to set rates
9 sufficient to pay their share of the debt and impose taxes
10 sufficient to pay those bonds, if authorized; and

11 (B) is filed in the office of the county clerk of
12 each county in which the authority is located. (Acts 66th Leg.,
13 R.S., Ch. 436, Secs. 7(a), (b), (c) (part), (d) (part), (e).)

14 Source Law

15 Sec. 7. (a) Territory may be annexed to the
16 authority as provided in this section.

17 (b) A petition praying for the annexation signed
18 by 50 or a majority, whichever number is smaller, of
19 the resident, qualified voters of the territory or of
20 any city or town sought to be annexed shall be filed
21 with the board. The petition shall describe the
22 territory to be annexed by metes and bounds, or
23 otherwise, unless the territory is the same as that
24 contained within the boundaries of the city or town, in
25 which event, it shall be sufficient to state that the
26 territory to be annexed is that which is contained
27 within the boundaries of the city or town.

28 (c) If the board finds that the petition
29 complies with and is signed by the number of qualified
30 persons required by Subsection (b) of this section,
31 that the annexation would be to the best interest of
32 the territory, city, or town and the authority, and
33 that the authority will be able to supply water, or
34 have water supplied to the territory, city, or town, it
35 shall adopt a resolution stating the conditions, if
36 any, under which the territory, city, or town may be
37 annexed to the authority and shall fix a time and place
38 when and where a hearing will be held by the board on
39 the question of whether the territory, city, or town
40 sought to be annexed will be benefited by the
41 improvements, works, and facilities then owned or
42 operated or contemplated to be owned or operated by the
43 authority or by the other functions of the authority.
44 Notice of the adoption of the resolution, stating the
45 time and place of the hearing, shall be published one
46 time in a newspaper of general circulation in the
47 territory, city, or town sought to be annexed at least
48 10 days before the date of such hearing. The notice
49 shall describe the territory in the same manner in
50 which it is required or permitted by this Act to be
51 described in the petition. All persons interested may
52 appear at the hearing and offer evidence for or against
53 the proposed annexation. The hearing may proceed in
54 the order and under the rules as may be prescribed by

1 the board, and the hearing may be recessed from time to
2 time. If, at the conclusion of the hearing, the board
3 finds that the property in the territory, city, or town
4 will be benefited by the present or contemplated
5 improvements, works, or facilities, the authority's
6 board shall adopt a resolution making a finding of that
7 benefit and calling an election in the territory,
8 city, or town proposed to be annexed stating the date
9 of the election, the place or places of holding the
10 election, and the proposition to be voted on and
11

12 (d) Notice of the election shall be given by
13 publishing a substantial copy of the resolution
14 calling the election one time in a newspaper of general
15 circulation in the territory, city, or town sought to
16 be annexed to the authority at least 10 days before the
17 date set for the election. . . . If . . . a majority of
18 the votes cast are in favor of annexation, the board
19 shall, by resolution, annex the territory, city, or
20 town to the authority, and the annexation is
21 thereafter incontestable except in the manner and
22 within the time for contesting elections under the
23 Texas Election Code.

24 (e) An election need not be called by the board
25 if the petition praying for the annexation is signed by
26 all residents and all landowners of the territory,
27 city, or town to be annexed, the same as provided by
28 law for conveyance of real property. The petition must
29 state the petitioners approve their share of the
30 outstanding bonds or other obligations and the
31 unissued bonds, if any, of the authority and authorize
32 the board to set rates sufficient to pay their share of
33 the indebtedness and to levy taxes sufficient to pay
34 those bonds if authorized. The petition shall be filed
35 in the office of the county clerk of each county in
36 which the authority is located.

37 Revisor's Note

38 (1) Section 7(b), Chapter 436, Acts of the 66th
39 Legislature, Regular Session, 1979, refers to
40 "resident, qualified voters" of the territory or
41 municipality proposed to be annexed. The revised law
42 substitutes "registered voters" for the quoted
43 language because in the context of eligibility to sign
44 a petition, Section 277.0021, Election Code, provides
45 that "qualified voter" means a "registered voter."

46 (2) Sections 7(b), (c), (d), and (e), Chapter
47 436, Acts of the 66th Legislature, Regular Session,
48 1979, refer to a "city" or "town." Throughout this
49 chapter, the revised law substitutes "municipality"
50 for "city" or "town," unless a specific city is
51 intended, because the terms are synonymous and
52 "municipality" is the term used in the Local

1 Government Code.

2 (3) Section 7(c), Chapter 436, Acts of the 66th
3 Legislature, Regular Session, 1979, provides that the
4 board shall "fix a time and place" for a hearing on the
5 question of annexation. The revised law substitutes
6 "set" for "fix" because the terms are synonymous in
7 this context and "set" is more commonly used.

8 (4) Section 7(c), Chapter 436, Acts of the 66th
9 Legislature, Regular Session, 1979, requires notice by
10 publication to describe the territory to be annexed in
11 the same manner in which it is "required or permitted
12 by this Act" to be described in the petition. The
13 requirements for describing the territory in the
14 petition are revised in Subsection (b) of this
15 section. The revised law is drafted accordingly.

16 (5) Section 7(c), Chapter 436, Acts of the 66th
17 Legislature, Regular Session, 1979, requires the board
18 to adopt a resolution regarding the appointment of
19 judges and clerks for each voting place. The revised
20 law omits the provision as superseded by the 1985
21 enactment of the Election Code, applicable to the
22 authority under Section 1.002, Election Code. Chapter
23 32, Election Code, governs the selection of election
24 judges and clerks. The omitted law reads:

25 (c) . . . [the authority's board
26 shall adopt a resolution] . . . appointing
27 a presiding judge for each voting place who
28 shall appoint the necessary assistant
29 judges and clerks to assist in holding the
30 election.

31 (6) Section 7(d), Chapter 436, Acts of the 66th
32 Legislature, Regular Session, 1979, states who may
33 vote in an election. The revised law omits the
34 provisions because Chapter 11, Election Code, governs
35 eligibility to vote in an election in this state and
36 allows only "qualified voters" who are residents of
37 the territory covered by the election to vote in an

1 election. The omitted law reads:

2 (d) . . . Only resident, qualified
3 electors who reside in the territory, city,
4 or town sought to be annexed are qualified
5 to vote in the election. . . .

6 (7) Section 7(d), Chapter 436, Acts of the 66th
7 Legislature, Regular Session, 1979, states that the
8 board shall receive and canvass the election returns
9 and adopt an order declaring the results. The revised
10 law omits that provision as superseded by the 1985
11 enactment of the Election Code, applicable to the
12 authority under Section 1.002 of that code. Chapter
13 67, Election Code, provides for the canvass of
14 elections. The omitted law reads:

15 (d) . . . Returns of the result of
16 the election shall be made to the board.
17 The board shall canvass the returns of the
18 election and adopt an order declaring the
19 results of the election. [If] the order
20 shows that

21 SUBCHAPTER C. BOARD OF DIRECTORS

22 Revised Law

23 Sec. 11006.101. COMPOSITION OF BOARD; TERMS. (a) The
24 authority is governed by a board of nine directors. The directors
25 occupy numbered places on the board. The Commissioners Court of
26 Kleberg County shall appoint directors for Places 1, 3, 5, 7, and 9,
27 and the Commissioners Court of Nueces County shall appoint
28 directors for Places 2, 4, 6, and 8.

29 (b) Directors serve staggered two-year terms, with the
30 terms of the directors occupying Places 1, 2, 3, and 4 commencing at
31 12:01 a.m. on April 1 of each even-numbered year and the terms of
32 the directors occupying Places 5, 6, 7, 8, and 9 commencing at 12:01
33 a.m. on April 1 of each odd-numbered year.

34 (c) In March of each year, the appropriate commissioners
35 court shall appoint directors to the appropriate places on the
36 board. (Acts 66th Leg., R.S., Ch. 436, Sec. 4(a) (part).)

37 Source Law

38 Sec. 4. (a) The authority shall be governed by
39 a board . . . composed of nine directors, who shall

1 occupy places on the board to be designated as Places
2 1, 2, 3, 4, 5, 6, 7, 8, and 9, respectively. . . . the
3 Commissioners Court of Kleberg County shall appoint
4 directors for Places 1, 3, 5, 7, and 9, and the
5 Commissioners Court of Nueces County shall appoint
6 directors for Places 2, 4, 6, and 8. [The terms of
7 office for directors' Places 1, 2, 3, and 4 shall
8 expire April 1, 1980, and the terms of office for
9 directors' Places 5, 6, 7, 8, and 9 shall expire on
10 April 1, 1981.] In March of each year, the respective
11 Commissioners Court of Nueces and Kleberg Counties
12 shall appoint, as applicable, the directors to those
13 places on the board which are to be appointed by the
14 respective commissioners court. Each regular director
15 appointed to succeed an initial regular director shall
16 be appointed to hold office for a term of two years,
17 commencing at 12:01 a. m. on April 1 of the applicable
18 year,

19 Revisor's Note

20 (1) Section 4(a), Chapter 436, Acts of the 66th
21 Legislature, Regular Session, 1979, refers to the
22 composition of the initial board of directors. The
23 revised law omits that provision as executed. The
24 omitted law reads:

25 (a) . . . Immediately after this Act
26 takes effect, the five-member governing
27 body of Kleberg County Water Control and
28 Improvement District-Kingsville shall
29 become five of the directors of the
30 district's board, and hold directors' Places
31 1, 3, 5, 7, and 9, and the Commissioners
32 Court of Nueces County shall appoint
33 directors for directors' Places 2, 4, 6, and
34 8. Thereafter,

35 (2) Section 4(a), Chapter 436, Acts of the 66th
36 Legislature, Regular Session, 1979, refers to the
37 terms of office of the initial directors. The revised
38 law omits that provision as executed. The omitted law
39 reads:

40 (a) . . . The terms of office for
41 directors' Places 1, 2, 3, and 4 shall
42 expire April 1, 1980, and the terms of
43 office for directors' Places 5, 6, 7, 8, and
44 9 shall expire on April 1, 1981. . . .

45 (3) Section 4(a), Chapter 436, Acts of the 66th
46 Legislature, Regular Session, 1979, refers to a
47 regular director "appointed to succeed an initial
48 regular director." The revised law omits the quoted
49 language as executed.

1 Revised Law

2 Sec. 11006.102. QUALIFICATIONS FOR OFFICE. (a) To be
3 eligible to be appointed or to serve as a director, a person:

4 (1) must be a resident, qualified voter of:

5 (A) the authority; and

6 (B) the county from which the person is
7 appointed; and

8 (2) may not:

9 (A) hold another public office; or

10 (B) be an officer or employee of the authority.

11 (b) Of the directors appointed by the Commissioners Court of
12 Nueces County:

13 (1) one must be a resident of the municipality of Agua
14 Dulce;

15 (2) one must be a resident of the municipality of
16 Bishop;

17 (3) one must be a resident of the municipality of
18 Driscoll; and

19 (4) one must be appointed at large and may be a
20 resident of any of those municipalities.

21 (c) A director is eligible for reappointment. (Acts 66th
22 Leg., R.S., Ch. 436, Secs. 4(a) (part), (b).)

23 Source Law

24 (a) . . . Each director shall be eligible for
25 reappointment. . . .

26 (b) To be eligible to be appointed or serve as a
27 regular director, a person must be a resident,
28 qualified elector of this state, the authority, and
29 the county from which he or she is appointed and shall
30 not hold any other public office or be an officer or
31 employee of the authority, and for those directors
32 appointed by the Commissioners Court of Nueces County,
33 one of each of those directors shall be residents of
34 the cities of Agua Dulce, Bishop, and Driscoll, with
35 the fourth director appointed by the Commissioners
36 Court of Nueces County to be at-large, and may be a
37 resident of any of those cities.

38 Revisor's Note

39 (1) Section 4(b), Chapter 436, Acts of the 66th
40 Legislature, Regular Session, 1979, refers to an
41 "elector" of the authority. Throughout this chapter,

1 the revised law substitutes "voter" for "elector"
2 because the terms are synonymous and "voter" is the
3 term used in the Election Code.

4 (2) Section 4(b), Chapter 436, Acts of the 66th
5 Legislature, Regular Session, 1979, requires a
6 director to be a qualified elector (or "voter" under
7 the terminology of the Election Code (see Revisor's
8 Note (1) to this section)) of this state, the
9 authority, and the county from which the director is
10 appointed. The revised law omits the reference to this
11 state because a qualified voter of the authority is
12 necessarily a qualified voter of this state.

13 Revised Law

14 Sec. 11006.103. VACANCIES. Any vacancy occurring on the
15 board shall be filled for the unexpired term by appointment in the
16 manner in which the vacating director was appointed. (Acts 66th
17 Leg., R.S., Ch. 436, Sec. 4(a) (part).)

18 Source Law

19 (a) . . . Any vacancy occurring on the board
20 through death, resignation, or otherwise, shall be
21 filled by appointment in the manner in which the
22 vacating director was appointed and shall hold office
23 until the expiration of the term for which the vacating
24 director was appointed.

25 Revisor's Note

26 Section 4(a), Chapter 436, Acts of the 66th
27 Legislature, Regular Session, 1979, refers to a
28 vacancy occurring on the board "through death,
29 resignation, or otherwise." The revised law omits the
30 quoted language because it describes every manner in
31 which a vacancy may occur without limiting in any way
32 the duty to fill a vacancy.

33 Revised Law

34 Sec. 11006.104. REMOVAL FROM OFFICE. After reasonable
35 notice and a public hearing, the board may remove a director from
36 office for misfeasance, malfeasance, or wilful neglect of duty.
37 Reasonable notice and a public hearing are not required if the

1 notice and hearing are expressly waived in writing. (Acts 66th
2 Leg., R.S., Ch. 436, Sec. 4(c).)

3 Source Law

4 (c) Any director may be removed from office by
5 the board for misfeasance, malfeasance, or wilful
6 neglect of duty, but only after reasonable notice and
7 public hearing, unless the notice and public hearing
8 are expressly waived in writing.

9 Revised Law

10 Sec. 11006.105. BOND. Each director shall execute a good
11 and sufficient bond for \$5,000 that is:

12 (1) payable to the authority; and

13 (2) conditioned on the faithful performance of the
14 director's duties. (Acts 66th Leg., R.S., Ch. 436, Sec. 5(b)
15 (part).)

16 Source Law

17 (b) Each person appointed as a director under
18 this Act shall execute a good and sufficient bond for
19 \$5,000, payable to the authority, conditioned on the
20 faithful performance of his or her duties. . . .

21 Revisor's Note

22 Section 5(b), Chapter 436, Acts of the 66th
23 Legislature, Regular Session, 1979, requires the
24 authority to pay the cost of a director's bond. The
25 revised law omits the provision because it duplicates
26 in substance Section 49.055(c), Water Code.
27 Throughout this chapter, the revised law omits law
28 that is superseded by Chapter 49, Water Code, or that
29 duplicates law contained in that chapter. Chapter 49,
30 Water Code, applies to the authority under Sections
31 49.001 and 49.002 of that chapter. The omitted law
32 reads:

33 (b) . . . The cost of each director's
34 bond shall be paid by the authority.

35 Revised Law

36 Sec. 11006.106. BOARD RESOLUTIONS; VOTING. (a) The
37 authority shall act by resolutions adopted by the board.

38 (b) All directors are entitled to vote. (Acts 66th Leg.,

1 R.S., Ch. 436, Sec. 5(d) (part).)

2 Source Law

3 (d) . . . All regular directors shall have a
4 vote. The authority shall act and proceed by
5 resolutions adopted by the board, and . . .

6 Revisor's Note

7 Section 5(d), Chapter 436, Acts of the 66th
8 Legislature, Regular Session, 1979, provides that a
9 majority of the directors appointed constitutes a
10 quorum and that a vote of a majority of the directors
11 is necessary to adopt a resolution. The revised law
12 omits those provisions because they duplicate in
13 substance Section 49.053, Water Code. The omitted law
14 reads:

15 (d) A majority of the directors
16 appointed shall constitute a quorum. . . .
17 the affirmative vote of at least a majority
18 of the directors shall be necessary to adopt
19 any resolution.

20 Revised Law

21 Sec. 11006.107. OFFICERS AND ASSISTANTS. (a) The board
22 shall elect a president, vice president, secretary, and treasurer
23 at the first meeting of the board in April of each year or at any
24 time necessary to fill a vacancy.

25 (b) The board shall elect the president and vice president
26 from among the directors.

27 (c) The president serves for a one-year term.

28 (d) The offices of secretary and treasurer:

29 (1) may be held by one person; and

30 (2) are not required to be held by a director.

31 (e) The board may appoint as assistant board secretary one
32 or more persons who are not directors. (Acts 66th Leg., R.S., Ch.
33 436, Secs. 5(c) (part), (e) (part).)

34 Source Law

35 (c) The board shall elect one of the directors
36 as president of the board, who shall serve for a term
37 of one year and The board shall elect another
38 of the directors as vice-president of the board,
39 The board shall elect a secretary of the board,
40 The board shall elect a treasurer of the board,

1 The offices of secretary and treasurer may be
2 held by one person, and the holder or holders of that
3 office or those offices need not be a director. The
4 board may appoint one or more persons who are not
5 directors to be an assistant secretary of the board,
6

7 (e) Thereafter, these officers of the
8 board shall be elected annually at the first meeting of
9 the board in April of each year, or at any time
10 necessary to fill a vacancy.

11 Revisor's Note

12 Section 5(e), Chapter 436, Acts of the 66th
13 Legislature, Regular Session, 1979, provides for the
14 initial election of board officers. The revised law
15 omits that provision as executed. The omitted law
16 reads:

17 (e) The president, vice-president,
18 secretary, and treasurer of the board shall
19 be elected initially at the first meeting of
20 the board after all directors shall have
21 been appointed, taken the oath required by
22 Article XVI, Section 1, of the Texas
23 Constitution, executed the bond, and
24 otherwise qualified for office. . . .

25 Revised Law

26 Sec. 11006.108. DUTIES OF OFFICERS AND ASSISTANTS. (a) The
27 board president shall preside at board meetings and perform other
28 duties prescribed by the board.

29 (b) The board vice president shall perform the duties of the
30 president when the president is not present or is otherwise
31 incapacitated.

32 (c) The board secretary is the official custodian of the
33 minutes, books, records, and seal of the board and shall perform
34 other duties and functions prescribed by the board. An assistant
35 board secretary may perform any duty or function of the board
36 secretary.

37 (d) The board treasurer shall perform duties and functions
38 prescribed by the board. (Acts 66th Leg., R.S., Ch. 436, Sec. 5(c)
39 (part).)

40 Source Law

41 (c) [The board shall elect one of the directors
42 as president of the board,] . . . who shall preside at
43 meetings of the board and perform other duties
44 prescribed by the board. [The board shall elect

1 another of the directors as vice-president of the
2 board,] who shall perform the duties of the president
3 when the president is not present or is otherwise
4 incapacitated. [The board shall elect a secretary of
5 the board,] who shall be the official custodian of the
6 minutes, books, records, and seal of the board and who
7 shall perform other duties and functions prescribed by
8 the board. [The board shall elect a treasurer of the
9 board,] who shall perform duties and functions
10 prescribed by the board. . . . [The board may appoint
11 . . . an assistant secretary of the board,] who may
12 perform any duty or function of the secretary of the
13 board.

14 Revised Law

15 Sec. 11006.109. MEETINGS. The board shall have regular
16 meetings at times specified by board resolution and shall have
17 special meetings when called by the board president or by any three
18 directors. (Acts 66th Leg., R.S., Ch. 436, Sec. 5(f).)

19 Source Law

20 (f) The board shall have regular meetings at
21 times specified by resolutions of the board and shall
22 have special meetings whenever called by the president
23 or whenever called by any three of the directors.

24 Revised Law

25 Sec. 11006.110. PERSONAL LIABILITY OF DIRECTORS. A
26 director is not personally liable for a bond issued or contract
27 executed by the authority. (Acts 66th Leg., R.S., Ch. 436, Sec.
28 5(g).)

29 Source Law

30 (g) No director shall be liable personally for
31 any bonds issued or contracts executed by the
32 authority.

33 Revisor's Note
34 (End of Subchapter)

35 (1) Section 4(a), Chapter 436, Acts of the 66th
36 Legislature, Regular Session, 1979, provides that a
37 director holds over in office until the director's
38 successor has been appointed and has qualified. The
39 revised law omits the provision because it duplicates
40 in substance Section 17, Article XVI, Texas
41 Constitution, which provides that an officer in this
42 state continues to perform the officer's official
43 duties until a successor has qualified. The omitted
44 law reads:

1 (a) . . . provided that a director
2 continue in office until his successor is
3 appointed and has qualified. . . .

4 (2) Section 4(d), Chapter 436, Acts of the 66th
5 Legislature, Regular Session, 1979, provides that a
6 county may withdraw from the authority before the
7 board adopts an order issuing bonds. The revised law
8 omits that provision as executed because the board has
9 already adopted an order issuing bonds. The omitted
10 law reads:

11 (d) Any county may withdraw from the
12 authority prior to the time the board adopts
13 an order issuing bonds by presenting the
14 board with an order adopted by the governing
15 body of the county requesting the
16 withdrawal of a portion of Kleberg or Nueces
17 County from the authority at which time the
18 directors representing that county shall no
19 longer be members of the board. The
20 surviving county which is still a member of
21 the authority shall fairly appoint the
22 directors to replace the directors who are
23 no longer members of the board as a result
24 of withdrawal from the authority.

25 (3) Section 5(a), Chapter 436, Acts of the 66th
26 Legislature, Regular Session, 1979, provides that a
27 director serves without compensation and is entitled
28 to reimbursement of expenses. The revised law omits
29 that provision because Section 49.060, Water Code,
30 supersedes that provision under the express language
31 of Section 49.060(e). The omitted law reads:

32 Sec. 5. (a) The directors are not
33 entitled to compensation for their
34 services, but they are entitled to
35 reimbursement for their actual expenses
36 incurred in performing their duties, to the
37 extent authorized and permitted by the
38 board.

39 SUBCHAPTER D. POWERS AND DUTIES

40 Revised Law

41 Sec. 11006.151. GENERAL POWERS. The authority may exercise
42 any power necessary or appropriate to achieve the purposes of this
43 chapter, including the power to:

44 (1) sue and be sued and plead and be impleaded in its
45 own name;

- 1 (2) adopt an official seal;
- 2 (3) adopt and enforce bylaws and rules for the conduct
3 of its affairs;
- 4 (4) acquire, hold, use, and dispose of its receipts
5 and money from any source;
- 6 (5) select a depository or depositories;
- 7 (6) acquire, own, rent, lease, accept, hold, or
8 dispose of property, or an interest in property, including a right
9 or easement, by purchase, exchange, gift, assignment,
10 condemnation, sale, lease, or otherwise, in performing authority
11 duties or exercising authority powers under this chapter;
- 12 (7) hold, manage, operate, or improve property;
- 13 (8) lease or rent any land, building, structure, or
14 facility from or to any person;
- 15 (9) sell, assign, lease, encumber, mortgage, or
16 otherwise dispose of property, or an interest in property, and
17 release or relinquish a right, title, claim, lien, interest,
18 easement, or demand, regardless of the manner in which acquired,
19 and conduct a transaction authorized by this subdivision by public
20 or private sale, with or without public bidding, notwithstanding
21 any other law;
- 22 (10) issue bonds, provide for and secure the payment
23 of the bonds, and provide for the rights of the holders of the bonds
24 in the manner and to the extent authorized by this chapter;
- 25 (11) request and accept any appropriation, grant,
26 allocation, subsidy, guaranty, aid, service, material, or gift from
27 any source, including the federal government, the state, a public
28 agency, or a political subdivision;
- 29 (12) operate and maintain an office;
- 30 (13) appoint and determine the duties, tenure,
31 qualifications, and compensation of officers, employees, agents,
32 professional advisors, and counselors, including financial
33 consultants, accountants, attorneys, architects, engineers,
34 appraisers, and financing experts considered necessary or

1 advisable by the board; and

2 (14) exercise any power granted by Chapter 383, Health
3 and Safety Code, or Chapter 30, Water Code. (Acts 66th Leg., R.S.,
4 Ch. 436, Secs. 6(a), (b), (c), (d), (e), (f), (g), (h), (i), (k).)

5 Source Law

6 Sec. 6. (a) The authority may exercise all
7 powers necessary or appropriate to carry out, achieve,
8 or effectuate the purposes of this Act, including
9 those powers provided in this section.

10 (b) The authority may sue and be sued and may
11 plead and be impleaded in its own name.

12 (c) The authority may adopt an official seal and
13 alter the seal when deemed advisable and may adopt and
14 enforce bylaws, rules, and regulations for the conduct
15 of its affairs that are not inconsistent with this Act.

16 (d) The authority may acquire, hold, use, and
17 dispose of its revenues, income, receipts, funds, and
18 money from every source and may select its depository
19 or depositories.

20 (e) The authority may acquire, own, rent, lease,
21 accept, hold, or dispose of any real, personal, or
22 mixed property or any interest in that property, in
23 performing its duties and exercising its powers under
24 this Act by purchase, exchange, gift, assignment,
25 condemnation, sale, lease, or otherwise, including
26 rights or easements, and may hold, manage, operate, or
27 improve real, personal, or mixed property.

28 (f) The authority may sell, assign, lease,
29 encumber, mortgage, or otherwise dispose of any real,
30 personal, or mixed property or any interest in that
31 property and may release or relinquish any right,
32 title, claim, lien, interest, easement, or demand
33 however acquired, and may do any of the foregoing by
34 public or private sale, with or without public
35 bidding, notwithstanding the provisions of any other
36 law, and may lease or rent any land, buildings,
37 structures, or facilities from or to any person, firm,
38 corporation, city, or other public agency or political
39 subdivision to effectuate the purposes of this Act.

40 (g) The authority may request and may accept any
41 appropriations, grants, allocations, subsidies,
42 guaranties, aid, contributions, services, labor,
43 materials, gifts, or donations from the federal
44 government, the state, any city, public agency,
45 political subdivision, or any other sources.

46 (h) The authority may operate and maintain an
47 office and may appoint and determine the duties,
48 tenure, qualifications, and compensation of officers,
49 employees, agents, professional advisors, and
50 counsellors, including financial consultants,
51 accountants, attorneys, architects, engineers,
52 appraisers, and financing experts deemed necessary or
53 advisable by the board.

54 (i) The authority may issue its bonds, provide
55 for and secure the payment of its bonds, and provide
56 for the rights of the holders of its bonds in the
57 manner and to the extent permitted by this Act.

58 (k) The authority may exercise those powers
59 granted by the Clean Air Financing Act (Article
60 4477-5a, Vernon's Texas Civil Statutes), and Chapter
61 30, Water Code.

1 Revisor's Note

2 (1) Section 6(a), Chapter 436, Acts of the 66th
3 Legislature, Regular Session, 1979, refers to the
4 authority's power to "carry out, achieve, or
5 effectuate" certain purposes. The revised law omits
6 "carry out" and "effectuate" because those terms are
7 included in the meaning of "achieve."

8 (2) Section 6(c), Chapter 436, Acts of the 66th
9 Legislature, Regular Session, 1979, authorizes the
10 authority to adopt an official seal and to "alter the
11 seal when deemed advisable." The revised law omits the
12 quoted language because the authority to adopt a seal
13 includes the authority to alter it.

14 (3) Section 6(c), Chapter 436, Acts of the 66th
15 Legislature, Regular Session, 1979, states that the
16 authority may adopt and enforce "bylaws, rules, and
17 regulations" for the conduct of its affairs "not
18 inconsistent with this Act." The revised law omits
19 "regulations" because Section 311.005(5), Government
20 Code (Code Construction Act), defines "rule" to
21 include "regulation." The revised law omits "not
22 inconsistent with this Act" as unnecessary because as
23 a general principle of law, the authority has the power
24 to take only those actions that are consistent with the
25 law revised in this chapter.

26 (4) Section 6(d), Chapter 436, Acts of the 66th
27 Legislature, Regular Session, 1979, refers to the
28 authority's power regarding its "revenues, income,
29 . . . funds, and money." The revised law omits
30 "revenues," "income," and "funds" because the meaning
31 of those terms is included in the meaning of "money."
32 Throughout this chapter, the revised law substitutes
33 "money" for "funds" (except where a specific type of
34 fund is indicated) because, in context, the meaning is

1 the same and "money" is the more commonly used term.

2 (5) Sections 6(e) and (f), Chapter 436, Acts of
3 the 66th Legislature, Regular Session, 1979, refer to
4 "real, personal, or mixed property." The revised law
5 omits the references to "real," "personal," and
6 "mixed" property because under Section 311.005(4),
7 Government Code (Code Construction Act), "property"
8 includes real and personal and, by extension, mixed
9 property.

10 (6) Section 6(f), Chapter 436, Acts of the 66th
11 Legislature, Regular Session, 1979, refers to any
12 "person, firm, corporation, city, or other public
13 agency or political subdivision." Throughout this
14 chapter, the revised law substitutes "person" for the
15 quoted language or similar language because Section
16 311.005(2), Government Code (Code Construction Act),
17 defines "person" to include any legal entity.

18 (7) Section 6(g), Chapter 436, Acts of the 66th
19 Legislature, Regular Session, 1979, provides that the
20 authority may request and accept "appropriations,
21 grants, allocations, subsidies, guaranties, aid,
22 contributions, services, labor, materials, gifts, or
23 donations" from any source, including "any city . . .
24 [or] political subdivision." The revised law omits
25 "contributions," "labor," and "donations" because the
26 meaning of those terms is included in the meaning of
27 "aid," "services," or "gifts." The revised law also
28 omits the reference to "city" because "city" is
29 included in the meaning of "political subdivision."

30 (8) Section 6(j), Chapter 436, Acts of the 66th
31 Legislature, Regular Session, 1979, authorizes the
32 authority to fix and "revise from time to time" certain
33 fees for those who use authority facilities or
34 services and to charge and collect those fees. The

1 revised law omits the reference to fixing, charging,
2 and collecting fees because it duplicates, in
3 substance, Section 49.212, Water Code. The revised
4 law also omits the reference to revising the fees from
5 time to time because the power to set the fees includes
6 the power to revise them from time to time. The
7 omitted law reads:

8 (j) The authority may fix and revise
9 from time to time and charge and collect
10 rates, fees, and charges for its facilities
11 and services.

12 (9) Section 6(k), Chapter 436, Acts of the 66th
13 Legislature, Regular Session, 1979, provides that the
14 authority has the powers granted by the Clean Air
15 Financing Act (Article 4477-5a, Vernon's Texas Civil
16 Statutes). That statute was codified in 1989 as
17 Chapter 383, Health and Safety Code. The revised law
18 is drafted accordingly.

19 Revised Law

20 Sec. 11006.152. PERMITS. (a) The authority may obtain,
21 through appropriate proceedings, an appropriation permit or a
22 diversion permit from the Texas Commission on Environmental
23 Quality.

24 (b) The authority may acquire a water appropriation permit
25 from a permit owner by contract or otherwise. (Acts 66th Leg.,
26 R.S., Ch. 436, Sec. 8 (part).)

27 Source Law

28 Sec. 8. The authority may obtain, through
29 appropriate proceedings, appropriation permits and
30 diversion permits from the Texas Water Commission.
31 The authority is authorized to acquire water
32 appropriation permits from owners of permits through a
33 contract or otherwise. . . .

34 Revisor's Note

35 Section 8, Chapter 436, Acts of the 66th
36 Legislature, Regular Session, 1979, refers to the
37 Texas Water Commission. The name of the Texas Water
38 Commission was changed to the Texas Natural Resource

1 Conservation Commission by Section 1.085, Chapter 3,
2 Acts of the 72nd Legislature, 1st Called Session,
3 1991. The name of the Texas Natural Resource
4 Conservation Commission was changed to the Texas
5 Commission on Environmental Quality by Section 18.01,
6 Chapter 965, Acts of the 77th Legislature, Regular
7 Session, 2001. The revised law is drafted
8 accordingly.

9 Revised Law

10 Sec. 11006.153. GENERAL POWER OF PUBLIC AGENCIES AND
11 POLITICAL SUBDIVISIONS TO CONTRACT WITH AUTHORITY. A public agency
12 or political subdivision of this state, including the cities, may
13 enter into a contract or agreement with the authority, on terms
14 agreed to by the parties, for any purpose relating to the
15 authority's powers or functions. Approval, notice, consent, or an
16 election is not required in connection with the contract or
17 agreement. (Acts 66th Leg., R.S., Ch. 436, Sec. 9(b) (part).)

18 Source Law

19 (b) All public agencies and political
20 subdivisions of the State of Texas, including
21 specifically the city of Agua Dulce, the city of
22 Bishop, the city of Driscoll, and the city of
23 Kingsville are authorized to enter into contracts and
24 agreements with the authority . . . for any purpose
25 relating to the authority's powers or functions, on
26 terms and conditions to which the parties may agree.
27 . . . No approval, notice, or consent whatsoever, nor
28 any election, is required in connection with any of
29 these contracts, agreements, or

30 Revisor's Note

31 Section 9(b), Chapter 436, Acts of the 66th
32 Legislature, Regular Session, 1979, refers to certain
33 "terms and conditions." Throughout this chapter, the
34 revised law omits the reference to "conditions"
35 because "conditions" is included in the meaning of
36 "terms."

37 Revised Law

38 Sec. 11006.154. CONTRACTS TO SUPPLY WATER. (a) The
39 authority may contract with public agencies or political

1 subdivisions, including the cities, to supply water to them. The
2 authority may sell water inside or outside the boundaries of the
3 authority.

4 (b) Contracts under Subsection (a) may provide that the
5 contractual payments by the political subdivisions:

6 (1) will be payable from revenue or the imposition of
7 taxes or both; and

8 (2) will constitute the purchase of the authority's
9 system at the time all indebtedness incurred by the authority for
10 acquisition, construction, improvement, and extensions of the
11 system is paid in full.

12 (c) The authority may contract with a public agency or
13 political subdivision for the rental or leasing of or for the
14 operation of the water supply, water, and filtration or
15 purification facilities of the entity for the consideration agreed
16 to by the authority and the entity.

17 (d) A contract under Subsection (a) or (c) may:

18 (1) be on the terms and for the time agreed to by the
19 parties; and

20 (2) provide that it will continue in effect until
21 bonds specified in it and refunding bonds issued in lieu of the
22 bonds are paid.

23 (e) The authority may enter into contracts or agreements
24 with the Nueces River Authority and the City of Corpus Christi for
25 the purchase of water.

26 (f) The authority and the City of Corpus Christi may enter
27 into contracts or agreements for the sale of water and the operation
28 and maintenance of the authority's water lines if considered
29 advisable.

30 (g) Public agencies or political subdivisions of this
31 state, including the cities, may enter into contracts or agreements
32 with the authority for a water supply.

33 (h) Approval, notice, consent, or an election is not
34 required in connection with a contract or agreement described by

1 Subsection (e), (f), or (g). (Acts 66th Leg., R.S., Ch. 436, Secs.
2 9(a) (part), (b) (part), 19.)

3 Source Law

4 Sec. 9. (a) . . . The authority may sell water
5 within and without the boundaries of the authority and
6

7 (b) All public agencies and political
8 subdivisions of the State of Texas, including
9 specifically the city of Agua Dulce, the city of
10 Bishop, the city of Driscoll, and the city of
11 Kingsville are authorized to enter into contracts and
12 agreements with the authority for a water supply, or
13 In addition, the authority specifically may
14 enter into contracts and agreements with the Nueces
15 River Authority and the city of Corpus Christi for the
16 purchase of water, and the authority and city may enter
17 into agreements and contracts with the authority for
18 the sale of water and operation and maintenance of the
19 authority's water lines if deemed advisable. . . . No
20 approval, notice, or consent whatsoever, nor any
21 election, is required in connection with any of these
22 contracts, agreements, or

23 Sec. 19. The authority may enter into contracts
24 with any city, public agency, or political
25 subdivision, including specifically the city of Agua
26 Dulce, the city of Bishop, the city of Driscoll, and
27 the city of Kingsville, for supplying water to them.
28 These contracts may provide that the contractual
29 payments by the political subdivisions will be payable
30 from revenues or the levy of taxes or both and will
31 constitute the purchase of the authority's system at
32 the time all indebtedness incurred by the authority
33 for acquisition, construction, improvement, and
34 extensions of the system is paid in full. The
35 authority is also authorized to contract with any
36 city, public agency, or political subdivision for the
37 rental or leasing of or for the operation of the water
38 supply, water, and filtration or purification
39 facilities of the entity for consideration on which
40 the authority and the entity may agree. Any contract
41 may be on the terms and for the time to which the
42 parties may agree, and the contract may provide that it
43 shall continue in effect until bonds specified in the
44 contract and refunding bonds issued in lieu of those
45 bonds are paid.

46 Revisor's Note

47 Section 19, Chapter 436, Acts of the 66th
48 Legislature, Regular Session, 1979, states that the
49 authority may contract with any "city," public agency,
50 or political subdivision for certain authority
51 purposes. The revised law omits the reference to any
52 "city" because "city" is included in the meaning of
53 "political subdivision."

1 Revised Law

2 Sec. 11006.155. SOURCES FOR WATER; ACQUISITION OF LAND;
3 STORAGE CAPACITY. (a) The authority may acquire or construct,
4 inside or outside the authority, any work, well, plant,
5 transmission line, or other facility necessary or useful to divert,
6 impound, drill for, store, treat, or transport water to the cities
7 for municipal, domestic, agricultural, industrial, or any other
8 useful purposes.

9 (b) The authority may develop or otherwise acquire
10 underground sources of water.

11 (c) The authority may acquire land, or an interest in land,
12 inside or outside the authority for any reservoir, work, well,
13 plant, transmission line, or other facility necessary or useful to
14 impound, store, treat, or transport water to the cities and others
15 for municipal, domestic, agricultural, industrial, mining, oil
16 flooding, or any other useful purposes.

17 (d) The authority may lease, purchase, or otherwise acquire
18 rights in and to storage and storage capacity in any reservoir
19 constructed or to be constructed by any person. (Acts 66th Leg.,
20 R.S., Ch. 436, Secs. 8 (part), 9(a) (part), 10 (part).)

21 Source Law

22 Sec. 8. . . . The authority may lease,
23 purchase, or otherwise acquire rights in and to
24 storage and storage capacity in any reservoir
25 constructed or to be constructed by any person, firm,
26 corporation, public agency, political subdivision,
27 the state, or the United States or any of its agencies.

28 Sec. 9. (a) . . . The authority may acquire or
29 construct within or without the boundaries of the
30 authority all works, well plants, transmission lines,
31 and other facilities necessary or useful for the
32 purpose of diverting, impounding, drilling, storing,
33 treating, and transporting water to the city of Agua
34 Dulce, the city of Bishop, the city of Driscoll, and
35 the city of Kingsville for municipal, domestic,
36 agricultural, industrial, or any other useful
37 purposes. The authority . . . may develop or
38 otherwise acquire underground sources of water.

39 Sec. 10. The authority may acquire land or any
40 interest in land within or without the boundaries of
41 the authority for all reservoirs, works, wells,
42 plants, transmission lines, and other facilities
43 necessary or useful for the purpose of impounding,
44 storing, treating, and transporting water to the city
45 of Agua Dulce, the city of Bishop, the city of
46 Driscoll, the city of Kingsville, and others for
47 municipal, domestic, agricultural, industrial,

1 mining, oil flooding, and all other useful purposes.
2 . . .

3 Revisor's Note

4 Section 9(a), Chapter 436, Acts of the 66th
5 Legislature, Regular Session, 1979, provides that the
6 authority may acquire or construct "well plants,"
7 among other items. The revised law substitutes
8 references to "well" and "plant" because it is clear
9 from the context that "well plants" is a typographical
10 error and that the legislature intended to refer to the
11 authority's power to acquire or construct "wells,
12 plants," and other items.

13 Revised Law

14 Sec. 11006.156. CONVEYANCE OF LAND TO AUTHORITY. A public
15 agency or political subdivision of this state, including the
16 cities, may lease, sell, or otherwise convey its land or an interest
17 in its land to the authority for the consideration that the parties
18 agree is adequate. Approval, notice, consent, or an election is not
19 required in connection with the conveyance. (Acts 66th Leg., R.S.,
20 Ch. 436, Sec. 9(b) (part).)

21 Source Law

22 (b) All public agencies and political
23 subdivisions of the State of Texas, including
24 specifically the city of Agua Dulce, the city of
25 Bishop, the city of Driscoll, and the city of
26 Kingsville . . . Also, each entity, including
27 specifically the city of Agua Dulce, the city of
28 Bishop, the city of Driscoll, and the city of
29 Kingsville may lease, sell, or otherwise convey any of
30 its land or any interest in its land to the authority
31 for the consideration that the parties agree to be
32 adequate. No approval, notice, or consent whatsoever,
33 nor any election, is required in connection with any of
34 these . . . conveyances.

35 Revised Law

36 Sec. 11006.157. SURPLUS PROPERTY. Subject to the terms of a
37 resolution or deed of trust authorizing or securing bonds issued by
38 the authority, the authority may sell, lease, rent, trade, or
39 otherwise dispose of property that the board considers not needed
40 for an authority purpose. (Acts 66th Leg., R.S., Ch. 436, Sec. 10
41 (part).)

1 52. The amount of and character of interest in land,
2 other property, and easements acquired by condemnation
3 shall be determined by the board. . . .

4 Revisor's Note

5 (1) Section 11(a), Chapter 436, Acts of the 66th
6 Legislature, Regular Session, 1979, refers to any
7 "power or authority" of the authority. The revised law
8 omits "authority" in this context because "authority"
9 is included in the meaning of "power."

10 (2) Section 11(a), Chapter 436, Acts of the 66th
11 Legislature, Regular Session, 1979, provides that "the
12 authority is entitled to acquire [certain property] by
13 condemnation." The revised law substitutes for the
14 quoted language "the authority may exercise the power
15 of eminent domain" because the phrases have the same
16 meaning and the latter phrase is consistent with
17 modern usage in laws relating to eminent domain.

18 (3) Section 11(a), Chapter 436, Acts of the 66th
19 Legislature, Regular Session, 1979, refers to "Title
20 52, Revised Civil Statutes of Texas, 1925, as
21 amended," and to "Subchapter E, Chapter 50, Water
22 Code." In 1983, the Title 52 statutes were codified as
23 Chapter 21, Property Code. Subchapter E, Chapter 50,
24 Water Code, was repealed in 1995 and replaced by
25 Section 49.224, Water Code, which applies to the
26 authority on its own terms. The revised law is drafted
27 accordingly. The revised law omits the reference to
28 "as amended" because under Section 311.027, Government
29 Code (Code Construction Act), a reference to a statute
30 applies to all reenactments, revisions, or amendments
31 of that statute unless expressly provided otherwise.

32 Revised Law

33 Sec. 11006.159. COST OF RELOCATING OR ALTERING PROPERTY;
34 RIGHTS-OF-WAY AND EASEMENTS. (a) If the authority's exercise of
35 its eminent domain, police, or other power requires relocating,
36 raising, lowering, rerouting, or changing the grade of or altering

1 the construction of any railroad, electric transmission,
2 telegraph, or telephone line, conduit, pole, property, or facility
3 or pipeline, the action shall be accomplished at the sole expense of
4 the authority. The term "sole expense" means the actual cost of the
5 raising, lowering, rerouting, or change in grade or alteration of
6 construction to provide a comparable replacement without enhancing
7 the facility, after deducting from the cost the net salvage value
8 derived from the old facility.

9 (b) The authority has all necessary or useful rights-of-way
10 and easements along, over, under, and across all public, state,
11 municipal, and county roads, highways, and places for any of its
12 purposes. The authority shall restore a used facility to its
13 previous condition as nearly as possible at the sole expense of the
14 authority. (Acts 66th Leg., R.S., Ch. 436, Secs. 11(b), (c).)

15 Source Law

16 (b) The authority is granted all necessary or
17 useful rights-of-way and easements along, over, under,
18 and across all public, state, city, and county roads,
19 highways, and places for any of its purposes, but the
20 authority shall restore any of those facilities used
21 to their previous condition as nearly as possible at
22 the sole expense of the authority.

23 (c) In the event the authority, in the exercise
24 of its power of eminent domain or police power, or any
25 other power requires the relocation, raising,
26 lowering, rerouting, or change in grade or alteration
27 in the construction of any railroad, electric
28 transmission, telegraph, or telephone lines,
29 conduits, poles, properties, or facilities or
30 pipelines, the relocation, raising, lowering,
31 rerouting, or changes in grade or alteration of
32 construction shall be accomplished at the sole expense
33 of the authority. The term "sole expense" shall mean
34 the actual cost of the raising, lowering, rerouting,
35 or change in grade or alteration of construction in
36 providing comparable replacement without enhancement
37 of the facilities, after deducting therefrom the net
38 salvage value derived from the old facility.

39 Revised Law

40 Sec. 11006.160. OTHER AUTHORITY POWERS. The authority has
41 the same power as is conferred by general law on municipal utility
42 districts and on water control and improvement districts with
43 reference to entering land, making surveys, and attending to other
44 business of the authority. (Acts 66th Leg., R.S., Ch. 436, Sec.
45 11(a) (part).)

1 Session, 1985, transferred the relevant authority
2 exercised by the Texas Department of Water Resources
3 to the Texas Water Commission. As explained by the
4 revisor's note to Section 11006.152, the Texas
5 Commission on Environmental Quality is the successor
6 agency to the former Texas Water Commission, and
7 therefore the provision duplicates, in substance, part
8 of Section 12.081, Water Code, which applies to the
9 authority by its own terms. The reference to Chapter
10 50, Water Code, is omitted because most of Chapter 50
11 was repealed by Chapter 715, Acts of the 74th
12 Legislature, Regular Session, 1995, and supervision of
13 the authority under that chapter is provided only
14 under Section 50.107, which, to the extent it may have
15 effect, applies by its own terms. The omitted law
16 reads:

17 (c) The rights, powers, privileges,
18 authority, and functions granted to the
19 authority in this Act shall be subject to
20 the continuing right of supervision of the
21 state, to be exercised by the Texas
22 Department of Water Resources, subject to
23 the provisions of this Act and Section
24 12.081 and Chapter 50, Water Code.

25 (3) Section 12, Chapter 436, Acts of the 66th
26 Legislature, Regular Session, 1979, requires the
27 authority to publish notice before awarding a
28 construction contract requiring an expenditure of more
29 than \$5,000. The revised law omits the provision as
30 superseded by Section 49.273(d), Water Code, which
31 provides similar requirements for a contract that
32 exceeds \$75,000. The authority's board has elected by a
33 resolution adopted under Section 49.273(m), Water
34 Code, to award construction contracts under the terms
35 of Section 49.273, Water Code, rather than under the
36 terms of the conflicting special law. The omitted law
37 reads:

38 Sec. 12. Any construction contract

1 requiring an expenditure of more than
2 \$5,000 shall be made after publication of a
3 notice to bidders once each week for two
4 consecutive weeks in a newspaper of general
5 circulation in the authority before
6 awarding the contract. The notice shall be
7 sufficient if it states the time and place
8 when and where the bids will be opened, the
9 general nature of the work to be done, or
10 the material, equipment, or supplies to be
11 purchased, and states where the terms and
12 conditions of bidding and copies of the
13 plans and specifications may be obtained.

14 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

15 Revised Law

16 Sec. 11006.201. DEPOSITORY. (a) The board shall designate
17 one or more banks inside or outside the authority to serve as the
18 depository for the authority's money.

19 (b) Authority money shall be deposited in the depository
20 designated by the board, except that:

21 (1) bond proceeds and money pledged to pay bonds, to
22 the extent provided in a resolution or trust indenture authorizing
23 or securing authority bonds, may be deposited with another bank or
24 trustee named in the bond resolution or trust indenture; and

25 (2) money shall be remitted to each paying agent for
26 the payment of principal of and interest on the bonds.

27 (c) To the extent that money in a depository bank or a
28 trustee bank is not insured by the Federal Deposit Insurance
29 Corporation, the money must be secured in the manner provided by law
30 for the security of municipal money. (Acts 66th Leg., R.S., Ch.
31 436, Sec. 20 (part).)

32 Source Law

33 Sec. 20. The board shall designate one or more
34 banks within or without the authority to serve as
35 depository for the funds of the authority. All funds
36 of the authority shall be deposited in the depository
37 bank or banks, except that bond proceeds and funds
38 pledged to pay bonds may, to the extent provided in any
39 resolution or trust indenture authorizing or securing
40 bonds of the authority, be deposited with any other
41 bank or trustee named in the bond resolution or trust
42 indenture, and except that funds shall be remitted to
43 each paying agent for the payment of principal of and
44 interest on the bonds. To the extent that funds in the
45 depository banks and the trustee bank are not insured
46 by the Federal Deposit Insurance Corporation, they
47 shall be secured in the manner provided by law for the
48 security of city funds. . . .

1 (2) Section 25, Chapter 436, Acts of the 66th
2 Legislature, Regular Session, 1979, requires the
3 authority to have the authority's accounts audited at
4 least once annually by an independent certified public
5 accountant. The revised law omits that provision as
6 superseded by Sections 49.191(a), (b), and (c), Water
7 Code (enacted by Section 2, Chapter 715, Acts of the
8 74th Legislature, Regular Session, 1995). The omitted
9 law reads:

10 Sec. 25. . . . shall have those
11 accounts audited at least once annually by
12 an independent certified public
13 accountant. . . .

14 (3) Section 25, Chapter 436, Acts of the 66th
15 Legislature, Regular Session, 1979, provides that the
16 audit required under that section may be the same as
17 required under Subchapter K, Chapter 50, Water Code.
18 The revised law omits the reference to Subchapter K,
19 Chapter 50, because Chapter 715, Acts of the 74th
20 Legislature, Regular Session, 1995, repealed that
21 subchapter and enacted similar provisions in
22 Subchapter G, Chapter 49, Water Code. The revised law
23 does not substitute a reference to Subchapter G,
24 Chapter 49, for the reference to Subchapter K, Chapter
25 50, because Subchapter G, Chapter 49, applies to the
26 authority under Sections 49.001 and 49.002 of that
27 chapter. Furthermore, to the extent the provision
28 implies that the authority may conduct an audit in some
29 manner other than that required by Subchapter G,
30 Chapter 49, Water Code, the provision is superseded by
31 Section 49.191(b), Water Code (enacted by Section 2,
32 Chapter 715, Acts of the 74th Legislature, Regular
33 Session, 1995). The omitted law reads:

34 Sec. 25. . . . The audit required
35 under this section may be the same as
36 required under Subchapter K, Chapter 50,
37 Water Code. . . .

1 (4) Section 25, Chapter 436, Acts of the 66th
2 Legislature, Regular Session, 1979, requires that a
3 copy of the audit report be kept with the books and
4 financial records of the authority and be available
5 during reasonable hours for public inspection. The
6 revised law omits those provisions as superseded by
7 Sections 49.191(b), 49.194(c), and 49.196(b), Water
8 Code (enacted by Section 2, Chapter 715, Acts of the
9 74th Legislature, Regular Session, 1995). The omitted
10 law reads:

11 Sec. 25. . . . A copy of the audit
12 report shall be kept with the books and
13 financial records of the authority and
14 shall be available during reasonable hours
15 for public inspection.

16 Revised Law

17 Sec. 11006.204. AUTHORITY FACILITIES EXEMPT FROM TAXATION
18 AND ASSESSMENT. The authority is not required to pay a tax or
19 assessment on its facilities or any part of its facilities. (Acts
20 66th Leg., R.S., Ch. 436, Sec. 22 (part).)

21 Source Law

22 Sec. 22. . . . The authority shall not be
23 required to pay any tax or assessment on its facilities
24 or any part of its facilities, and

25 Revisor's Note
26 (End of Subchapter)

27 Section 24, Chapter 436, Acts of the 66th
28 Legislature, Regular Session, 1979, establishes
29 certain procedures relating to the imposition of ad
30 valorem taxes. The revised law omits those provisions
31 as superseded by Title 1, Tax Code, which was intended
32 as a comprehensive, substantive codification of all ad
33 valorem tax law and its administration. Title 1, Tax
34 Code, was enacted by Chapter 841, Acts of the 66th
35 Legislature, Regular Session, 1979. Section 6(b) of
36 that act repealed all "general, local, and special
37 laws" that conflicted with that act.

38 Chapters 436 and 841 were enacted in the same

1 legislative session and are irreconcilable. Under
2 Section 311.025, Government Code (Code Construction
3 Act), if statutes enacted at the same or different
4 sessions of the legislature are irreconcilable, the
5 statute latest in date of enactment prevails. The date
6 of enactment is the date on which the last legislative
7 vote is taken on the bill enacting the statute. The
8 last legislative vote on Chapter 436 was taken on May
9 24, 1979. The last legislative vote on Chapter 841 was
10 taken on May 26, 1979. Accordingly, the revised law
11 omits the provisions of Section 24, Chapter 436,
12 relating to the imposition of ad valorem taxes as
13 superseded by Title 1, Tax Code, as enacted by Chapter
14 841. The omitted law reads:

15 Sec. 24. (a) The tax rolls of
16 Kleberg County and Nueces County, Texas are
17 adopted and shall constitute the tax rolls
18 of the authority until assessment and tax
19 rolls are made by the authority.

20 (b) [If the authority issues and
21 delivers bonds that are payable wholly or
22 partially from ad valorem taxes, the board
23 annually shall have the taxable property in
24 the authority rendered and assessed for ad
25 valorem taxation, and] the value of this
26 taxable property equalized, and . . . in
27 accordance with any of the methods set forth
28 in this section. Any method adopted shall
29 remain in effect until changed by the board.

30 (c) The laws of this state applicable
31 to general law cities and towns may be
32 adopted and shall be used to the extent
33 pertinent and practicable.

34 (d) The laws of this state applicable
35 to levy, assessment, and collection of
36 county taxes may be adopted and shall be
37 used to the extent pertinent and
38 practicable, provided the board shall have
39 the authority to act as its own board of
40 equalization, or to appoint three resident,
41 qualified voters of the authority who own
42 taxable property in the authority to act as
43 the board of equalization of the authority,
44 and in either case, the board of
45 equalization shall qualify and perform the
46 duties prescribed by law for county
47 commissioners courts acting as boards of
48 equalization.

49 (e) The board may have the taxable
50 property in the authority assessed, its
51 values equalized, and/or its taxes
52 collected, in whole or in part, by the tax
53 assessors, boards of equalization, and/or
54 tax collectors, respectively, of any

1 county, city, taxing district, or other
2 governmental subdivision in which all or
3 any part of the authority is located. The
4 property may be assessed and the values of
5 the property equalized on the same basis or
6 a different basis than that used by the
7 governmental subdivision. The property
8 shall be assessed, the values of the
9 property equalized, and the taxes
10 collected, in the manner and for the
11 compensation agreed on between the
12 appropriate parties, and the functions thus
13 assumed by the officials of any
14 governmental subdivision shall be
15 additional duties pertaining to their
16 offices, respectively. The ad valorem tax
17 laws applicable to each of those
18 governmental subdivisions shall apply to
19 their officials in carrying out these
20 functions for the authority.

21 (f) It is specifically provided,
22 however, that under any method used, all
23 taxable property within the authority shall
24 be assessed on the same basis and the values
25 of the property shall be equalized by only
26 one board of equalization, in an equal and
27 uniform manner, as required by the
28 constitution. If the board desires that
29 taxable property shall be assessed and
30 taxes collected by the tax assessors and
31 collectors of more than one governmental
32 subdivision, the board shall either act as
33 its own board of equalization, or appoint
34 three resident, qualified electors of the
35 authority who own taxable property in the
36 authority to act as the board of
37 equalization, and in either case, the board
38 of equalization shall qualify and perform
39 the duties prescribed by law for county
40 commissioners courts acting as boards of
41 equalization.

42 (g) Any other method or procedure
43 authorized or permitted by any other
44 statute of this state may be adopted, in
45 whole or in part, to the extent pertinent
46 and practicable.

47 SUBCHAPTER F. BONDS

48 Revised Law

49 Sec. 11006.251. AUTHORITY TO ISSUE BONDS. (a) The
50 authority may issue bonds payable from and secured by revenue or ad
51 valorem taxes, or both revenue and ad valorem taxes, of the
52 authority to carry out any power or authority conferred by this
53 chapter. The bonds must be authorized by a board resolution.

54 (b) The bonds must be issued in the manner and under the
55 terms of the resolution authorizing the issuance of the bonds.
56 (Acts 66th Leg., R.S., Ch. 436, Secs. 13(a), (b) (part), (d)
57 (part).)

1 bonds bear the seal of the authority was impliedly
2 repealed by Section 3, Bond Procedures Act of 1981
3 (Article 717k-6, Vernon's Texas Civil Statutes)
4 (revised in relevant part in 1999 as Section
5 1201.026(a), Government Code), which provides that
6 bonds may be signed with or without a seal. The
7 authorization for the use of printed or lithographed
8 signatures duplicates in substance Section
9 1201.026(a), Government Code, which also provides that
10 bonds and interest coupons may be executed with manual
11 or facsimile signatures. Section 1201.026 applies to
12 authority bonds under Sections 1201.002 and 1201.003,
13 Government Code. The omitted law reads:

14 (b) [The bonds] . . . shall bear the
15 seal of the authority. It is provided,
16 however, that the signatures of the
17 president, vice-president, or the secretary
18 or of both may be printed or lithographed on
19 the bonds if authorized by the board, and
20 that the seal of the authority may be
21 impressed on the bonds or may be printed or
22 lithographed on the bonds. . . .

23 Revised Law

24 Sec. 11006.253. MATURITY. Authority bonds must mature not
25 later than 50 years after the date of their issuance. (Acts 66th
26 Leg., R.S., Ch. 436, Sec. 13(b) (part).)

27 Source Law

28 (b) . . . The bonds shall mature serially or
29 otherwise in not to exceed 50 years from their date and
30

31 Revisor's Note

32 Section 13(b), Chapter 436, Acts of the 66th
33 Legislature, Regular Session, 1979, provides that
34 authority bonds shall mature "serially or otherwise."
35 The revised law omits the quoted language because it is
36 superseded by Section 1201.021, Government Code
37 (enacted as Section 3, Bond Procedures Act of 1981
38 (Article 717k-6, Vernon's Texas Civil Statutes)),
39 which provides that the governing body of an issuer may

1 determine the time of payment of public securities it
2 issues, and by Section 1201.022, Government Code
3 (enacted as Section 5(a), Bond Procedures Act of 1981
4 (Article 717k-6, Vernon's Texas Civil Statutes)),
5 which provides that a public security may be issued
6 with specified characteristics, on specified terms, or
7 in a specified manner. Sections 1201.021 and 1201.022
8 apply to authority bonds under Sections 1201.002 and
9 1201.003, Government Code.

10 Revised Law

11 Sec. 11006.254. ELECTION FOR BONDS PAYABLE FROM AD VALOREM
12 TAXES. (a) Bonds, other than refunding bonds, payable wholly or
13 partly from ad valorem taxes may not be issued unless authorized by
14 a majority of the authority voters voting at an election held for
15 that purpose.

16 (b) The board may call an election under this section
17 without a petition. The resolution calling the election must
18 specify:

19 (1) the time and place at which the election will be
20 held;

21 (2) the purpose for which the bonds will be issued;

22 (3) the amount of the bonds;

23 (4) the form of the ballot; and

24 (5) other matters the board considers necessary or
25 advisable.

26 (c) Notice of the election must be given by publishing a
27 substantial copy of the resolution calling the election in a
28 newspaper of general circulation in the authority. The notice must
29 be published once each week for two consecutive weeks. The first
30 publication must be not later than the 14th day before the date of
31 the election.

32 (d) The authority may issue bonds not payable wholly or
33 partly from ad valorem taxes without an election. (Acts 66th Leg.,
34 R.S., Ch. 436, Secs. 16 (part), 17(a) (part), (b).)

1 Source Law

2 Sec. 16. . . . Bonds payable from revenues of
3 the authority may be issued without an election

4 Sec. 17. (a) No bonds payable wholly or
5 partially from ad valorem taxes, except refunding
6 bonds, may be issued unless authorized at an election
7 at which only the qualified voters who reside in the
8 authority are allowed to vote and unless a majority of
9 the votes cast favor the issuance of the bonds. . . .
10 Bonds not payable wholly or partially from ad valorem
11 taxes may be issued without an election.

12 (b) The election may be called by the board
13 without a petition. The resolution calling the
14 election shall specify the time and place or places for
15 holding the election, the purpose for which the bonds
16 are to be issued, the amount of the bonds, the form of
17 the ballot, and other matters deemed necessary or
18 advisable by the board. Notice of the election shall
19 be given by publishing a substantial copy of the
20 resolution calling the election in a newspaper having
21 general circulation in the authority once each week
22 for two consecutive weeks, with the first publication
23 to be at least 14 days before the election.

24 Revisor's Note

25 (1) Section 17(a), Chapter 436, Acts of the 66th
26 Legislature, Regular Session, 1979, refers to
27 "qualified voters who reside in the authority." The
28 revised law substitutes "authority voters" for the
29 quoted language for the reason stated in Revisor's Note
30 (6) to Section 11006.052.

31 (2) Section 17(c), Chapter 436, Acts of the 66th
32 Legislature, Regular Session, 1979, provides that the
33 board shall receive and canvass election returns. The
34 revised law omits that provision for the reason stated
35 in Revisor's Note (7) to Section 11006.052. The
36 omitted law reads:

37 (c) The returns of the election shall
38 be made to and canvassed by the board.

39 (3) Section 17(d), Chapter 436, Acts of the 66th
40 Legislature, Regular Session, 1979, provides that the
41 Election Code and general laws relating to elections
42 apply to an election under that section except as
43 otherwise provided by that act. The revised law omits
44 the reference to the Election Code because Section
45 1.002, Election Code, provides that the Election Code

1 applies to all elections held in this state. An
2 exception to the application of the Election Code
3 would apply by its own terms. The revised law omits
4 the reference to general laws relating to elections
5 because any other general law applicable to authority
6 elections would apply by its own terms. The omitted
7 law reads:

8 (d) The Texas Election Code and
9 general laws relating to elections shall be
10 applicable to elections held under this
11 section, except as otherwise provided in
12 this Act.

13 Revised Law

14 Sec. 11006.255. BONDS SECURED BY REVENUE; ADDITIONAL BONDS.

15 (a) Authority bonds issued may be secured by a pledge of all or part
16 of the authority's revenue or by all or part of the revenue of one or
17 more contracts made or other revenue or income specified by board
18 resolution or a trust indenture securing the bonds. The pledge may
19 reserve the right, under conditions specified by the pledge, to
20 issue additional bonds that will be on a parity with or subordinate
21 to the bonds then being issued.

22 (b) The authority may issue bonds secured by both taxes and
23 revenue of the authority described by Subsection (a). (Acts 66th
24 Leg., R.S., Ch. 436, Secs. 13(c), (d) (part).)

25 Source Law

26 (c) The bonds may be secured by a pledge of all
27 or any part of the revenues of the authority or by all
28 or any part of the revenues of any one or more
29 contracts made or other revenues or income specified
30 by resolution of the board or in any trust indenture
31 securing the bonds. The pledge may reserve the right,
32 under conditions specified in the pledge, to issue
33 additional bonds that will be on a parity with or
34 subordinate to the bonds then being issued.

35 (d) The authority also may . . . issue bonds
36 secured by [and payable from] both taxes and revenues
37 of the district described in Subsection (c) of this
38 section. . . .

39 Revised Law

40 Sec. 11006.256. BONDS PAYABLE FROM AD VALOREM TAXES. (a)

41 If bonds are issued payable wholly or partly from ad valorem taxes,
42 the board shall annually impose a tax on the taxable property in the

1 authority in an amount sufficient to pay the principal of and
2 interest on the bonds when due but not to exceed 20 cents on the \$100
3 valuation of taxable property in the authority.

4 (b) The board may adopt the rate of a tax imposed under
5 Subsection (a) for any year after giving consideration to the money
6 received from the pledged revenue that may be available for payment
7 of principal and interest, to the extent and in the manner permitted
8 by the resolution authorizing the issuance of the bonds. (Acts 66th
9 Leg., R.S., Ch. 436, Secs. 13(d) (part), 24(b) (part).)

10 Source Law

11 [Sec. 13]

12 (d) [The authority also may issue bonds payable
13 from ad valorem taxes] to be levied on all taxable
14 property in the authority or If bonds are
15 issued that are payable wholly or partially from ad
16 valorem taxes, the board shall levy a tax sufficient to
17 pay the principal of and the interest on the bonds when
18 due, but the rate of the tax for any year may be fixed
19 after giving consideration to the money received from
20 the pledged revenues that may be available for payment
21 of principal and interest, to the extent and in the
22 manner permitted by the resolution authorizing the
23 issuance of the bonds, however, the tax shall not
24 exceed 20 cents on the \$100 valuation of taxable
25 property in the authority.

26 [Sec. 24]

27 (b) If the authority issues and delivers bonds
28 that are payable wholly or partially from ad valorem
29 taxes, the board annually shall have the taxable
30 property in the authority rendered and assessed for ad
31 valorem taxation, and . . . the ad valorem taxes in the
32 district collected

33 Revisor's Note

34 Section 13(d), Chapter 436, Acts of the 66th
35 Legislature, Regular Session, 1979, provides that the
36 rate of the ad valorem tax for any year may "be fixed"
37 by the board. The revised law substitutes "adopt" for
38 "be fixed" to conform to the terminology used in
39 Section 26.05, Tax Code.

40 Revised Law

41 Sec. 11006.257. ADDITIONAL SECURITY. (a) Authority bonds,
42 including refunding bonds, that are not payable wholly from ad
43 valorem taxes may be additionally secured, at the discretion of the
44 board, by a deed of trust or mortgage lien on physical property of

1 the authority and all franchises, easements, water rights and
2 appropriation permits, leases, and contracts and all rights
3 appurtenant to the property, vesting in the trustee power to:

- 4 (1) sell the property for the payment of the debt;
- 5 (2) operate the property; and
- 6 (3) take other action to further secure the bonds.

7 (b) A purchaser under a sale under the deed of trust lien, if
8 one is given:

- 9 (1) is the absolute owner of property, facilities, and
10 rights purchased; and
- 11 (2) is entitled to maintain and operate the property,
12 facilities, and rights. (Acts 66th Leg., R.S., Ch. 436, Sec. 15
13 (part).)

14 Source Law

15 Sec. 15. Any bonds, including refunding bonds,
16 authorized by this Act, that are not payable wholly
17 from ad valorem taxes, The bonds, within the
18 discretion of the board, may be additionally secured
19 by a deed of trust or mortgage lien on physical
20 properties of the authority and all franchises,
21 easements, water rights and appropriation permits,
22 leases, and contracts and all rights appurtenant to
23 those properties, vesting in the trustee power to sell
24 the properties for the payment of indebtedness, power
25 to operate the properties, and all other powers and
26 authority for the further security of the bonds. . . .
27 Any purchaser under a sale under the deed of trust
28 lien, where one is given, shall be the absolute owner
29 of properties, facilities, and rights purchased and is
30 entitled to maintain and operate the properties,
31 facilities, and rights.

32 Revised Law

33 Sec. 11006.258. TRUST INDENTURE. (a) Authority bonds,
34 including refunding bonds, that are not payable wholly from ad
35 valorem taxes may be additionally secured by a trust indenture. The
36 trustee may be a bank with trust powers located inside or outside
37 this state.

38 (b) A trust indenture, regardless of the existence of a deed
39 of trust or mortgage lien on property, may:

- 40 (1) provide for the security of the bonds and the
41 preservation of the trust estate as prescribed by the board;
- 42 (2) provide for amendment or modification of the trust

1 indenture;

2 (3) provide for the issuance of bonds to replace lost
3 or mutilated bonds;

4 (4) condition the right to spend authority money or
5 sell authority property on the approval of a licensed engineer
6 selected as provided by the trust indenture; and

7 (5) provide for the investment of authority money.

8 (Acts 66th Leg., R.S., Ch. 436, Sec. 15 (part).)

9 Source Law

10 Sec. 15. Any bonds, including refunding bonds,
11 authorized by this Act, that are not payable wholly
12 from ad valorem taxes, may be additionally secured by a
13 trust indenture under which the trustee may be a bank
14 having trust powers situated either within or outside
15 of this state. . . . The trust indenture, regardless
16 of the existence of the deed of trust or mortgage lien
17 on the properties, may contain any provisions
18 prescribed by the board for the security of the bonds
19 and the preservation of the trust estate and may
20 provide for amendment or modification thereof and the
21 issuance of bonds to replace lost or mutilated bonds
22 and may condition the right to expend authority money
23 or sell authority property on approval of a registered
24 professional engineer selected as provided in the
25 trust indenture and may make provision for the
26 investment of funds of the authority. . . .

27 Revisor's Note

28 Section 15, Chapter 436, Acts of the 66th
29 Legislature, Regular Session, 1979, refers to a
30 "registered professional engineer." The revised law
31 substitutes "licensed engineer" for the quoted
32 language because under Chapter 1001, Occupations Code,
33 engineers are licensed, not registered.

34 Revised Law

35 Sec. 11006.259. CHARGES FOR AUTHORITY SERVICES. (a) If
36 authority bonds payable wholly from revenue are issued, the board
37 shall set and from time to time revise the rates of compensation for
38 water sold and services provided by the authority. The rates must
39 be sufficient to:

40 (1) pay the expenses of operating and maintaining
41 authority facilities;

42 (2) pay the principal of and interest on the bonds when

1 due; and

2 (3) maintain the reserve fund and other funds as
3 provided in the resolution authorizing the bonds.

4 (b) If bonds payable partly from revenue are issued, the
5 board shall set and from time to time revise the rate of
6 compensation for water sold and any other services provided by the
7 authority. The rate must be sufficient to ensure compliance with
8 the resolution authorizing the bonds or the trust indenture
9 securing the bonds. (Acts 66th Leg., R.S., Ch. 436, Sec. 13(e).)

10 Source Law

11 (e) If bonds payable wholly from revenues are
12 issued, the board shall fix, and from time to time
13 revise, the rates of compensation for water sold and
14 services rendered by the authority that will be
15 sufficient to pay the expenses of operating and
16 maintaining the facilities of the district and to pay
17 the principal of and interest on the bonds, when due,
18 and to maintain the reserve and other funds as provided
19 in the resolution authorizing the bonds. If bonds
20 payable partially from revenues are issued, the board
21 shall fix, and from time to time revise, the rate of
22 compensation for water sold, and any other services
23 rendered by the authority that will be sufficient to
24 assure compliance with the resolution authorizing the
25 bonds or the trust indenture securing the bonds.

26 Revisor's Note

27 Section 13(e), Chapter 436, Acts of the 66th
28 Legislature, Regular Session, 1979, provides that the
29 board shall "fix" the rates the authority charges for
30 water sold and services provided by the authority. The
31 revised law substitutes "set" for "fix" for the reason
32 stated in Revisor's Note (3) to Section 11006.052.

33 Revised Law

34 Sec. 11006.260. USE OF BOND PROCEEDS. (a) The authority
35 may set aside an amount of proceeds of the sale of authority bonds
36 for:

37 (1) the payment of interest expected to accrue during
38 construction not to exceed three years;

39 (2) a reserve interest and sinking fund; and

40 (3) other funds as may be provided in the resolution
41 authorizing the bonds or in the trust indenture.

1 (b) The authority may use proceeds from the sale of bonds to
2 pay any expense necessarily incurred in accomplishing the purpose
3 of the authority, including:

- 4 (1) any expense of issuing and selling the bonds; and
5 (2) the amount needed to operate the authority during
6 construction of the improvements. (Acts 66th Leg., R.S., Ch. 436,
7 Sec. 13(f).)

8 Source Law

9 (f) From the proceeds of the sale of the bonds,
10 the authority may set aside an amount for the payment
11 of interest expected to accrue during construction not
12 to exceed three years, a reserve interest and sinking
13 fund, and other funds as may be provided in the
14 resolution authorizing the bonds or in the trust
15 indenture. Proceeds from the sale of bonds may also be
16 used for the payment of all expenses necessarily
17 incurred in accomplishing the purpose for which this
18 district is created, including expenses of issuing and
19 selling the bonds and the amount needed to operate the
20 authority during construction of the improvements.

21 Revised Law

22 Sec. 11006.261. APPOINTMENT OF RECEIVER. (a) On default or
23 threatened default in the payment of the principal of or interest on
24 authority bonds that are payable wholly or partly from revenue, a
25 court may, on petition of the holders of outstanding bonds, appoint
26 a receiver for the authority.

27 (b) The receiver may collect and receive all authority
28 income, employ and discharge authority agents and employees, take
29 charge of money on hand, and manage the proprietary affairs of the
30 authority without consent or hindrance by the board.

31 (c) The receiver may be authorized to sell or contract for
32 the sale of water or to renew contracts with the approval of the
33 court that appointed the receiver.

34 (d) The court may vest the receiver with any other power or
35 duty the court finds necessary to protect the bondholders. (Acts
36 66th Leg., R.S., Ch. 436, Sec. 13(g) (part).)

37 Source Law

38 (g) In the event of a default or a threatened
39 default in the payment of principal of or interest on
40 bonds payable wholly or partially from revenues, any
41 court of competent jurisdiction may, upon petition of
42 the holders of outstanding bonds, appoint a receiver

1 with authority to collect and receive all income of the
2 authority, employ and discharge agents and employees
3 of the authority, take charge of funds on hand, and
4 manage the proprietary affairs of the authority
5 without consent or hindrance by the board. The
6 receiver may also be authorized to sell or make
7 contracts for the sale of water or renew contracts with
8 the approval of the court appointing him. The court
9 may vest the receiver with other powers and duties the
10 court finds necessary for the protection of the
11 holders of the bonds. . . .

12 Revisor's Note

13 Section 13(g), Chapter 436, Acts of the 66th
14 Legislature, Regular Session, 1979, refers to a court
15 "of competent jurisdiction." The revised law omits
16 the quoted language because the general laws of civil
17 jurisdiction determine which courts have "competent
18 jurisdiction" over a matter. For an example, see
19 Section 24.003, Government Code, for the jurisdiction
20 of certain district courts to appoint receivers.

21 Revised Law

22 Sec. 11006.262. REFUNDING BONDS. (a) The authority may
23 issue refunding bonds to refund outstanding authority bonds and
24 interest on those bonds.

25 (b) Refunding bonds may:

- 26 (1) be issued to refund bonds of more than one series;
- 27 (2) combine the pledges for the outstanding bonds for
28 the security of the refunding bonds; or
- 29 (3) be secured by a pledge of other or additional
30 revenue or mortgage liens.

31 (c) The provisions of this subchapter regarding the
32 issuance of other bonds, their security, and the remedies of the
33 holders apply to refunding bonds.

34 (d) The comptroller shall register the refunding bonds on
35 surrender and cancellation of the bonds to be refunded.

36 (e) Instead of issuing bonds to be registered on the
37 surrender and cancellation of the bonds to be refunded, the
38 authority, in the resolution authorizing the issuance of the
39 refunding bonds, may provide for the sale of the refunding bonds and
40 the deposit of the proceeds in a bank at which the bonds to be

1 refunded are payable. In that case, the refunding bonds may be
2 issued in an amount sufficient to pay the principal of and interest
3 and any required redemption premium on the bonds to be refunded to
4 any redemption date or to their maturity date, and the comptroller
5 shall register the refunding bonds without the surrender and
6 cancellation of the bonds to be refunded.

7 (f) An election is not required to authorize the issuance of
8 refunding bonds.

9 (g) The authority may also issue refunding bonds under any
10 other applicable law. (Acts 66th Leg., R.S., Ch. 436, Sec. 14.)

11 Source Law

12 Sec. 14. The authority may issue refunding
13 bonds for the purpose of refunding any outstanding
14 bonds authorized by this Act and interest on those
15 bonds. The refunding bonds may be issued to refund
16 more than one series of outstanding bonds and combine
17 the pledges for the outstanding bonds for the security
18 of the refunding bonds and may be secured by other or
19 additional revenues and mortgage liens. The
20 provisions of this Act with reference to the issuance
21 by the authority of other bonds, their security, and
22 their approval by the attorney general and the
23 remedies of the holders are applicable to refunding
24 bonds. Refunding bonds shall be registered by the
25 comptroller on surrender and cancellation of the bonds
26 to be refunded, but in lieu thereof, the resolution
27 authorizing their issuance may provide that they shall
28 be sold and the proceeds deposited in the bank where
29 the original bonds are payable, in which case the
30 refunding bonds may be issued in an amount sufficient
31 to pay all principal coming due, all interest
32 accruing, and any required redemption premium, on the
33 bonds being refunded to or through any date upon which
34 they are subject to redemption prior to maturity, or
35 through, or at their maturity date or dates,
36 respectively, and the comptroller shall register the
37 refunding bonds without concurrent surrender and
38 cancellation of the original bonds. The refunding
39 bonds may be issued without having been authorized at
40 an election. Refunding bonds also may be issued by the
41 authority pursuant to any other applicable law.

42 Revisor's Note

43 Section 14, Chapter 436, Acts of the 66th
44 Legislature, Regular Session, 1979, refers to the
45 "approval by the attorney general" of refunding bonds.
46 The revised law omits the quoted language because it is
47 superseded by Section 1202.003, Government Code,
48 enacted in 1987 as Section 3.002(a), Chapter 53, Acts
49 of the 70th Legislature, 2nd Called Session (Article

1 717k-8, Vernon's Texas Civil Statutes). That section
2 applies to authority bonds by application of Section
3 1202.001, Government Code.

4 Revised Law

5 Sec. 11006.263. LIMITATION ON RIGHTS OF BONDHOLDERS. The
6 resolution authorizing the bonds or the trust indenture securing
7 the bonds may limit or qualify the rights of the holders of less
8 than all of the outstanding bonds payable from the same source to
9 institute or prosecute litigation affecting the authority's
10 property or income. (Acts 66th Leg., R.S., Ch. 436, Sec. 13(g)
11 (part).)

12 Source Law

13 (g) . . . The resolution authorizing the
14 issuance of the bonds or the trust indenture securing
15 them may limit or qualify the rights of the holders of
16 less than all of the outstanding bonds payable from the
17 same source to institute or prosecute litigation
18 affecting the authority's property or income.

19 Revised Law

20 Sec. 11006.264. BONDS EXEMPT FROM TAXATION. An authority
21 bond, the transfer of the bond, and the income from the bond,
22 including profits made on the sale of the bond, are exempt from
23 taxation in this state. (Acts 66th Leg., R.S., Ch. 436, Sec. 22
24 (part).)

25 Source Law

26 Sec. 22. . . . the bonds issued and their
27 transfer and the income from the bonds, including the
28 profits made on their sale, shall at all times be free
29 from taxation within this state.

30 Revised Law

31 Sec. 11006.265. DETACHMENT OF AUTHORITY TERRITORY AFTER
32 ISSUANCE OF BONDS. Territory may not be detached from the authority
33 after the issuance of bonds payable from revenue or taxes, or both
34 revenue and taxes. (Acts 66th Leg., R.S., Ch. 436, Secs. 16 (part),
35 17(a) (part).)

36 Source Law

37 Sec. 16. No territory shall be detached from the
38 authority after the issuance of bonds that are payable
39 from revenues or taxes. . . .

40 Sec. 17. (a) . . . No territory shall be

1 detached from the authority after the issuance of
2 bonds that are payable from revenues or taxes or both.
3 . . .

4 Revisor's Note
5 (End of Subchapter)

6 (1) Section 13(b), Chapter 436, Acts of the 66th
7 Legislature, Regular Session, 1979, provides that
8 authority bonds may be sold "at a public or private
9 sale." The revised law omits the quoted language
10 because it duplicates Section 1201.022(a)(3)(A),
11 Government Code. Section 1201.022, Government Code,
12 applies to authority bonds by application of Sections
13 1201.002 and 1201.003, Government Code. The omitted
14 law reads:

15 (b) . . . [The bonds] . . . may be
16 sold at a public or private sale,

17 (2) Section 13(b), Chapter 436, Acts of the 66th
18 Legislature, Regular Session, 1979, provides that
19 authority bonds may be sold "at a price and under the
20 terms determined by the board to be the most
21 advantageous reasonably obtainable." The revised law
22 omits the quoted language because it is superseded by
23 general law. Section 1201.022, Government Code, as
24 amended in 2001, provides that an issuer may sell
25 public securities "under the terms determined by the
26 governing body of the issuer to be in the issuer's best
27 interests." Section 1201.022, Government Code,
28 applies to authority bonds by application of Sections
29 1201.002 and 1201.003, Government Code. The omitted
30 law reads:

31 (b) . . . [The bonds] . . . [may be
32 sold] . . . at a price and under the terms
33 determined by the board to be the most
34 advantageous reasonably obtainable,
35

36 (3) Section 13(b), Chapter 436, Acts of the 66th
37 Legislature, Regular Session, 1979, provides that
38 authority bonds may bear interest at a rate not to
39 exceed 10 percent. The revised law omits that

1 provision because it is superseded by other law.
2 Section 13(b) was enacted in 1979 and was impliedly
3 amended by the subsequent amendment of Chapter 3, Acts
4 of the 61st Legislature, Regular Session, 1969
5 (Article 717k-2, Vernon's Texas Civil Statutes). The
6 maximum interest rate noted in Chapter 3 was revised in
7 1999 as Section 1204.006, Government Code. Section
8 1204.006 permits a public agency to issue public
9 securities at any net effective interest rate of 15
10 percent or less. Section 1204.006, Government Code,
11 applies to authority bonds by application of Sections
12 1204.001 and 1204.002, Government Code. The omitted
13 law reads:

14 (b) . . . [The bonds] . . . [may be
15 sold] . . . provided that the interest cost
16 to the authority including the discount, if
17 any, does not exceed 10 percent per annum.
18 . . .

19 (4) Section 13(b), Chapter 436, Acts of the 66th
20 Legislature, Regular Session, 1979, provides that
21 authority bonds may be redeemed before maturity at the
22 time and price specified in the bonds. The revised law
23 omits that provision because it duplicates Sections
24 1201.021 and 1201.022, Government Code, which provide
25 that a public security may be redeemed before maturity
26 and be payable in specified amounts and at specified
27 times. Those sections apply to authority bonds by the
28 application of Sections 1201.002 and 1201.003,
29 Government Code. The omitted law reads:

30 (b) . . . Within the discretion of
31 the board, the bonds may be made callable
32 prior to maturity at times and prices
33 prescribed in the bonds and . . .

34 (5) Section 13(b), Chapter 436, Acts of the 66th
35 Legislature, Regular Session, 1979, provides that
36 authority bonds may be made registrable as to
37 principal or as to principal and interest. The revised
38 law omits that provision because it duplicates in

1 substance Section 1201.024(a)(3), Government Code.
2 That section applies to authority bonds by the
3 application of Sections 1201.002 and 1201.003,
4 Government Code. The omitted law reads:

5 (b) . . . [The bonds] . . . may be
6 made registrable as to principal or as to
7 both principal and interest.

8 (6) Sections 16 and 17(e), Chapter 436, Acts of
9 the 66th Legislature, Regular Session, 1979, require
10 the authority to secure approval from the Texas Water
11 Commission (now the Texas Commission on Environmental
12 Quality, as explained by the revisor's note to Section
13 11006.152) before issuing bonds for improvements as
14 provided by Section 51.421, Water Code. The revised
15 law omits those provisions because Chapter 715, Acts
16 of the 74th Legislature, Regular Session, 1995,
17 repealed Section 51.421, Water Code, and enacted
18 Section 49.181, Water Code, to govern the authority of
19 the commission over the issuance of authority bonds. A
20 reference to Section 49.181, Water Code, is
21 unnecessary because that section applies to the
22 authority under Sections 49.001 and 49.002, Water
23 Code, without an express reference to that section in
24 this chapter. The omitted law reads:

25 Sec. 16. . . . provided that before
26 the authority may issue any bonds for
27 improvements, it shall secure prior
28 approval from the Texas Water Commission as
29 provided by Section 51.421, Water Code.

30 [Sec. 17]

31 (e) Before the authority may issue
32 any bonds for improvements, it shall secure
33 prior approval from the Texas Water
34 Commission as provided by Section 51.421,
35 Water Code.

36 (7) Section 18, Chapter 436, Acts of the 66th
37 Legislature, Regular Session, 1979, requires the
38 authority to deliver its bonds to the attorney general
39 for examination and approval. The revised law omits
40 that provision because it duplicates in substance

1 Section 1202.003, Government Code. Section 1202.003,
2 Government Code, applies to authority bonds by
3 application of Section 1202.001, Government Code. The
4 omitted law reads:

5 Sec. 18. After any bonds, including
6 refunding bonds, are authorized by the
7 authority, the bonds and the proceedings
8 relating to their issuance shall be
9 submitted to the attorney general for his
10 examination as to their validity. . . . If
11 he finds that the bonds have been authorized
12 and . . . in accordance with the
13 constitution and laws of this state, he
14 shall approve the bonds and

15 (8) Section 18, Chapter 436, Acts of the 66th
16 Legislature, Regular Session, 1979, provides that,
17 after approval, the bonds shall be registered with the
18 comptroller. The revised law omits that provision as
19 superseded by Section 3.002(c), Chapter 53, Acts of
20 the 70th Legislature, 2nd Called Session, 1987, now
21 revised as Section 1202.005, Government Code. Section
22 1202.005, Government Code, applies to authority bonds
23 by application of Section 1202.001, Government Code.
24 The omitted law reads:

25 Sec. 18. . . . [he shall approve the
26 bonds] . . . the bonds then shall be
27 registered by the comptroller of public
28 accounts. . . .

29 (9) Section 18, Chapter 436, Acts of the 66th
30 Legislature, Regular Session, 1979, provides that
31 after approval and registration, authority bonds shall
32 be incontestable and binding obligations. The revised
33 law omits that provision as impliedly repealed by
34 Section 3.002(d), Chapter 53, Acts of the 70th
35 Legislature, 2nd Called Session, 1987, now revised as
36 Section 1202.006, Government Code. Section 1202.006,
37 Government Code, provides that after approval and
38 registration, bonds are incontestable for any reason.
39 Section 1202.006 applies to authority bonds by
40 application of Section 1202.001, Government Code. The

1 omitted law reads:

2 Sec. 18. . . . Thereafter, the bonds
3 and . . . are valid and binding obligations
4 in accordance with their terms for all
5 purposes and are incontestable in any court
6 or other forum for any reason.

7 (10) Section 18, Chapter 436, Acts of the 66th
8 Legislature, Regular Session, 1979, details various
9 procedures regarding approval of bond contracts and
10 proceedings by the attorney general. The revised law
11 omits the portion of Section 18 regarding the validity
12 and incontestability of a contract the revenue or
13 proceeds of which are pledged to the payment of a bond
14 as impliedly repealed by Section 3.002(d), Chapter 53,
15 Acts of the 70th Legislature, 2nd Called Session,
16 1987, now revised as Section 1202.006, Government
17 Code. Section 1202.006, Government Code, provides
18 that after approval and registration of the bond, the
19 bond and contract are incontestable for any reason.
20 Section 1202.006 applies to authority bonds by
21 application of Section 1202.001, Government Code. The
22 omitted law reads:

23 Sec. 18. . . . If the bonds recite
24 that they are secured by a pledge of the
25 revenues or proceeds of a contract
26 previously made between the authority and
27 any city or other public agency or political
28 subdivision or other entity, the contract
29 also shall be submitted to the attorney
30 general. [If he finds that] . . . the
31 contracts have been made [in accordance
32 with the constitution and laws of this
33 state, he shall approve] . . . the
34 contracts, and [Thereafter . . .]
35 the contracts, if any, [are valid and
36 binding obligations in accordance with
37 their terms for all purposes and are
38 incontestable in any court or other forum
39 for any reason.]

40 (11) Section 21, Chapter 436, Acts of the 66th
41 Legislature, Regular Session, 1979, lists the entities
42 for which authority bonds are legal investments and
43 provides that authority bonds may secure deposits of
44 public funds of the state or political subdivisions.

1 The revised law omits the provision relating to the
2 eligibility of authority bonds to be considered as
3 investments for various entities because it duplicates
4 in substance Section 49.186(a), Water Code. While
5 Section 21 lists "guardians" and Section 49.186(a),
6 Water Code, does not, the latter statute includes
7 "fiduciaries," and a guardian is a fiduciary. The
8 revised law omits the provision relating to deposits
9 of state funds as impliedly repealed by Section
10 404.0221, Government Code (enacted in 1995), which
11 lists eligible collateral for deposits of state funds
12 by the comptroller, and by Chapter 240, Acts of the
13 69th Legislature, Regular Session, 1985, the relevant
14 part of which is now revised as Section 404.031,
15 Government Code, which provides for the valuation of
16 that collateral. As to deposits of other funds, the
17 provision is impliedly repealed by Chapter 627, Acts
18 of the 71st Legislature, Regular Session, 1989, now
19 revised as Chapter 2257, Government Code, which
20 governs eligible collateral for deposits of funds of
21 other public agencies, including political
22 subdivisions, and permits those deposits to be secured
23 by obligations issued by conservation and reclamation
24 districts. The omitted law reads:

25 Sec. 21. All bonds of the authority
26 are legal and authorized investments for
27 the banks, savings banks, trust companies,
28 building and loan associations, insurance
29 companies, fiduciaries, trustees,
30 guardians, and for the sinking funds of
31 cities, towns, villages, counties, school
32 districts, or other political corporations
33 or subdivisions of the State of Texas. The
34 bonds shall be eligible to secure the
35 deposit of any and all public funds of this
36 state and any and all public funds of
37 cities, towns, villages, counties, school
38 districts, or other political corporations
39 or subdivisions of this state, and the bonds
40 shall be lawful and sufficient security for
41 those deposits to the extent of their value,
42 when accompanied by all unmatured coupons
43 appurtenant thereto.

1 legislature may not bind a future session of the
2 legislature. In addition, Section 311.026, Government
3 Code (Code Construction Act), governs the
4 interpretation of the revised law in instances of
5 apparent conflict with other laws.

6 Finally, codification of the statement is
7 potentially misleading because the revised law not
8 only omits provisions of the act that are impliedly
9 repealed by other law, it also omits provisions that
10 are duplicative of other law. Codification of the
11 statement might create an impression that the
12 provisions of other law that duplicate the omitted
13 provisions do not apply.

14 Section 23 also provides that the authority, the
15 cities, and all other public agencies and political
16 subdivisions may use the provisions of the act to carry
17 out any power granted by the act. The revised law
18 omits that provision as unnecessary. The operative
19 provisions of the act are fully effective on their own
20 terms. The omitted law reads:

21 Sec. 23. This Act is wholly
22 sufficient authority within itself for the
23 issuance of the bonds, the execution of
24 contracts and conveyances, and the
25 performance of the other acts and
26 procedures authorized in this Act by the
27 authority, the city of Agua Dulce, the city
28 of Bishop, the city of Driscoll, and the
29 city of Kingsville and all other public
30 agencies and political subdivisions,
31 without reference to any other law or any
32 restrictions or limitations contained in
33 any other law, except as in this Act
34 specifically provided, and when any bonds
35 are being issued or other action taken under
36 this Act, then to the extent of any conflict
37 or inconsistency between any provision of
38 this Act and any provision of any other law,
39 the provisions of this Act shall prevail and
40 control; provided however, that the
41 authority, the city of Agua Dulce, the city
42 of Bishop, the city of Driscoll, and the
43 city of Kingsville, and all other public
44 agencies and political subdivisions, are
45 entitled to use the provisions of this Act
46 to the extent convenient or necessary to
47 carry out any power or authority, express or
48 implied, granted by this Act.

1 (2) Section 26, Chapter 436, Acts of the 66th
 2 Legislature, Regular Session, 1979, provides that
 3 proof of publication of the constitutionally required
 4 notice has been made. The revised law omits that
 5 provision as executed. The omitted law reads:

6 Sec. 26. Proof of publication of the
 7 constitutional notice required in the
 8 enactment hereof under the provisions of
 9 Article XVI, Section 59(d), of the Texas
 10 Constitution, has been made in the manner
 11 provided therein and a copy of said notice
 12 and the bill as originally introduced have
 13 been delivered to the governor of the State
 14 of Texas and to the commissioners court of
 15 the county in which said authority is
 16 located and to the governing body of each
 17 incorporated city or town in whose
 18 jurisdiction said authority or any part
 19 thereof, is or will be located as required
 20 in such constitutional provision, and such
 21 notice and delivery are hereby found and
 22 declared to be proper and sufficient to
 23 satisfy such requirements.

24 CHAPTER 11007. WEST JEFFERSON COUNTY MUNICIPAL WATER DISTRICT

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3 CHAPTER 11007. WEST JEFFERSON COUNTY MUNICIPAL WATER DISTRICT
4 SUBCHAPTER A. GENERAL PROVISIONS

5 Revised Law

6 Sec. 11007.001. DEFINITIONS. In this chapter:

7 (1) "Board" means the board of directors of the
8 district.

9 (2) "Bond" means a bond or note.

10 (3) "Director" means a member of the board.

11 (4) "District" means the West Jefferson County
12 Municipal Water District. (Acts 65th Leg., R.S., Ch. 337, Secs. 1
13 (part), 4(a) (part), 15(a) (part); New.)

14 Source Law

15 Sec. 1. . . . [a . . . district] . . . to be
16 known as "West Jefferson County Municipal Water
17 District" (the "district"),

18 Sec. 4. (a) [The district shall be governed by
19 a board of directors] (the "board")

20 Sec. 15. (a) . . . [bonds or notes]
21 (hereinafter called "bonds").

22 Revisor's Note

23 The definition of "director" is added to the
24 revised law for drafting convenience and to eliminate
25 frequent, unnecessary repetition of the substance of
26 the definition.

27 Revised Law

28 Sec. 11007.002. NATURE OF DISTRICT. The district is a
29 conservation and reclamation district in Jefferson County created
30 under Section 59, Article XVI, Texas Constitution. (Acts 65th
31 Leg., R.S., Ch. 337, Sec. 1 (part).)

32 Source Law

33 Sec. 1. Under and pursuant to the provisions of
34 Article XVI, Section 59, of the Texas Constitution, a
35 conservation and reclamation district may be created
36 and established in Jefferson County, Texas, in the
37 manner provided in Section 1A of this Act,

1 Revisor's Note

2 (1) Section 1, Chapter 337, Acts of the 65th
3 Legislature, Regular Session, 1977, provides that the
4 district "may be" created "in the manner provided in
5 Section 1A of this Act." Section 1A, Chapter 337, Acts
6 of the 65th Legislature, Regular Session, 1977,
7 provides for an election to confirm the creation of the
8 district. The revised law omits as executed the
9 references to the authority to create the district and
10 to Section 1A because the district has been created.

11 (2) Section 1, Chapter 337, Acts of the 65th
12 Legislature, Regular Session, 1977, provides that the
13 district may be "created and established" in Jefferson
14 County, Texas. The revised law omits "established"
15 because the meaning of that word is included in the
16 meaning of "created."

17 Revised Law

18 Sec. 11007.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

19 (a) The district is created to serve a public use and benefit.

20 (b) All land and other property in the district will benefit
21 from the works and projects to be accomplished by the district under
22 the powers conferred by Section 59, Article XVI, Texas
23 Constitution.

24 (c) The accomplishment of the purposes stated in this
25 chapter will benefit the people of this state and improve their
26 properties and industries. The district, in carrying out the
27 purposes of this chapter, will be performing an essential public
28 function under the constitution of this state. (Acts 65th Leg.,
29 R.S., Ch. 337, Secs. 3, 22 (part).)

30 Source Law

31 Sec. 3. It is determined and found that all of
32 the land and other property included within the
33 boundaries of the district will be benefited by the
34 works and project which are to be accomplished by the
35 district pursuant to the powers conferred by the
36 provisions of Article XVI, Section 59, of the Texas
37 Constitution, and that said district was and is
38 created to serve a public use and benefit.

1 validity;

2 (2) the district's right to issue bonds or to pay the
3 principal of and interest on the bonds;

4 (3) the district's right to impose a tax; or

5 (4) the legality or operation of the district or the
6 board.

7 (c) The board may redefine the boundaries of the district to
8 correct any mistake in the field notes appearing in Section 1,
9 Chapter 337, Acts of the 65th Legislature, Regular Session, 1977.
10 (Acts 65th Leg., R.S., Ch. 337, Sec. 2; New.)

11 Source Law

12 Sec. 2. It is expressly determined, and the
13 legislature hereby finds that the boundaries of said
14 district form a closure, and if any mistake is made in
15 copying the field notes in the legislative process, or
16 otherwise a mistake is found to have occurred in the
17 field notes, it shall in no way or manner affect the
18 organization, existence, or validity of said district,
19 or its right to issue bonds or refunding bonds, or to
20 pay the principal and interest thereon, or the right to
21 assess, levy, and collect taxes, or in any other manner
22 affect the legality or operation of the district or its
23 governing body. The board of directors of the district
24 shall have the power to redefine the boundaries of the
25 district so as to correct any mistake found to exist in
26 the field notes appearing in Section 1 of this Act.

27 Revisor's Note

28 (1) The revision of the law governing the
29 district does not revise the statutory language
30 describing the territory of the district to avoid the
31 lengthy recitation of the description and because that
32 description may not be accurate on the effective date
33 of the revision or at the time of a later reading. For
34 the reader's convenience, the revised law includes
35 references to the statutory description of the
36 district's territory and to the authority to change the
37 district's territory under Section 2 of the district's
38 enabling legislation, under Subchapter H, Chapter 54,
39 Water Code, applicable to the district under Section
40 14, Chapter 337, Acts of the 65th Legislature, Regular
41 Session, 1977, and under Subchapter J, Chapter 49,

1 Water Code, applicable to the district under Sections
2 49.001 and 49.002 of that chapter. The revised law
3 also includes a reference to the general authority of
4 the legislature to enact other law to change the
5 district's territory.

6 (2) Section 2, Chapter 337, Acts of the 65th
7 Legislature, Regular Session, 1977, provides that a
8 mistake does not affect the right of the district to
9 issue "bonds or refunding bonds." The revised law
10 omits the reference to "refunding bonds" because
11 refunding bonds are included in the meaning of
12 "bonds."

13 (3) Section 2, Chapter 337, Acts of the 65th
14 Legislature, Regular Session, 1977, refers to the
15 district's right to "assess, levy, and collect" a tax.
16 Throughout this chapter, the revised law substitutes
17 "impose" for "assess," "levy," and "collect" because
18 "impose" is the term generally used in Title 1, Tax
19 Code, and includes the assessment, levying, and
20 collection of a tax.

21 (4) Section 14, Chapter 337, Acts of the 65th
22 Legislature, Regular Session, 1977, provides that
23 territory may be annexed to or excluded from the
24 district as provided for a municipal utility district
25 by Section 54.701 et seq., Water Code. The revised law
26 omits the provision as unnecessary. Sections
27 54.701-54.727, Water Code, were repealed by Section
28 43, Chapter 715, Acts of the 74th Legislature, Regular
29 Session, 1995. Section 2 of that act added Chapter 49,
30 Water Code, including Subchapter J of that chapter,
31 which now provides for the annexation or exclusion of
32 territory by certain conservation and reclamation
33 districts. A reference to Subchapter J, Chapter 49,
34 Water Code, however, is not required because Chapter

1 49, Water Code, applies to the district under Sections
2 49.001 and 49.002. The omitted law reads:

3 Sec. 14. Territory may be added to or
4 excluded from the district in the manner
5 provided for municipal utility districts in
6 Chapter 54, Subchapter H, Section 54.701 et
7 seq., of the Water Code.

8 Revisor's Note
9 (End of Subchapter)

10 Section 1A, Chapter 337, Acts of the 65th
11 Legislature, Regular Session, 1977, provides for the
12 initial directors to hold an election to confirm the
13 district's creation. Because the district's creation
14 has been confirmed, the revised law omits as executed
15 Section 1A. The omitted law reads:

16 Sec. 1A. (a) Within 30 days
17 following the effective date of this Act,
18 the initial board of directors of the
19 district shall issue an order calling an
20 election in the proposed district to
21 approve the creation of the district. The
22 district is not considered to be officially
23 created unless approved by a majority of the
24 qualified voters at this election.

25 (b) The ballots for the election
26 shall be printed to provide for voting for
27 or against the proposition: "Creation of
28 the West Jefferson County Municipal Water
29 District."

30 (c) The election shall be conducted
31 and notice shall be given as provided in
32 Subchapter E, Water Code. Except as
33 specifically provided in this section and
34 in Subchapter E, Water Code, the election
35 shall be conducted as provided in the Texas
36 Election Code, as amended.

37 (d) The provisions of Section 9b,
38 Texas Election Code, as added (Article
39 2.01b, Vernon's Texas Election Code), do not
40 apply to the creation election held under
41 this section.

42 (e) If a majority of those voting at
43 the election vote in favor of the creation
44 of the district, the district is created and
45 ratified, but if a majority of those voting
46 at the election vote against the creation of
47 the district, the district is not created
48 and may not exercise any of the authority
49 under this Act.

50 SUBCHAPTER B. BOARD OF DIRECTORS

51 Revised Law

52 Sec. 11007.051. COMPOSITION OF BOARD; TERMS. (a) The
53 district is governed by a board of seven elected directors, each of

1 whom occupies a numbered place on the board.

2 (b) Directors serve staggered terms.

3 (c) Director elections must be held in the manner provided
4 in the Water Code for municipal utility districts. (Acts 65th Leg.,
5 R.S., Ch. 337, Sec. 4(a) (part).)

6 Source Law

7 Sec. 4. (a) The district shall be governed by a
8 board of directors [(the "board")] having seven
9 members. . . . who shall occupy places on the board to
10 be designated as Places 1, 2, 3, 4, 5, 6, and 7,
11 respectively. . . . directors shall be elected by the
12 resident qualified electors of the district for
13 staggered two-year terms at elections held in the
14 manner provided for municipal utility districts in
15 Chapter 54 of the Water Code. . . .

16 Revisor's Note

17 (1) Section 4(a), Chapter 337, Acts of the 65th
18 Legislature, Regular Session, 1977, states that
19 directors are elected "by the resident qualified
20 electors of the district." The revised law omits the
21 quoted language because Chapter 11, Election Code,
22 governs eligibility to vote in an election in this
23 state and allows only qualified electors (or "voters"
24 under the terminology of the Election Code) who are
25 residents of the territory covered by the election to
26 vote in an election.

27 (2) Section 4(a), Chapter 337, Acts of the 65th
28 Legislature, Regular Session, 1977, provides that
29 directors are elected for two-year terms at elections
30 held in the manner provided for municipal utility
31 districts under Chapter 54, Water Code. The revised
32 law omits the reference to two-year terms and to
33 Chapter 54 because Chapter 715, Acts of the 74th
34 Legislature, Regular Session, 1995, repealed the
35 relevant provisions of Chapter 54, Water Code, and
36 enacted Section 49.103, Water Code, which governs the
37 election of directors of municipal utility districts
38 and specifies four-year terms. A reference to Section

1 49.103, Water Code, is unnecessary because that
2 section applies to the district on its own terms.

3 Throughout this chapter, the revised law omits
4 law that is superseded by Chapter 49, Water Code, or
5 that duplicates law contained in that chapter.
6 Chapter 49, Water Code, applies to the district under
7 Sections 49.001 and 49.002 of that chapter.

8 (3) Section 4(a), Chapter 337, Acts of the 65th
9 Legislature, Regular Session, 1977, provides that
10 directors hold office until their terms expire and
11 until their successors have been elected and
12 qualified. The revised law omits the reference to a
13 director serving until a successor is elected and
14 qualified because it duplicates Section 17, Article
15 XVI, Texas Constitution, which provides that an
16 officer in this state continues to perform the
17 officer's official duties until a successor has
18 qualified. The revised law also omits the provision
19 for serving until the term expires because holding
20 office until the expiration of the term is implied or
21 inherent in the concept of a term of office, and
22 Section 17, Article XVI, Texas Constitution, applies
23 regardless of whether the term has ended. The omitted
24 law reads:

25 (a) . . . Each director shall hold
26 office until the expiration of his term and
27 thereafter until his successor is elected
28 and qualified. . . .

29 Revised Law

30 Sec. 11007.052. QUALIFICATIONS FOR OFFICE. To be eligible
31 to be elected or to serve as a director, a person must be a resident,
32 qualified voter of the district. (Acts 65th Leg., R.S., Ch. 337,
33 Sec. 4(b).)

34 Source Law

35 (b) To be eligible to be elected or to serve as a
36 director, a person must be a resident, qualified
37 elector of the State of Texas and of the district.

1 Revisor's Note

2 (1) Section 4(b), Chapter 337, Acts of the 65th
3 Legislature, Regular Session, 1977, refers to an
4 "elector" of the district. Throughout this chapter,
5 the revised law substitutes "voter" for "elector"
6 because the terms are synonymous and "voter" is the
7 term used in the Election Code.

8 (2) Section 4(b), Chapter 337, Acts of the 65th
9 Legislature, Regular Session, 1977, requires a
10 director to be a qualified elector (or "voter" under
11 the terminology of the Election Code (see Revisor's
12 Note (1) to this section)) of the State of Texas and of
13 the district. The revised law omits as unnecessary the
14 reference to the State of Texas because Section
15 11.002(a)(5), Election Code, provides that a qualified
16 voter must be "a resident of this state."

17 Revised Law

18 Sec. 11007.053. BOARD RESOLUTIONS; VOTING REQUIREMENTS.

19 (a) The district shall act through orders or resolutions adopted by
20 the board.

21 (b) All directors are entitled to vote.

22 (c) The affirmative vote of a majority of the directors in
23 attendance, but not fewer than four directors, is necessary to
24 adopt an order or resolution. (Acts 65th Leg., R.S., Ch. 337, Sec.
25 4(g).)

26 Source Law

27 (g) Any four directors shall constitute a
28 quorum, and all directors shall be entitled to vote.
29 The district shall act and proceed by and through
30 orders or resolutions adopted by the board, and the
31 affirmative vote of a majority of the directors in
32 attendance (but in no event less than four directors)
33 shall be necessary to adopt any order or resolution.

34 Revisor's Note

35 Section 4(g), Chapter 337, Acts of the 65th
36 Legislature, Regular Session, 1977, provides that any
37 four directors on the board constitute a quorum. The

1 revised law omits that provision because four is the
2 number of directors required for a majority from a
3 group of seven and therefore the provision duplicates
4 in substance Section 49.053, Water Code, which
5 provides that a majority of a board constitutes a
6 quorum.

7 Revised Law

8 Sec. 11007.054. OFFICERS AND ASSISTANTS. (a) The board
9 shall elect a president, vice president, secretary, and treasurer.

10 (b) The board shall elect the president and vice president
11 from among the directors.

12 (c) The president serves for a one-year term.

13 (d) The offices of secretary and treasurer:

14 (1) may be held by one person; and

15 (2) are not required to be held by a director.

16 (e) The board may appoint one or more assistant officers who
17 are not required to be directors. (Acts 65th Leg., R.S., Ch. 337,
18 Sec. 4(f) (part).)

19 Source Law

20 (f) The board shall elect one of the directors
21 as president of the board, who shall serve for a term
22 of one year and The board shall elect another
23 of the directors as vice-president of the board,
24 The board shall elect a secretary of the
25 board, . . . and shall elect a treasurer of the board,
26 The offices of secretary and treasurer may be
27 held by one person, and the holder or holders of such
28 office or offices need not be a director. The board
29 may appoint one or more persons, who need not be
30 directors, to be assistant officers of the board
31

32 Revised Law

33 Sec. 11007.055. OFFICER DUTIES. (a) The board president
34 shall preside at board meetings and perform other duties prescribed
35 by the board.

36 (b) The board vice president shall perform the duties of the
37 president when the president is not present or is otherwise
38 incapacitated.

39 (c) The board secretary is the official custodian of the
40 minutes, books, records, and seal of the board and shall perform

1 other duties and functions prescribed by the board.

2 (d) The board treasurer shall perform duties and functions
3 prescribed by the board.

4 (e) An assistant officer shall perform duties and functions
5 prescribed by the board. (Acts 65th Leg., R.S., Ch. 337, Sec. 4(f)
6 (part).)

7 Source Law

8 (f) [The board shall elect one of the directors
9 as president of the board,] . . . who shall preside at
10 meetings of the board and perform such other duties as
11 are prescribed by the board. [The board shall elect
12 another of the directors as vice-president of the
13 board,] who shall perform the duties of the president
14 when the president is not present or is otherwise
15 incapacitated. [The board shall elect a secretary of
16 the board,] who shall be the official custodian of the
17 minutes, books, records, and seal of the board, and who
18 shall perform such other duties and functions as are
19 prescribed by the board; [and shall elect a treasurer
20 of the board,] who shall perform such duties and
21 functions as are prescribed by the board. . . . [The
22 board may appoint . . . assistant officers of the
23 board] to perform such duties or functions as may be
24 designated by the board.

25 Revised Law

26 Sec. 11007.056. MEETINGS. The board shall have regular
27 meetings at times specified by board resolution or bylaws and shall
28 have special meetings when called by the board president or by any
29 three directors. (Acts 65th Leg., R.S., Ch. 337, Sec. 4(h).)

30 Source Law

31 (h) The board shall have regular meetings at
32 times specified by resolution or bylaws of the board,
33 and shall have special meetings whenever called by the
34 president, or whenever called by any three of the
35 directors.

36 Revisor's Note
37 (End of Subchapter)

38 (1) Section 4(a), Chapter 337, Acts of the 65th
39 Legislature, Regular Session, 1977, refers to the
40 initial directors and their terms of office. The
41 revised law omits those provisions as executed. The
42 omitted law reads:

43 (a) . . . The initial board of
44 directors shall be composed of the
45 following seven persons:
46 Robert Smith David L. Hidalgo
47 John Bassett, Sr. James J. Burrell

1 O. E. (Gene) Sewell Bain Price, Jr.
2 Paul W. Picou
3 The initial directors named above shall
4 draw lots at the first organizational
5 meeting of the board to determine [who shall
6 occupy places on the board to be designated
7 as Places 1, 2, 3, 4, 5, 6, and 7,
8 respectively.] Places 1, 2, and 3 on the
9 board shall expire on the first Saturday in
10 April, 1978, and Places 4, 5, 6, and 7 on the
11 board shall expire on the first Saturday in
12 April, 1979. At the expiration of the terms
13 of the initial directors,

14 (2) Section 4(a), Chapter 337, Acts of the 65th
15 Legislature, Regular Session, 1977, describes the
16 procedure for filling a board vacancy. The revised law
17 omits that provision because it duplicates in
18 substance Section 49.105, Water Code. The omitted law
19 reads:

20 (a) . . . Any vacancy occurring on
21 the board through death, resignation, or
22 otherwise, shall be filled by a majority of
23 the board of directors for the expiration of
24 the term for which the vacating director had
25 been appointed or elected.

26 (3) Sections 4(c) and (d), Chapter 337, Acts of
27 the 65th Legislature, Regular Session, 1977, provide
28 that each director shall execute a bond and take the
29 constitutional oath of office prescribed for county
30 commissioners and that the bond and oath of office
31 shall be filed with the district. The revised law
32 omits the provision requiring directors to take an
33 oath of office because Section 1, Article XVI, Texas
34 Constitution, requires all officers in this state to
35 take the oath (or affirmation) before assuming office.
36 The revised law omits the provisions relating to the
37 bond and the filing of the bond and oath because those
38 provisions duplicate in substance Section 49.055,
39 Water Code. The omitted law reads:

40 (c) As soon as practicable after a
41 director is elected or appointed he shall
42 execute a bond for \$10,000 payable to the
43 district and conditioned on the faithful
44 performance of his duties.

45 (d) All bonds of the directors shall
46 be approved by the board. Each director
47 shall take the oath of office prescribed by

1 the constitution for county commissioners.
2 The bond and oath shall be filed with the
3 district and retained in its records.

4 (4) Section 4(e), Chapter 337, Acts of the 65th
5 Legislature, Regular Session, 1977, provides that
6 directors are entitled to receive fees and
7 reimbursement in the manner provided for directors of
8 municipal utility districts in Chapter 54, Water Code.
9 The revised law omits the provision because Section
10 54.114, the relevant section of Chapter 54, was
11 repealed by Section 43, Chapter 715, Acts of the 74th
12 Legislature, Regular Session, 1995. Section 2 of
13 Chapter 715 enacted Section 49.060, Water Code, which
14 governs the compensation of directors of certain
15 districts. A reference to Section 49.060, Water Code,
16 is unnecessary because that section applies to the
17 district on its own terms. The omitted law reads:

18 (e) The directors shall be entitled
19 to receive fees of office, and be reimbursed
20 for expenses, in the same manner provided
21 for directors of municipal utility
22 districts in Chapter 54 of the Water Code.

23 SUBCHAPTER C. POWERS AND DUTIES

24 Revised Law

25 Sec. 11007.101. DISTRICT POWERS. The district may exercise
26 any power necessary or appropriate to achieve the purposes of this
27 chapter, including the power to:

28 (1) adopt an official seal;

29 (2) adopt and enforce:

30 (A) bylaws and rules for the conduct of its
31 affairs; and

32 (B) rules that a municipal utility district may
33 adopt and enforce under Section 54.205 et seq., Water Code;

34 (3) acquire, hold, use, invest, reinvest, and dispose
35 of its receipts and money from any source;

36 (4) select a depository or depositories;

37 (5) acquire, own, rent, lease, accept, hold, or
38 dispose of property or an interest in property, including a right or

1 easement, by purchase, exchange, gift, assignment, condemnation,
2 sale, lease, or other means, in performing a duty or exercising a
3 power under this chapter;

4 (6) hold, manage, operate, or improve property;

5 (7) lease or rent any land, buildings, structures, or
6 facilities from or to any person;

7 (8) sell, assign, lease, encumber, mortgage, or
8 otherwise dispose of property or an interest in property, and
9 release or relinquish a right, title, claim, lien, interest,
10 easement, or demand, regardless of the manner in which acquired,
11 and conduct a transaction authorized by this subdivision by public
12 or private sale, notwithstanding any other law;

13 (9) in the manner and to the extent permitted by this
14 chapter:

15 (A) borrow money for a corporate purpose;

16 (B) enter into an agreement in connection with
17 the borrowing;

18 (C) issue bonds for money borrowed;

19 (D) provide for and secure the payment of the
20 bonds; and

21 (E) provide for the rights of the holders of the
22 bonds;

23 (10) request and accept any appropriation, grant,
24 allocation, subsidy, guaranty, aid, service, material, or gift from
25 any public or private source, including the federal government, the
26 state, a public agency, or a political subdivision;

27 (11) operate and maintain an office; and

28 (12) appoint and determine the duties, tenure,
29 qualifications, and compensation of officers, employees, agents,
30 and professional advisors and counselors considered necessary or
31 advisable by the board, including financial consultants,
32 accountants, attorneys, architects, engineers, appraisers, and
33 financing experts. (Acts 65th Leg., R.S., Ch. 337, Sec. 10 (part).)

1 Legislature, Regular Session, 1977, refers to the
2 district's power to "carry out, achieve, or
3 effectuate" certain purposes. The revised law omits
4 "carry out" and "effectuate" because those terms are
5 included in the meaning of "achieve."

6 (2) Section 10, Chapter 337, Acts of the 65th
7 Legislature, Regular Session, 1977, grants the
8 district certain powers, "including, without
9 limitation," the enumerated powers. That section also
10 refers to persons the district may hire, "including,
11 without limitation," certain consultants and advisors
12 named in the section. The revised law omits "without
13 limitation" because Section 311.005(13), Government
14 Code (Code Construction Act), provides that
15 "including" is a term of enlargement and not of
16 limitation and does not create a presumption that
17 components not expressed are excluded.

18 (3) Section 10(1), Chapter 337, Acts of the 65th
19 Legislature, Regular Session, 1977, provides that the
20 district may "sue and be sued . . . in its own name."
21 The revised law omits that provision because it
22 duplicates in substance part of Section 49.066, Water
23 Code. Section 10(1) also provides that the district
24 may "plead and be impleaded." The revised law omits
25 that provision because if the district can sue or be
26 sued, it must necessarily also be able to plead and be
27 impleaded in a suit. The omitted law reads:

28 Sec. 10. [The district may exercise
29 all powers necessary or appropriate . . .:]
30 (1) to sue and be sued, and
31 plead and be impleaded, in its own name;
32

33 (4) Section 10(2), Chapter 337, Acts of the 65th
34 Legislature, Regular Session, 1977, authorizes the
35 district to adopt an official seal and to "alter it
36 when deemed advisable." The revised law omits the

1 quoted language because the authority to adopt a seal
2 includes the authority to alter it.

3 (5) Section 10(2), Chapter 337, Acts of the 65th
4 Legislature, Regular Session, 1977, states that the
5 district may adopt and enforce "rules and regulations"
6 for the conduct of its affairs "not inconsistent with
7 the provisions of this Act." The revised law omits
8 "regulations" because Section 311.005(5), Government
9 Code (Code Construction Act), defines "rule" to
10 include "regulation." The revised law omits "not
11 inconsistent with the provisions of this Act" because
12 as a general principle of law, the district has the
13 authority to take only those actions that are
14 consistent with the law revised in this chapter.

15 (6) Section 10(3), Chapter 337, Acts of the 65th
16 Legislature, Regular Session, 1977, refers to the
17 district's power regarding its "revenues, income,
18 . . . funds, and money." The revised law omits
19 "revenues," "income," and "funds" because the meaning
20 of those terms is included in the meaning of "money."
21 Throughout this chapter, the revised law substitutes
22 "money" for "funds" (except where a specific type of
23 fund is indicated) because, in context, the meaning is
24 the same and "money" is the more commonly used term.

25 (7) Sections 10(4) and (5), Chapter 337, Acts of
26 the 65th Legislature, Regular Session, 1977, refer to
27 "real, personal, or mixed property." The revised law
28 omits references to "real," "personal," and "mixed"
29 property because under Section 311.005(4), Government
30 Code (Code Construction Act), "property" includes real
31 and personal and, by extension, mixed property.

32 (8) Section 10(5), Chapter 337, Acts of the 65th
33 Legislature, Regular Session, 1977, refers to any
34 "person, firm, corporation, city, or other public

1 agency or political subdivision." Throughout this
2 chapter, the revised law substitutes "person" for the
3 quoted language or similar language because Section
4 311.005(2), Government Code (Code Construction Act),
5 defines "person" to include any legal entity.

6 (9) Section 10(6), Chapter 337, Acts of the 65th
7 Legislature, Regular Session, 1977, provides that the
8 district may request and accept "appropriations,
9 grants, allocations, subsidies, guaranties, aid,
10 contributions, services, labor, materials, gifts, or
11 donations" from any public or private source,
12 including "any city . . . [or] political subdivision."
13 The revised law omits "contributions," "labor," and
14 "donations" because the meaning of those terms is
15 included in the meaning of "aid," "services," or
16 "gifts." The revised law also omits the reference to
17 "city" because "city" is included in the meaning of
18 "political subdivision."

19 (10) Section 10(8), Chapter 337, Acts of the
20 65th Legislature, Regular Session, 1977, provides that
21 the district may issue "negotiable" bonds or notes and
22 take certain other actions with respect to those bonds
23 and notes. The revised law omits "negotiable" because
24 Section 1201.041, Government Code, provides that a
25 public security is a negotiable instrument. Section
26 1201.041 applies to district bonds and notes by
27 application of Section 1201.002, Government Code.
28 Throughout this chapter, the revised law also omits
29 the reference to "notes" in this context because
30 "notes" is included in the meaning of "bonds," as
31 defined by Section 11007.001 of this chapter.

32 (11) Section 10(9), Chapter 337, Acts of the
33 65th Legislature, Regular Session, 1977, authorizes
34 the district to set and "revise from time to time"

1 certain fees for those who use district facilities or
2 services and to charge and collect those fees. The
3 revised law omits the reference to setting, charging,
4 and collecting fees because it duplicates in substance
5 Section 49.212, Water Code. The revised law also omits
6 the reference to revising the fees from time to time
7 because the power to set the fees includes the power to
8 revise them from time to time. The omitted law reads:

9 Sec. 10. [The district may exercise
10 all powers necessary or appropriate . . .:]

11 (9) to fix and revise from time
12 to time and charge and collect rates, fees,
13 and charges for its facilities and
14 services; and
15

16 (12) Section 10(10), Chapter 337, Acts of the
17 65th Legislature, Regular Session, 1977, states that
18 the district may adopt and enforce "reasonable rules
19 and regulations" as may be adopted and enforced by
20 municipal utility districts under Section 54.205 et
21 seq., Water Code. The revised law omits "reasonable"
22 because the requirement that the rules be reasonable
23 duplicates Section 54.205, Water Code. The revised
24 law omits "regulations" for the reason stated in
25 Revisor's Note (5) to this section.

26 Revised Law

27 Sec. 11007.102. GENERAL POWERS REGARDING WATER. The
28 district has all rights, powers, and privileges necessary or useful
29 to enable it to acquire, provide, supply, deliver, and sell potable
30 water inside or outside its boundaries for any beneficial purpose.

31 (Acts 65th Leg., R.S., Ch. 337, Sec. 6.)

32 Source Law

33 Sec. 6. The district shall have and exercise,
34 and is hereby vested with, all rights, powers,
35 privileges, and authority necessary or useful to
36 enable it to acquire, provide, supply, deliver, and
37 sell potable water within and without its boundaries
38 for any beneficial purpose.

39 Revisor's Note

40 Section 6, Chapter 337, Acts of the 65th

1 Legislature, Regular Session, 1977, states that the
2 district "shall have and exercise, and is hereby
3 vested with," certain powers. Throughout this
4 chapter, the revised law substitutes "has" for the
5 quoted or similar language because, in context, the
6 terms are synonymous and "has" is more commonly used.

7 Revised Law

8 Sec. 11007.103. GENERAL POWERS REGARDING WASTE. The
9 district has all rights, powers, and privileges necessary or useful
10 to enable it to collect, transport, dispose of, and control
11 domestic, industrial, or communal wastes, whether in fluid, solid,
12 or composite state. (Acts 65th Leg., R.S., Ch. 337, Sec. 7.)

13 Source Law

14 Sec. 7. The district shall have and exercise,
15 and is hereby vested with, all rights, powers,
16 privileges, and authority necessary or useful to
17 enable it to collect, transport, dispose of, and
18 control domestic, industrial, or communal wastes,
19 whether in fluid, solid, or composite state.

20 Revised Law

21 Sec. 11007.104. GENERAL POWERS REGARDING GARBAGE
22 COLLECTION AND DISPOSAL. The district has all rights, powers, and
23 privileges necessary or useful to enable it to provide for garbage
24 collection and disposal in all or part of the district on terms and
25 at rates and charges the board considers just and reasonable to:

26 (1) preserve the water of rivers and streams in the
27 district and this state; and

28 (2) aid in the preservation and conservation of the
29 natural resources of the district and this state. (Acts 65th Leg.,
30 R.S., Ch. 337, Sec. 8.)

31 Source Law

32 Sec. 8. In order to preserve the waters of
33 rivers and streams within the district and the state
34 and to aid in the preservation and conservation of the
35 natural resources of the district and the state, the
36 district shall have all rights, powers, privileges,
37 and authority necessary or useful to enable it to
38 provide for the collection and disposal of garbage
39 within all or a portion of the district upon such terms
40 and conditions and for such rates and charges as the
41 board shall deem to be just and reasonable.

1 Revisor's Note

2 Section 8, Chapter 337, Acts of the 65th
3 Legislature, Regular Session, 1977, refers to certain
4 "terms and conditions." Throughout this chapter, the
5 revised law omits the reference to "conditions" in
6 this context because "conditions" is included in the
7 meaning of "terms."

8 Revised Law

9 Sec. 11007.105. GENERAL CONTRACT POWERS. (a) The district
10 may enter into and enforce a contract or agreement necessary or
11 convenient to the exercise of the powers, rights, privileges, and
12 functions conferred on the district by this chapter or general law,
13 including a contract or agreement with any person as the board
14 considers necessary or proper for, or in connection with, any power
15 or function of the district for:

16 (1) the purchase or sale of water;

17 (2) the collection, transportation, processing, or
18 disposal of waste; or

19 (3) the construction, acquisition, ownership,
20 financing, operation, maintenance, sale, leasing to or from, or
21 other use or disposition of any facilities authorized to be
22 developed, acquired, or constructed under this chapter or general
23 law.

24 (b) The authority to enter into or enforce the contract or
25 agreement includes the authority to enter into or enforce a
26 contract or agreement regarding:

27 (1) any improvements, structures, facilities,
28 equipment, and other property of any kind in connection with the
29 subject of the contract or agreement;

30 (2) any land, leaseholds, and easements; and

31 (3) any interests in the property.

32 (c) The contract or agreement:

33 (1) may not have a term of more than 40 years; and

34 (2) may contain provisions the board determines to be

1 in the best interest of the district.

2 (d) The district may pledge all or part of its revenue to the
3 payment of its obligations under the contract or agreement to the
4 same extent and on the same conditions as it may pledge revenue to
5 secure district bonds. (Acts 65th Leg., R.S., Ch. 337, Sec. 9(a).)

6 Source Law

7 Sec. 9. (a) The district may enter into and
8 enforce any and all contracts and agreements necessary
9 or convenient to the exercise of the powers, rights,
10 privileges, and functions conferred upon it by this
11 Act or the general law for terms up to 40 years and with
12 such provisions as the board may determine to be in the
13 best interests of the district, including, without in
14 any way limiting the generality of the foregoing,
15 contracts and agreements with persons, including the
16 State of Texas, the United States of America, and any
17 corporation or agency thereof, and districts, cities,
18 towns, persons, organizations, associations, firms,
19 corporations, entities, or others, as the board may
20 deem necessary or proper for, or in connection with,
21 any power or function of the district for the purchase
22 or sale of water, for the collection, transportation,
23 processing, or disposal of waste or for the
24 construction, acquisition, ownership, financing,
25 operation, maintenance, sale, leasing to or from, or
26 other use or disposition of any facilities authorized
27 to be developed, acquired, or constructed under this
28 Act or the general law, including any improvements,
29 structures, facilities, equipment, and all other
30 property of any kind in connection therewith, and any
31 lands, leaseholds, easements, and any interests in any
32 of the foregoing, and the district may pledge all or
33 any portion of its revenues to the payment of its
34 obligations under such contracts or agreements to the
35 same extent and upon the same conditions as it may
36 pledge revenues to secure the bonds that it may issue
37 under this Act.

38 Revisor's Note

39 Section 9(a), Chapter 337, Acts of the 65th
40 Legislature, Regular Session, 1977, provides that
41 "without in any way limiting the generality of the
42 foregoing" power of the district to enter into all
43 necessary or convenient contracts or agreements, the
44 district may enter into contracts and agreements with
45 certain persons in connection with certain district
46 purposes. The revised law omits the quoted language
47 because an accepted principle of statutory
48 construction requires a statute to be given cumulative
49 effect with other statutes unless it provides

1 otherwise or unless the statutes are in conflict. The
2 general principle applies to this revision.

3 Revised Law

4 Sec. 11007.106. AUTHORITY OF PUBLIC AGENCIES AND POLITICAL
5 SUBDIVISIONS TO CONTRACT WITH DISTRICT. A public agency or
6 political subdivision of this state, including a city, town, or
7 village in the district, may enter into a contract or agreement with
8 the district, on terms agreed to by the parties, for:

- 9 (1) the purchase or sale of water;
10 (2) waste collection, transportation, processing, or
11 disposal; or
12 (3) any purpose relating to the district's powers or
13 functions. (Acts 65th Leg., R.S., Ch. 337, Sec. 9(b) (part).)

14 Source Law

15 (b) All public agencies and political
16 subdivisions of the State of Texas, including
17 specifically all cities, towns, and villages within
18 the district, are hereby authorized to enter into
19 contracts and agreements with the district for the
20 purchase or sale of water, for waste collection,
21 transportation, processing, or disposal, or for any
22 other purpose relating to the district's powers or
23 functions, upon such terms and conditions as the
24 parties may agree. . . .

25 Revised Law

26 Sec. 11007.107. CONVEYANCE OF PROPERTY TO DISTRICT. A
27 public agency or political subdivision of this state, including a
28 city, town, or village in the district, may lease, sell, or
29 otherwise convey to the district, for any consideration that the
30 parties agree is adequate, any of its land, improvements, property,
31 plants, lines, or other facilities related to:

- 32 (1) the supply of water; or
33 (2) waste collection, transportation, processing, or
34 disposal. (Acts 65th Leg., R.S., Ch. 337, Sec. 9(b) (part).)

35 Source Law

36 (b) [All public agencies and political
37 subdivisions of the State of Texas, including
38 specifically all cities, towns, and villages within
39 the district,] Also, each such entity may
40 lease, sell, or otherwise convey to the district any of
41 its lands, improvements, properties, plants, lines, or
42 other facilities related to the supply of water or the

1 collection, transportation, processing, or disposal
2 of waste for any consideration agreed on between the
3 parties to be adequate.

4 Revised Law

5 Sec. 11007.108. ACQUISITION OF EXISTING FACILITIES. If the
6 district acquires existing works, improvements, facilities,
7 plants, equipment, or appliances that are completed, partially
8 created, or under construction, the district may:

9 (1) assume the contracts and obligations of the
10 previous owner; and

11 (2) perform the obligations of the previous owner in
12 the same manner and to the same extent that any other purchaser or
13 assignee would be bound. (Acts 65th Leg., R.S., Ch. 337, Sec.
14 9(c).)

15 Source Law

16 (c) If the district acquires existing works,
17 improvements, facilities, plants, equipment, and
18 appliances which are completed or partially created or
19 under construction, the district may assume the
20 contracts and obligations of the previous owner and
21 perform the obligations of the previous owner in the
22 same manner and to the same extent that any other
23 purchaser or assignee would be bound.

24 Revised Law

25 Sec. 11007.109. EMINENT DOMAIN. (a) To carry out a power
26 conferred by this chapter, the district may exercise the power of
27 eminent domain inside or outside the district to acquire the fee
28 simple title to land, or any other interest in land as determined by
29 the board, and other property and easements, necessary for water
30 wells, water or sewer treatment plants, water or sewer lines,
31 pumping stations and force mains, storage tanks, or other similar
32 facilities.

33 (b) The district must exercise the power of eminent domain
34 in the manner provided by Chapter 21, Property Code. (Acts 65th
35 Leg., R.S., Ch. 337, Sec. 11(a) (part).)

36 Source Law

37 Sec. 11. (a) For the purpose of carrying out
38 any power or authority conferred by this Act, the
39 district may acquire the fee simple title to land, or
40 any other interest in land as may be determined by the
41 board, and other property and easements, necessary for
42 water wells, water or sewer treatment plants, water or

1 sewer lines, pumping stations and force mains, storage
2 tanks, or other similar facilities, inside or outside
3 the boundaries of the district, by condemnation, in
4 the manner provided by Title 52, Revised Civil
5 Statutes of Texas, 1925, as amended, relating to
6 eminent domain, except that

7 Revisor's Note

8 (1) Section 11(a), Chapter 337, Acts of the 65th
9 Legislature, Regular Session, 1977, provides that "the
10 district may acquire [certain property] by
11 condemnation." The revised law substitutes for the
12 quoted language "the district may exercise the power
13 of eminent domain . . . to acquire [certain property]"
14 because the phrases have the same meaning and the
15 latter is consistent with modern usage in laws
16 relating to eminent domain.

17 (2) Section 11(a), Chapter 337, Acts of the 65th
18 Legislature, Regular Session, 1977, refers to Title
19 52, Revised Civil Statutes of Texas, 1925, as amended.
20 That statute was codified as Chapter 21, Property
21 Code. The revised law is drafted accordingly. The
22 revised law omits the reference to "as amended"
23 because under Section 311.027, Government Code (Code
24 Construction Act), a reference to a statute applies to
25 all reenactments, revisions, or amendments of that
26 statute unless expressly provided otherwise.

27 (3) Section 11(a), Chapter 337, Acts of the 65th
28 Legislature, Regular Session, 1977, states that the
29 district is not required to give bond for appeal or
30 bond for costs in suits to which it is a party and is
31 not required to deposit double the amount of any award
32 in any suit relating to eminent domain. The revised
33 law omits those provisions because they duplicate in
34 substance Section 49.066(f), Water Code, which
35 provides that certain districts are not required to
36 give bond for appeal or bond for costs in suits to
37 which they are a party and that they are not required

1 to make the additional deposit. The omitted law reads:

2 (a) . . . the district shall not be
3 required to give bond for appeal or bond for
4 costs in any condemnation suit or other suit
5 to which it is a party and shall not be
6 required to deposit double the amount of any
7 award in any suit.

8 Revised Law

9 Sec. 11007.110. COST OF RELOCATING OR ALTERING PROPERTY;
10 RIGHTS-OF-WAY AND EASEMENTS. (a) If the district's exercise of its
11 eminent domain, police, or other power requires relocating,
12 raising, lowering, rerouting, or changing the grade of or altering
13 the construction of any highway, railroad, electric, transmission,
14 telegraph, or telephone line, conduit, pole, property, or facility
15 or pipeline, the action shall be accomplished at the sole expense of
16 the district. The term "sole expense" means the actual cost of the
17 lowering, rerouting, or change in grade or alteration of
18 construction to provide a comparable replacement without enhancing
19 the facility, after deducting from the cost the net salvage value
20 derived from the old facility.

21 (b) The district has all necessary or useful rights-of-way
22 and easements along, over, under, and across all public, state,
23 municipal, and county roads, highways, and places for any of its
24 purposes. The district shall restore a used facility to its
25 previous condition as nearly as possible at the sole expense of the
26 district. (Acts 65th Leg., R.S., Ch. 337, Secs. 11(c), (d).)

27 Source Law

28 (c) The district is hereby given and granted all
29 necessary or useful rights-of-way and easements along,
30 over, under, and across all public, state, city, and
31 county roads, highways, and places for any of its
32 purposes, but the district shall restore any such
33 facilities used to their previous condition as nearly
34 as possible at the sole expense of the district.

35 (d) In the event the district, in the exercise
36 of its power of eminent domain or police power, or any
37 other power, requires the relocation, raising,
38 lowering, rerouting, or change in grade or alteration
39 in the construction of any highway, railroad,
40 electric, transmission, telegraph, or telephone
41 lines, conduits, poles, properties, or facilities or
42 pipelines, all this relocation, raising, lowering,
43 rerouting, or changes in grade or alteration of
44 construction shall be accomplished at the sole expense
45 of the district. The term "sole expense" means the
46 actual cost of the lowering, rerouting, or change in

1 grade or alteration of construction in providing
2 comparable replacement without enhancement of the
3 facilities, after deducting from the cost the net
4 salvage value derived from the old facility.

5 Revisor's Note

6 Section 11(c), Chapter 337, Acts of the 65th
7 Legislature, Regular Session, 1977, refers to "city"
8 roads, highways, and places. The revised law
9 substitutes the term "municipal" for "city" because
10 "municipal" is the term used in the Local Government
11 Code.

12 Revisor's Note
13 (End of Subchapter)

14 (1) Section 9(d), Chapter 337, Acts of the 65th
15 Legislature, Regular Session, 1977, allows the
16 district to acquire the property and assets of, and to
17 assume the obligations and liabilities of, the Cheek
18 Fannett Water Supply Corporation. The revised law
19 omits the provision as executed because the
20 acquisitions have occurred. The omitted law reads:

21 (d) The district is expressly
22 authorized to acquire all of the works,
23 improvements, facilities, plants,
24 equipment, appliances, contract rights, and
25 other assets of the Cheek Fannett Water
26 Supply Corporation, a nonprofit Texas
27 corporation, and to assume all obligations,
28 duties, and liabilities of such
29 corporation, including without limitation,
30 payment of that certain note dated April 7,
31 1969, in the original principal amount of
32 \$605,000 maximum, payable to the order of
33 the United States of America, acting by and
34 through the Secretary of Housing and Urban
35 Development, and all obligations under a
36 deed of trust of even date therewith
37 securing payment of such note. Such
38 assumption may be accomplished pursuant to
39 a resolution of the board.

40 (2) Section 9(e), Chapter 337, Acts of the 65th
41 Legislature, Regular Session, 1977, provides that the
42 rights, powers, privileges, authority, and functions
43 granted to the district are subject to the continuing
44 right of supervision of the state, acting through the
45 Texas Water Rights Commission, including commission
46 authority given under Sections 54.516, 54.517, and

1 54.030 et seq., Water Code. The revised law omits the
2 provision because the Texas Commission on
3 Environmental Quality is the successor to the Texas
4 Water Rights Commission, and therefore the provision
5 duplicates in substance part of Section 12.081, Water
6 Code, which applies to the district. Sections 54.516
7 and 54.517, Water Code, which granted the commission
8 certain supervisory authority in the issuance of
9 district bonds and in the construction of projects,
10 were repealed in 1995 and replaced by similar Sections
11 49.181 and 49.182, Water Code, which apply to the
12 district on their own terms. Section 54.030 et seq.,
13 Water Code, applies to any conservation and
14 reclamation district that converts to a municipal
15 utility district governed by Chapter 54, Water Code.
16 Those sections also apply on their own terms if they
17 are invoked through the conversion process they
18 describe, so it is not necessary to provide a reference
19 to those sections in this chapter. The omitted law
20 reads:

21 (e) The rights, powers, privileges,
22 authority, and functions herein granted to
23 the district shall be subject to the
24 continuing right of supervision of the
25 state, to be exercised by and through the
26 Texas Water Rights Commission, subject to
27 the provisions of this Act, and the Water
28 Code, including but not limited to the
29 authority given under Sections 54.516,
30 54.517, and 54.030, et seq., of Chapter 54
31 of the Water Code.

32 (3) Section 11(b), Chapter 337, Acts of the 65th
33 Legislature, Regular Session, 1977, provides that the
34 district has the powers conferred by Section 54.216,
35 Water Code, on municipal utility districts regarding
36 entering land, making surveys, and attending to other
37 district business. The revised law omits that
38 provision because it duplicates in substance Section
39 49.221, Water Code, which replaced Section 54.216,

1 Water Code, when that section was repealed in 1995.

2 The omitted law reads:

3 (b) The district shall have the same
4 power as is conferred on municipal utility
5 districts in Section 54.216 of the Water
6 Code, with reference to entering land and
7 making surveys and attending to other
8 business of the district.

9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

10 Revised Law

11 Sec. 11007.151. IMPOSITION OF MAINTENANCE TAX; PROHIBITION
12 ON OTHER TAXES OR ASSESSMENTS. (a) The district may impose a tax,
13 not to exceed 10 cents on each \$100 valuation of taxable property in
14 the district, for:

15 (1) maintenance purposes, including money for
16 studying, planning, maintaining, repairing, and operating all
17 necessary plants, works, facilities, improvements, appliances, and
18 equipment of the district;

19 (2) paying costs of proper services, engineering, and
20 legal fees; and

21 (3) organization and administrative expenses.

22 (b) The district may not impose a maintenance tax unless the
23 tax is approved by a majority of the voters voting at an election
24 held for that purpose.

25 (c) Except for the maintenance tax authorized by this
26 section, the district may not under this chapter or any other law
27 levy or collect a tax or assessment or create a debt payable from a
28 tax or assessment. (Acts 65th Leg., R.S., Ch. 337, Secs. 12(a), (b)
29 (part), (c).)

30 Source Law

31 Sec. 12. (a) The district may levy and collect
32 a tax, not to exceed 10 cents on the \$100 valuation of
33 taxable property in the district, for maintenance
34 purposes, including funds for studying, planning,
35 maintaining, repairing, and operating all necessary
36 plants, works, facilities, improvements, appliances,
37 and equipment of the district and for paying costs of
38 proper services, engineering, and legal fees, and
39 organization and administrative expenses.

40 (b) A maintenance tax may not be levied until it
41 is approved by a majority of the qualified electors
42 voting at an election held for that purpose. . . .

43 (c) Except for the maintenance tax hereinabove

1 authorized, nothing in this Act or in any other act or
2 law shall be construed as authorizing the district to
3 levy or collect taxes or assessments or to create any
4 indebtedness payable out of taxes or assessments.

5 Revisor's Note

6 Section 12(b), Chapter 337, Acts of the 65th
7 Legislature, Regular Session, 1977, refers to a
8 majority of the "qualified" voters of the district.
9 The revised law omits "qualified" as unnecessary in
10 this context because Chapter 11, Election Code,
11 governs eligibility to vote in an election in this
12 state and allows only "qualified" voters to vote in an
13 election.

14 Revised Law

15 Sec. 11007.152. ELECTION TO IMPOSE TAX. (a) The board may
16 order an election to impose a maintenance tax. The election order
17 must specify:

- 18 (1) the time and place of the election;
19 (2) the maximum amount of tax to be authorized;
20 (3) the form of the ballot; and
21 (4) other matters the board considers necessary or
22 advisable.

23 (b) Notice of the election must be given by publishing once
24 a week for two consecutive weeks a substantial copy of the election
25 order in a newspaper of general circulation in the district. The
26 first publication must occur at least 14 days before the date of the
27 election. (Acts 65th Leg., R.S., Ch. 337, Sec. 12(b) (part).)

28 Source Law

29 (b) . . . Such an election may be called by the
30 board. The resolution calling the election shall
31 specify the time and place or places of holding the
32 election, the maximum amount of the maintenance tax to
33 be authorized, the form of the ballot, and other
34 matters deemed necessary or advisable by the board.
35 Notice of the election shall be given by publishing a
36 substantial copy of the resolution calling the
37 election in a newspaper having general circulation in
38 the district, once each week for two consecutive
39 weeks, with the first publication to be at least 14
40 days prior to the election. . . .

41 Revisor's Note

42 (1) Section 12(b), Chapter 337, Acts of the 65th

1 Legislature, Regular Session, 1977, provides that an
2 election "may be called" by the board to authorize
3 imposing a maintenance tax and refers to the
4 "resolution calling the election." The revised law
5 substitutes "may order" for "may be called" and
6 "election order" for "resolution calling the election"
7 because "order" is the term used in Chapter 3, Election
8 Code.

9 (2) Section 12(b), Chapter 337, Acts of the 65th
10 Legislature, Regular Session, 1977, requires that
11 election returns be made to the board. The revised law
12 omits that requirement because it duplicates in
13 substance Sections 66.022 and 66.051(a), Election
14 Code. Section 12(b) also requires the board to canvass
15 the election returns. The revised law omits that
16 requirement because it duplicates in substance Section
17 67.002, Election Code. The omitted law reads:

18 (b) . . . The returns of the election
19 shall be made to and canvassed by the board.
20 . . .

21 (3) Section 12(b), Chapter 337, Acts of the 65th
22 Legislature, Regular Session, 1977, states that a
23 district maintenance tax election shall be held in
24 accordance with the Election Code, except as provided
25 by Section 12, Chapter 337. The revised law omits that
26 provision because Section 1.002, Election Code,
27 provides that the Election Code applies to all
28 elections held in this state, and an exception to the
29 application of the Election Code would apply by its own
30 terms. The omitted law reads:

31 (b) . . . The Texas Election Code
32 shall be applicable to elections held under
33 this section, except as otherwise provided
34 herein.

35 Revised Law

36 Sec. 11007.153. DEPOSITORY. (a) The board shall designate
37 one or more banks inside or outside the district to serve as the

1 depository for the district's money.

2 (b) All district money shall be deposited in the depository
3 designated by the board, except that:

4 (1) bond proceeds and money pledged to pay bonds, to
5 the extent provided in a resolution or trust indenture authorizing
6 or securing district bonds, may be deposited with another bank or
7 trustee named in the bond resolution or trust indenture; and

8 (2) money shall be remitted to each paying agent for
9 the payment of principal of and interest on the bonds.

10 (c) To the extent that money in a depository bank or the
11 trustee bank is not insured by the Federal Deposit Insurance
12 Corporation, the money must be secured in the manner provided by law
13 for the security of the county funds in this state. (Acts 65th
14 Leg., R.S., Ch. 337, Sec. 19 (part).)

15 Source Law

16 Sec. 19. The board shall designate one or more
17 banks inside or outside the district to serve as
18 depository for the funds of the district. All funds of
19 the district shall be deposited in the depository bank
20 or banks, except that bond proceeds and funds pledged
21 to pay bonds may, to the extent provided in any
22 resolution or trust indenture authorizing or securing
23 bonds of the district, be deposited with any other bank
24 or trustee named in the bond resolution or trust
25 indenture, and except that funds shall be remitted to
26 each paying agent for the payment of principal of and
27 interest on the bonds. To the extent that funds in the
28 depository banks and the trustee bank are not insured
29 by the Federal Deposit Insurance Corporation or the
30 Federal Savings and Loan Insurance Corporation, they
31 shall be secured in the manner provided by law for the
32 security of funds of counties in the State of Texas.
33 . . .

34 Revisor's Note

35 Section 19, Chapter 337, Acts of the 65th
36 Legislature, Regular Session, 1977, refers to the
37 Federal Savings and Loan Insurance Corporation. The
38 Financial Institutions Reform, Recovery, and
39 Enforcement Act of 1989 (Pub. L. No. 101-73) abolished
40 the Federal Savings and Loan Insurance Corporation and
41 provided for the insurance of the deposits of savings
42 and loan associations by the Federal Deposit Insurance
43 Corporation. The revised law is drafted accordingly.

1 Revised Law

2 Sec. 11007.154. INVESTMENT OF DISTRICT MONEY. The board
3 may invest district money in obligations and make time deposits of
4 district money in a manner determined by the board or in the manner
5 permitted or required in a resolution or trust indenture
6 authorizing or securing district bonds. (Acts 65th Leg., R.S., Ch.
7 337, Sec. 19 (part).)

8 Source Law

9 Sec. 19. . . . The board may invest district
10 funds in obligations and make time deposits of
11 district funds, in such manner as is determined by the
12 board, or in the manner permitted or required in any
13 resolution or trust indenture authorizing or securing
14 bonds of the district.

15 Revised Law

16 Sec. 11007.155. DISTRICT FACILITIES EXEMPT FROM TAXATION
17 AND ASSESSMENT. The district is not required to pay a tax or
18 assessment on its facilities or any part of its facilities. (Acts
19 65th Leg., R.S., Ch. 337, Sec. 22 (part).)

20 Source Law

21 Sec. 22. . . . The district shall not be
22 required to pay any tax or assessment on its facilities
23 or any part of its facilities, and

24 Revisor's Note
25 (End of Subchapter)

26 Section 13, Chapter 337, Acts of the 65th
27 Legislature, Regular Session, 1977, establishes
28 certain procedures relating to the imposition of ad
29 valorem taxes. The revised law omits those provisions
30 as superseded by Title 1, Tax Code, which was intended
31 as a comprehensive, substantive codification of all ad
32 valorem tax law and its administration. Title 1, Tax
33 Code, was enacted by Chapter 841, Acts of the 66th
34 Legislature, Regular Session, 1979. Section 6(b) of
35 that act repealed all "general, local, and special
36 laws" that conflicted with that act. The omitted law
37 reads:

38 Sec. 13. (a) The tax rolls of
39 Jefferson County are adopted and shall

1 constitute the tax rolls of the district for
2 purposes of levying and assessing the
3 maintenance tax herein authorized.

4 (b) The laws of this state applicable
5 to the levy, assessment, and collection of
6 ad valorem taxes by counties may be adopted
7 and shall be used to the extent pertinent
8 and practicable.

9 SUBCHAPTER E. BONDS

10 Revised Law

11 Sec. 11007.201. AUTHORITY TO ISSUE BONDS. (a) The district
12 may issue bonds payable from and secured by district revenue to
13 carry out any power conferred by this chapter. The bonds must be
14 authorized by a board resolution.

15 (b) The bonds must be issued in the manner and under the
16 terms of the resolution authorizing the issuance of the bonds.
17 (Acts 65th Leg., R.S., Ch. 337, Secs. 15(a) (part), (b) (part).)

18 Source Law

19 Sec. 15. (a) For the purpose of carrying out
20 any power or authority conferred by this Act, the
21 district may issue its negotiable bonds or notes to be
22 payable from and secured by revenues of the district,
23 in the manner and under the terms and conditions
24 provided in the resolution authorizing the issuance of
25 the bonds or notes [(hereinafter called "bonds")].

26 (b) The bonds shall be authorized by resolution
27 of the board and

28 Revisor's Note

29 (1) Section 15(a), Chapter 337, Acts of the 65th
30 Legislature, Regular Session, 1977, authorizes the
31 district to issue "negotiable" bonds or notes. The
32 revised law omits "negotiable" for the reason stated
33 in Revisor's Note (10) to Section 11007.101.

34 (2) Section 15(c), Chapter 337, Acts of the 65th
35 Legislature, Regular Session, 1977, states that bonds
36 may be issued in "more than one series and from time to
37 time as required for carrying out the purposes of this
38 Act." The revised law omits "more than one series"
39 because it duplicates in substance a provision of
40 Section 1201.022, Government Code, which applies to
41 district bonds by application of Section 1201.003,
42 Government Code. The revised law omits "from time to

1 time" because the power to issue bonds implies the
2 power to do so at any time. The revised law omits "as
3 required for carrying out the purposes of this Act"
4 because Section 15(a), Chapter 337, Acts of the 65th
5 Legislature, Regular Session, 1977, revised as this
6 section, authorizes the district to issue bonds for
7 the purposes of the act. The omitted law reads:

8 (c) Bonds may be issued in more than
9 one series and from time to time as required
10 for carrying out the purposes of this Act.

11 Revised Law

12 Sec. 11007.202. FORM OF BONDS. District bonds must be:

- 13 (1) issued in the district's name;
14 (2) signed by the president or vice president; and
15 (3) attested by the secretary. (Acts 65th Leg., R.S.,
16 Ch. 337, Sec. 15(b) (part).)

17 Source Law

18 (b) [The bonds] . . . shall be issued in the
19 name of the district, signed by the president or
20 vice-president, attested by the secretary, and . . .

21 Revisor's Note

22 Section 15(b), Chapter 337, Acts of the 65th
23 Legislature, Regular Session, 1977, provides that
24 district bonds must bear the seal of the district and
25 authorizes facsimile "printed or lithographed"
26 signatures and seals. The revised law omits those
27 provisions as unnecessary. The requirement that the
28 bonds bear the seal of the district was impliedly
29 repealed by Section 3, Bond Procedures Act of 1981
30 (Article 717k-6, Vernon's Texas Civil Statutes)
31 (revised in relevant part in 1999 as Section
32 1201.026(a), Government Code), which provides that
33 bonds may be signed with or without a seal. The
34 authorization for the use of printed or lithographed
35 signatures duplicates in substance Section
36 1201.026(a), Government Code, which also provides that

1 bonds and interest coupons may be executed with manual
2 or facsimile signatures. Section 1201.026 applies to
3 district bonds under Sections 1201.002 and 1201.003,
4 Government Code. The omitted law reads:

5 (b) [The bonds] . . . shall bear the
6 seal of the district. It is provided,
7 however, that the signatures of the
8 president or the vice-president or the
9 secretary, or of both, may be printed or
10 lithographed on the bonds if authorized by
11 the board, and that the seal of the district
12 may be impressed on the bonds or may be
13 printed or lithographed on the bonds. . . .

14 Revised Law

15 Sec. 11007.203. MATURITY. District bonds must mature not
16 later than 40 years after the date of their issuance. (Acts 65th
17 Leg., R.S., Ch. 337, Sec. 15(b) (part).)

18 Source Law

19 (b) . . . The bonds shall mature serially or
20 otherwise in not to exceed 40 years from their date and
21

22 Revisor's Note

23 Section 15(b), Chapter 337, Acts of the 65th
24 Legislature, Regular Session, 1977, provides that
25 district bonds shall mature "serially or otherwise."
26 The revised law omits the quoted language because it is
27 superseded by Section 1201.021, Government Code
28 (enacted as Section 3, Bond Procedures Act of 1981
29 (Article 717k-6, Vernon's Texas Civil Statutes)),
30 which provides that the governing body of an issuer may
31 determine the time of payment of public securities it
32 issues, and by Section 1201.022, Government Code
33 (enacted as Section 5(a), Bond Procedures Act of 1981
34 (Article 717k-6, Vernon's Texas Civil Statutes)),
35 which provides that a public security may be issued
36 with specified characteristics, on specified terms, or
37 in a specified manner. Sections 1201.021 and
38 1201.022, Government Code, apply to district bonds
39 under Sections 1201.002 and 1201.003, Government Code.

1 Revised Law

2 Sec. 11007.204. BONDS SECURED BY REVENUE; ADDITIONAL BONDS.

3 (a) District bonds may be secured by a pledge of all or part of the
4 district's revenue, or by all or part of the payments or rentals
5 under one or more contracts or leases specified by board resolution
6 or a trust indenture securing the bonds.

7 (b) A resolution authorizing the issuance of bonds secured
8 by a pledge of revenue of all or part of the district's facilities
9 may provide that the district shall first pay the expenses of
10 operating and maintaining all or part of the facilities as the board
11 considers appropriate before paying the principal of and interest
12 on the bonds.

13 (c) In a resolution authorizing the issuance of bonds
14 secured by revenue, contract payments, or lease rentals, the
15 district may reserve the right, under conditions specified by the
16 resolution, to issue additional bonds that will be on a parity with,
17 superior to, or subordinate to the bonds then being issued. (Acts
18 65th Leg., R.S., Ch. 337, Sec. 15(d).)

19 Source Law

20 (d) The bonds may be secured by a pledge of all
21 or any part of the revenues of the district, or by all
22 or any part of payments or rentals under any one or
23 more contracts or leases specified by resolution of
24 the board or in any trust indenture securing the bonds.
25 A resolution authorizing the issuance of any bonds
26 secured by a pledge of revenues of all or any part of
27 the district's facilities may provide that the
28 district shall first pay such expenses of operating
29 and maintaining all or any part of such facilities as
30 the board may deem appropriate prior to paying
31 principal of and interest on such bonds. In all of its
32 resolutions authorizing the issuance of bonds secured
33 by revenues, contract payments, or lease rentals, the
34 district may reserve the right, under conditions
35 specified in it, to issue additional bonds which will
36 be on a parity with, superior to, or subordinate to the
37 bonds then being issued.

38 Revised Law

39 Sec. 11007.205. ADDITIONAL SECURITY. (a) District bonds
40 may be additionally secured, at the discretion of the board, by a
41 deed of trust or mortgage lien on all or part of the district's
42 physical property, facilities, easements, water rights and
43 appropriation permits, leases, contracts, and all rights

1 appurtenant to the property, vesting in the trustee power to:

2 (1) sell the property for the payment of the debt;

3 (2) operate the property; and

4 (3) take other action to further secure the bonds.

5 (b) A purchaser under a sale under the deed of trust lien, if
6 one is given:

7 (1) is the absolute owner of the property, facilities,
8 and rights purchased; and

9 (2) is entitled to maintain and operate the property,
10 facilities, and rights. (Acts 65th Leg., R.S., Ch. 337, Sec. 16
11 (part).)

12 Source Law

13 Sec. 16. . . . The bonds, within the discretion
14 of the board, may be additionally secured by a deed of
15 trust or mortgage lien upon all or any portion of the
16 district's physical properties, facilities,
17 easements, water rights, and appropriation permits,
18 leases, and contracts and all rights appurtenant to
19 these properties, vesting in the trustee power to sell
20 the properties for the payment of indebtedness, power
21 to operate the properties, and all other powers and
22 authority for the further security of the bonds. Any
23 purchaser under a sale under the deed of trust lien,
24 where one is given, shall be the absolute owner of
25 properties, facilities, and rights so purchased and
26 shall have the right to maintain and operate them.

27 Revised Law

28 Sec. 11007.206. TRUST INDENTURE. District bonds authorized
29 by this chapter, including refunding bonds, may be additionally
30 secured by a trust indenture. The trustee may be a bank with trust
31 powers that is located inside or outside the state. (Acts 65th
32 Leg., R.S., Ch. 337, Sec. 16 (part).)

33 Source Law

34 Sec. 16. Any bonds, including refunding bonds,
35 authorized by this law may be additionally secured by a
36 trust indenture under which the trustee may be a bank
37 having trust powers situated either inside or outside
38 the state. . . .

39 Revised Law

40 Sec. 11007.207. CHARGES FOR DISTRICT SERVICES. If district
41 bonds payable wholly from revenue are issued, the board shall set
42 and from time to time revise the rates, fees, and charges assessed
43 for water sold and waste collection and treatment services provided

1 by the district. The rates, fees, and charges must be sufficient
2 to:

3 (1) pay the expense of operating and maintaining the
4 district facilities that generate the revenue from which the bonds
5 will be paid;

6 (2) pay the principal of and interest on the bonds when
7 due; and

8 (3) maintain the reserve fund and other funds as
9 provided in the resolution authorizing the bonds. (Acts 65th Leg.,
10 R.S., Ch. 337, Sec. 15(e) (part).)

11 Source Law

12 (e) Where bonds payable wholly from revenues are
13 issued, the board shall fix, and from time to time
14 revise, the rates, fees, and charges assessed for
15 water sold and waste collection and treatment services
16 rendered by the district which will be sufficient (i)
17 to pay the expense of operating and maintaining those
18 facilities of the district that generate the revenues
19 from which the district's bonds will be paid, (ii) to
20 pay the principal of and interest on the bonds when
21 due, and (iii) to maintain such reserve and other funds
22 as are provided in the resolution authorizing the
23 bonds. . . .

24 Revised Law

25 Sec. 11007.208. STATE PLEDGE REGARDING RIGHTS AND REMEDIES
26 OF BONDHOLDERS. Without depriving this state of its power to
27 regulate and control the rates, fees, and charges assessed for
28 water sold and waste collection and treatment services provided by
29 the district, the state pledges to and agrees with the holders of
30 district bonds that the state will not exercise its power to
31 regulate and control the rates, fees, and charges in any way that
32 would impair the rights or remedies of the holders of the bonds.
33 (Acts 65th Leg., R.S., Ch. 337, Sec. 15(e) (part).)

34 Source Law

35 (e) . . . [the rates, fees, and charges assessed
36 for water sold and waste collection and treatment
37 services rendered by the district] . . . Without in
38 any way depriving the State of Texas of its power to
39 regulate and control such rates, fees, and charges,
40 the State of Texas does hereby pledge to and agree with
41 the holders of any bonds issued hereunder that the
42 state will not exercise its power to regulate and
43 control such rates, fees, and charges in any way that
44 would impair the rights of remedies of the holders of
45 such bonds.

1 Revisor's Note

2 Section 15(e), Chapter 337, Acts of the 65th
3 Legislature, Regular Session, 1977, provides that the
4 state will not regulate and control the district's
5 rates, fees, and charges for water sold and waste
6 collection and treatment services in a way that
7 impairs the "rights of remedies" of the holder of a
8 district bond. The revised law substitutes "rights or
9 remedies" for "rights of remedies" because it is clear
10 from the context that "of" is a typographical error and
11 that the legislature intended to use the phrase
12 "rights or remedies."

13 Revised Law

14 Sec. 11007.209. USE OF BOND PROCEEDS. (a) The district may
15 set aside an amount of proceeds from the sale of district bonds for:

16 (1) the payment of interest expected to accrue during
17 construction not to exceed three years;

18 (2) a debt service reserve fund; and

19 (3) other funds as may be provided in the resolution
20 authorizing the bonds or in the trust indenture.

21 (b) The district may use proceeds from the sale of the bonds
22 to pay any expense necessarily incurred in accomplishing the
23 purpose of the district, including any expense of issuing and
24 selling the bonds. (Acts 65th Leg., R.S., Ch. 337, Sec. 15(f).)

25 Source Law

26 (f) From the proceeds from the sale of the
27 bonds, the district may set aside an amount for the
28 payment of interest expected to accrue during
29 construction not to exceed three years, a debt service
30 reserve and other funds as may be provided in the
31 resolution authorizing the bonds or in the trust
32 indenture. Proceeds from the sale of the bonds may also
33 be used for the payment of all expenses necessarily
34 incurred in accomplishing the purpose for which this
35 district is created, including expenses of issuing and
36 selling the bonds.

37 Revised Law

38 Sec. 11007.210. APPOINTMENT OF RECEIVER. (a) On default or
39 threatened default in the payment of the principal of or interest on

1 district bonds that are payable wholly or partly from revenue, a
2 court may, on petition of the holders of at least 25 percent of the
3 district's outstanding revenue bonds, appoint a receiver for the
4 district.

5 (b) The receiver may collect and receive all district
6 revenue, other than taxes, employ and discharge district agents and
7 employees, and take charge of money on hand, other than money
8 received from taxes, unless commingled, and/or hindrance by the
9 board.

10 (c) The receiver may be authorized to sell or contract for
11 the sale of water or the collection or treatment of waste or to
12 renew contracts, with the approval of the court that appointed the
13 receiver.

14 (d) The court may vest the receiver with any other power or
15 duty the court finds necessary to protect the bondholders. (Acts
16 65th Leg., R.S., Ch. 337, Sec. 15(g) (part).)

17 Source Law

18 (g) In the event of a default or a threatened
19 default in the payment of principal of or interest on
20 bonds payable wholly or partially from revenues, any
21 court of competent jurisdiction may, upon petition of
22 the holders of at least 25 percent of the district's
23 outstanding revenue bonds, appoint a receiver with
24 authority to collect and receive all revenues of the
25 district, except taxes, employ and discharge agents
26 and employees of the district, take charge of funds on
27 hand, except funds received from taxes, unless
28 commingled, and/or hindrance by the board. The
29 receiver may also be authorized to sell or make
30 contracts for the sale of water and the collection and
31 treatment of waste and to renew contracts, with the
32 approval of the court appointing him. The court may
33 vest the receiver with other powers and duties as the
34 court may find necessary for the protection of the
35 holders of the bonds. . . .

36 Revisor's Note

37 (1) Section 15(g), Chapter 337, Acts of the 65th
38 Legislature, Regular Session, 1977, refers to a court
39 "of competent jurisdiction." The revised law omits
40 the quoted language because the general laws of civil
41 jurisdiction determine which courts have jurisdiction
42 over the matter. For an example, see Section 24.003,
43 Government Code, for the jurisdiction of certain

1 courts to appoint receivers.

2 (2) Section 15(g), Chapter 337, Acts of the 65th
3 Legislature, Regular Session, 1977, provides for the
4 appointment of a receiver if the district defaults on
5 district bonds and allows the receiver to collect and
6 receive certain district revenue and to take charge of
7 funds of the district "on hand, . . . and/or hindrance
8 by the board." In context, it appears as though the
9 phrase "and/or hindrance by the board" is a
10 typographical error, since it is clear from a reading
11 of the section and similar laws that "on hand, . . .
12 without consent or hindrance by the board" was the
13 phrase the legislature intended to include in the
14 source law. However, the revised law preserves the
15 likely typographical error in source law because the
16 source law is ambiguous and the ambiguity cannot be
17 resolved without potential substantive effect.

18 Revised Law

19 Sec. 11007.211. REFUNDING BONDS. (a) The district may
20 issue refunding bonds to refund outstanding district bonds and
21 interest on those bonds.

22 (b) Refunding bonds may:

23 (1) be issued to refund bonds of more than one series;

24 (2) combine the pledges for the outstanding bonds for
25 the security of the refunding bonds; or

26 (3) be secured by a pledge of other or additional
27 revenue or mortgage liens.

28 (c) The provisions of this subchapter regarding the
29 issuance of other bonds, their security, and the remedies of the
30 holders apply to refunding bonds.

31 (d) The comptroller shall register the refunding bonds on
32 the surrender and cancellation of the bonds to be refunded.

33 (e) Instead of issuing bonds to be registered on the
34 surrender and cancellation of the bonds to be refunded, the

1 district, in the resolution authorizing the issuance of the
2 refunding bonds, may provide for the sale of the refunding bonds and
3 the deposit of the proceeds in a bank at which the bonds to be
4 refunded are payable. In that case, the refunding bonds may be
5 issued in an amount sufficient to pay the principal of and interest
6 and any required redemption premium on the bonds to be refunded to
7 or through any redemption date or through or on their maturity date,
8 and the comptroller shall register the refunding bonds without the
9 surrender and cancellation of the bonds to be refunded.

10 (f) An election is not required to authorize the issuance of
11 refunding bonds.

12 (g) The district may also issue refunding bonds under any
13 other applicable law. (Acts 65th Leg., R.S., Ch. 337, Sec. 17.)

14 Source Law

15 Sec. 17. The district is authorized to issue
16 refunding bonds for the purpose of refunding any
17 outstanding bonds authorized by this Act and interest
18 on the bonds. The refunding bonds may be issued to
19 refund more than one series of outstanding bonds and
20 combine the pledges for the outstanding bonds for the
21 security of the refunding bonds, and may be secured by
22 other or additional revenues and mortgage liens. The
23 provisions of this Act with reference to the issuance
24 by the district of other bonds, their security, and
25 their approval by the attorney general and the
26 remedies of the holders shall be applicable to
27 refunding bonds. Refunding bonds shall be registered
28 by the comptroller upon surrender and cancellation of
29 the bonds to be refunded, but in lieu thereof, the
30 resolution authorizing their issuance may provide that
31 they shall be sold and the proceeds of the sale
32 deposited in the bank where the original bonds are
33 payable, in which case the refunding bonds may be
34 issued in an amount sufficient to pay all principal
35 coming due, all interest accruing, and any required
36 redemption premium, on the bonds being refunded to or
37 through any date upon which they are subject to
38 redemption prior to maturity, or through or at their
39 maturity date or dates, respectively, and the
40 comptroller shall register them without concurrent
41 surrender and cancellation of the original bonds. The
42 refunding bonds may be issued without having been
43 authorized at an election. Refunding bonds also may be
44 issued by the district pursuant to any other
45 applicable law.

46 Revisor's Note

47 Section 17, Chapter 337, Acts of the 65th
48 Legislature, Regular Session, 1977, refers to the
49 "approval by the attorney general" of refunding bonds.

1 The revised law omits the quoted language because it is
2 superseded by Section 1202.003, Government Code,
3 enacted in 1987 as Section 3.002(a), Chapter 53, Acts
4 of the 70th Legislature, 2nd Called Session (Article
5 717k-8, Vernon's Texas Civil Statutes). That section
6 applies to district bonds by application of Section
7 1202.001, Government Code.

8 Revised Law

9 Sec. 11007.212. OTHER REMEDIES AND COVENANTS. The
10 resolution authorizing the issuance of district bonds, including
11 refunding bonds, or the trust indenture securing the bonds, may
12 provide other remedies and covenants the board considers necessary
13 to issue the bonds on the most favorable terms. (Acts 65th Leg.,
14 R.S., Ch. 337, Sec. 15(h).)

15 Source Law

16 (h) The resolution authorizing the issuance of
17 any bonds authorized under this Act, including
18 refunding bonds, or the trust indenture securing such
19 bonds, may also provide such other remedies and
20 contain such covenants as the board shall deem
21 necessary to issue its bonds upon the most favorable
22 terms.

23 Revised Law

24 Sec. 11007.213. LIMITATION ON RIGHTS OF BONDHOLDERS. The
25 resolution authorizing the bonds or the trust indenture securing
26 the bonds may limit or qualify the rights of the holders of less
27 than all of the outstanding bonds payable from the same source to
28 institute or prosecute litigation affecting the district's
29 property or income. (Acts 65th Leg., R.S., Ch. 337, Sec. 15(g)
30 (part).)

31 Source Law

32 (g) . . . The resolution authorizing the
33 issuance of the bonds, or the trust indenture securing
34 them, may further limit or qualify the rights of the
35 holders of less than all of the outstanding bonds
36 payable from the sale source to institute or prosecute
37 litigation affecting the district's property or
38 income.

39 Revisor's Note

40 Section 15(g), Chapter 337, Acts of the 65th

1 Legislature, Regular Session, 1977, provides for a
2 resolution limiting or qualifying the rights of
3 holders of certain bonds payable from the "sale
4 source." The revised law substitutes "same" for
5 "sale" because it is clear from the context that "sale"
6 is a typographical error and that the legislature
7 intended to use the word "same."

8 Revised Law

9 Sec. 11007.214. BONDS EXEMPT FROM TAXATION. A district
10 bond, the transfer of the bond, and the income from the bond,
11 including profits made on the sale of the bond, are exempt from
12 taxation in this state. (Acts 65th Leg., R.S., Ch. 337, Sec. 22
13 (part).)

14 Source Law

15 Sec. 22. . . . the bonds issued hereunder and
16 their transfer and the income therefrom, including the
17 profits made on the sale, shall at all times be free
18 from taxation within this state.

19 Revisor's Note
20 (End of Subchapter)

21 (1) Section 15(b), Chapter 337, Acts of the 65th
22 Legislature, Regular Session, 1977, provides that
23 district bonds may be sold at a price and under terms
24 that the board determines are the most advantageous
25 reasonably obtainable. The revised law omits that
26 provision because it is superseded by general law.
27 Section 1201.022, Government Code, as amended in 2001,
28 provides that an issuer may sell public securities
29 "under the terms determined by the governing body of
30 the issuer to be in the issuer's best interests."
31 Section 1201.022 applies to district bonds by
32 application of Section 1201.002, Government Code. The
33 omitted law reads:

34 (b) . . . [The bonds] . . . may be
35 sold at a price and under terms determined
36 by the board to be the most advantageous
37 reasonably obtainable. . . .

38 (2) Section 15(b), Chapter 337, Acts of the 65th

1 Legislature, Regular Session, 1977, provides that
2 district bonds may be redeemed before maturity at the
3 time and price specified in the bonds. The revised law
4 omits that provision because it duplicates in
5 substance Sections 1201.021 and 1201.022, Government
6 Code, which provide that a public security may be
7 redeemed before maturity and be payable in specified
8 amounts and at specified times. Those sections apply
9 to district bonds by the application of Sections
10 1201.002 and 1201.003, Government Code. The omitted
11 law reads:

12 (b) . . . Within the discretion of
13 the board, such bonds may be made callable
14 prior to maturity at times and prices
15 prescribed in the bonds, and

16 (3) Section 15(b), Chapter 337, Acts of the 65th
17 Legislature, Regular Session, 1977, provides that
18 district bonds may be registered as to principal or as
19 to principal and interest. The revised law omits that
20 provision because it duplicates in substance Section
21 1201.024(a)(3), Government Code. That section applies
22 to district bonds by the application of Sections
23 1201.002 and 1201.003, Government Code. The omitted
24 law reads:

25 (b) . . . [such bonds] . . . may be
26 made registrable as to principal or as to
27 both principal and interest.

28 (4) Section 18, Chapter 337, Acts of the 65th
29 Legislature, Regular Session, 1977, requires the
30 district to deliver its bonds to the attorney general
31 for examination and approval. The revised law omits
32 that provision because it duplicates in substance
33 Section 1202.003, Government Code. Section 1202.003,
34 Government Code, applies to district bonds by
35 application of Section 1202.001, Government Code. The
36 omitted law reads:

37 Sec. 18. After any bonds, including

1 refunding bonds, are authorized by the
2 district, the bonds and the proceedings
3 relating to their issuance shall be
4 submitted to the attorney general for his
5 examination as to their validity. . . . If
6 he finds that the bonds have been authorized
7 and . . . in accordance with the
8 constitution and laws of the State of Texas,
9 he shall approve the bonds and

10 (5) Section 18, Chapter 337, Acts of the 65th
11 Legislature, Regular Session, 1977, provides that,
12 after approval, the bonds shall be registered with the
13 comptroller. The revised law omits that provision as
14 superseded by Section 3.002(c), Chapter 53, Acts of
15 the 70th Legislature, 2nd Called Session, 1987, now
16 revised as Section 1202.005, Government Code. Section
17 1202.005, Government Code, applies to district bonds
18 by application of Section 1202.001, Government Code.
19 The omitted law reads:

20 Sec. 18. . . . [he shall approve the
21 bonds and] . . . the bonds then shall be
22 registered by the comptroller of public
23 accounts. . . .

24 (6) Section 18, Chapter 337, Acts of the 65th
25 Legislature, Regular Session, 1977, provides that,
26 after approval and registration, district bonds are
27 incontestable and binding obligations. The revised
28 law omits that provision as impliedly repealed by
29 Section 3.002(d), Chapter 53, Acts of the 70th
30 Legislature, 2nd Called Session, 1987, now revised as
31 Section 1202.006, Government Code. Section 1202.006,
32 Government Code, provides that after approval and
33 registration, bonds are incontestable. Section
34 1202.006 applies to district bonds by application of
35 Section 1202.001, Government Code. The omitted law
36 reads:

37 Sec. 18. . . . Thereafter the bonds,
38 and . . . are valid and binding obligations
39 in accordance with their terms for all
40 purposes, and are incontestable in any
41 court, or other forum, for any reason.

42 (7) Section 18, Chapter 337, Acts of the 65th

1 Legislature, Regular Session, 1977, details various
2 procedures regarding approval of bond contracts and
3 proceedings by the attorney general. The revised law
4 omits the portion of Section 18 regarding the validity
5 and incontestability of a contract the revenues or
6 proceeds of which are pledged to the payment of a bond
7 as impliedly repealed by Section 3.002(d), Chapter 53,
8 Acts of the 70th Legislature, 2nd Called Session,
9 1987, now revised as Section 1202.006, Government
10 Code. Section 1202.006, Government Code, provides
11 that after approval and registration of the bond, the
12 bond and contract are incontestable. Section 1202.006
13 applies to district bonds by application of Section
14 1202.001, Government Code. The omitted law reads:

15 Sec. 18. . . . If the bonds recite
16 that they are secured by a pledge of the
17 revenues or proceeds of a contract
18 previously made between the district and
19 any city, or other public agency or
20 political subdivision, or other entity, a
21 copy of the contract and the proceedings of
22 the city or other public agency or political
23 subdivision, or other entity, authorizing
24 the contract also may be submitted to the
25 attorney general. [If he finds that] . . .
26 the contracts have been made [in accordance
27 with the constitution and laws of the State
28 of Texas, he shall approve] . . . the
29 contracts, and [Thereafter] . . .
30 the contracts, if any, [are valid and
31 binding obligations in accordance with
32 their terms for all purposes, and are
33 incontestable in any court, or other forum,
34 for any reason.]

35 (8) Section 20, Chapter 337, Acts of the 65th
36 Legislature, Regular Session, 1977, lists the entities
37 for which district bonds are legal investments and
38 provides that district bonds may secure deposits of
39 public funds of the state or political subdivisions.
40 The revised law omits the provision relating to the
41 eligibility of district bonds to be considered as
42 investments for various entities because it duplicates
43 in substance Section 49.186(a), Water Code. The
44 revised law omits the provision relating to deposits

1 of state funds by the comptroller as impliedly
2 repealed by Section 404.0221, Government Code (enacted
3 in 1995), which lists eligible collateral for deposits
4 of state funds by the comptroller, and by Chapter 240,
5 Acts of the 69th Legislature, Regular Session, 1985,
6 the relevant part of which is now revised as Section
7 404.031, Government Code, which provides for the
8 valuation of that collateral. As to deposits of other
9 funds, the provision is impliedly repealed by Chapter
10 627, Acts of the 71st Legislature, Regular Session,
11 1989, now revised as Chapter 2257, Government Code,
12 which governs eligible collateral for deposits of
13 funds of other public agencies, including political
14 subdivisions, and permits those deposits to be secured
15 by obligations issued by conservation and reclamation
16 districts. The omitted law reads:

17 Sec. 20. All bonds of the district
18 are legal and authorized investments for
19 banks, savings banks, trust companies,
20 building and loan associations, insurance
21 companies, fiduciaries, trustees, and for
22 the sinking fund of cities, towns,
23 villages, counties, school districts, or
24 other political corporations or
25 subdivisions of the State of Texas. The
26 bonds are eligible to secure the deposit of
27 any and all public funds of the State of
28 Texas, and any and all public funds of
29 cities, towns, villages, counties, school
30 districts, or other political corporations
31 or subdivisions of the State of Texas, and
32 the bonds are lawful and sufficient
33 security for these deposits to the extent of
34 their value, when accompanied by all
35 unmatured coupons appurtenant thereto.

36 Revisor's Note
37 (End of Chapter)

38 (1) Section 5, Chapter 337, Acts of the 65th
39 Legislature, Regular Session, 1977, provides that an
40 election to confirm the creation of the district must
41 be held before the district may issue any bonds or
42 other obligations. The revised law omits that
43 provision as executed because the district has issued
44 bonds, and any confirmation election would have been

1 held. The omitted law reads:

2 Sec. 5. Before issuing any bonds or
3 other obligations, an election shall be
4 held within the boundaries of the proposed
5 district to determine if the proposed
6 district shall be established; such
7 election and notice thereof shall be held
8 and given in the manner provided by Chapter
9 54 of the Water Code.

10 (2) Section 21, Chapter 337, Acts of the 65th
11 Legislature, Regular Session, 1977, provides in part
12 that the act is sufficient authority for the issuance
13 of bonds, the execution of contracts and conveyances,
14 and the performance of other authorized acts by the
15 district and all other public agencies, without
16 reference to any other law or any restrictions or
17 limitations contained in another law, except as
18 specifically provided by the act.

19 The revised law omits the statement that the act
20 is sufficient authority for the performance of acts
21 authorized by the act because it is unnecessary. The
22 operative provisions of the act are fully effective on
23 their own terms.

24 The revised law omits the statement that other
25 laws or restrictions or limitations contained in those
26 laws do not apply because it is both unnecessary and
27 potentially misleading. An accepted general principle
28 of statutory construction requires a statute to be
29 given cumulative effect with other statutes unless it
30 provides otherwise or unless the statutes are in
31 conflict. To the extent the statement means that the
32 act prevails over other law in existence at the time
33 the act became effective and with which the act
34 conflicts, it merely restates general rules of
35 statutory construction. To the extent the statement
36 means the act prevails over future enactments of the
37 legislature that may conflict with it, it is
38 misleading. Section 311.026, Government Code (Code

1 Construction Act), governs the interpretation of the
2 revised law in instances of apparent conflict with
3 other laws.

4 Finally, codification of the statement is
5 potentially misleading because the revised law not
6 only omits provisions of the act that are impliedly
7 repealed by other law, it also omits provisions that
8 are duplicative of other law. Codification of the
9 statement might create an impression that the
10 provisions of other law that duplicate the omitted
11 provisions do not apply.

12 Section 21 also provides that the district and
13 all other public agencies and political subdivisions
14 may use the provisions of other laws that do not
15 conflict with the act to carry out any power granted by
16 the act. The revised law omits that provision as
17 unnecessary. The operative provisions of other
18 applicable laws are fully effective on their own
19 terms. The omitted law reads:

20 Sec. 21. This Act shall be wholly
21 sufficient authority within itself for the
22 issuance of the bonds, the execution of
23 contracts, and conveyances, and the
24 performance of the other acts and
25 procedures authorized in this Act by the
26 district, and all other public agencies and
27 political subdivisions, without reference
28 to any other law or any restrictions or
29 limitations contained therein, except as
30 specifically provided in this Act. The
31 district, and all other public agencies and
32 political subdivisions, may use the
33 provisions of any other laws, not in
34 conflict with the provisions, to the extent
35 convenient or necessary to carry out any
36 power or authority, express or implied,
37 granted by this Act.

38 (3) Section 23, Chapter 337, Acts of the 65th
39 Legislature, Regular Session, 1977, provides that the
40 act is severable. The revised law omits that provision
41 because it duplicates in substance Section 311.032,
42 Government Code (Code Construction Act), which states
43 that a provision of a statute is severable from each

1 other provision of the statute that can be given
2 effect. The omitted law reads:

3 Sec. 23. If any word, phrase, clause,
4 paragraph, sentence, part, portion, or
5 provision of this Act or the application
6 thereof to any person or circumstance shall
7 be held to be invalid or unconstitutional,
8 the remainder of this Act shall
9 nevertheless be valid, and the Legislature
10 hereby declares that this Act would have
11 been enacted without such invalid or
12 unconstitutional word, phrase, clause,
13 paragraph, sentence, part, portion, or
14 provision. . . .

15 (4) Section 24, Chapter 337, Acts of the 65th
16 Legislature, Regular Session, 1977, contains
17 legislative findings related to the performance of
18 certain requirements under Section 59, Article XVI,
19 Texas Constitution. The revised law omits that
20 provision as executed. The omitted law reads:

21 Sec. 24. It is determined and found
22 that a proper and written notice of the
23 intention to introduce this Act setting
24 forth the general substance of this Act has
25 been published at least 30 days and not more
26 than 90 days prior to the introduction of
27 this Act in the Legislature of the State of
28 Texas in a newspaper having a general
29 circulation in the county in which the
30 district is located; that a copy of such
31 notice and a copy of this Act have been
32 delivered to the Governor of Texas who has
33 submitted such notice and Act to the Texas
34 Water Rights Commission, and said Texas
35 Water Rights Commission has filed its
36 recommendations as to this Act with the
37 governor, lieutenant governor, and speaker
38 of the house of representatives within 30
39 days from the date such notice and Act were
40 received by the Texas Water Rights
41 Commission; and that all the requirements
42 and provisions of Article XVI, Section 59d,
43 of the Texas Constitution, have been
44 fulfilled and accomplished as herein
45 provided, and that any applicable
46 requirements and provisions of Article XVI,
47 Section 59e, of the Texas Constitution,
48 have been fulfilled and accomplished.

1 APPENDIX A

2 CONFORMING AMENDMENTS

3 SECTION 2.01. Section 1, Chapter 145, Acts of the 41st
4 Legislature, Regular Session, 1929, is amended to read as follows:

5 Sec. 1. Cameron County Drainage District Number One of
6 Cameron County, Texas, including within its limits the territory
7 described and defined in that certain order of the Commissioners'
8 Court of Cameron County, Texas, passed and adopted by said Court on
9 the 22nd day of January, A. D. 1920, recorded in Book "J," pages 536
10 to 540, Minutes of the Commissioners' Court of said County, same
11 including within its limits the territory described and defined in
12 said order, the metes and bounds of which said territory is as
13 follows, to-wit:

14 Being all of the Territory situated and lying in Cameron
15 County Texas and bounded on the North by the Cautes Resaca, on the
16 West by the East line of Share No. 1, a subdivision of the Espiritu
17 Santo Grant.

18 On the South by the Resaca de la Guerra, and the Resaca Rancho
19 Viejo. On the East between Resaca Rancho Viejo and Resaca de la
20 Guerra, by the East line of Partition Share 29 and between Resaca
21 Rancho Viejo and Cuates Resaca by the East line of Partition Share
22 No. 32 and being more fully described by metes and Bounds as
23 follows:

24 Beginning at a point on the East line of Partition Share No. 1
25 a subdivision of the Espiritu Santo Grant, and at the N. W. corner
26 of a 440 acre survey being Partition Share No. 4, a subdivision of
27 said Espiritu Santo Grant, and running Thence N. 8°00' E. with the
28 East line of Partition Share No. 1, a distance of 50231 feet to a
29 stake on the North Bank of the Resaca de los Cuates for N. W. Corner;
30 Thence down said Cuates Resaca and the North Bank thereof to a point
31 at the intersection of said North Bank with the West line of
32 Partition Share 32, a subdivision of the Espiritu Santo Grant.
33 Thence East to the East line of said Share No. 32, and on West line
34 of Laguna Vista tract; thence in a southerly direction with the West

1 line of Laguna Vista tract, Santa Isabel Tract, and San Martin
2 tract, a distance of 66800 feet to a point which is 9484 feet from a
3 stone and concrete monument on the estero near the river and being,
4 a corner of the San Martin Grant as called for in its patent; Thence
5 West to Resaca Rancho Viejo; Thence up Resaca Rancho Viejo with its
6 meanders to the East line of Partition Share No. 29, a subdivision
7 of Espiritu Santo Grant; Thence in a southerly direction with the
8 East line of Share No. 29, a distance of 13212 feet to the North bank
9 of Resaca de la Guerra; Thence up the North bank of Resaca de la
10 Guerra with its various meanders, to the West line of Partition
11 Share No. 17, a subdivision of the Espiritu Santo Grant; Thence in a
12 northerly direction with said West line of Share No. 17 to the place
13 of beginning, containing 81136 acres[~~, is hereby created and~~
14 ~~established as a Conservation District in said county under~~
15 ~~authority of Section 59 of Article 16 of the Constitution of the~~
16 ~~State of Texas, for the purpose of the reclamation and drainage of~~
17 ~~its seeped, salty, waterlogged and over flowed lands, and other~~
18 ~~lands needing drainage, and all other purposes as contemplated by~~
19 ~~section 59 of Article 16 of the Constitution of this State, and said~~
20 ~~district shall be a governmental agency and body politic with all~~
21 ~~powers as are granted to such conservation districts in the~~
22 ~~Constitution and in the General Laws of the State of Texas].~~

23 SECTION 2.02. Section 1, Chapter 533, Acts of the 57th
24 Legislature, Regular Session, 1961, is amended to read as follows:

25 Sec. 1. The [~~Under and pursuant to the provisions of Section~~
26 ~~59 of Article XVI, Constitution of Texas, a conservation and~~
27 ~~reclamation district is hereby created and incorporated in Liberty~~
28 ~~County, Texas, to be known as "Hull Fresh Water Supply District,"~~
29 ~~hereafter referred to as the "District," and the]~~ boundaries of the
30 Hull Fresh Water Supply District [~~said District~~] shall be as
31 follows:

32 BEGINNING at the NE corner of the Chas. Underdon Survey,
33 A-391, Liberty County, Texas, which point of beginning is also the
34 SE corner of the C. F. Stevens Survey, A-920, and is in the West line

1 of the A. Melonson Survey No. 194, A-701;

2 THENCE following the East line of said Stevens Survey in a
3 Northerly direction to the NE corner of said Stevens Survey, A-920,
4 the same being the NW corner of the aforesaid A. Melonson Survey No.
5 194, A-701;

6 THENCE in an Easterly direction following the North line of
7 said A. Melonson Survey No. 194 to the SE corner of the Humble
8 Pipeline Co. 40.25 acre tract of land;

9 THENCE in a Northerly direction following the East line of
10 said Humble Pipeline Co. 40.25 acre tract, and the Northerly
11 prolongation of said East line to a point in the North right-of-way
12 line of the Missouri Pacific RR;

13 THENCE in a Westerly direction following said North
14 right-of-way line of said RR to the SE corner of the Magnolia
15 Pipeline Co. 39.08 acre tract;

16 THENCE in a Northerly direction following the East line of
17 said 39.08 acre tract to the NE corner of same;

18 THENCE in a Westerly direction following the North line of
19 said 39.08 acre tract and the Westerly prolongation of same to the
20 SE corner of the Leo Fregia 4 acre tract of land;

21 THENCE following the East line of said Fregia 4 acre tract in
22 a Northerly direction to the NE corner of said tract;

23 THENCE following the North line of said Leo Fregia 4 acre
24 tract in a Westerly direction to the NW corner of same, said corner
25 being the most Easterly SE corner of the J. L. Deckert tract of land
26 situated in the H. T. C. Survey No. 193, A-239;

27 THENCE following the East line of said J. L. Deckert tract in
28 a Northerly direction to the NE corner of same, said corner being in
29 the North line of said H. T. C. Survey No. 193;

30 THENCE following the North line of said H. T. C. Survey No.
31 193 in an Easterly direction to a point in line with the Southerly
32 prolongation of the East line of the H. Taylor 4.5 acre tract of
33 land in the Francis Smith Survey, A-346;

34 THENCE in a Northerly direction along said Southerly

1 prolongation of said East line of said H. Taylor 4.5 acre tract and
2 continuing along said East line of said 4.5 acre tract and the
3 Northerly prolongation of said East line to the center line of
4 Batiste Creek;

5 THENCE in a generally Northwesterly direction following the
6 meanders of the center of Batiste Creek upstream to a point in the
7 West line of the J. W. Mecom 48 acre tract in the Francis Smith
8 Survey, A-346;

9 THENCE following the West line of said J. W. Mecom 48 acre
10 tract in a Southerly direction to the SW corner of same, and the SE
11 corner of another tract of land belonging to said J. W. Mecom and
12 containing 73.33 acres;

13 THENCE in a Westerly direction following the South line of
14 said J. W. Mecom 73.33 acre tract and the Westerly prolongation of
15 same to the NW corner of Garden Subdivision out of said Francis
16 Smith Survey, A-346, according to a map or plat of said Subdivision,
17 of record in Vol. 113, page 177, of the Deed Records of Liberty
18 County, Texas;

19 THENCE in a Southerly direction following the West line of
20 said Garden Subdivision and the Southerly prolongation of said West
21 line to a point 280 ft. South of the intersection of said Southerly
22 prolongation of said West line with the South right-of-way line of
23 F.M. Hwy. 834 based upon a right-of-way width of 80 ft.;

24 THENCE in an Easterly direction at right angles to said
25 Southerly prolongation of the West line of said Garden Subdivision
26 to a point in the West line of the J. S. Wheless and Thos. J. Baten
27 15 acre tract;

28 THENCE in a Southerly direction following the West line of
29 said Wheless and Baten 15 acre tract to the SW corner of said tract,
30 the same being a point in the North line of the Jewell Vaughn 14.33
31 acre tract;

32 THENCE in a Westerly direction following the North line of
33 said Vaughn 14.33 acre tract to the NW corner of said tract;

34 THENCE in a Southerly direction following the West line of

1 said Jewell Vaughn 14.33 acre tract and the Southerly prolongation
2 of said West line to the SW corner of the T. D. Richardson, et al., 8
3 acre tract, which SW corner of said tract is in the North line of the
4 C. F. Stevens Survey 194, A-767;

5 THENCE in a Westerly direction following the North line of
6 said Stevens Survey to the NW corner of said Survey, the same being
7 a point in the East line of the William Smith Survey, A-342;

8 THENCE following the East line of said William Smith Survey,
9 A-342, in a Southerly direction a distance of 2,000 ft.;

10 THENCE in an Easterly direction at right angles to the East
11 line of said William Smith Survey, A-342, following a straight line
12 to the West line of the J. P. Richardson 75.88 acre tract;

13 THENCE following the West line of said J. P. Richardson 75.88
14 acre tract in a Southerly direction to the North line of the Chas.
15 Underton Survey, A-391;

16 THENCE following the North line of said Chas. Underton
17 Survey, A-391, in an Easterly direction to the NE corner of said
18 Underton Survey the POINT OF BEGINNING, containing 1,076 acres of
19 land, more or less.

20 SECTION 2.03. Section 1, Chapter 20, Acts of the 57th
21 Legislature, 3rd Called Session, 1962, is amended to read as
22 follows:

23 Sec. 1. ~~[Authority Created. Pursuant to, and as expressly~~
24 ~~authorized by Section 59, Article XVI of the Constitution of the~~
25 ~~State of Texas, and in addition to all other districts into which~~
26 ~~the State has been divided heretofore, there is hereby created a~~
27 ~~conservation and reclamation district to be known as "Memorial~~
28 ~~Villages Water Authority" (hereinafter referred to as the~~
29 ~~Authority), which shall be recognized to be a governmental agency,~~
30 ~~a body politic and corporate, and a political subdivision of this~~
31 ~~State.]~~ The area of the Memorial Villages Water Authority
32 ~~[Authority]~~ shall consist of the following:

33 All land which on the effective date of this Act is located
34 within the corporate limits of the City of Hedwig Village,

1 Texas, located in the Isaac Bunker A-121 and A. H. Osbourne
2 A-610 surveys, in Harris County, Texas; and all land which on
3 the effective date of this Act is located within the
4 corporate limits of the City of Piney Point Village, Texas
5 located in the Bunker and Osbourne surveys and in the John D.
6 Taylor survey A-72, except that certain area of 0.19 square
7 miles annexed by Ordinance No. 19 passed and approved by the
8 City Council of the City of Piney Point Village, Texas, on
9 October 13, 1955, and delineated in METES AND BOUNDS OF PINEY
10 POINT VILLAGE AND ANNEXED AREA recorded in Volume 3604, Page
11 708 of the Deed Records of Harris County, Texas, and in Volume
12 58, Page 41 of the Map Records of Harris County, Texas; and
13 all land which on the effective date of the Act is located
14 within the corporate limits of the City of Hunter's Creek
15 Village, Texas, north of Buffalo Bayou except that portion
16 thereof known as Creekside Manor subdivision in the said
17 Taylor, Osbourne and R. Vince A-77 surveys, all of such land
18 being situated in Harris County, Texas.

19 SECTION 2.04. Section 1, Chapter 38, Acts of the 57th
20 Legislature, 3rd Called Session, 1962, is amended to read as
21 follows:

22 Sec. 1. The [~~Under and pursuant to the provisions of Section~~
23 ~~59 of Article XVI, Constitution of Texas, a conservation and~~
24 ~~reclamation district is hereby created and incorporated in Bee~~
25 ~~County, Texas, to be known as "Pettus Municipal Utility District,"~~
26 ~~hereinafter referred to as the "District," and the~~] boundaries of
27 the Pettus Municipal Utility District [~~said District~~] shall be as
28 follows:

29 Beginning at the Southeast corner of the Town of Pettus, Bee
30 County, Texas, according to plat filed in Vol. K, Page 517, Deed
31 Records, Bee County, Texas, in the George A. Kerr Survey, Abstract
32 209;

33 Thence N. 18° 10' W. with the eastern boundary line of said
34 Town of Pettus a distance of 2,560 feet to the Northeast corner of

1 said Town of Pettus;

2 Thence S. 71° 50' W. along the northern boundary line of said
3 Town of Pettus a distance of 103.9 feet;

4 Thence N. 60° 26' W. a distance of 40.3 feet;

5 Thence N. 71° 50' E. a distance of 214 feet;

6 Thence Northeasterly along the northern right-of-way line of
7 F. M. Highway No. 623, rotating 24° 53' 53" about a radial center
8 with radius of 449.26 feet, an arc distance of 195.23 feet, to a
9 point on said northern right-of-way line of said Highway No. 623;

10 Thence N. 48° 14' E. along said Northern right-of-way line of
11 said Highway No. 623 a distance of 50.66 feet to a corner of that
12 certain tract of land conveyed by George A. Ray, Jr. to the Pettus
13 Independent School District by Deed recorded in Volume 218, Page
14 292, Bee County records;

15 Thence N. 05° 20' W. with the eastern boundary of said tract of
16 land conveyed by George A. Ray, Jr. to said School District a
17 distance of 298.08 feet for a corner;

18 Thence S. 84° 17' W. a distance of 1,114.1 feet to a point for
19 corner;

20 Thence N. 60° 26' W. a distance of 480.8 feet;

21 Thence S. 52° 40' W. a distance of 477.5 feet to the most
22 easterly eastern boundary line of the Danaho Refinery tract,
23 described in Deed of Trust Records, Volume 64, Page 424, Bee County
24 records;

25 Thence N. 18° 10' W. with said most easterly eastern boundary
26 line of the said Danaho Refinery tract a distance of 1,819.5 feet to
27 the Northeast corner of said Danaho Refinery tract;

28 Thence S. 71° 50' W. with the northern boundary line of said
29 Danaho Refinery tract, at 734 feet pass a 3/4 inch iron pipe set in
30 the eastern right-of-way line of the T & NO (S. P.) railroad
31 property, and continuing on the same course along the westerly
32 projection of said Northern boundary line of the said Danaho
33 Refinery tract a distance of approximately 2250 feet to a point in
34 the centerline of Medio Creek;

1 Thence down the centerline of said Medio Creek with its
2 meanders in a generally southerly direction to a point in said
3 centerline from whence the Northeast corner of the Denver C.
4 Roberts 32.08 acre tract (description recorded in Deed Volume 184,
5 Page 302) bears S. 58° 14' W. at approximately 580 feet;

6 Thence S. 58° 14' W., at approximately 580 feet pass a one inch
7 iron pipe set at said Northeast corner of said Roberts 32.08 acre
8 tract, a total distance of 2,369 feet, more or less, to the
9 Northwest corner of said Roberts 32.08 acre tract;

10 Thence S. 70° 14' W. with the northern boundary line of the
11 Fred Hoffer 11.25 acre tract, the northern boundary line of the
12 Mineral Heights Subdivision, and continuing on the same course a
13 total distance of approximately 4,480 feet to the western boundary
14 line of said George A. Kerr Survey, Abstract 209;

15 Thence S. 20° E. with said western boundary line of said Kerr
16 Survey a distance of approximately 943.5 feet to a point, said point
17 being S. 20° E. 150 feet from the intersection of said western
18 boundary line of said Kerr Survey and the southern right-of way line
19 of F. M. Highway No. 623;

20 Thence N. 70° 14' E. along a line parallel to and 150 feet at
21 right angles southerly from said southern right-of-way line of
22 F. M. Highway No. 623 a distance of approximately 6,880 feet, and
23 continuing in a generally easterly direction along the tangents and
24 curves of said line parallel to and 150 feet at right angles
25 southerly from such southern right-of-way line of said F. M.
26 Highway 623 to a point in the centerline of said Medio Creek;

27 Thence in a generally southerly and westerly direction down
28 the centerline of said Medio Creek with its meanders a distance of
29 approximately 1,310 feet to its intersection with a line projected
30 800 feet westerly at right angles from the northerly projection of
31 the western right-of-way line of U. S. Highway No. 181, and from
32 such intersection a point in the centerline of said T. & NO Railroad
33 bears N. 71° 50' E. at 970 feet;

34 Thence in a generally southerly direction along the tangents

1 and curves of a line parallel to and 800 feet westerly at right
2 angles from said northerly projection and said western right-of-way
3 line of said highway a distance of approximately 2,650 feet to a
4 point from whence the southeast corner of the George A. Ray, Jr.
5 75.64 acre tract bears S. 79° 20' E. at 843.8 feet and from whence a
6 point in said western right-of-way line of U. S. Highway No. 181
7 bears S. 86° 53' E. at 800 feet;

8 Thence S. 86° 53' E. a distance of 689 feet to the point of
9 intersection of the centerlines of two small creeks from whence a
10 1/4 inch iron pipe set at the southeast corner of said George A.
11 Ray, Jr. 75.64 acre tract bears S. 49° 55' E. at 184.5 feet;

12 Thence in a generally easterly direction up the centerline of
13 that one of the said two small creeks which runs approximately S.
14 86° 53' E., with its meanders, under U. S. Highway No. 181 and the T &
15 NO Railroad and continuing up said creek to a point in its
16 centerline from whence a point in the eastern right-of-way line of
17 said T & NO Railroad bears N. 86° 53' W. at 800 feet and from whence
18 said Southeast corner of said Ray 75.64 acre tract bears S. 86° 54'
19 W. at 1,028 feet;

20 Thence in a generally northeasterly direction along the
21 tangents and curves of a line parallel to and 800 feet easterly at
22 right angles from the eastern right-of-way line of said T & NO
23 Railroad a distance of approximately 3,000 feet to a point in the
24 centerline of a small creek;

25 Thence up the centerline of said small creek with its
26 meanders in a generally northeasterly direction a distance of
27 approximately 940 feet to a point in the southern boundary line of
28 the Town of Pettus from whence the Southeast corner of said Town of
29 Pettus bears N. 71° 50' E. at approximately 700 feet;

30 Thence N. 71° 50' E along said southern boundary line of the
31 Town of Pettus a distance of approximately 700 feet to the Southeast
32 corner of the Town of Pettus, the place of beginning, containing 600
33 acres more or less, in Bee County, Texas.

34 Beginning at the Southeast corner of the Town of Pettus, Bee

1 County, Texas, according to plat filed in Vol. K, Page 517, Deed
2 Records, Bee County, Texas, in the George A. Kerr Survey, Abstract
3 209;

4 Thence N. 18° 10' W. with the eastern boundary line of said
5 Town of Pettus a distance of 2,560 feet to the Northeast corner of
6 said Town of Pettus;

7 Thence S. 71° 50' W. along the northern boundary line of said
8 Town of Pettus a distance of 103.9 feet;

9 Thence N. 60° 26' W. a distance of 40.3 feet;

10 Thence N. 71° 50' E. a distance of 214 feet;

11 Thence Northeasterly along the northern right-of-way line of
12 F. M Highway No. 623, rotating 24° 53' 53" about a radial center with
13 radius of 449.26 feet, an arc distance of 195.23 feet, to a point on
14 said northern right-of-way line of said Highway No. 623;

15 Thence N. 48° 14' E. along said Northern right-of-way line of
16 said Highway No. 623 a distance of 50.66 feet to a corner of that
17 certain tract of land conveyed by George A. Ray, Jr. to the Pettus
18 Independent School District by Deed recorded in Volume 218, Page
19 292, Bee County records;

20 Thence N. 05° 20' W. with the eastern boundary of said tract of
21 land conveyed by George A. Ray, Jr. to said School District a
22 distance of 298.08 feet for a corner;

23 Thence S. 84° 17' W. a distance of 1,114.1 feet to a point for
24 corner;

25 Thence N. 60° 26' W. a distance of 480.8 feet;

26 Thence S. 52° 40' W. a distance of 477.5 feet to the most
27 easterly eastern boundary line of the Danaho Refinery tract,
28 described in Deed of Trust Records, Volume 64, Page 424, Bee County
29 records;

30 Thence N. 18° 10' W. with said most easterly eastern boundary
31 line of the said Danaho Refinery tract a distance of 1,819.5 feet to
32 the Northeast corner of said Danaho Refinery tract;

33 Thence S. 71° 50' W. with the northern boundary line of said
34 Danaho Refinery tract, at 734 feet pass a 3/4 inch iron pipe set in

1 the eastern right-of-way line of the T & NO (S. P.) railroad
2 property, and continuing on the same course along the westerly
3 projection of said Northern boundary line of the said Danaho
4 Refinery tract a distance of approximately 2250 feet to a point in
5 the centerline of Medio Creek;

6 Thence down the centerline of said Medio Creek with its
7 meanders in a generally southerly direction to a point in said
8 centerline from whence the Northeast corner of the Denver C.
9 Roberts 32.08 acre tract (description recorded in Deed Volume 184,
10 Page 302) bears S. 58° 14' W. at approximately 580 feet;

11 Thence S. 58° 14' W., at approximately 580 feet pass a one inch
12 iron pipe set at said Northeast corner of said Roberts 32.08 acre
13 tract, a total distance of 2,369 feet, more or less, to the
14 Northwest corner of said Roberts 32.08 acre tract;

15 Thence S. 70° 14' W. with the northern boundary line of the
16 Fred Hoffer 11.25 acre tract, the northern boundary line of the
17 Mineral Heights Subdivision, and continuing on the same course a
18 total distance of approximately 4,480 feet to the western boundary
19 line of said George A. Kerr Survey, Abstract 209;

20 Thence S. 20° E. with said western boundary line of said Kerr
21 Survey a distance of approximately 943.5 feet to a point, said point
22 being S. 20° E. 150 feet from the intersection of said western
23 boundary line of said Kerr Survey and the southern right-of-way
24 line of F. M. Highway No. 623;

25 Thence N. 70° 14' E. along a line parallel to and 150 feet at
26 right angles southerly from said southern right-of-way line of
27 F. M. Highway No. 623 a distance of approximately 6,880 feet, and
28 continuing in a generally easterly direction along the tangents and
29 curves of said line parallel to and 150 feet at right angles
30 southerly from such southern right-of-way line of said F. M.
31 Highway 623 to a point in the centerline of said Medio Creek;

32 Thence in a generally southerly and westerly direction down
33 the centerline of said Medio Creek with its meanders a distance of
34 approximately 1,310 feet to its intersection with a line projected

1 800 feet westerly at right angles from the northerly projection of
2 the western right-of-way line of U. S. Highway No. 181, and from
3 such intersection a point in the centerline of said T. & NO Railroad
4 bears N. 71° 50' E. at 970 feet;

5 Thence in a generally southerly direction along the tangents
6 and curves of a line parallel to and 800 feet westerly at right
7 angles from said northerly projection and said western right-of-way
8 line of said highway a distance of approximately 2,650 feet to a
9 point from whence the southeast corner of the George A. Ray, Jr.
10 75.64 acre tract bears S. 79° 20' E. at 843.8 feet and from whence a
11 point in said western right-of-way line of U. S. Highway No. 181
12 bears S. 86° 53' E. at 800 feet;

13 Thence S. 86° 53' E. a distance of 689 feet to the point of
14 intersection of the centerlines of two small creeks from whence a
15 1/4 inch iron pipe set at the southeast corner of said George A.
16 Ray, Jr. 75.64 acre tract bears S. 49° 55' E. at 184.5 feet;

17 Thence in a generally easterly direction up the centerline of
18 that one of the said two small creeks which runs approximately S.
19 86° 53' E., with its meanders, under U. S. Highway No. 181 and the T &
20 NO Railroad and continuing up said creek to a point in its
21 centerline from whence a point in the eastern right-of-way line of
22 said T & NO Railroad bears N. 86° 53' W. at 800 feet and from whence
23 said Southeast corner of said Ray 75.64 acre tract bears S. 86° 54'
24 W. at 1,028 feet;

25 Thence in a generally northeasterly direction along the
26 tangents and curves of a line parallel to and 800 feet easterly at
27 right angles from the eastern right-of-way line of said T & NO
28 Railroad a distance of approximately 3,000 feet to a point in the
29 centerline of a small creek;

30 Thence up the centerline of said small creek with its
31 meanders in a generally northeasterly direction a distance of
32 approximately 940 feet to a point in the southern boundary line of
33 the Town of Pettus from whence the Southeast corner of said Town of
34 Pettus bears N. 71° 50' E. at approximately 700 feet;

1 Thence N. 71° 50' E along said southern boundary line of the
2 Town of Pettus a distance of approximately 700 feet to the Southeast
3 corner of the Town of Pettus, the place of beginning, containing 600
4 acres more or less, in Bee County, Texas.

5 SECTION 2.05. Section 1, Chapter 4, Acts of the 58th
6 Legislature, Regular Session, 1963, is amended to read as follows:

7 Sec. 1. The [~~Under and pursuant to the provisions of Section~~
8 ~~59 of Article XVI, Constitution of Texas, a Conservation and~~
9 ~~Reclamation District is hereby created and incorporated in Willacy~~
10 ~~County, Texas, to be known as "Port Mansfield Public Utility~~
11 ~~District," hereinafter referred to as the "District," and the~~
12 boundaries of the Port Mansfield Public Utility District [~~said~~
13 ~~District~~] shall be as follows:

14 STARTING with the U. S. Coastal and Geodetic Survey,
15 permanent bench Sauz, which is located as latitude 26 degrees, 32
16 minutes, 16.012 seconds, and longitude 97 degrees, 25 minutes,
17 13.527 seconds;

18 THENCE, at an azimuth 202 degrees, 32 minutes, for a distance
19 of 351.4 feet to the point of beginning, said point being at the
20 ordinary high tide line on the shoreline of Red Fish Bay and being
21 the southeast corner of said District;

22 THENCE, west (azimuth 270 degrees, 0 minutes) for a distance
23 of 7,940 feet to a point, said point being the southwest corner of
24 said District;

25 THENCE, north (azimuth 0 degrees, 0 minutes) for a distance
26 of 11,880 feet to a point, said point being the northwest corner of
27 said District;

28 THENCE, east (azimuth 90 degrees, 0 minutes) for a distance
29 of 5,280 feet to the ordinary high tide line on the shore line of Red
30 Fish Bay, said point being the northeast corner of said District;

31 THENCE, generally southward, following said ordinary high
32 tide line of Red Fish Bay to the southeast corner of said District
33 and POINT OF BEGINNING, containing 1,760 acres of land, more or
34 less, and being out of and a part of the San Juan de Carricitos Grant

1 in Willacy County, Texas.

2 SECTION 2.06. Section 2, Chapter 29, Acts of the 55th
3 Legislature, 1st Called Session, 1957, is amended to read as
4 follows:

5 Sec. 2. [~~It is expressly determined and found that all of~~
6 ~~the territory included with the area of the district will be~~
7 ~~benefited by the works and projects which are to be accomplished by~~
8 ~~the Authority pursuant to the powers conferred by the provisions of~~
9 ~~Article XVI, Section 59, of the Constitution of Texas.] The area of
10 the Donahoe Creek Watershed Authority shall be all of that
11 territory enclosed within the following metes and bounds
12 description, to-wit:~~

13 BEGINNING at a point in the center of Little River on the
14 North line of the Juan J. Acosta Grant, in Milam County, Texas,
15 where the west ROW line of Farm-Market Road No. 486 crosses said
16 River;

17 Thence about S 20 W with the West ROW line to its'
18 intersection with the South ROW line of Farm-Market Road #487,
19 which is also the North line of the San Gabriel River Water Control
20 and Improvement District No. 1.

21 Thence with the North line of said District as follows:

22 Thence with the South ROW line of F-M Road No. 487 in a
23 westerly direction, through the Communities of Sharp and Davilla to
24 the point where said ROW line crosses the Milam, Bell Counties line.

25 Thence S 20 W with the Milam and Bell County lines to their
26 common corner on the North line of Williamson County.

27 Thence N 65 W with the Bell and Williamson County lines to the
28 point where said line crosses the North line of the M F
29 DeGraffenreid Survey No. 107.

30 Thence N 70 W with the North line of the M F DeGraffenreid
31 Survey No. 107 to the N W corner of same.

32 Thence S 20 W with the West line of said survey No. 107, and
33 the East lines of the M F DeGraffenreid Surveys Nos. 109 and 110, to
34 the S E corner of Survey No. 110.

1 Thence N 70 W with the south line of Survey No. 110, to the N E
2 corner of the M F DeGraffenreid Survey No. 111.

3 Thence S 20 W with the East line of Survey No. 111, to the S E
4 corner of Survey No. 111.

5 Thence N 70 W with the South line of Survey No. 111, to the
6 lower S W corner of Survey No. 111, on the East line of the J B
7 Rogers Survey No. 9.

8 Thence N 20 E with the east line of the J B Rogers Survey No. 9
9 to the N E corner of same.

10 Thence N 70 W with the North line of the J B Rogers Survey to N
11 W corner of same.

12 Thence S 20 W with the West line of the J B Rogers Survey to
13 the S W corner of same, the S E corner of the I & G N Railroad Co.
14 Survey No. 196.

15 Thence N 70 W with the south line of the I & G N RR Co Surveys
16 Nos. 196 and 195 to the S W corner of Survey No. 195.

17 Thence N 19 W with the West line of Survey No. 195 to the N W
18 corner, in the south line of the Willis Donahoe Survey.

19 Thence N 70 W with the south lines of the Willis Donahoe and
20 Edward Ryan surveys, to the lower S W corner of the Edward Ryan
21 Survey, in the East line of the W A Jenkins Survey.

22 Thence N 19 W with the Jenkins and Ryan Surveys, to the lower
23 N W corner of the Ryan Survey, the S W corner of the J. J.
24 Stubblefield Survey.

25 Thence N 71 E with the south line of the J J Stubblefield
26 Survey to the S E corner of same.

27 Thence N 19 W with the East line of the J J Stubblefield
28 Survey to the N E corner of same.

29 Thence southwesterly with the North line of the J J
30 Stubblefield Survey, to the N W corner of same, the N E corner of the
31 Herman Aiken Survey, an angle corner in the South line of the Wm
32 Adams Survey.

33 Thence S 71 W with the south line of the Wm Adams Survey to the
34 S W corner of same, in the East line of the A A Lewis Survey.

1 Thence N 19 W with the West line of the Wm Adams Survey and the
2 East line of the A A Lewis Survey, to the point in the East line of
3 the Lewis Survey where the South ROW line of F-M Road #487 crosses
4 same.

5 Thence Southwesterly across the A A Lewis and the Robert Lile
6 Surveys, to the point where the F-M Road crosses the Lile West line.

7 Thence here leaving the line of the San Gabriel District and
8 following the West line of the Robert Lile Survey, N 19 W to the
9 point where it intersects the East ROW line of US Highway #81.

10 Thence Northeasterly with the ROW line of US Highway #81, to
11 the point where said ROW line crosses the North line of the Lile
12 Survey.

13 Thence N 71 E with the Robert Lile Survey North line to the N E
14 corner of said Lile Survey, at or near the N W corner of the Wm B
15 McClellan Survey.

16 Thence N 71 E with the North line of the McClellan Survey,
17 crossing the Williamson-Bell County line, to the N E corner of the
18 McClellan Survey.

19 Thence S 19 E with the East line of the McClellan Survey to
20 the N W corner of the Samuel Wolfenbarger Survey.

21 Thence with the North lines of the Wolfenbarger and the Jesse
22 B Holman Survey, N 71 E to the N E corner of the Holman Survey to the
23 N W corner of the Josiah Chalk Survey.

24 Thence N 71 E with the North line of the Josiah Chalk Survey
25 and the North line of the H. Barney Survey, Abstract No. 1064, and
26 the South line of the Rueben Plummer Survey, to the S E corner of the
27 Plummer Survey and the N E corner of the H. Barney Survey.

28 Thence S 19 E with the upper East line of the H. Barney
29 Survey, to an Ell corner of the Barney Survey.

30 Thence N 71 E with the lower North line of the Barney Survey,
31 to the Eastmost N E corner, at the N W corner of the Amos Pollard
32 Survey, Abstract #667, and at the S W corner of the Henry Barney
33 Survey, Abst. #950.

34 Thence S 70 E with the South line of the Henry Barney Survey

1 to the S E corner of the Survey.

2 Thence N 20 E with the East line of the Henry Barney Survey to
3 the N W corner of the John L. Christoph Survey.

4 Thence S 70 E with the North line of the Christoph Survey to
5 the point where (about 0.6 miles distant) a County road crosses the
6 survey line.

7 Thence in a Northerly direction about 0.5 miles, with the
8 road and crossing a part of the M F DeGraffenreid Survey, Abstract
9 No. 275, to the S W corner of the John Laise Survey, Abst. #515, also
10 an Ell corner of the DeGraffenreid Survey.

11 Thence N 71 E with the South line of the Laise Survey and the
12 line of the DeGraffenreid Survey, to the point where another County
13 road intersects said lines, about the upper N W corner of the
14 DeGraffenreid Survey.

15 Thence in an E SE direction with the County road, along or
16 near the North line of this DeGraffenreid Survey and the North line
17 of another M F DeGraffenreid Survey, Abstract No. 274, to a bend in
18 the road.

19 Thence S 20 W with the road, about 0.4 miles to a fork in the
20 road.

21 Thence S 70 E with the road, about 0.6 miles to another bend
22 in the road, on or near the East line of the DeGraffenreid Survey,
23 in the West line of the Joseph Branham Survey, Abstract No. 123.

24 Thence N 20 E with the road and survey lines, about 0.1 miles
25 to another bend in the road.

26 Thence S 70 E about 0.6 miles and with the road to a bend.

27 Thence N 20 E about 0.1 miles with the road, to another bend.

28 Thence S 70 E about 1.0 miles to a crossroad.

29 Thence S 20 W about 0.1 miles to a crossroad.

30 Thence S 70 E at about 0.6 miles cross the East line of the J.
31 Branham Survey and the West line of the William Newland Survey, in
32 all about 0.9 miles to a bend.

33 Thence N 20 E with the road about 0.6 miles to a bend.

34 Thence S 70 E with the road about 0.1 miles to the East ROW

1 line of the M K & T Railroad running between Bartlett and Holland,
2 Texas.

3 Thence Northerly with the ROW line cross the Newland Survey,
4 and across the Lucian Barney Survey, to the point where said ROW
5 line crosses the North line of the Barney Survey and the South line
6 of the James B. Wills Survey.

7 Thence S 70 E with the South line of the J. B. Wills and the
8 George Allen Surveys, to the S E corner of the George Allen Survey.

9 Thence N 20 E with the East lines of the George Allen and the
10 J D Sholl Surveys, to the point where the center of F-M Road running
11 from just South of Holland through Vilas, crosses the East line of
12 the Sholl Survey.

13 Thence with the center of said road, in an easterly
14 direction, passing through Vilas, to the East line of Bell County,
15 the West line of Milam County, Texas.

16 Thence N 20 E with the County lines, to the point where said
17 line is crossed by Little River.

18 Thence in an Easterly and Southeasterly direction with the
19 River after about 6 miles a fork in the River bed, follow the new
20 channel, after about 6 miles more the new channel rejoins the old
21 channel, continue with old channel about 1 mile more to the POINT OF
22 BEGINNING.

23 SECTION 2.07. Section 1, Chapter 398, Acts of the 51st
24 Legislature, Regular Session, 1949, is amended to read as follows:

25 Sec. 1. The Duval County Conservation and Reclamation
26 District consists [~~Under and pursuant to the provisions of Article~~
27 ~~16, Section 59, of the Constitution of Texas, there is hereby~~
28 ~~created within the State of Texas, in addition to the districts into~~
29 ~~which the state has heretofore been divided, a conservation and~~
30 ~~reclamation district to be known as the Duval County Conservation~~
31 ~~and Reclamation District, hereinafter sometimes referred to as the~~
32 ~~"District," and consisting~~] of that part of the State of Texas which
33 is included within the boundaries of Duval County, exclusive of
34 that part of Duval County comprising the Freer Water Control and

1 Improvement District, of Duval County, and including that part of
2 Jim Wells County within the corporate limits of the City of San
3 Diego, Texas.

4 SECTION 2.08. Section 1, Chapter 613, Acts of the 59th
5 Legislature, Regular Session, 1965, is amended to read as follows:

6 Sec. 1. The [~~Under and pursuant to the provisions of Section~~
7 ~~59 of Article XVI, Constitution of Texas, a conservation and~~
8 ~~reclamation district is hereby created and incorporated in~~
9 ~~Galveston County, Texas, to be known as "Flamingo Isles Municipal~~
10 ~~Utility District of Galveston County, Texas," hereinafter referred~~
11 ~~to as the "District," and the]~~ boundaries of the Flamingo Isles
12 Municipal Utility District of Galveston County, Texas, [~~said~~
13 ~~District~~] shall be as follows:

14 All that certain tract of land situated wholly within
15 Galveston County, Texas, and being a part of the James Spillman
16 League, Abstract #175, part of the Arthur Burke Survey, Abstract
17 #25, part of the J. Butler Survey #16, Abstract #194, part of the J.
18 Butler Survey #18, Abstract #196, all of the J. Butler Survey #17,
19 Abstract #195 and all of the R. M. Brackenridge Survey, Abstract No.
20 38, the boundaries of the herein described tract being more fully
21 described as follows, to wit:

22 BEGINNING at a point where the Westerly line of said James
23 Spillman League intersects the Southerly line of that certain tract
24 of land conveyed to the G. C. & S. F. Railroad by deed of record in
25 Vol. 387, Page 117, in said County Clerk's office;

26 THENCE, in an Easterly direction along the Southerly line of
27 said G. C. & S. F. property to its most Southerly corner;

28 THENCE, in a Northerly direction along its most Easterly line
29 to the Southerly line of the G. C. & S. F. Railroad right of way;

30 THENCE, in an Easterly direction along the Southerly line of
31 said right of way to the most Northerly corner of a subdivision
32 known as West Galveston, out of said James Spillman League, map of
33 said Subdivision being of record in Vol. 92, Page 470, in said
34 County Clerk's office;

1 THENCE, in a general Southerly direction along the Westerly
2 line of said Subdivision to its West corner;

3 THENCE, in a Southeasterly direction along the Southerly line
4 of said Subdivision passing the shore line of Galveston Bay and
5 continuing on same course to the intersection with the
6 Southeasterly line of said James Spillman League;

7 THENCE, in a general Southwesterly direction along the
8 Southeast line of said League to the most Easterly corner of said R.
9 M. Brackenridge Survey;

10 THENCE, in a general Southwesterly direction along the
11 Southeasterly line of said Brackenridge Survey to its most
12 Southerly corner;

13 THENCE, in a Westerly direction along the most Southerly line
14 of said Brackenridge Survey to its most Westerly corner;

15 THENCE, in a general Northerly direction along the Westerly
16 line of said Brackenridge Survey, same being the Easterly line of
17 the L. T. Yowell Survey, Abstract 216, to the most Northerly corner
18 of said Brackenridge Survey, same being the most Easterly corner of
19 said Yowell Survey and on the Southerly line of said Spillman
20 League;

21 THENCE, in a general Westerly direction along the Southerly
22 line of said Spillman League, same being the Northerly line of said
23 Yowell Survey to the Southwesterly corner of said Spillman League,
24 same being the Northwest corner of said Yowell Survey and on the
25 Easterly line of the J. Butler Survey #17, same being on the
26 Easterly line of a tract of land conveyed to John W. Mecom by deed of
27 record in Vol. 1537, Page 521, in said County Clerk's office;

28 THENCE, in a general Southerly direction along the Easterly
29 line of said J. Butler Survey #17 to its Southeast corner, same
30 being the Northeast corner of the Maco Stewart Survey Abstract
31 #666;

32 THENCE, in a general Westerly direction along the Southerly
33 line of the J. Butler Survey #17 and the J. Butler Survey #18 and
34 along the Northerly line of said Maco Stewart Survey to the

1 Southwesterly corner of the J. Butler Survey #18 same being the
2 Southeasterly corner of the Wm. Rhodes Survey, Abstract 171, same
3 being the Southwesterly corner of the aforesaid John W. Mecom
4 Tract;

5 THENCE, in a general Northerly direction along the West line
6 of said J. Butler Survey #18 same being the Easterly line of said
7 Wm. Rhodes Survey to a re-entrant corner of said John W. Mecom
8 Tract;

9 THENCE, in an Easterly direction along said Mecom Tract to
10 another re-entrant corner in the J. Butler Survey #18;

11 THENCE, in a general Northerly direction along the Westerly
12 line of said Mecom Tract passing the Northerly line of the J. Butler
13 Survey #18 same being the Southerly line of the J. Butler Survey #16
14 and continuing along the Westerly line of said Mecom Tract to the
15 Southerly line of the Thomas Toby Survey, Abstract #193 same being
16 another re-entrant corner in said John W. Mecom Tract;

17 THENCE, in a general Easterly direction along the Southerly
18 line of said Toby Survey to its Southeast corner same being another
19 re-entrant corner of said Mecom Tract;

20 THENCE, in a Northerly direction along the Easterly line of
21 said Thomas Toby Survey and along a Westerly line of the J. Butler
22 Survey #16 to the Southwesterly corner of the Arthur Burke Survey,
23 Abstract #26 same being the most Northerly corner of said Mecom
24 Tract;

25 THENCE, in a general Easterly direction along the Southerly
26 line of said Arthur Burke Survey, Abstract #26 and along the
27 Northerly line of said Butler Survey #16 same being a Northerly line
28 of said Mecom Tract to the Southeast corner of said Arthur Burke
29 Survey, Abstract #25 being another re-entrant corner of said Mecom
30 Tract and a re-entrant of said J. Butler Survey #16;

31 THENCE, in a Southerly direction along the Westerly line of
32 said Arthur Burke Survey, Abstract #25 and along a line in the J.
33 Butler Survey #16 to the Southwest corner of said Arthur Burke
34 Survey, Abstract #25 same being a re-entrant corner in said Mecom

1 Tract and also a reentrant corner of the J. Butler Survey #16;

2 THENCE, in a general Easterly direction along the Southerly
3 line of said Arthur Burke Survey, Abstract #25 and along the
4 Northerly line of said J. Butler Survey #16 same being along the
5 most Southerly Northerly line of said Mecom Tract to the Northeast
6 corner of said J. Butler Survey #16 same being the Southeasterly
7 corner of said Arthur Burke Survey, Abstract #25, and being the
8 Northeast corner of aforementioned Mecom Tract and on the Westerly
9 line of the James Spillman League;

10 THENCE, in a general Northerly direction along the West line
11 of said James Spillman League and the Easterly line of the Arthur
12 Burke Survey, Abstract #25 to the place of beginning.

13 SECTION 2.09. Section 2, Chapter 268, Acts of the 53rd
14 Legislature, Regular Session, 1953, is amended to read as follows:

15 Sec. 2. The [~~District shall be situated in Wise County,~~
16 ~~Texas, and the~~] boundaries of the Wise County Water Supply District
17 [~~thereof~~] shall be as follows:

18 BEGINNING At a point in the original South Boundary Line of
19 said City of Decatur, Texas, which point is 1 mile South of the
20 center of the Public Square in Decatur, Texas, an iron pipe about 2
21 feet long, about 6 inches above the ground, a mesquite tree bears
22 North 50 1/2° West 82';

23 THENCE East with the original South line of the City Limits of
24 Decatur, Texas to the East Boundary Line of the Samuel Perrin
25 Survey, Abstract No. 684, and the West Boundary Line of the A. J.
26 Walker Survey, Abst. No. 860;

27 THENCE South 1° 31' West of the West Boundary Line of said
28 Walker Survey and East Boundary Line of said Perrin Survey to the
29 Northeast Right of Way Line of U.S. Highway 81-287 as now located;

30 THENCE Southeasterly with said Right of Way to the South
31 Boundary Line of said A. J. Walker Survey;

32 THENCE West with the South Boundary Line of said A. J. Walker
33 Survey to its intersection with the East Right of Way Line of State
34 Highway F.M. 730 as now located;

1 THENCE Southerly with the East Right of Way Line of said
2 Highway F.M. 730 to its intersection with the East Boundary Line of
3 the A. G. Harris Survey, Abstract No. 375;

4 THENCE South with the East Boundary Line of said A. G. Harris
5 Survey to the South Boundary Line of same, being the South Boundary
6 Line of the Valley View Acres Subdivision according to the recorded
7 plat thereof;

8 THENCE West with the South Boundary Line of said Valley View
9 Acres Subdivision and said A. G. Harris Survey, to the Southwest
10 corner of said Subdivision, in the center of a creek;

11 THENCE with the meanderings of said creek as follows:

12 North 6° 7' West 87.3 feet;

13 North 46° 55' East 189 feet;

14 North 53° 55' East 230.4 feet;

15 South 88° 44' East 176.3 feet;

16 North 63° 42' East 187.1 feet;

17 North 62° East 182 feet;

18 THENCE South 38° 58' East 69.5 feet to a corner;

19 THENCE South 81° 04' East 30' to a 2" iron stake in old fence
20 line;

21 THENCE North 34° 04' West 151.2 feet to a stake on the bank of
22 a creek;

23 THENCE North 13° 19' East 53 feet to a stake on the bank of a
24 creek;

25 THENCE North 50° 55' East 275 feet to the North corner of a
26 1.88 acre tract in said Harris Survey in the West Right of Way Line
27 of State Highway F M 730;

28 THENCE North with said Right of Way Line 64' to the Southeast
29 corner of a 1 acre tract conveyed to E. H. McDaniel by deed recorded
30 in Volume 208, Page 256, Deed Records of Wise County, Texas;

31 THENCE West with the South Line of said 1 acre tract 100' to
32 its Southwest corner, a stake in the East Bank of a creek;

33 THENCE Northeasterly with the meanderings of said creek to
34 the North Boundary Line of said 1 acre tract;

1 THENCE East 49' to the Northeast corner of said 1 acre tract,
2 in the West Right of Way Line of State Highway F M 730;
3 THENCE Northerly with the West Right of Way Line of said State
4 Highway F M 730 to its intersection with the South Boundary Line of
5 the A. J. Walker Survey, Abstract No. 860;
6 THENCE West with the South Boundary Line of said Walker
7 Survey to its Southwest corner, being the Southeast corner of the
8 Samuel Perrin Survey, Abstract No. 684;
9 THENCE North 1° 31' East with the East Boundary Line of said
10 Perrin Survey and West Boundary Line of said Walker Survey to the
11 Southwest Right of Way Line of said U. S. Highway 81-287;
12 THENCE Northwesterly with said Right of Way to its
13 intersection with the original South City Limits Line of said City
14 of Decatur;
15 THENCE West with the original South City Limits Line of said
16 City of Decatur to the East Right of Way Line of State Highway FM 51,
17 as now located;
18 THENCE Southwesterly with said Right of Way Line to its
19 intersection with the North Boundary Line of a 310 acre tract out of
20 the Samuel Isaacs Survey Abst. No. 454, conveyed to Wise County,
21 Texas by deed of record in Volume 6, Page 4, of the Deed Records of
22 Wise County, Texas;
23 THENCE East with the North Boundary Line of said 310 acre
24 tract to its Northeast corner, being the Northeast corner of said
25 Isaacs Survey;
26 THENCE South 1645 varas with the East Line of said 310 acre
27 tract to its Southeast corner;
28 THENCE West with the South Line of said 310 acre tract 1066
29 varas to its Southwest corner, a stake from which a B. J. bears
30 North 10° West 7 1/2 varas;
31 THENCE North with the East Boundary Line of said 310 acre
32 tract to the Southwest corner of a 76 acre tract in said Isaacs
33 Survey conveyed to G. R. Lipsey, Sr., by deed of record in Volume
34 214, Page 566, Deed Records of Wise County, Texas;

1 THENCE North 85° East, 42 varas to a corner in the West Right
2 of Way Line of said State Highway FM 51;

3 THENCE Northeasterly with the West Right of Way Line of said
4 State Highway F M 51 to its intersection with the original South
5 City Limits Line of said City of Decatur;

6 THENCE West with said original South City Limits Line to the
7 original Southwest corner of said City of Decatur;

8 THENCE North with the original West City Limits Line of the
9 City of Decatur to its intersection with the South Line of a 100
10 acre tract in the D. Moses Survey, Abstract No. 537 described in
11 deed to Coke L. Gage recorded in Volume 204, Page 244, of the Deed
12 Records of Wise County, Texas;

13 THENCE West with the South Line of said Coke L. Gage 100 acre
14 tract 747 varas to its Southwest corner;

15 THENCE North 950 varas to the Northwest corner of said 100
16 acre tract in the South Right of Way Line of said State Highway No.
17 24;

18 THENCE West with the South Right of Way Line of said State
19 Highway No. 24 to a point due South of the most Easterly Southwest
20 corner of an 84 acre tract in the J. H. Moore Survey, Abstract No.
21 538, described as FIRST TRACT in deed to C. L. Gage recorded in
22 Volume 208, Page 354, Deed Records of Wise County, Texas;

23 THENCE North crossing said State Highway No. 24, continuing
24 with the most Easterly West Line of said 84 acre tract to an inward
25 corner of same, said point being 225 varas North of the North Right
26 of Way Line of said Highway;

27 THENCE West 150 varas to the most Westerly Southwest corner
28 of said 84 acre tract;

29 THENCE North 682 varas to the Northwest corner of the said 84
30 acre tract;

31 THENCE East with the North Line of said 84 acre tract and
32 continuing East along the North Line of a 72 acre tract described as
33 SECOND TRACT in Deed to C. L. Gage recorded in Volume 208, Page 354,
34 Deed Records of Wise County, Texas, to the Northeast corner of said

1 72 acre tract on the West boundary line of the G. M. Vigil Survey,
2 Abst. No. 857;

3 THENCE South with the West Boundary Line of said G. M. Vigil
4 Survey to the Northwest corner of a 29.5 acre tract in said survey,
5 described as THIRD TRACT in deed to C. L. Gage recorded in Volume
6 208, Page 354, Deed Records of Wise County, Texas, a corner in
7 center of a branch;

8 THENCE Easterly with the meanderings of said branch to the
9 Northeast corner of said 29.5 acre tract, in the West Boundary Line
10 of the J. B. Williams Survey, Abst. No. 880;

11 THENCE Easterly continuing with the meanderings of said
12 branch to the Northeast corner of a 15.5 acre tract described as the
13 FOURTH TRACT in deed to C. L. Gage, recorded in Volume 208, Page
14 354, Deed Records of Wise County, Texas, being a point in the West
15 Boundary Line of a 40 acre tract in said J. B. Williams Survey
16 conveyed to J. H. Valcik by deed of record in Volume 170, Page 142,
17 Deed Records of Wise County, Texas;

18 THENCE North 40.0 varas to the Northwest corner of said J. H.
19 Valcik 40 acre tract;

20 THENCE East 171.47 varas to the Most Westerly Northeast
21 corner of said 40 acre tract;

22 THENCE South at 100 varas a branch at 133.2 varas an inward
23 corner in said 40 acre tract;

24 THENCE South 76° 39' East 254.52 varas to the Most Easterly
25 Northeast corner of said 40 acre tract;

26 THENCE South 217.6 varas to the Northwest corner of a 7 acre
27 tract in said J. B. Williams Survey conveyed to T. F. Cook by deed of
28 record in Volume 224, Page 419, Deed Records of Wise County, Texas;

29 THENCE East with the North Line of said 7 acre tract and the
30 North Line of a 2.5 acre tract in said Williams Survey conveyed to
31 J. Sherman by deed of record in Vo. 242, Page 431, Deed Records of
32 Wise County, Texas, a total distance of 239 varas to the Northeast
33 corner of said 2.5 acre;

34 THENCE North to the Northwest corner of a 9 acre tract in said

1 J. B. Williams Survey conveyed to L. P. Cole by deed of record in
2 Volume 208, Page 596, Deed Records of Wise County, Texas;

3 THENCE East with the North Line of said 9 acre tract a
4 distance of about 3 feet to the Original West City Limits Line of
5 the City of Decatur;

6 THENCE North with said Original West City Limits Line to the
7 original Northwest corner of said City of Decatur, an iron pipe for
8 corner, an elm tree bears South 75° West 30 1/2 feet;

9 THENCE East with the original North City Limits Line of said
10 City of Decatur, to its intersection with the center of the
11 Decatur-Forestburg road, being now designated as State Highway FM
12 730;

13 THENCE Northerly with the center of said Highway to the
14 Southwest corner of a 19.6 acre tract conveyed to J. N. Hinkle by
15 deed of record in Volume 158, Page 317, Deed Records of Wise County,
16 Texas;

17 THENCE North 76° 39' East with South Line of said 19.6 acre
18 tract 613.2 feet to a fence corner;

19 THENCE North 2° 2' West 329.3 feet to a fence corner;

20 THENCE South 79° 53' East 654.4 feet to a fence corner;

21 THENCE North 12° 28' West 543.7 feet to the North line of a
22 121.16 acre tract conveyed to the City of Decatur by deed of record
23 in Volume 156, Page 24, Deed Records of Wise County, Texas;

24 THENCE North 300' to a fence corner;

25 THENCE East 280' to a fence corner;

26 THENCE North 14° 20' East 751.3 feet to a corner in the South
27 Boundary Line of the J. M. Birdwell Survey, Abst. No. 68, being in
28 the South Boundary Line of the 80 acre Decatur Golf Club tract;

29 THENCE West with the South Boundary Line of said J. M.
30 Birdwell Survey to its Southwest corner;

31 THENCE North 475 varas to the Northwest corner of said
32 Decatur Golf Club 80 acre tract;

33 THENCE East 950 varas to the Northeast corner of said Decatur
34 Golf Club tract, in the East Boundary Line of said J. M. Birdwell

1 Survey;

2 THENCE South with the East Boundary Line of said J. M.
3 Birdwell Survey 475 varas to its Southeast corner;

4 THENCE West with the South Boundary Line of said J. M.
5 Birdwell Survey, to the most Northerly Northeast corner of the
6 Decatur Municipal Airport;

7 THENCE South 1028' with the East Boundary Line of said
8 Decatur Airport tract to an inward corner of same;

9 THENCE East 364.2 feet to the Northeast corner of a 121.16
10 acre tract conveyed to the City of Decatur by deed of record in
11 Volume 156, Page 24, Deed Records of Wise County, Texas;

12 THENCE South 1597.2 feet to the North Boundary Line of the R.
13 J. Lindley Survey, Abst. No. 1201, and the South Boundary Line of
14 the J. M. Birdwell Survey, Abst. No. 67;

15 THENCE East 18' to the center of the Decatur Cemetery Road;

16 THENCE With the center of said road South 33° West 450' to a
17 corner;

18 THENCE West 333.3 feet to a fence corner;

19 THENCE South 133.3 feet with fence line to the Northeast
20 corner of the N. H. Munger Survey, Abst. No. 581;

21 THENCE West with the North Boundary Line of said N. H. Munger
22 Survey to its intersection of the East Right of Way Line of State
23 Highway FM 730;

24 THENCE South with said Right of Way Line to the original North
25 City Limits Line of said City of Decatur;

26 THENCE East with said original North City Limits Line to the
27 original Northeast corner of said City of Decatur;

28 THENCE South with the original East City Limits Line of said
29 City of Decatur 10560 feet to an iron pipe for the original
30 Southeast corner of said City of Decatur, a railroad crossing sign
31 bears South 7° West 247 feet;

32 THENCE West with the original South City Limits Line of the
33 City of Decatur to the place of beginning.

34 ~~[It is hereby found that all land thus included in said~~

1 ~~District will be benefited by the improvements to be acquired and~~
2 ~~constructed by said District.]~~

3 SECTION 2.10. Section 1, Chapter 198, Acts of the 53rd
4 Legislature, Regular Session, 1953, is amended to read as follows:

5 Sec. 1. [~~Under and pursuant to the provisions of Article 16,~~
6 ~~Section 59 of the Constitution, a conservation and reclamation~~
7 ~~district is hereby created and incorporated in Medina County,~~
8 ~~Texas, to be known as Medina County Water Control and Improvement~~
9 ~~District No. 2, hereinafter sometimes referred to as the~~
10 ~~"District."~~] The boundaries of the Medina County Water Control and
11 Improvement District No. 2 [~~thereof~~] shall be as follows:

12 BEGINNING at a point in the east line of Survey No. 438,
13 Joseph McGinnis, which point is south 6276 feet from the northeast
14 corner of said Survey No. 438;

15 THENCE, West 1559 feet to a reentrant corner;

16 THENCE, North 2670 feet to a corner;

17 THENCE, West 1735 feet to a corner;

18 THENCE, South 1476 feet to a reentrant corner;

19 THENCE, West 1386 feet to a corner;

20 THENCE, South 1122 feet to a reentrant corner;

21 THENCE, West 812 feet to a corner;

22 THENCE, South 45° west 1016 feet to a point in the south
23 right-of-way line of the old Eagle Pass Road;

24 THENCE, South 300 feet to a corner;

25 THENCE, North 80° 30' east 770 feet to a reentrant corner;

26 THENCE, South 2320.6 feet to a corner, the southwest corner
27 of the District;

28 THENCE, East 5620 feet to a corner, the extreme southeast
29 corner of the District;

30 THENCE, North 1690 feet to a reentrant corner;

31 THENCE, East 370 feet to a corner;

32 THENCE, North 450 feet to a reentrant corner;

33 THENCE, East 1914 feet to a corner;

34 THENCE, North 610 feet to a point in the north line of Survey

1 No. 441, D. C. Burnett;

2 THENCE, West 1120 feet with the north line of said Survey No.
3 441, D. C. Burnett;

4 THENCE, North 390 feet to a corner;

5 THENCE, West 1333 feet to the point of beginning; containing
6 approximately 608 acres.

7 SECTION 2.11. Section 1, Chapter 324, Acts of the 57th
8 Legislature, Regular Session, 1961, is amended to read as follows:

9 Sec. 1. The Rio Grande Palms Water District [~~Under and~~
10 ~~pursuant to the provisions of Article XVI, Section 59, of the~~
11 ~~Constitution, a conservation and reclamation district within~~
12 ~~Cameron County, Texas, is hereby created and incorporated, to be~~
13 ~~known as "Rio Grande Palms Water District," hereinafter sometimes~~
14 ~~referred to as the "District." Said District~~] is situated within
15 the Espiritu Santo and San Pedro de Carricitos Grants of land in
16 Cameron [~~said~~] County. The boundaries thereof are as follows:

17 BEGINNING at the Northeast corner of what is commonly known
18 as Noriega Tract out of Share No. One, Espiritu Santo Grant, Cameron
19 County, Texas, said corner being the intersection of the East line
20 of the said Share No. One with the centerline of 80.0 feet Iowa
21 Gardens County Road, for the Northeast corner of the tract herein
22 described;

23 THENCE, with the North line of said Noriega Tract and the said
24 centerline of Iowa Gardens Road, N 80 deg 41 min 30 sec W 4037.9 feet
25 to the Northwest corner of said Noriega Tract and the Northeast
26 corner of Lot 1, Block 1, Barreda Gardens Subdivision;

27 THENCE, along the centerline of said Iowa Gardens Road, along
28 the North line of said Block 1, N 80 deg 44 min W 2811.1 feet to the
29 Northwest corner of said Block 1 and the Northeast corner of Block
30 2, Barreda Gardens Subdivision;

31 THENCE, along the centerline of said Iowa Gardens Road, along
32 the North line of said Block 2, N 80 deg 44 min W 3731.3 feet
33 (recorded map shows 3735.3 feet) to the Northwest corner of said
34 Block 2 and the Northeast corner of Block 3, Barreda Gardens

1 Subdivision;

2 THENCE, along the centerline of said Iowa Gardens Road, along
3 the North line of said Block 3, N 80 deg 33 min W 5110.1 feet
4 (recorded map call for 5113.2 feet) to the Northwest corner of Block
5 3 and the Northeast corner of a 196.8 acre tract out of the Northern
6 part of what is commonly called the Sams-Porter Tract in San Pedro
7 de Carricitos Grant, Cameron County, Texas;

8 THENCE, along the centerline of said Iowa Gardens Road, along
9 the North line of the Sams-Porter Tract, N 80 deg 52 min W 2343.8
10 feet to the Northwest corner of the said 196.8 acre tract, for the
11 Northwest corner of this tract;

12 THENCE, along the West line of said Sams-Porter Tract, along
13 the West line of said 196.8 acre Tract, S 9 deg 41 min W 2711.5 feet
14 to an intersection with the centerline of 100 ft. State Highway No.
15 4 for a corner;

16 THENCE, running 100 feet perpendicularly distance from and
17 parallel to the centerline of the St. Louis, Brownsville and Mexico
18 railroad with the centerline of 100 ft State Highway No. 4, S 45 deg
19 30 min E 2045.8 feet to the beginning of a curve to the right having
20 a radius of 5830.0 feet and a central angle of 10°-03 1/2' and whose
21 chord is S 40° 28' 15" East 1022.1 ft.;

22 THENCE, with said curve 1023.5 feet to the intersection with
23 west line of Barreda Gardens Subdivision, same being the division
24 line between the San Pedro de Carricitos and the Espiritu Santos
25 Grants;

26 THENCE, along the west line of the Barreda Gardens
27 Subdivision, N 8 deg 10 min 30 sec E 73.3 feet to a point on the
28 Northeast right of way of the 100 ft State Highway No. 4 for a
29 corner;

30 THENCE, along the Northeast right of way line of 100 ft. State
31 Highway No. 4, S 35 deg 00 min E 3692.2 feet to the northwest corner
32 of the Barreda Townsite;

33 THENCE, along the northeast right of way line of 100 ft. State
34 Highway No. 4, S 35 deg 00 min E 3833.2 feet to the beginning of a

1 curve to the right with a central angle of 3 deg 05 min and a radius
2 of 5879.5 feet and whose chord is S 33° 27' 30" East 316.3 feet;
3 THENCE, with said curve a distance of 316.4 feet to end of
4 said curve;
5 THENCE, along the northeast right of way line of 100 ft State
6 Highway No. 4, S 31 deg 55 min E 2123.8 feet to the Westernmost
7 corner of Lot 35, Block 9, Barreda Gardens Subdivision;
8 THENCE, along the Northeast right of way line of 100 ft State
9 Highway No. 4, along the Southwest line of Lots 35, 37, 38, 39, 40,
10 and 41, Block 9, Barreda Gardens Subdivision, S 31 deg 55 min E
11 669.0 feet to a point for a corner, said point being N 31 deg 55 min
12 W 45.0 feet from the Southernmost corner of Lot 41;
13 THENCE, crossing State Highway No. 4 and said railroad, S 58
14 deg 05 min W 200.0 ft. to a point on the southwest right of way line
15 of said railroad, 50.0 feet perpendicularly from its centerline,
16 said point being N 31 deg 55 min W 45.0 feet from the easternmost
17 corner of Lot 52, Block 10, Barreda Gardens Subdivision;
18 THENCE, along the northeast line of Lots 52 and 51, Block 10,
19 N 31 deg 55 min W 155.0 feet to the northernmost corner of Lot 51;
20 THENCE, along the line between Lots 51 and 50, S 58 deg 05 min
21 W 217.8 feet;
22 THENCE, S 31 deg 55 min E 800.0 feet to a point on the line
23 between Lots 58 and 59, Block 10;
24 THENCE, along the line between Lots 58 and 59, S 58 deg 05 min
25 W 217.8 feet to the southernmost corner of Lot 58 and the
26 westernmost corner of Lot 59;
27 THENCE, along the northeast line of Lot 1, Block 10, N 31 deg
28 55 min W 66.3 feet to a point for a corner;
29 THENCE, 150 feet perpendicularly from the southeast and south
30 lines of Lot 1, Block 10, S 58 deg 05 min W 673.2 feet and N 82 deg 30
31 min W 342.7 feet to a point on the line between Lot 1 and Lot 38,
32 Block 10;
33 THENCE, along the line between Lot 1 and Lot 38, S 31 deg 55
34 min E 135.9 feet to a point for a corner;

1 THENCE, 45.0 feet perpendicularly north of and parallel to
2 the south line of Lot 38, N 82 deg 30 min W 965.0 feet to a point for
3 a corner;

4 THENCE, 45.0 feet perpendicularly east of and parallel to the
5 west line of Lot 38, N 7 deg 30 min E 45.0 feet to a point for a
6 corner;

7 THENCE, 90.0 feet perpendicularly north of and parallel to
8 the south line of Lot 38, Block 10, Lots 16 and 15, Block 11, N 82
9 deg 30 min W, at 45.0 feet the east line of Lot 16, a total distance
10 of 1980.0 feet to a point for a corner;

11 THENCE, 45.0 feet perpendicularly east of and parallel to the
12 west line of Lot 15, N 7 deg 30 min E 615.0 feet to a point for a
13 corner;

14 THENCE, N 82 deg 30 min W 9.9 feet to a point on the line
15 between Lots 15 and 7 to a point for a corner;

16 THENCE, along the line between Lots 15 and 7, N 45 deg 27 min E
17 101.4 feet to a point for a corner;

18 THENCE, 125.0 feet perpendicularly north of and parallel to
19 the south line of Lots 7, 8 and 9, Block 11, Barreda Gardens
20 Subdivision, N 82 deg 30 min W, at 757.5 feet the west line of Lot 7,
21 a total distance of 2077.5 feet to a point on the west line of Lot 9
22 and the east line of Lot 10;

23 THENCE, along the line between Lots 9 and 10, S 7 deg 30 min W
24 80.0 feet to a point for a corner;

25 THENCE, 45.0 feet perpendicularly north of and parallel to
26 the south line of Lots 10 and 71, N 82 deg 30 min W 1066.5 feet to a
27 point on the west line of Lot 71, Block 11, for a corner;

28 THENCE, along the west line of Lot 71, S 24 deg 13 min W 47.0
29 feet to the southwest corner of Lot 71 and the northwest corner of
30 Lot 70;

31 THENCE, along the west lines of Lot 70, S 37 deg 16 min W 460.8
32 feet and S 8 deg 10 min 30 sec W 260.0 feet to the southwest corner
33 of Lot 70 and the northwest corner of Lot 69;

34 THENCE, along the West line of Barreda Gardens Subdivision, S

1 8 deg 10 min 30 sec W, at 6600.4 the southwest corner of Block 11 and
2 the northwest corner of Block 12 of said subdivision, at 14,520.8
3 the southwest corner of Lot 42, Block 12 and the northwest corner of
4 Lot 66, Block 12, a total distance of 16,368.5 feet to the southwest
5 corner of Lot 66, Block 12;

6 THENCE, along the south lines of Lot 66, and Lot 65C Block 12,
7 S 21 deg 02 min E 196.7 feet, S 51 deg 00 min 30 sec E 152.0 feet and
8 S 63 deg 25 min 30 sec E 349.0 feet to a point that is 100.0 feet from
9 the centerline of the Main Canal on the north bank of the Resaca del
10 Rancho Viejo;

11 THENCE, crossing said resaca, 100.0 feet perpendicularly
12 west of the centerline of the Main Canal flume, S 8 deg 03 min W
13 132.9 feet to the northwest corner of Lot 8, Block 15, Barreda
14 Gardens Subdivision;

15 THENCE, along the west line of Lot 8, Block 15, 100.0 feet
16 perpendicularly west of the centerline of the Main Canal, S 7 deg 57
17 min 30 sec W 1496.4 feet to the Southwest corner of Lot 8 and the
18 northwest corner of Lot 9, Block 15;

19 THENCE, along the west line of Lots 9, 10, 23 and 24, Block
20 15, S 8 deg 10 min 06 sec W, 2435.2 feet to the westernmost corner of
21 said Lot 24;

22 THENCE, along the northeast right of way line of an abandoned
23 railroad, along the southwest lines of Lot 24, Block 15, Lots 25, 3,
24 4, 9, 8, 19, 20, 29, 28, and 35, Block 16 S 10 deg 44 min 31 sec E a
25 distance of 6670.2 to a point for a corner;

26 THENCE, S 79 deg 15 min 29 sec W, at 100.0 feet the east line
27 of Lot 36, Block 16, and continuing 200.0 feet perpendicularly
28 south of and parallel to the north line of Lot 36, a total distance
29 of 866.0 feet to a point on the west line of Lot 36;

30 THENCE, along the west line of Lot 36, S 10 deg 31 min 07 sec E
31 209.2 feet to the southwest corner of Lot 36;

32 THENCE, along the south line of Lot 36, and the south line of
33 Lot 35, S 82 deg 30 min E at 814.0 feet the southeast corner of Lot
34 36, at 920.5 feet the southwest corner of Lot 35, a total distance

1 of 1154.7 feet to a point for a corner;
2 THENCE, in Santander Townsite, 100.0 ft. perpendicularly
3 West of the centerline of Main Canal S 15 deg 27 min E 71.2 feet to
4 the beginning of a curve to the left with a central angle of 15 deg
5 12 min and a radius of 1532.5 feet and whose chord is S 23° 03' East
6 405.4 feet;
7 THENCE, along the arc of said curve, a distance of 406.5 feet
8 to the end of said curve;
9 THENCE, S 30 deg 39 min E, 100.0 feet perpendicularly from the
10 centerline of Main Canal, a distance of 1216.8 feet to a point for a
11 corner;
12 THENCE, 100.0 feet perpendicularly west of the Main Canal
13 siphon, S 9 deg 01 min E, at 17.8 feet the south line of Santander
14 Townsite and the North line of the Cameron County Floodway, a total
15 distance of 622.4 feet to a point for a corner;
16 THENCE, S 30 deg 10 min E, at 17.6 feet the Northwest corner
17 of Lot 5, Block 18, Barreda Gardens Subdivision, along the east line
18 of Lots 5, 6, 9, 10, 13, 14, 15, 16 and 17, Block 18, a total
19 distance of 5784.0 feet to the beginning of a curve to the right
20 with a central angle of 90 deg and a radius of 711.3 feet and whose
21 chord is S 14° 50' west 1005.9 feet;
22 THENCE, along the arc of said curve, along the east line of
23 Lot 17 and the south line of Lot 18, a distance of 1117.3 feet to the
24 end of said curve;
25 THENCE, along the south line of Lot 18, S 59 deg 50 min W at
26 996.6 feet the southwest corner of Lot 18, and the east line of the
27 Military Highway, a total distance of 1079.1 feet to the west line
28 of the Military Highway;
29 THENCE, along the West line of the Military Highway, in a
30 northerly direction along the arc of a curve to the right with a
31 radius of 995.4 feet and whose chord is North 15° 18' 05" West 47.6
32 feet, a distance of 47.6 feet to the northernmost corner of the
33 Settling Basin tract as shown on the Barreda Gardens Subdivision;
34 THENCE, S 52 deg 37 min W 816.6 feet, S 54 deg 17 min W 1046.8

1 feet, S 31 deg 09 min E 1513.6 feet, S 39 deg 20 min 30 sec E 727.5
2 feet and S 7 deg 36 min W 1228.5 feet to a point on the bank of the
3 Rio Grande River;

4 THENCE, along the bank of the Rio Grande, N 70 deg 43 min E, at
5 224.2 feet the southwest corner of a 1.36 acre tract, at 504.5 feet
6 the south corner of Lot 28, Block 18, a total distance of 692.6 feet
7 and N 65 deg 23 min E 605.4 feet to a point for a corner;

8 THENCE, N 7 deg 28 min E 741.5 feet, N 87 deg 54 min E 548.0
9 feet and N 8 deg 10 min E 124.8 feet to a point in the south line of
10 Lot 23, Block 18, for a corner;

11 THENCE, along the south line of Lots 23 and 24, Block 18, S 86
12 deg 50 min 30 sec W 1495.8 feet to the southwest corner of Lot 24;

13 THENCE, along the southwest lines of Lots 25, 26, and 27, N 39
14 deg 20 min 30 sec W 800.0 feet, N 31 deg 09 min W 760.9 feet to the
15 beginning of a curve to the right with a central angle of 87 deg 09
16 min and a radius of 600.1 feet and whose chord is North 12 deg 25 min
17 30 sec East 827.2 feet;

18 THENCE, along the arc of said curve, along the west line of
19 Lot 27, a distance of 912.8 feet to the end of said curve;

20 THENCE, along the north line of Lot 27, N 56 deg 00 min E
21 1042.0 feet to the northernmost corner of Lot 27 on the west line of
22 the Military Highway;

23 THENCE, along the west line of the Military Highway, in a
24 northerly direction along an arc of a curve to the right with a
25 radius of 995.4 feet and whose chord is north 28 deg 42 min 56 sec
26 west 13.4 feet, a distance of 13.4 feet to a point for a corner;

27 THENCE, crossing the Military Highway, N 59 deg 50 min E, at
28 80.1 feet the east line of the Military Highway and the westernmost
29 corner of Lot 19, Block 18, a total distance of 1106.3 feet to the
30 northernmost corner of Lot 19;

31 THENCE, S 30 deg 10 min E 200.0 feet to a point that is the
32 beginning of a curve to the left with a central angle of 90 deg and a
33 radius of 1111.3 feet, and whose tangents are North 59 deg, 50 min
34 East 1111.3 feet and North 30 deg 10 min W 1111.3 ft.;

1 THENCE, along the arc of said curve in a northeasterly and
2 northerly direction, a distance of 1745.6 feet to the end of said
3 curve;

4 THENCE, 400.0 feet perpendicularly east of the east lines of
5 Lots 17 and 16, N 30 deg 10 min W 514.5 feet to a point for a corner;

6 THENCE, N 82 deg 25 min 30 sec W 126.5 feet to a point for a
7 corner;

8 THENCE, 300.0 feet perpendicularly east of the east line of
9 Lots 16, 15, 14, 13, 10, 9, 6 and 5, N 30 deg 10 min W, at approx 1200
10 ft the south line of Lot 12, and then 100.0 feet perpendicularly
11 east of the west line of Lots 12, 11, 8, 7, 4, Block 18, a total
12 distance of 5171.0 feet to a point on the north line of Lot 4 and the
13 south line of the Cameron County Floodway;

14 THENCE, along the north line of Lot 4 and the south line of
15 the floodway, S 60 deg 29 min W 93.2 feet to a point for a corner;

16 THENCE, crossing said floodway, 100 feet perpendicularly
17 east of the siphon on the Main Canal, N 9 deg 01 min W, at 544.7 feet
18 the south line of the Santander Townsite and the north line of said
19 floodway, a total distance of 604.5 feet;

20 THENCE, 100.0 feet perpendicularly east of the centerline of
21 the Main Canal, in Santander, N 30 deg 39 min W a distance of 1255.0
22 feet to the beginning of a curve to the right with a radius of 1332.5
23 feet and a central angle of 14 deg 37 min and whose chord is North 23
24 deg 20 min 30 sec west 339.0 feet;

25 THENCE, along the arc of said curve, a distance of 339.9 feet
26 to a point on the south line of Lot 35, Block 16, for a corner;

27 THENCE along the south line of Lot 35, S 82 deg 30 min E 108.6
28 feet to a point for a corner;

29 THENCE, 200.0 feet perpendicularly from the centerline of the
30 main canal, N 15 deg 27 min W 403.3 feet to the beginning of a curve
31 to the left with a central angle of 20 deg 03 min and a radius of
32 518.4 feet and whose chord is north 25 deg 28 min 30 sec west 180.4
33 feet;

34 THENCE, along the arc of said curve 200 feet from the

1 centerline of the canal, a distance of 181.2 feet to the end of said
2 curve;

3 THENCE, N 35 deg 30 min W 219.4 feet to the beginning of a
4 curve to the right with a central angle of 24 deg 45 min and a radius
5 of 755.4 feet and whose chord is North 23 deg 07 min 30 sec west
6 323.8 feet;

7 THENCE, along the arc of said curve 200 feet from the
8 centerline of the main canal, a distance of 326.4 feet to the end of
9 said curve;

10 THENCE, 300.0 feet perpendicularly east of the west line of
11 Lots 28, 29, 20, 19, 8, 9, 4, 3, and 25, Block 16 and Lot 24, Block
12 15, N 10 deg 44 min 31 sec W, at 2462.6 feet the north line of Lot 19
13 and the south line of Lot 8, at 5937.2 feet the north line of Lot 25,
14 Block 16 and the south line of Lot 24, Block 15, a total distance of
15 6044.7 feet to the beginning of a curve to the right with a central
16 angle of 18 deg 54 min 37 sec and a radius of 946 feet and whose
17 chord is north 01 deg 17 min 13 sec west 310.8 feet;

18 THENCE, along the arc of said curve a distance of 312.2 feet
19 to the end of said curve;

20 THENCE, 300.0 feet perpendicularly east of the west line of
21 Lots 24, 23, 10 and 9, Block 15, N 08 deg 10 min 06 sec E a distance
22 of 2231.0 feet to a point on the north line of Lot 9 and the south
23 line of Lot 8;

24 THENCE, 300.0 feet perpendicularly east of the west line of
25 Lot 8, Block 15, N 7 deg 57 min 30 sec E 1394.6 feet to a point on the
26 north line of Lot 8;

27 THENCE, along the north line of Lot 8, N 79 deg 39 min W 89.7
28 feet, and N 57 deg 02 min W 11.4 feet to a point that is 100.0 feet
29 perpendicularly east of the centerline of the canal siphon;

30 THENCE, 100.0 feet perpendicularly east of the centerline of
31 the canal siphon, crossing the Resaca del Rancho Viejo, N 8 deg 03
32 min E 170.8 feet to a point in the south line of Lot 65, Block 12, on
33 the north bank of said resaca;

34 THENCE, S 69 deg 11 min E 43.0 feet and S 77 deg 54 min 30 sec E

1 8.0 feet to a point that is 150 feet from the centerline of the Main
2 Canal;

3 THENCE, N 8 deg 03 min E 85.0 feet to the beginning of a curve
4 to the left with a central angle of 69 deg 24 min and a radius of
5 250.0 feet and whose chord is north 26 deg 39 min west 284.6 feet;

6 THENCE, with the arc of said curve, a distance of 302.8 feet
7 to the end of said curve;

8 THENCE, continuing 150 feet from the centerline of the canal,
9 N 61 deg 21 min W 365.5 feet to an angle point;

10 THENCE, continuing 150 feet from the centerline of the canal,
11 N 8 deg 09 min E, at 1818.5 feet the North line of Lot 66 and the
12 south line of Lot 42, Block 12, a total distance of 11,592.2 feet to
13 an angle point in Lot 63, Block 11;

14 THENCE, continuing 150 feet from the centerline of said
15 canal, N 7 deg 24 min 30 sec E 2108.9 feet to the north line of Lot 64
16 and the south line of Lot 66, Block 11;

17 THENCE, along the north line of Lot 64 and the south line of
18 Lot 66, N 82 deg 30 min W 50.0 feet to a point that is 100 feet from
19 the centerline of said canal;

20 THENCE, 100 feet from the centerline of said canal, N 7 deg 24
21 min 30 sec E 2640.0 feet to a point in the north line of Lot 69 and
22 the south line of Lot 70, Block 11, said point being S 82 deg 30 min
23 E 184.3 feet from the northwest corner of Lot 69 and the southwest
24 corner of Lot 70;

25 THENCE, along the north line of Lot 69 and the south line of
26 Lot 70, S 82 deg 30 min E 115.7 feet, said point being 300.0 feet
27 from the northwest corner of Lot 69 and the southwest corner of Lot
28 70;

29 THENCE, 300.0 feet perpendicularly east of the west line of
30 Lot 70, N 8 deg 10 min 30 sec E 178.6 feet and N 37 deg 16 min E 399.1
31 feet to a point that is 135.0 feet perpendicularly south of the
32 north line of Lot 70;

33 THENCE, 135.0 feet perpendicularly south of and parallel to
34 the north line of Lots 70 and 11, S 82 deg 30 min E 811.7 feet to a

1 point on the east line of Lot 11 and the west line of Lot 12;
2 THENCE, on the line between Lot 11 and Lot 12, N 7 deg 30 min E
3 90.0 feet to a point for a corner;
4 THENCE, 45.0 feet perpendicularly south of and parallel to
5 the north line of Lots 12, 13 and 14, S 82 deg 30 min E 1935.0 feet to
6 a point;
7 THENCE, 45.0 feet perpendicularly west of the east line of
8 Lot 14, S 7 deg 30 min W 615.0 feet to a point on the south line of
9 Lot 14 and the north line of Lot 19;
10 THENCE, along the south line of Lots 14, 15, and 16, S 82 deg
11 30 min E 1980.0 feet to a point;
12 THENCE, 45.0 feet perpendicularly west of the east line of
13 Lot 17, S 7 deg 30 min W 45.0 feet;
14 THENCE, S 82 deg 30 min E 45.0 feet to a point on the east line
15 of Lot 17, Block 11 and the west line of Lot 2, Block 10;
16 THENCE, along the line between said Lot 17 and Lot 2, S 7 deg
17 30 min W 105.0 feet;
18 THENCE, 150.0 feet perpendicularly south of and parallel to
19 the north line of Lot 2 and the northwest line of Lot 3, S 82 deg 30
20 min E 1373.7 feet and N 58 deg 05 min E 780.6 feet to a point in the
21 northeast line of Lot 3;
22 THENCE, along the northeast line of Lot 3, S 31 deg 55 min E
23 16.3 feet to a point;
24 THENCE, 50.0 feet perpendicularly southeast of and parallel
25 to the northwest line of Lot 61, Block 10, N 58 deg 05 min E 435.6
26 feet to a point on the northeast line of Lot 61, said point being on
27 the southwest right of way line of the St. Louis, Brownsville and
28 Mexico Railroad (50.0 feet from its centerline);
29 THENCE, along the said southwest right of way line, along the
30 northeast line of Lots 61 to 53, incl. N 31 deg 55 min W 805.0 feet
31 to a point, said point being S 31 deg 55 min E 45.0 feet from the
32 northernmost corner of Lot 53, Block 10;
33 THENCE, crossing the railroad right of way and State Highway
34 No. 4 right of way, N 58 deg 05 min E 200.0 feet to a point on the

1 southwest line of Lot 42, Block 9, said point being S 31 deg 55 min E
2 45.0 feet from the westernmost corner of Lot 42;

3 THENCE, along the southwest line of Lots 42 to 80, incl. Block
4 9 along the northeast right of way line of 100 ft State Highway No.
5 4, S 31 deg 55 min E 4268.5 feet to the east line of the Barreda
6 Gardens Subdivision, said point being on the west line of the Brooks
7 Tract;

8 THENCE, along the northeast right of way line of 100 ft State
9 Highway No. 4, S 31 deg 54 min E 1805.6 feet to the beginning of a
10 curve to the left with a central angle of 10 deg 57 min and a radius
11 of 5544.8 feet and whose tangents are S 31 deg 54 min east 531.5
12 feet, and south 42 deg 51 min east 531.5 feet;

13 THENCE, along the arc of said curve a distance of 1059.5 feet;

14 THENCE, N 47 deg 57 min E 6170.4 feet to a point on the east
15 line of Share one, Espiritu Santo Grant, and the east line of the
16 previously mentioned Noriega Tract;

17 THENCE, along the East line of Share No. One and the east line
18 of the Noriega Tract, N 7 deg 32 min E 12,739.8 feet to the place of
19 beginning, containing 4880 acres, more or less.

20 ~~[If there is any error or omission in the description of the~~
21 ~~boundaries of said District, as set forth in Section 1 of this Act,~~
22 ~~the Commissioners Court of Cameron County, Texas, is hereby~~
23 ~~authorized and directed to redefine said boundaries and correct the~~
24 ~~error or supply the omission.]~~

25 SECTION 2.12. Section 1, Chapter 520, Acts of the 59th
26 Legislature, Regular Session, 1965, is amended to read as follows:

27 Sec. 1. The ~~[Under and pursuant to the provisions of Section~~
28 ~~59, Article XVI, Constitution of the State of Texas, a conservation~~
29 ~~and reclamation district is hereby created and incorporated in~~
30 ~~Galveston County, Texas, to be known as "San Leon Municipal Utility~~
31 ~~District of Galveston County, Texas," hereinafter referred to as~~
32 ~~the "District," and the]~~ boundaries of the San Leon Municipal
33 Utility District of Galveston County, Texas, ~~[said District]~~ shall
34 be as follows:

1 Said District shall be composed of two separate tracts of
2 land situated entirely within Galveston County, Texas, and
3 described by metes and bounds as follows:

4 Tract No. 1

5 BEGINNING at the point of intersection of the southerly shore
6 line of Galveston Bay with the northeasterly projection of the
7 southeasterly line of the J. Rogers Survey, Abstract No. 168,
8 Galveston County, Texas;

9 THENCE in a southwesterly direction following said
10 southeasterly line of said Rogers Survey, being also the
11 northwestern line of the Amos Edwards League, Abstract No. 10, and
12 being also the northwestern line of San Leon Farm Home Tracts as
13 shown by the map thereof recorded in Volume 238, page 25, Deed
14 Records of Galveston County, to a point for corner, being the
15 intersection of said survey line with the easterly line of Lot 2,
16 Block No. 25-A of San Leon Farm Home Tracts;

17 THENCE in a southerly direction following the easterly line
18 of Lot No. 2 and Lot No. 7 in said Block No. 25-A, and continuing in
19 the same direction across Ave. H and along the easterly line of Lot
20 No. 2 and Lot No. 7 in Block No. 26 and continuing in the same
21 direction across San Leon Road and along the easterly line of Lot
22 No. 2 in Block No. 41 to a point for corner, said point being the
23 northwesterly corner of Lot No. 4 in said Block No. 41;

24 THENCE in an easterly direction with the northerly line of
25 said Lot. No. 4 to a point for corner, being the northeasterly
26 corner of said Lot No. 4;

27 THENCE in a southerly direction with the easterly line of
28 Block No. 41 and continuing in the same direction across Ave. L and
29 along the easterly line of Block No. 44 to a point for corner, being
30 the southeasterly corner of Lot No. 3 in said Block No. 44;

31 THENCE in an easterly direction across 29th St. (F. M. No.
32 517) and continuing in the same direction along the northerly line
33 of Lot No. 1 in Block No. 45 to a point for corner, being the
34 northeasterly corner of said Lot No. 1;

1 THENCE in a northerly direction with the westerly line of Lot
2 No. 3 in Block No. 45 to a point for corner, being the northwesterly
3 corner of said Lot No. 3;

4 THENCE in an easterly direction with the northerly line of
5 said Lot. No. 3 to the northeasterly corner of said Lot No. 3;

6 THENCE in a southerly direction with the easterly line of
7 said Lot No. 3 to a point for corner, being the southeasterly corner
8 of said Lot No. 3;

9 THENCE in an easterly direction with the northerly line of
10 Lot No. 5 in said Block No. 45 and continuing in the same direction
11 across 28th St. and along the northerly line of Lots Nos. 8, 7, 6 and
12 5 in Block No. 46 to a point for corner on the easterly line of said
13 Block No. 46;

14 THENCE in a southerly direction with the easterly line of
15 said Block No. 46 and continuing in the same direction across Ave. N
16 to a point for corner, being the northeasterly corner of Block No.
17 56;

18 THENCE in an easterly direction across 27th St. and along the
19 northerly line of Block No. 55 and continuing in the same direction
20 across 26th St. along the northerly line of Block No. 54 to a point
21 for corner, being the northeasterly corner of Lot No. 1 in said
22 Block No. 54;

23 THENCE in a southerly direction with the easterly line of Lot
24 No. 1 in Block No. 54 to a point for corner, being the southeasterly
25 corner of said Lot No. 1;

26 THENCE in an easterly direction with the northerly line of
27 Lot No. 7 and Lot No. 6 in said Block No. 54 to a point for corner,
28 being the southwesterly corner of Lot No. 4 in said Block No. 54;

29 THENCE in a northerly direction with the westerly line of
30 said Lot No. 4, in Block No. 54 to a point for corner in the
31 northerly line of said Block No. 54;

32 THENCE in an easterly direction with the northerly line of
33 said Block No. 54 to a point for corner, being the northeasterly
34 corner of said Block No. 54;

1 THENCE in a southerly direction with the easterly line of
2 Block No. 54 and continuing in the same direction across Ave. P and
3 along the easterly line of Block No. 68 and continuing in the same
4 direction across Ave. Q to a point for corner, being the
5 northeasterly corner of Block No. 71;

6 THENCE in an easterly direction across 25th St. and following
7 the northerly line of Block No. 70 and the easterly projection
8 thereof to a point on the shore line of Dickinson Bay;

9 THENCE in a generally easterly direction along the shore line
10 of Dickinson Bay to its intersection with the western shore line of
11 Galveston Bay at April Fool Point;

12 THENCE in a generally northerly direction along the western
13 shore line of Galveston Bay to Eagle Point;

14 THENCE in a generally westerly direction along the southern
15 shore line of Galveston Bay to its intersection with the
16 northeasterly projection of the southeasterly line of the J. Rogers
17 Survey, Abstract No. 168, the place of beginning, and containing
18 3,200 acres of land, more or less.

19 BEGINNING at a point on the westerly shore line of Dickinson
20 Bay in Galveston County, Texas, said point being designated as
21 Point "A" in the description of the present boundary line of the
22 City of Texas City, Texas, said point also being in the easterly
23 line of a parkway opposite Block No. 70 of San Leon Farm Home Tracts
24 as shown by the map thereof recorded in Volume 238, page 25, Deed
25 Records of Galveston County, and being also the most southerly
26 corner of a 1.054 acre tract of land described in deed dated October
27 10, 1960, from E. W. Barnett, Trustee, to Houston Lighting & Power
28 Company;

29 THENCE from said Point "A" in a northwesterly direction to a
30 point located in Lot No. 3 in Block No. 67 of said San Leon Farm Home
31 Tracts, said point being located 75 feet east and 65.5 feet south
32 from the northwesterly corner of said Lot No. 3;

33 THENCE in a northerly direction parallel with the westerly
34 line of said Lot No. 3 and across Ave. P to a point in the southerly

1 line of Lot No. 6 in Block No. 55 of said San Leon Farm Home Tracts;
2 THENCE westerly with the southerly line of said Block No. 55
3 and continuing in the same direction across 27th St. and along the
4 southerly line of Block No. 56 to a point for corner, said point
5 being the southwesterly corner of Lot No. 5 in said Block No. 56;
6 THENCE in a northerly direction with the westerly line of
7 said Lot No. 5 in Block No. 56 to the northwesterly corner of said
8 Lot No. 5;
9 THENCE in a westerly direction with the southerly line of
10 Lots Nos. 3, 2 and 1 in said Block No. 56 and continuing in the same
11 direction across 28th St. and along the southerly line of Lots Nos.
12 4 and 3 of Block No. 57 to a point for corner, being the
13 southwesterly corner of said Lot No. 3 in Block No. 57;
14 THENCE in a northerly direction with the westerly line of
15 said Lot No. 3 in Block No. 57 and a northerly projection thereof to
16 a point for corner, being the southwesterly corner of Lot No. 6 in
17 Block No. 45;
18 THENCE in a westerly direction with the southerly line of
19 Block No. 45 and continuing in the same direction across 29th St.
20 (F.M. 517) and along the southerly line of Block No. 44 and the
21 westerly projection thereof to a point for corner, being the
22 southeasterly corner of Block No. 43;
23 THENCE in a southerly direction with the easterly line of
24 Block No. 59 to a point for corner, being the southeasterly corner
25 of said Block No. 59;
26 THENCE in a westerly direction with the south line of said
27 Block No. 59 and the westerly projection thereof to a point for
28 corner, being the southeasterly corner of Block No. 60;
29 THENCE in a southerly direction with the easterly line of
30 Block No. 62 and its southerly projection, and continuing in the
31 same direction along the easterly line of Block No. 77 and its
32 southerly projection, and continuing in the same direction along
33 the easterly line of Block No. 79 to a point for corner, said point
34 being at the intersection of the easterly line of said Block No. 79

1 and the northeasterly line of State Highway No. 146;

2 THENCE in a northwesterly direction with the northeasterly
3 line of said State Highway No. 146 to its intersection with the
4 western line of Block No. 60A on the western line of said San Leon
5 Farm Home Tracts, being also the western line of the Amos Edwards
6 League, Abstract No. 10, Galveston County, Texas;

7 THENCE in a southerly direction along said western line of
8 said Amos Edwards League, being also the western line of said San
9 Leon Farm Home Tracts, to the southwest corner of said Amos Edwards
10 League on the northerly water's edge of Dickinson Bayou;

11 THENCE downstream following along said northerly water's
12 edge of Dickinson Bayou in a generally southerly, northeasterly and
13 easterly direction to the western shore line of Dickinson Bay;

14 THENCE in a generally northerly direction along said western
15 shore line of Dickinson Bay to Point "A" in the description of the
16 present boundary line of the City of Texas City, Texas, said point
17 also being in the easterly line of a parkway opposite Block No. 70
18 of San Leon Farm Home Tracts as shown by the map thereof recorded in
19 Volume 238, page 25, Deed Records of Galveston County, Texas, and
20 being also the most southerly corner of a 1.054 acre tract of land
21 described in deed dated October 10, 1960, from E. W. Barnett,
22 Trustee, to Houston Lighting and Power Company, the place of
23 beginning, and containing 1,850 acres of land, more or less, the
24 total area of said District being 5,050 acres, more or less.

25 SECTION 2.13. Section 1, Chapter 532, Acts of the 59th
26 Legislature, Regular Session, 1965, is amended to read as follows:

27 Sec. 1. The Treasure Island Municipal Utility District of
28 Brazoria County, Texas, [~~Under and pursuant to the provisions of~~
29 ~~Section 59 of Article XVI, Constitution of Texas, a conservation~~
30 ~~and reclamation district is hereby created and incorporated in~~
31 ~~Brazoria County, Texas, to be known as "Treasure Island Municipal~~
32 ~~Utility District of Brazoria County, Texas," hereinafter referred~~
33 ~~to as the "District," and said District]~~ shall consist of:

34 A tract containing 294.18 acres of land, more or less, being

1 that tract of land commonly known as San Luis Island out of the S. F.
2 Austin Peninsular League, Abstract 29, Brazoria County, Texas,
3 being all of the land in such league lying north of the following
4 described line:

5 BEGINNING at a concrete monument on the waters edge of what
6 was formerly called "Little Pass" when it separated the island from
7 the mainland, but whose easterly end is now filled by sand. Said
8 beginning point occupies a position of X = 3,235,945.21 feet and Y =
9 470,168.66 feet, Texas Plane Coordinate System, South Central Zone;

10 THENCE, S. 88° 36' 07" E. (grid bearing), at 353.71 feet pass
11 an iron rod in the northwest right of way line of a 120 foot road, at
12 482.25 feet pass an iron rod in the southeast right of way line of
13 said 120 foot road, at 2112.25 feet pass a concrete monument a total
14 distance of 2381.91 feet in all to the waters edge of the Gulf of
15 Mexico at mean high tide.

16 SECTION 2.14. Section 2, Chapter 436, Acts of the 66th
17 Legislature, Regular Session, 1979, is amended to read as follows:

18 Sec. 2. BOUNDARIES. The [~~authority's~~] boundaries of the
19 South Texas Water Authority will encompass all of that portion of
20 Kleberg County that is located within Kingsville Independent School
21 District, as of January 1, 1979, and all of that portion of Nueces
22 County that is located south and west of a line that is described as
23 beginning at a point on the Kleberg-Nueces County line that is
24 located approximately one mile south of the intersection of FM Road
25 70 and FM Road 892; thence northward to the said intersection;
26 thence northward along FM Road 892 to its intersection with FM Road
27 2826; thence westward along FM Road 2826 to its intersection with
28 County Road 77; thence northward along County Road 77 to its
29 intersection with County Road 44; thence westward along County Road
30 44 to its intersection with the line; which as of January 1, 1979,
31 formed the division between Commissioners Precincts Nos. 1 and 2;
32 thence along the meanderings of the said line to its intersection
33 with the Nueces-Jim Wells County line excepting therefrom all land
34 comprising the area as of January 1, 1979, of Nueces County Water

1 Control and Improvement District No. 5 and of that portion of Lower
2 Nueces River Water Supply District which is located within the
3 boundaries described above[~~, and these boundaries form a closure,~~
4 ~~and no mistake shall affect the organization, existence, and~~
5 ~~validity of the authority, or the right to issue any type of bonds~~
6 ~~or refunding bonds, for the purposes for which the authority is~~
7 ~~created, or to pay principal of and interest on the bonds, or the~~
8 ~~right to assess, levy, and collect taxes, or in any other manner~~
9 ~~affect the legality or operation of the authority, its bonds, or its~~
10 ~~governing body].~~

11 SECTION 2.15. Section 1, Chapter 337, Acts of the 65th
12 Legislature, Regular Session, 1977, is amended to read as follows:

13 Sec. 1. The [~~Under and pursuant to the provisions of Article~~
14 ~~XVI, Section 59, of the Texas Constitution, a conservation and~~
15 ~~reclamation district may be created and established in Jefferson~~
16 ~~County, Texas, in the manner provided in Section 1A of this Act, to~~
17 ~~be known as "West Jefferson County Municipal Water District" (the~~
18 ~~"district"), and the]~~ boundaries of the West Jefferson County
19 Municipal Water District [~~said district~~] shall be as follows:

20 Beginning at the Northeast corner of the Shelby Corzine
21 Survey, Abstract 14, the same being the southeast corner of the
22 Samuel Stivers League;

23 Thence West along the south line of the Samuel Stivers League
24 to the southwest corner of said Samuel Stivers League;

25 Thence North along the west line of the Samuel Stivers League
26 to its intersection with the centerline, or the projection thereof
27 of Brooks Road;

28 Thence West along the centerline of Brooks Road and the
29 projection thereof to its intersection with the east bank of Green
30 Pond Gully;

31 Thence in a southerly direction following the meanders of the
32 east bank of Green Pond Gully to its intersection with the north
33 bank of the North Fork of Taylor's Bayou;

34 Thence easterly following the meanders of the north bank of

1 the North Fork of Taylor's Bayou to its intersection with the North
2 or West right of way of Interstate Highway 10;

3 Thence in a southwesterly direction along the North or West
4 right of way of Interstate Highway 10 to its intersection with the
5 north bank of the South Fork of Taylor's Bayou;

6 Thence southeasterly along the meanders of the north bank of
7 the South Fork of Taylor's Bayou to its intersection with the
8 southeast bank of May Haw Bayou;

9 Thence southwesterly along the meanders of the southeast bank
10 of May Haw Bayou to its intersection with the North right of way of
11 State Highway 73;

12 Thence easterly along the North right of way of State Highway
13 73 to the intersection of a line 300 feet east of, and measured at
14 right angles to, the west line of the A. D. Knowlton Survey,
15 Abstract 668, and the J. W. Denny Survey, Abstract 747;

16 Thence northerly on a line 300 feet east of and parallel to
17 the west line of the A. D. Knowlton Survey, Abstract 668, and the J.
18 W. Denny Survey, Abstract 747, to the north bank of Taylor's Bayou;

19 Thence easterly following the meanders of the north bank of
20 Taylor's Bayou to its intersection with the east bank of
21 Hillebrandt Bayou;

22 Thence northwesterly following the meanders of the east bank
23 of Hillebrandt Bayou to its intersection with the west bank of
24 John's Gully;

25 Thence northerly following the meanders of the west bank of
26 John's Gully to its intersection with the west line of the Wm. N.
27 Sigler Survey, Abstract 48;

28 Thence northerly along the west line of the Wm. N. Sigler
29 Survey, Abstract 48, and the projection thereof past the northwest
30 corner of the said Wm. N. Sigler Survey, Abstract 48, to the
31 interior southwest corner of the David Cunningham Survey, Abstract
32 15;

33 Thence westerly along the south line of the west part of the
34 David Cunningham Survey, Abstract 15, to its northernmost southwest

1 corner;

2 Thence northerly along the west line of the David Cunningham
3 Survey, Abstract 15, to its northwest corner;

4 Thence westerly along the projection to the west of the north
5 line of the David Cunningham Survey, Abstract 15, to the west line
6 of the Marcelo Grange Survey, Abstract 26, said line also being the
7 east line of the C. Hillebrandt Survey, Abstract 28;

8 Thence northerly along the west line of the Marcelo Grange
9 Survey, Abstract 26, and the east line of the C. Hillebrandt Survey,
10 Abstract 28, to the projection east of the north line of the Shelby
11 Corzine Survey, Abstract 14, which is the same line as the south
12 line of the Samuel Stivers League;

13 Thence westerly along the projection east of the north line
14 of the Shelby Corzine Survey, Abstract 14, and the south line of the
15 Samuel Stivers League, to the point of beginning.

16 LESS AND EXCEPT all land lying within the boundaries of
17 Jefferson County Water Control and Improvement District No. 14,
18 which is more fully described as follows:

19 Lying in Jefferson County, Texas, and containing 160 acres,
20 more or less, out of the H. T. & B. R. R. Survey, No. 19, A-259 and H.
21 T. & B. R. R. Survey No. 18, A-570 and beginning for reference at the
22 Southeast corner of the H. T. & B. R. R. Survey, No. 19, A-259;

23 THENCE, due North 80.00 feet to a point lying on the North
24 right-of-way line of Lawhon Road to an iron pin as a Point of
25 Beginning;

26 THENCE, N 89° 50' W 2,560.00 feet, more or less, along the
27 North right-of-way line of said Lawhon Road to an iron pin being the
28 most Southwesterly corner of Martel Heights Subdivision, Section 1
29 as recorded in the Map Records of Jefferson County, Texas;

30 THENCE, N 26° 45' 30" W 785.40 feet to an iron pin;

31 THENCE, N 66° 07' E 278.10 feet to an iron pin;

32 THENCE, N 61° 57' 18" E 4,358.00 feet to an iron pin;

33 THENCE, S 03° 02' W 2,016.45 feet to an iron pin;

34 THENCE, S 01° 24' E 855.8 feet to an iron pin;

1 THENCE, N 89° 50' W 1,101.40 feet along the north right of way
2 line of Lawhon Road to an iron pin being the point of Beginning and
3 containing 160 acres of land, more or less.

4 SECTION 3.01. The following statutes are repealed:

5 (1) Chapter 187, Acts of the 61st Legislature, Regular
6 Session, 1969;

7 (2) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
8 and 15, Chapter 11, Acts of the 61st Legislature, Regular Session,
9 1969;

10 (3) Section 3, Chapter 280, Acts of the 62nd
11 Legislature, Regular Session, 1971;

12 (4) Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12,
13 Chapter 145, Acts of the 41st Legislature, Regular Session, 1929;

14 (5) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11, Chapter
15 45, Acts of the 41st Legislature, Regular Session, 1929;

16 (6) Chapter 4, Acts of the 41st Legislature, Special
17 Laws, 4th Called Session, 1930;

18 (7) Sections 2, 3, 4, 5, 6, and 7, Chapter 533, Acts of
19 the 57th Legislature, Regular Session, 1961;

20 (8) Sections 2, 2a, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12,
21 Chapter 20, Acts of the 57th Legislature, 3rd Called Session, 1962;

22 (9) Section 2, Chapter 520, Acts of the 71st
23 Legislature, Regular Session, 1989;

24 (10) Sections 2, 3, 4, 5, 6, 7, and 8, Chapter 38, Acts
25 of the 57th Legislature, 3rd Called Session, 1962;

26 (11) Sections 2, 2A, 3, 4, 5, 6, 7, 8, and 9, Chapter 4,
27 Acts of the 58th Legislature, Regular Session, 1963;

28 (12) Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12,
29 Chapter 780, Acts of the 78th Legislature, Regular Session, 2003;

30 (13) Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11,
31 Chapter 218, Acts of the 72nd Legislature, Regular Session, 1991;

32 (14) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 679,
33 Acts of the 62nd Legislature, Regular Session, 1971;

34 (15) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 412,

1 Acts of the 62nd Legislature, Regular Session, 1971;
2 (16) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 409,
3 Acts of the 62nd Legislature, Regular Session, 1971;
4 (17) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 699,
5 Acts of the 62nd Legislature, Regular Session, 1971;
6 (18) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 456,
7 Acts of the 62nd Legislature, Regular Session, 1971;
8 (19) Sections 1, 3, 4, 5, 6, 7, 8, and 9, Chapter 693,
9 Acts of the 65th Legislature, Regular Session, 1977;
10 (20) Sections 2, 3, 4, and 5, Chapter 492, Acts of the
11 83rd Legislature, Regular Session, 2013;
12 (21) Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11,
13 Chapter 35, Acts of the 76th Legislature, Regular Session, 1999;
14 (22) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 352,
15 Acts of the 62nd Legislature, Regular Session, 1971;
16 (23) Sections 1, 3, 4, 5, 6, 7, 8, and 9, Chapter 742,
17 Acts of the 64th Legislature, Regular Session, 1975;
18 (24) Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12,
19 Chapter 1212, Acts of the 71st Legislature, Regular Session, 1989;
20 (25) Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12,
21 Chapter 1214, Acts of the 71st Legislature, Regular Session, 1989;
22 (26) Sections 2 and 3, Chapter 1188, Acts of the 82nd
23 Legislature, Regular Session, 2011;
24 (27) Sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13,
25 14, and 15, Chapter 761, Acts of the 78th Legislature, Regular
26 Session, 2003;
27 (28) Sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13,
28 14, and 15, Chapter 760, Acts of the 78th Legislature, Regular
29 Session, 2003;
30 (29) Sections 1, 2, 4, 5, 6, 7, 8, 9, and 10, Chapter
31 650, Acts of the 70th Legislature, Regular Session, 1987;
32 (30) Chapter 126, General Laws, Acts of the 44th
33 Legislature, Regular Session, 1935;
34 (31) Section 5, Chapter 119, Acts of the 50th

1 Legislature, Regular Session, 1947;

2 (32) Section 8, Article IV, Chapter 484, Acts of the
3 68th Legislature, Regular Session, 1983;

4 (33) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 11a, 12,
5 13, 14, and 15, Chapter 29, Acts of the 55th Legislature, 1st Called
6 Session, 1957;

7 (34) Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
8 14, and 15, Chapter 398, Acts of the 51st Legislature, Regular
9 Session, 1949;

10 (35) Section 5, Chapter 452, Acts of the 58th
11 Legislature, Regular Session, 1963;

12 (36) Sections 3 and 4, Chapter 908, Acts of the 75th
13 Legislature, Regular Session, 1997;

14 (37) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11,
15 Chapter 33, Acts of the 56th Legislature, Regular Session, 1959;

16 (38) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
17 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, Chapter 633, Acts of the
18 61st Legislature, Regular Session, 1969;

19 (39) Sections 1, 3, 4, 5, 6, 7, 8, 9, and 10, Chapter
20 246, Acts of the 58th Legislature, Regular Session, 1963;

21 (40) Sections 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12,
22 Chapter 611, Acts of the 60th Legislature, Regular Session, 1967;

23 (41) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
24 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, Chapter 605, Acts of
25 the 59th Legislature, Regular Session, 1965;

26 (42) Sections 2 and 3, Chapter 101, Acts of the 60th
27 Legislature, Regular Session, 1967;

28 (43) Sections 2 and 3, Chapter 579, Acts of the 61st
29 Legislature, Regular Session, 1969;

30 (44) Chapter 317, Acts of the 72nd Legislature,
31 Regular Session, 1991;

32 (45) Sections 1, 2, 4, 5, 6, 7, 8, 8A, 9, 10, 11, and
33 12, Chapter 245, Acts of the 54th Legislature, Regular Session,
34 1955;

1 (46) Chapter 371, Acts of the 74th Legislature,
2 Regular Session, 1995;

3 (47) Section 2, Chapter 1449, Acts of the 75th
4 Legislature, Regular Session, 1997;

5 (48) Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11,
6 Chapter 613, Acts of the 59th Legislature, Regular Session, 1965;

7 (49) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
8 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, Chapter 584, Acts of
9 the 59th Legislature, Regular Session, 1965;

10 (50) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
11 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, Chapter 268, Acts of the
12 53rd Legislature, Regular Session, 1953;

13 (51) Sections 4 and 8, Chapter 76, Acts of the 59th
14 Legislature, Regular Session, 1965;

15 (52) Sections 1, 2(a), 2(c), 3, 4, 5, 6, 7, 8, 9, 10,
16 11, 12, 13, 14, 15, and 16, Chapter 638, Acts of the 60th
17 Legislature, Regular Session, 1967;

18 (53) Chapter 475, Acts of the 67th Legislature,
19 Regular Session, 1981;

20 (54) Sections 2, 3, 4, 5, 6, and 7, Chapter 198, Acts
21 of the 53rd Legislature, Regular Session, 1953;

22 (55) Sections 2, 3, 4, 5, 6, 7, 8, 9, and 10, Chapter
23 324, Acts of the 57th Legislature, Regular Session, 1961;

24 (56) Sections 2, 3, 4, 5, 6, 7, and 8, Chapter 520,
25 Acts of the 59th Legislature, Regular Session, 1965;

26 (57) Chapter 77, Acts of the 76th Legislature, Regular
27 Session, 1999;

28 (58) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
29 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, Chapter 846, Acts of the
30 61st Legislature, Regular Session, 1969;

31 (59) Sections 2, 3, 4, 5, 6, 7, 8, 9, and 10, Chapter
32 532, Acts of the 59th Legislature, Regular Session, 1965;

33 (60) Chapter 508, Acts of the 54th Legislature,
34 Regular Session, 1955;

1 (61) Chapter 619, Acts of the 63rd Legislature,
2 Regular Session, 1973;

3 (62) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
4 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26, Chapter 436,
5 Acts of the 66th Legislature, Regular Session, 1979; and

6 (63) Sections 1A, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
7 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, Chapter 337, Acts
8 of the 65th Legislature, Regular Session, 1977.

9 SECTION 4.01. LEGISLATIVE INTENT OF NO SUBSTANTIVE CHANGE.
10 This Act is enacted under Section 43, Article III, Texas
11 Constitution. This Act is intended as a codification only, and no
12 substantive change in the law is intended by this Act. This Act
13 does not increase or decrease the territory of any special district
14 of the state as those boundaries exist on the effective date of this
15 Act.

16 SECTION 4.02. PRESERVATION OF VALIDATION MADE BY PREVIOUS
17 LAW. (a) The repeal of a law, including a validating law, by this
18 Act does not remove, void, or otherwise affect in any manner a
19 validation under the repealed law. The validation is preserved and
20 continues to have the same effect that it would have if the law were
21 not repealed.

22 (b) Subsection (a) of this section does not diminish the
23 saving provisions prescribed by Section 311.031, Government Code.

24 SECTION 4.03. EFFECTIVE DATE. This Act takes effect April
25 1, 2017.

1 APPENDIX B

2 CHAPTER 311. CODE CONSTRUCTION ACT

3 (current as of end of 84th Legislature, Regular
4 Session, 2015)

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Sec. 311.001. SHORT TITLE. This chapter may be cited as the
7 Code Construction Act.

8 Sec. 311.002. APPLICATION. This chapter applies to:

9 (1) each code enacted by the 60th or a subsequent
10 legislature as part of the state's continuing statutory revision
11 program;

12 (2) each amendment, repeal, revision, and reenactment
13 of a code or code provision by the 60th or a subsequent legislature;

14 (3) each repeal of a statute by a code; and

15 (4) each rule adopted under a code.

16 Sec. 311.003. RULES NOT EXCLUSIVE. The rules provided in
17 this chapter are not exclusive but are meant to describe and clarify
18 common situations in order to guide the preparation and
19 construction of codes.

20 Sec. 311.004. CITATION OF CODES. A code may be cited by its
21 name preceded by the specific part concerned. Examples of
22 citations are:

23 (1) Title 1, Business & Commerce Code;

24 (2) Chapter 5, Business & Commerce Code;

25 (3) Section 9.304, Business & Commerce Code;

26 (4) Section 15.06(a), Business & Commerce Code; and

27 (5) Section 17.18(b)(1)(B)(ii), Business & Commerce
28 Code.

29 Sec. 311.005. GENERAL DEFINITIONS. The following
30 definitions apply unless the statute or context in which the word or
31 phrase is used requires a different definition:

32 (1) "Oath" includes affirmation.

33 (2) "Person" includes corporation, organization,
34 government or governmental subdivision or agency, business trust,

1 estate, trust, partnership, association, and any other legal
2 entity.

3 (3) "Population" means the population shown by the
4 most recent federal decennial census.

5 (4) "Property" means real and personal property.

6 (5) "Rule" includes regulation.

7 (6) "Signed" includes any symbol executed or adopted
8 by a person with present intention to authenticate a writing.

9 (7) "State," when referring to a part of the United
10 States, includes any state, district, commonwealth, territory, and
11 insular possession of the United States and any area subject to the
12 legislative authority of the United States of America.

13 (8) "Swear" includes affirm.

14 (9) "United States" includes a department, bureau, or
15 other agency of the United States of America.

16 (10) "Week" means seven consecutive days.

17 (11) "Written" includes any representation of words,
18 letters, symbols, or figures.

19 (12) "Year" means 12 consecutive months.

20 (13) "Includes" and "including" are terms of
21 enlargement and not of limitation or exclusive enumeration, and use
22 of the terms does not create a presumption that components not
23 expressed are excluded.

24 Sec. 311.006. INTERNAL REFERENCES. In a code:

25 (1) a reference to a title, chapter, or section
26 without further identification is a reference to a title, chapter,
27 or section of the code; and

28 (2) a reference to a subtitle, subchapter, subsection,
29 subdivision, paragraph, or other numbered or lettered unit without
30 further identification is a reference to a unit of the next larger
31 unit of the code in which the reference appears.

32 SUBCHAPTER B. CONSTRUCTION OF WORDS AND PHRASES

33 Sec. 311.011. COMMON AND TECHNICAL USAGE OF WORDS. (a)
34 Words and phrases shall be read in context and construed according

1 to the rules of grammar and common usage.

2 (b) Words and phrases that have acquired a technical or
3 particular meaning, whether by legislative definition or
4 otherwise, shall be construed accordingly.

5 Sec. 311.012. TENSE, NUMBER, AND GENDER. (a) Words in the
6 present tense include the future tense.

7 (b) The singular includes the plural and the plural includes
8 the singular.

9 (c) Words of one gender include the other genders.

10 Sec. 311.013. AUTHORITY AND QUORUM OF PUBLIC BODY. (a) A
11 grant of authority to three or more persons as a public body confers
12 the authority on a majority of the number of members fixed by
13 statute.

14 (b) A quorum of a public body is a majority of the number of
15 members fixed by statute.

16 Sec. 311.014. COMPUTATION OF TIME. (a) In computing a
17 period of days, the first day is excluded and the last day is
18 included.

19 (b) If the last day of any period is a Saturday, Sunday, or
20 legal holiday, the period is extended to include the next day that
21 is not a Saturday, Sunday, or legal holiday.

22 (c) If a number of months is to be computed by counting the
23 months from a particular day, the period ends on the same numerical
24 day in the concluding month as the day of the month from which the
25 computation is begun, unless there are not that many days in the
26 concluding month, in which case the period ends on the last day of
27 that month.

28 Sec. 311.015. REFERENCE TO A SERIES. If a statute refers to
29 a series of numbers or letters, the first and last numbers or
30 letters are included.

31 Sec. 311.016. "MAY," "SHALL," "MUST," ETC. The following
32 constructions apply unless the context in which the word or phrase
33 appears necessarily requires a different construction or unless a
34 different construction is expressly provided by statute:

1 (1) "May" creates discretionary authority or grants
2 permission or a power.

3 (2) "Shall" imposes a duty.

4 (3) "Must" creates or recognizes a condition
5 precedent.

6 (4) "Is entitled to" creates or recognizes a right.

7 (5) "May not" imposes a prohibition and is synonymous
8 with "shall not."

9 (6) "Is not entitled to" negates a right.

10 (7) "Is not required to" negates a duty or condition
11 precedent.

12 SUBCHAPTER C. CONSTRUCTION OF STATUTES

13 Sec. 311.021. INTENTION IN ENACTMENT OF STATUTES. In
14 enacting a statute, it is presumed that:

15 (1) compliance with the constitutions of this state
16 and the United States is intended;

17 (2) the entire statute is intended to be effective;

18 (3) a just and reasonable result is intended;

19 (4) a result feasible of execution is intended; and

20 (5) public interest is favored over any private
21 interest.

22 Sec. 311.022. PROSPECTIVE OPERATION OF STATUTES. A statute
23 is presumed to be prospective in its operation unless expressly
24 made retrospective.

25 Sec. 311.023. STATUTE CONSTRUCTION AIDS. In construing a
26 statute, whether or not the statute is considered ambiguous on its
27 face, a court may consider among other matters the:

28 (1) object sought to be attained;

29 (2) circumstances under which the statute was enacted;

30 (3) legislative history;

31 (4) common law or former statutory provisions,
32 including laws on the same or similar subjects;

33 (5) consequences of a particular construction;

34 (6) administrative construction of the statute; and

1 (7) title (caption), preamble, and emergency
2 provision.

3 Sec. 311.024. HEADINGS. The heading of a title, subtitle,
4 chapter, subchapter, or section does not limit or expand the
5 meaning of a statute.

6 Sec. 311.025. IRRECONCILABLE STATUTES AND AMENDMENTS. (a)
7 Except as provided by Section 311.031(d), if statutes enacted at
8 the same or different sessions of the legislature are
9 irreconcilable, the statute latest in date of enactment prevails.

10 (b) Except as provided by Section 311.031(d), if amendments
11 to the same statute are enacted at the same session of the
12 legislature, one amendment without reference to another, the
13 amendments shall be harmonized, if possible, so that effect may be
14 given to each. If the amendments are irreconcilable, the latest in
15 date of enactment prevails.

16 (c) In determining whether amendments are irreconcilable,
17 text that is reenacted because of the requirement of Article III,
18 Section 36, of the Texas Constitution is not considered to be
19 irreconcilable with additions or omissions in the same text made by
20 another amendment. Unless clearly indicated to the contrary, an
21 amendment that reenacts text in compliance with that constitutional
22 requirement does not indicate legislative intent that the reenacted
23 text prevail over changes in the same text made by another
24 amendment, regardless of the relative dates of enactment.

25 (d) In this section, the date of enactment is the date on
26 which the last legislative vote is taken on the bill enacting the
27 statute.

28 (e) If the journals or other legislative records fail to
29 disclose which of two or more bills in conflict is latest in date of
30 enactment, the date of enactment of the respective bills is
31 considered to be, in order of priority:

32 (1) the date on which the last presiding officer
33 signed the bill;

34 (2) the date on which the governor signed the bill; or

1 (3) the date on which the bill became law by operation
2 of law.

3 Sec. 311.026. SPECIAL OR LOCAL PROVISION PREVAILS OVER
4 GENERAL. (a) If a general provision conflicts with a special or
5 local provision, the provisions shall be construed, if possible, so
6 that effect is given to both.

7 (b) If the conflict between the general provision and the
8 special or local provision is irreconcilable, the special or local
9 provision prevails as an exception to the general provision, unless
10 the general provision is the later enactment and the manifest
11 intent is that the general provision prevail.

12 Sec. 311.027. STATUTORY REFERENCES. Unless expressly
13 provided otherwise, a reference to any portion of a statute or rule
14 applies to all reenactments, revisions, or amendments of the
15 statute or rule.

16 Sec. 311.028. UNIFORM CONSTRUCTION OF UNIFORM ACTS. A
17 uniform act included in a code shall be construed to effect its
18 general purpose to make uniform the law of those states that enact
19 it.

20 Sec. 311.029. ENROLLED BILL CONTROLS. If the language of
21 the enrolled bill version of a statute conflicts with the language
22 of any subsequent printing or reprinting of the statute, the
23 language of the enrolled bill version controls.

24 Sec. 311.030. REPEAL OF REPEALING STATUTE. The repeal of a
25 repealing statute does not revive the statute originally repealed
26 nor impair the effect of any saving provision in it.

27 Sec. 311.031. SAVING PROVISIONS. (a) Except as provided by
28 Subsection (b), the reenactment, revision, amendment, or repeal of
29 a statute does not affect:

30 (1) the prior operation of the statute or any prior
31 action taken under it;

32 (2) any validation, cure, right, privilege,
33 obligation, or liability previously acquired, accrued, accorded,
34 or incurred under it;

1 (3) any violation of the statute or any penalty,
2 forfeiture, or punishment incurred under the statute before its
3 amendment or repeal; or

4 (4) any investigation, proceeding, or remedy
5 concerning any privilege, obligation, liability, penalty,
6 forfeiture, or punishment; and the investigation, proceeding, or
7 remedy may be instituted, continued, or enforced, and the penalty,
8 forfeiture, or punishment imposed, as if the statute had not been
9 repealed or amended.

10 (b) If the penalty, forfeiture, or punishment for any
11 offense is reduced by a reenactment, revision, or amendment of a
12 statute, the penalty, forfeiture, or punishment, if not already
13 imposed, shall be imposed according to the statute as amended.

14 (c) The repeal of a statute by a code does not affect an
15 amendment, revision, or reenactment of the statute by the same
16 legislature that enacted the code. The amendment, revision, or
17 reenactment is preserved and given effect as part of the code
18 provision that revised the statute so amended, revised, or
19 reenacted.

20 (d) If any provision of a code conflicts with a statute
21 enacted by the same legislature that enacted the code, the statute
22 controls.

23 Sec. 311.032. SEVERABILITY OF STATUTES. (a) If any statute
24 contains a provision for severability, that provision prevails in
25 interpreting that statute.

26 (b) If any statute contains a provision for
27 nonseverability, that provision prevails in interpreting that
28 statute.

29 (c) In a statute that does not contain a provision for
30 severability or nonseverability, if any provision of the statute or
31 its application to any person or circumstance is held invalid, the
32 invalidity does not affect other provisions or applications of the
33 statute that can be given effect without the invalid provision or
34 application, and to this end the provisions of the statute are

1 severable.

2 Sec. 311.034. WAIVER OF SOVEREIGN IMMUNITY. In order to
3 preserve the legislature's interest in managing state fiscal
4 matters through the appropriations process, a statute shall not be
5 construed as a waiver of sovereign immunity unless the waiver is
6 effected by clear and unambiguous language. In a statute, the use
7 of "person," as defined by Section 311.005 to include governmental
8 entities, does not indicate legislative intent to waive sovereign
9 immunity unless the context of the statute indicates no other
10 reasonable construction. Statutory prerequisites to a suit,
11 including the provision of notice, are jurisdictional requirements
12 in all suits against a governmental entity.

13 Sec. 311.035. CONSTRUCTION OF STATUTE OR RULE INVOLVING
14 CRIMINAL OFFENSE OR PENALTY. (a) In this section, "actor" and
15 "element of offense" have the meanings assigned by Section 1.07,
16 Penal Code.

17 (b) Except as provided by Subsection (c), a statute or rule
18 that creates or defines a criminal offense or penalty shall be
19 construed in favor of the actor if any part of the statute or rule is
20 ambiguous on its face or as applied to the case, including:

21 (1) an element of offense; or

22 (2) the penalty to be imposed.

23 (c) Subsection (b) does not apply to a criminal offense or
24 penalty under the Penal Code or under the Texas Controlled
25 Substances Act.

26 (d) The ambiguity of a part of a statute or rule to which
27 this section applies is a matter of law to be resolved by the judge.

APPENDIX C
DISPOSITION TABLE
SPECIAL DISTRICT LOCAL LAWS CODE

4	41st Leg., R.S., Ch. 45	
5	Sec. 1	RN 6613.152
6	Sec. 2 (part)	6613.003
7	Sec. 3 (part)	6613.001
8	(part)	6613.002
9	(part)	6613.003
10	Sec. 4	6613.102
11	Sec. 5	6613.151
12	Sec. 6 (part)	6613.051
13	(part)	6613.052
14	(part)	RN 6613.052
15	Sec. 7	6613.152
16	Sec. 8	6613.152
17	Sec. 9 (part)	6613.101
18	(part)	RN 6613.152
19	Sec. 10 (part)	6613.001
20	(part)	6613.002
21	(part)	6613.101
22	(part)	RN 6613.152
23	Sec. 11	RN 6613.152
24	41st Leg., R.S., Ch. 145	
25	Sec. 1 (part)	6612.002
26	(part)	6612.101
27	Sec. 2 (part)	6612.002
28	(part)	6612.003
29	(part)	RN 6612.101
30	Sec. 3	RN 6612.101
31	Sec. 4 (part)	6612.051
32	(part)	RN 6612.051
33	Sec. 5 (part)	6612.001
34	(part)	6612.002
35	(part)	6612.101
36	(part)	RN 6612.101
37	Sec. 6	RN 6612.101
38	Sec. 7 (part)	6612.101
39	(part)	RN 6612.101
40	Sec. 8	RN 6612.101
41	Sec. 9	RN 6612.101
42	Sec. 10	RN 6612.101
43	Sec. 11 (part)	6612.003
44	(part)	6612.101
45	(part)	RN 6612.101
46	Sec. 12	RN 6612.101
47	41st Leg., 4th C.S., S.L., Ch. 4	
48	Sec. 1	RN 6614.051
49	Sec. 2 (part)	6614.002
50	(part)	6614.003
51	(part)	6614.051
52	Sec. 3	RN 6614.051
53	Sec. 4	6614.004
54	Sec. 5	RN 6614.051
55	44th Leg., R.S., G.L., Ch. 126	
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51		(b)	8482.002
52	Sec. 3(a)	8482.003
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33	(e) RN	7216.151
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37	Sec. 12 RN	7216.151
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