

REVISOR'S REPORT

A NONSUBSTANTIVE REVISION
OF LOCAL LAWS RELATING TO
SPECIAL DISTRICTS

Submitted to the 87th Legislature
as part of the
Texas Legislative Council's
Statutory Revision Program

Austin, Texas

2021

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 The process involves reclassifying and rearranging the statutes in a more logical order, eliminating repealed, invalid, duplicative, and other ineffective provisions while employing a format and numbering system that will accommodate future expansion of the law, and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 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. In addition, as part of its continuing statutory revision program, the council is carrying out a nonsubstantive revision of various portions 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 914, Acts of the 87th Legislature, Regular Session, 2021, 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, 2023, 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 a conforming amendment to a statute. The amendment, also enacted into law by Chapter 914, Acts of the 87th Legislature, Regular Session, 2021, is printed in Appendix A to the revisor's report. Appendix A also includes a section listing the laws repealed effective April 1, 2023, 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.

This revision project is under the direction of Stephen Loomis, Legislative Counsel, of the Texas Legislative Council's legal division staff. Questions may be directed to Mr. Loomis at P.O. Box 12128, Capitol Station, Austin, Texas 78711-2128, or by telephone at (512) 463-1151.

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7 OF DENTON AND DALLAS COUNTIES, TEXAS

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Revised Law

10 Sec. 7817.0101. DEFINITIONS. In this chapter:

11 (1) "Board" means the district's board of directors.

12 (2) "District" means the Denton County Levee
13 Improvement District No. 1 of Denton and Dallas Counties, Texas.
14 (Acts 69th Leg., R.S., Ch. 473, Sec. 1.)

15 Source Law

16 Sec. 1. In this Act:

17 (1) "District" means the Denton County
18 Levee Improvement District No. 1 of Denton and Dallas
19 Counties, Texas.

20 (2) "Board" means the district's board of
21 directors.

22 Revised Law

23 Sec. 7817.0102. NATURE OF DISTRICT. The district is:

24 (1) a levee improvement district created under and
25 essential to accomplish the purposes of Section 59, Article XVI,
26 Texas Constitution; and

27 (2) a political subdivision of this state. (Acts 69th
28 Leg., R.S., Ch. 473, Sec. 3.)

29 Source Law

30 Sec. 3. (a) The district is a levee
31 improvement district created under and essential to
32 accomplish the purposes of Section 59, Article XVI,
33 Texas Constitution.

34 (b) The district is a political subdivision of
35 the State of Texas and a body corporate and politic.

36 Revisor's Note

37 Section 3, Chapter 473, Acts of the 69th
38 Legislature, Regular Session, 1985, provides that the
39 district is a levee improvement district created under

1 Section 59, Article XVI, Texas Constitution, which
2 authorizes the creation of conservation and
3 reclamation districts in this state. Section 3 also
4 states that the district is "a body corporate and
5 politic." The revised law omits the quoted language
6 because it duplicates a portion of Section 59(b),
7 Article XVI, Texas Constitution.

8 Revised Law

9 Sec. 7817.0103. TERRITORY. The district boundaries form a
10 closure. (Acts 69th Leg., R.S., Ch. 473, Sec. 2 (part).)

11 Source Law

12 Sec. 2. [The . . . district . . .] its
13 boundaries are declared to form a closure.

14 Revised Law

15 Sec. 7817.0104. ANNEXATION OF TERRITORY. (a) The district
16 may annex any territory the owner of which petitions for annexation
17 by the method prescribed by Section 49.301, Water Code.

18 (b) At least 30 days before acting on a petition for
19 annexation, the district shall notify all municipalities within
20 whose boundaries the district or the land described in the petition
21 is located. The notification must:

22 (1) be in writing;

23 (2) specify the time and place of the meeting to
24 consider the petition;

25 (3) invite the municipality to appear at the meeting;
26 and

27 (4) include a copy of the petition.

28 (c) Notwithstanding any other provision of this chapter,
29 the district may annex only territory with a boundary contiguous to
30 a district boundary. (Acts 69th Leg., R.S., Ch. 473, Sec. 5.)

31 Source Law

32 Sec. 5. The district may annex any territory,
33 the owner of which petitions for annexation by the
34 method prescribed by Sections 54.711 through 54.715,
35 Water Code, as amended. Not less than 30 days prior to
36 taking action on a petition for annexation, the
37 district shall notify all municipalities within whose

1 boundaries the district or the land described in the
2 petition is located. The notification shall be in
3 writing, shall specify the time and place of the
4 meeting at which the petition is to be considered,
5 shall invite the municipalities to appear at the
6 meeting, and shall enclose a copy of the petition.
7 Notwithstanding anything herein to the contrary, the
8 district may not annex any territory whose boundary is
9 not contiguous to that of the district.

10 Revisor's Note

11 Section 5, Chapter 473, Acts of the 69th
12 Legislature, Regular Session, 1985, authorizes the
13 district to annex territory the owner of which
14 petitions for annexation by the method prescribed by
15 "Sections 54.711 through 54.715, Water Code, as
16 amended." The revised law substitutes for that
17 reference a reference to Section 49.301, Water Code,
18 because Chapter 715, Acts of the 74th Legislature,
19 Regular Session, 1995, repealed Sections 54.711
20 through 54.715, Water Code, and enacted Section 49.301
21 of that code to govern the addition of land to certain
22 districts by the petition of the landowner. Section
23 49.301, Water Code, applies to the district under
24 Sections 49.001 and 49.002 of that code. The revised
25 law omits "as amended" because under Section 311.027,
26 Government Code (Code Construction Act), a reference
27 to a statute applies to all reenactments, revisions,
28 or amendments of that statute unless expressly
29 provided otherwise.

30 Revised Law

31 Sec. 7817.0105. APPLICABILITY OF OTHER LAW. Chapters 49
32 and 57, Water Code, apply to the district except to the extent this
33 chapter constitutes a modification of general law. (Acts 69th
34 Leg., R.S., Ch. 473, Sec. 6.)

35 Source Law

36 Sec. 6. Chapters 49 and 57, Water Code, apply to
37 the district except to the extent this Act constitutes
38 a modification of the provisions of the general law.

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Revisor's Note
(End of Subchapter)

Section 2, Chapter 473, Acts of the 69th Legislature, Regular Session, 1985, validates the creation of the district and the actions of the district's board. The revised law omits the provision because it served its purpose on the day it took effect and is executed law. Section 311.031(a)(2), Government Code (Code Construction Act), provides that the repeal of a statute does not affect any validation previously made under the statute. Therefore, the omission of the executed validation provision does not affect the validation. The omitted law reads:

Sec. 2. The creation of the district and the actions of its board of directors are hereby validated in all respects and

SUBCHAPTER B. POWERS AND DUTIES

Revised Law

Sec. 7817.0201. AUTHORITY TO UNDERTAKE IMPROVEMENT PROJECTS OR SERVICES. (a) The board may undertake an improvement project or service that confers a special benefit on all or a definable part of the district.

(b) As needed to restore, preserve, or enhance the scenic and aesthetic beauty of an area in the district, the district may include in the improvement project or service the acquisition, construction, or financing of:

- (1) a drainage facility;
- (2) a hiking and cycling trail;
- (3) a pedestrian walkway along or across a street, at grade or above or below the surface;
- (4) landscaping; and
- (5) other development. (Acts 69th Leg., R.S., Ch. 473, Secs. 6A(a), (c).)

Source Law

Sec. 6A. (a) The board may undertake an

1 improvement project or service that confers a special
2 benefit on all or a definable part of the district.

3 (c) As needed for the restoration,
4 preservation, or enhancement of the scenic and
5 aesthetic beauty of an area in the district, the
6 district may provide an improvement project or service
7 under this section that may include the acquisition,
8 construction, or financing of:

- 9 (1) a drainage facility;
10 (2) a hike and bike trail;
11 (3) a pedestrian way along or across a
12 street, at grade or above or below the surface;
13 (4) landscaping; and
14 (5) other development.

15 Revised Law

16 Sec. 7817.0202. COMPACTED FILL AUTHORITY. The district may
17 include compacted fill in the district's reclamation plan and may
18 spend money and issue bonds to the full extent otherwise authorized
19 by Chapters 49 and 57, Water Code, for payment of compacted fill.
20 (Acts 69th Leg., R.S., Ch. 473, Sec. 4.)

21 Source Law

22 Sec. 4. The district shall have full power and
23 authority to include compacted fill as part of its plan
24 of reclamation and to expend funds and issue bonds, to
25 the full extent otherwise authorized by Chapter 57,
26 Water Code, as amended, for payment of compacted fill.

27 Revisor's Note

28 (1) Section 4, Chapter 473, Acts of the 69th
29 Legislature, Regular Session, 1985, provides that the
30 district "shall have full power and authority to"
31 exercise certain powers. The revised law substitutes
32 "may" for the quoted language because, in context, the
33 meaning is the same and "may" is more commonly used.

34 (2) Section 4, Chapter 473, Acts of the 69th
35 Legislature, Regular Session, 1985, refers to the
36 district's authority to "expend funds." The revised
37 law substitutes "spend money" for the quoted language
38 because, in context, the meaning is the same and the
39 latter is the more commonly used phrase.

40 (3) Section 4, Chapter 473, Acts of the 69th
41 Legislature, Regular Session, 1985, refers to "Chapter
42 57, Water Code, as amended." For the reader's

1 convenience, the revised law adds a reference to
2 Chapter 49, Water Code, because Chapter 715, Acts of
3 the 74th Legislature, Regular Session, 1995, repealed
4 many provisions of Chapter 57 and enacted similar
5 provisions in Chapter 49, Water Code, which applies to
6 the district under Sections 49.001 and 49.002 of that
7 chapter. The revised law omits "as amended" for the
8 reason stated in the revisor's note to Section
9 7817.0104.

10 SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

11 Revised Law

12 Sec. 7817.0301. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
13 The board by resolution may impose an assessment for any purpose
14 authorized by this chapter.

15 (b) An assessment, including an assessment resulting from
16 an addition to or correction of the assessment roll by the district,
17 a reassessment, penalties and interest on an assessment or
18 reassessment, an expense of collection, and reasonable attorney's
19 fees incurred by the district are:

20 (1) a first and prior lien against the property
21 assessed;

22 (2) superior to any other lien or claim other than a
23 lien or claim for county, school district, or municipal ad valorem
24 taxes; and

25 (3) the personal liability of and a charge against the
26 property owners even if the owners are not named in the assessment
27 proceedings.

28 (c) The lien is effective from the date of the board's
29 resolution imposing the assessment until the date the assessment is
30 paid. The board may enforce the lien in the same manner that the
31 board may enforce an ad valorem tax lien against real property.
32 (Acts 69th Leg., R.S., Ch. 473, Sec. 6C.)

33 Source Law

34 Sec. 6C. (a) The board by resolution may impose

1 and collect an assessment for any purpose authorized
2 by this chapter.

3 (b) An assessment, a reassessment, or an
4 assessment resulting from an addition to or correction
5 of the assessment roll by the district, penalties and
6 interest on an assessment or reassessment, an expense
7 of collection, and reasonable attorney's fees incurred
8 by the district:

9 (1) are a first and prior lien against the
10 property assessed;

11 (2) are superior to any other lien or claim
12 other than a lien or claim for county, school district,
13 or municipal ad valorem taxes; and

14 (3) are the personal liability of and a
15 charge against the owners of the property even if the
16 owners are not named in the assessment proceedings.

17 (c) The lien is effective from the date of the
18 board's resolution imposing the assessment until the
19 date the assessment is paid. The board may enforce the
20 lien in the same manner that the board may enforce an
21 ad valorem tax lien against real property.

22 Revisor's Note

23 Section 6C(a), Chapter 473, Acts of the 69th
24 Legislature, Regular Session, 1985, states that the
25 board by resolution may "impose and collect" an
26 assessment. The revised law omits the reference to the
27 authority to collect the assessment because the
28 authority to impose the assessment necessarily implies
29 the authority to collect it.

30 Revised Law

31 Sec. 7817.0302. AUTHORITY TO IMPOSE SPECIAL ASSESSMENTS FOR
32 CERTAIN IMPROVEMENT PROJECTS OR SERVICES. (a) The board may impose
33 a special assessment on property in the district based on the
34 benefit conferred by an improvement project or service under
35 Section 7817.0201 to pay all or part of the cost of the project or
36 service.

37 (b) Sections 375.111 through 375.124, Local Government
38 Code, apply to financing an improvement project or service under
39 Section 7817.0201. (Acts 69th Leg., R.S., Ch. 473, Secs. 6A(b),
40 (d).)

41 Source Law

42 (b) The board may impose and collect special
43 assessments on property in the district, based on the
44 benefit conferred by the project or service under this
45 section, to pay all or part of the cost of the project
46 or service.

1 (d) Sections 375.111 through 375.124, Local
2 Government Code, apply to the financing of an
3 improvement project or service under this section.

4 Revisor's Note

5 (1) Section 6A(b), Chapter 473, Acts of the 69th
6 Legislature, Regular Session, 1985, states that the
7 board may "impose and collect" an assessment. The
8 revised law omits the reference to the authority to
9 collect the assessment for the reason stated in the
10 revisor's note to Section 7817.0301.

11 (2) Sections 6A(b) and (d), Chapter 473, Acts of
12 the 69th Legislature, Regular Session, 1985, refer to
13 a project or service "under this section." Section 6A
14 is revised in pertinent part in this chapter as Section
15 7817.0201, and the revised law is drafted accordingly.

16 Revised Law

17 Sec. 7817.0303. PETITION REQUIRED FOR FINANCING
18 IMPROVEMENT PROJECTS OR SERVICES THROUGH ASSESSMENTS. (a) The
19 board may not finance an improvement project or service through an
20 assessment imposed under this chapter unless a written petition
21 requesting that improvement or service has been filed with the
22 board.

23 (b) The petition must be signed by:

24 (1) the owners of a majority of the assessed value of
25 real property in the district subject to assessment according to
26 the most recent certified appraisal rolls for Denton and Dallas
27 Counties; or

28 (2) the owners of a majority of the surface area of
29 real property in the district subject to assessment as determined
30 by the board. (Acts 69th Leg., R.S., Ch. 473, Sec. 6B.)

31 Source Law

32 Sec. 6B. (a) The board may not finance a service
33 or improvement project with assessments under this Act
34 unless a written petition requesting that service or
35 improvement has been filed with the board.

36 (b) A petition filed under Subsection (a) of
37 this section must be signed by:

38 (1) the owners of a majority of the
39 assessed value of real property in the district

1 subject to assessment according to the most recent
2 certified appraisal rolls for Denton and Dallas
3 Counties; or

4 (2) the owners of a majority of the surface
5 area of real property in the district subject to
6 assessment as determined by the board.

7 Revised Law

8 Sec. 7817.0304. IMPACT FEE AND ASSESSMENT EXEMPTIONS. The
9 district may not impose an impact fee or assessment on:

10 (1) single-family residential property; or

11 (2) the property, including the equipment,
12 rights-of-way, facilities, or improvements, of:

13 (A) an electric utility or a power generation
14 company as defined by Section 31.002, Utilities Code;

15 (B) a gas utility as defined by Section 101.003
16 or 121.001, Utilities Code;

17 (C) a telecommunications provider as defined by
18 Section 51.002, Utilities Code; or

19 (D) a person who provides to the public cable
20 television or advanced telecommunications services. (Acts 69th
21 Leg., R.S., Ch. 473, Secs. 6D, 6F.)

22 Source Law

23 Sec. 6D. The district may not impose an impact
24 fee or assessment on single-family residential
25 property.

26 Sec. 6F. The district may not impose an impact
27 fee or assessment on the property, including the
28 equipment, rights-of-way, facilities, or
29 improvements, of:

30 (1) an electric utility or a power
31 generation company as defined by Section 31.002,
32 Utilities Code;

33 (2) a gas utility as defined by Section
34 101.003 or 121.001, Utilities Code;

35 (3) a telecommunications provider as
36 defined by Section 51.002, Utilities Code; or

37 (4) a person who provides to the public
38 cable television or advanced telecommunications
39 services.

40 Revised Law

41 Sec. 7817.0305. BONDS AND OTHER OBLIGATIONS. (a) The
42 district may issue bonds or other obligations payable wholly or
43 partly from ad valorem taxes, assessments, impact fees, revenue,
44 grants, or other district money, or any combination of those

1 sources, to pay for any authorized district purpose.

2 (b) In exercising the district's power to borrow, the
3 district may issue a bond or other obligation in the form of a bond,
4 note, certificate of participation or other instrument evidencing a
5 proportionate interest in payments to be made by the district, or
6 other type of obligation.

7 (c) The district must obtain approval from the City of
8 Lewisville before issuing bonds under this section. (Acts 69th
9 Leg., R.S., Ch. 473, Sec. 6E.)

10 Source Law

11 Sec. 6E. (a) The district may issue bonds or
12 other obligations payable wholly or partly from ad
13 valorem taxes, assessments, impact fees, revenue,
14 grants, or other district money, or any combination of
15 those sources, to pay for any authorized district
16 purpose.

17 (b) In exercising the district's power to
18 borrow, the district may issue a bond or other
19 obligation in the form of a bond, note, certificate of
20 participation or other instrument evidencing a
21 proportionate interest in payments to be made by the
22 district, or other type of obligation.

23 (c) The district must obtain approval by the
24 City of Lewisville before issuing bonds under this
25 section.

26 Revisor's Note
27 (End of Chapter)

28 Section 6, Chapter 962, Acts of the 80th
29 Legislature, Regular Session, 2007, recites
30 legislative findings regarding procedural
31 requirements for legislation affecting the district
32 under the constitution and other laws and rules,
33 including providing proper legal notice and filing
34 recommendations. The revised law omits those
35 provisions as executed. The omitted law reads:

36 Sec. 6. (a) The legal notice of the
37 intention to introduce this Act, setting
38 forth the general substance of this Act, has
39 been published as provided by law, and the
40 notice and a copy of this Act have been
41 furnished to all persons, agencies,
42 officials, or entities to which they are
43 required to be furnished under Section 59,
44 Article XVI, Texas Constitution, and
45 Chapter 313, Government Code.

46 (b) The governor, one of the required
47 recipients, has submitted the notice and

1 Act to the Texas Commission on
2 Environmental Quality.

3 (c) The Texas Commission on
4 Environmental Quality has filed its
5 recommendations relating to this Act with
6 the governor, the lieutenant governor, and
7 the speaker of the house of representatives
8 within the required time.

9 (d) All requirements of the
10 constitution and laws of this state and the
11 rules and procedures of the legislature
12 with respect to the notice, introduction,
13 and passage of this Act are fulfilled and
14 accomplished.

15 SUBTITLE F. MUNICIPAL UTILITY DISTRICTS

16 CHAPTER 7886. SEBASTIAN MUNICIPAL UTILITY DISTRICT

17 SUBCHAPTER A. GENERAL PROVISIONS

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30 CHAPTER 7886. SEBASTIAN MUNICIPAL UTILITY DISTRICT

31 SUBCHAPTER A. GENERAL PROVISIONS

32 Revised Law

33 Sec. 7886.0101. DEFINITIONS. In this chapter:

34 (1) "Board" means the district's board of directors.

35 (2) "Corporation" means a qualified water supply
36 corporation as described by Section 7886.0201.

37 (3) "District" means the Sebastian Municipal Utility
38 District.

39 (4) "Utility commission" means the Public Utility
40 Commission of Texas. (Acts 75th Leg., R.S., Ch. 516, Sec. 1; New.)

1 Chapter 76, Acts of the 43rd Legislature, 1st Called
2 Session, 1933, was revised in 1997 as Chapter 67, Water
3 Code. The revised law is drafted accordingly.

4 Revised Law

5 Sec. 7886.0202. PETITION TO DISSOLVE DISTRICT. (a) A
6 petition may be filed with the board requesting an election in the
7 district to decide if the board must enter into an agreement
8 described by Section 7886.0205(a).

9 (b) A petition filed under this section must be printed in
10 English and Spanish and read as follows:

11 "We, the undersigned, being registered voters in the
12 Sebastian Municipal Utility District, request the board of
13 directors of the Sebastian Municipal Utility District to hold an
14 election to decide if the board must enter into an agreement with a
15 qualified water supply corporation in which the district's debts,
16 liabilities, obligations, assets, and facilities are transferred
17 to the qualified water supply corporation and the district is
18 dissolved." (Acts 75th Leg., R.S., Ch. 516, Sec. 4.)

19 Source Law

20 Sec. 4. (a) A petition may be filed with the
21 board requesting an election in the district to decide
22 if the board must enter into an agreement as described
23 by Subsection (a) of Section 2 of this Act.

24 (b) A petition filed under this section shall be
25 printed in English and Spanish and read as follows:

26 "We, the undersigned, being registered voters in
27 the Sebastian Municipal Utility District, request the
28 board of directors of the Sebastian Municipal Utility
29 District to hold an election to decide if the board
30 must enter into an agreement with a qualified water
31 supply corporation in which the district's debts,
32 liabilities, obligations, assets, and facilities are
33 transferred to the qualified water supply corporation
34 and the district is dissolved."

35 Revised Law

36 Sec. 7886.0203. ELECTION RELATING TO DISSOLUTION OF
37 DISTRICT. (a) The board shall call an election as requested by a
38 petition filed under Section 7886.0202 only if:

39 (1) an election has not been held previously under
40 this section; and

41 (2) the board determines that the petition is signed

1 by at least 10 percent of the registered voters in the district.

2 (b) The board shall make the determination under Subsection
3 (a)(2) not later than the seventh day after the date on which the
4 board receives the petition.

5 (c) The board shall hold an election required by Subsection
6 (a) on the first authorized uniform election date after the date the
7 board determines an election is required that allows sufficient
8 time for the board to comply with all applicable provisions of the
9 Election Code.

10 (d) The board shall publish notice of the election in a
11 newspaper of general circulation in the district once each week for
12 three weeks before the date the election is scheduled to be held.

13 (e) The ballot for an election ordered in response to a
14 petition filed under Section 7886.0202 must be printed in English
15 and Spanish and read as follows:

16 "By voting YES on this ballot, you are voting in favor of
17 requiring the Sebastian Municipal Utility District to enter into an
18 agreement with a qualified water supply corporation in which the
19 district's debts, liabilities, obligations, assets, and facilities
20 are transferred to the corporation and the district is dissolved.
21 By voting NO on this ballot, you are voting against requiring the
22 Sebastian Municipal Utility District to enter into such an
23 agreement." (Acts 75th Leg., R.S., Ch. 516, Secs. 5(a), (b), (c),
24 (d) (part), (e).)

25 Source Law

26 Sec. 5. (a) The board shall call an election as
27 requested by a petition filed under Section 4 of this
28 Act only if:

29 (1) an election has not been held
30 previously under this section; and

31 (2) the board determines that the petition
32 is signed by at least 10 percent of the registered
33 voters in the district.

34 (b) The board shall make the determination under
35 Subsection (a)(2) of this section not later than the
36 seventh day after the date on which the board receives
37 the petition.

38 (c) The board shall hold an election required by
39 Subsection (a) of this section on the first authorized
40 uniform election date after the date the board
41 determines an election is required that allows
42 sufficient time for the board to comply with all

1 applicable provisions of the Election Code.

2 (d) The board shall publish notice of the
3 election in a newspaper of general circulation in the
4 district once each week for three weeks before the date
5 the election is scheduled to be held. . . .

6 (e) The ballot for an election ordered in
7 response to a petition filed under Section 4 of this
8 Act shall be printed in English and Spanish and read as
9 follows:

10 "By voting YES on this ballot, you are voting in
11 favor of requiring the Sebastian Municipal Utility
12 District to enter into an agreement with a qualified
13 water supply corporation in which the district's
14 debts, liabilities, obligations, assets, and
15 facilities are transferred to the corporation and the
16 district is dissolved. By voting NO on this ballot, you
17 are voting against requiring the Sebastian Municipal
18 Utility District to enter into such an agreement."

19 Revisor's Note

20 Section 5(d), Chapter 516, Acts of the 75th
21 Legislature, Regular Session, 1997, requires notice of
22 an election to enter into an agreement dissolving the
23 district to include the "time and place of the
24 election" and "a description of the issue to be decided
25 by the election." The revised law omits those
26 provisions because they duplicate provisions of
27 Section 4.004, Election Code, applicable to the
28 district under Section 1.002 of that code. The omitted
29 law reads:

30 (d) . . . The notice must include:

31 (1) the time and place of the
32 election; and

33 (2) a description of the issue
34 to be decided by the election.

35 Revised Law

36 Sec. 7886.0204. ELECTION RESULTS. (a) If a majority of the
37 voters vote in favor of the ballot proposition stated in Section
38 7886.0203(e), the board shall enter into an agreement described by
39 Section 7886.0205(a) if:

40 (1) a corporation agrees to the terms specified by
41 Section 7886.0205(a); and

42 (2) the utility commission determines that the
43 corporation is capable of rendering adequate and continuous service
44 as required by Section 13.251, Water Code.

45 (b) If a majority of the voters vote against the ballot

1 proposition stated in Section 7886.0203(e), the board may not enter
2 into an agreement described by Section 7886.0205(a) before the
3 district conducts the first board election held after the date on
4 which the voters voted against the ballot proposition. (Acts 75th
5 Leg., R.S., Ch. 516, Secs. 5(f), (g).)

6 Source Law

7 (f) If a majority of the electors vote in favor
8 of the ballot proposition stated in Subsection (e) of
9 this section, the board shall enter into an agreement
10 as described by Subsection (a) of Section 2 of this Act
11 if:

12 (1) a corporation agrees to the terms
13 specified by Subsection (a) of Section 2 of this Act;
14 and

15 (2) the Texas Natural Resource
16 Conservation Commission determines that the
17 corporation is capable of rendering adequate and
18 continuous service as required by Section 13.251,
19 Water Code.

20 (g) If a majority of the electors vote against
21 the ballot proposition stated in Subsection (e) of
22 this section, the board may not enter into an agreement
23 as described by Subsection (a) of Section 2 of this Act
24 before the district conducts the first board election
25 held after the date on which the electors voted against
26 the ballot proposition.

27 Revisor's Note

28 (1) Sections 5(f) and (g), Chapter 516, Acts of
29 the 75th Legislature, Regular Session, 1997, refer to
30 a majority vote of the "electors." The revised law
31 substitutes "voters" for "electors" because the terms
32 have the same meaning and "voters" is the term used in
33 the Election Code.

34 (2) Section 5(f), Chapter 516, Acts of the 75th
35 Legislature, Regular Session, 1997, refers to
36 authority exercised by the "Texas Natural Resource
37 Conservation Commission." The name of the Texas
38 Natural Resource Conservation Commission was changed
39 to the Texas Commission on Environmental Quality by
40 Section 18.01, Chapter 965, Acts of the 77th
41 Legislature, Regular Session, 2001. The regulatory
42 authority to grant and amend certificates of
43 convenience and necessity and determine whether a

1 certificate holder is providing continuous and
2 adequate service was transferred from the Texas
3 Commission on Environmental Quality to the Public
4 Utility Commission of Texas by Chapters 170 and 171,
5 Acts of the 83rd Legislature, Regular Session, 2013.
6 Throughout this chapter, the revised law substitutes a
7 reference to the utility commission for each reference
8 to the "Texas Natural Resource Conservation
9 Commission" to reflect the name of the agency with the
10 relevant regulatory authority.

11 Revised Law

12 Sec. 7886.0205. AGREEMENT AND ORDER RELATING TO DISSOLUTION
13 OF DISTRICT. (a) A corporation may enter into an agreement with the
14 district to:

15 (1) accept assignment of the district's certificate of
16 public convenience and necessity obtained under Section 13.246,
17 Water Code, and any right obtained under the certificate, after the
18 utility commission determines that the corporation is capable of
19 rendering adequate and continuous service as required by Section
20 13.251, Water Code;

21 (2) assume the district's debts, liabilities, and
22 obligations;

23 (3) assume ownership of the district's assets and
24 facilities; and

25 (4) perform the district's functions and provide all
26 services previously provided by the district.

27 (b) If a corporation enters into an agreement described by
28 Subsection (a), the board shall issue an order that dissolves the
29 district.

30 (c) The district's dissolution becomes effective on the
31 30th day after the date the board issues the order dissolving the
32 district.

33 (d) On the effective date of the dissolution:

34 (1) all of the district's property and other assets are

1 transferred to the corporation;

2 (2) all of the district's debts, liabilities, and
3 other obligations are assumed by the corporation; and

4 (3) the district's certificate of public convenience
5 and necessity and any right obtained under the certificate is
6 assigned to the corporation in the manner prescribed by Section
7 13.251, Water Code. (Acts 75th Leg., R.S., Ch. 516, Sec. 2.)

8 Source Law

9 Sec. 2. (a) A corporation may enter into an
10 agreement with the district to:

11 (1) assume the district's debts,
12 liabilities, and obligations;

13 (2) assume ownership of the district's
14 assets and facilities;

15 (3) accept assignment of the district's
16 certificate of public convenience and necessity
17 obtained under Section 13.246, Water Code, and any
18 right obtained under the certificate after the Texas
19 Natural Resource Conservation Commission determines
20 that the corporation is capable of rendering adequate
21 and continuous service as required by Section 13.251,
22 Water Code; and

23 (4) perform the district's functions and
24 provide all services previously provided by the
25 district.

26 (b) If a corporation enters into an agreement
27 described by Subsection (a) of this section with the
28 district, the board shall issue an order that
29 dissolves the district.

30 (c) The dissolution of the district becomes
31 effective on the 30th day after the date the board
32 issues the order dissolving the district.

33 (d) On the effective date of the dissolution:

34 (1) all property and other assets of the
35 district are transferred to the corporation;

36 (2) all debts, liabilities, and other
37 obligations of the district are assumed by the
38 corporation; and

39 (3) the district's certificate of public
40 convenience and necessity and any right obtained under
41 the certificate is assigned to the corporation in the
42 manner prescribed by Section 13.251, Water Code.

43 Revised Law

44 Sec. 7886.0206. AGREEMENT AND ORDER RELATING TO WATER AND
45 WASTEWATER SERVICE. (a) A corporation may enter into an agreement
46 with the district to:

47 (1) assume the district's debts, liabilities, and
48 obligations relating to water and wastewater service;

49 (2) assume ownership of the district's assets and
50 facilities relating to water and wastewater service;

1 Commission grants to the corporation a certificate of
2 public convenience and necessity as described by
3 Subdivision (3) of Subsection (a) of this section, the
4 board shall issue an order transferring the district's
5 debts, liabilities, obligations, assets, and
6 facilities relating to water and wastewater service to
7 the corporation.

8 (c) On the 30th day after the date the board
9 issues the order transferring the district's debts,
10 liabilities, obligations, assets, and facilities:

11 (1) all property and other assets of the
12 district relating to water and wastewater service are
13 transferred to the corporation; and

14 (2) all debts, liabilities, and other
15 obligations of the district relating to water and
16 wastewater service are assumed by the corporation.

17 Revised Law

18 Sec. 7886.0207. FILING REQUIREMENT. (a) The board shall
19 file a copy of the agreement described by Section 7886.0205(a) and a
20 copy of the board's order dissolving the district issued under
21 Section 7886.0205(b) not later than the 15th day after the date the
22 board issues the order:

23 (1) with the Texas Commission on Environmental
24 Quality;

25 (2) with the utility commission; and

26 (3) in the deed records of Willacy and Cameron
27 Counties.

28 (b) The board shall file a copy of the agreement described
29 by Section 7886.0206(a) and a copy of the board's order
30 transferring the district's obligations and assets issued under
31 Section 7886.0206(b) not later than the 15th day after the date the
32 board issues the order:

33 (1) with the Texas Commission on Environmental
34 Quality;

35 (2) with the utility commission; and

36 (3) in the deed records of Willacy and Cameron
37 Counties. (Acts 75th Leg., R.S., Ch. 516, Sec. 6.)

38 Source Law

39 Sec. 6. The board shall file a copy of the
40 agreement described by Subsection (a) of Section 2 or
41 Subsection (a) of Section 3 of this Act, as
42 appropriate, and a copy of the board's order dissolving
43 the district issued under Subsection (b) of Section 2
44 of this Act, or a copy of the board's order
45 transferring the district's obligations and assets

1 issued under Subsection (b) of Section 3 of this Act,
 2 as appropriate, not later than the 15th day after the
 3 date the board issues the dissolution or transfer
 4 order:

- 5 (1) with the Texas Natural Resource
 6 Conservation Commission; and
- 7 (2) in the deed records of Willacy and
 8 Cameron counties.

9 Revisor's Note

10 Section 6, Chapter 516, Acts of the 75th
 11 Legislature, Regular Session, 1997, refers to the
 12 "Texas Natural Resource Conservation Commission." The
 13 revised law substitutes a reference to the Texas
 14 Commission on Environmental Quality for "Texas Natural
 15 Resource Conservation Commission" because Section
 16 12.081, Water Code, which applies to the district,
 17 grants that agency the continuing right of supervision
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16 CHAPTER 8510. RED RIVER AUTHORITY OF TEXAS

17 SUBCHAPTER A. GENERAL PROVISIONS

18 Revised Law

19 Sec. 8510.0101. DEFINITIONS. In this chapter:

20 (1) "Authority" means the Red River Authority of
21 Texas.

22 (2) "Board" means the authority's board of directors.

23 (3) "Commission" means the Texas Commission on
24 Environmental Quality.

25 (4) "Director" means a board member. (Acts 56th Leg.,
26 R.S., Ch. 279, Sec. 1 (part); New.)

27 Source Law

28 Sec. 1. . . . [district] to be known as "Red
29 River Authority of Texas" (hereinafter referred to as
30 the "Authority"),

31 Revisor's Note

32 The definitions of "board," "commission," and
33 "director" are added to the revised law for drafting
34 convenience and to eliminate frequent, unnecessary
35 repetition of the substance of the definitions.

1 Revised Law

2 Sec. 8510.0102. NATURE OF AUTHORITY. The authority is a
3 conservation and reclamation district created under Section 59,
4 Article XVI, Texas Constitution. (Acts 56th Leg., R.S., Ch. 279,
5 Sec. 1 (part).)

6 Source Law

7 Sec. 1. Pursuant to and as expressly authorized
8 by Article XVI, Section 59 of the Constitution of the
9 State of Texas, there is hereby created within the
10 State of Texas, in addition to the conservation and
11 reclamation districts into which the state has
12 heretofore been divided, a conservation and
13 reclamation district [to be known as "Red River
14 Authority of Texas" (hereinafter referred to as the
15 "Authority")], which shall be a governmental agency of
16 the State of Texas, a body politic and corporate.

17 Revisor's Note

18 (1) Section 1, Chapter 279, Acts of the 56th
19 Legislature, Regular Session, 1959, provides that the
20 authority is "hereby created within the State of
21 Texas, in addition to the conservation and reclamation
22 districts into which the state has heretofore been
23 divided." The revised law omits the reference to the
24 district being "hereby created" as executed. The
25 revised law omits the reference to the district's
26 creation "within the State of Texas, in addition to the
27 conservation and reclamation districts into which the
28 state has heretofore been divided" because the absence
29 of the language does not imply that the legislature
30 could create a district outside this state or that the
31 authority is not in addition to other districts
32 created in this state.

33 (2) Section 1, Chapter 279, Acts of the 56th
34 Legislature, Regular Session, 1959, refers to the
35 authority as "a conservation and reclamation
36 district," "a governmental agency of the State of
37 Texas," and "a body politic and corporate." The
38 revised law omits the references to "governmental

1 agency of the State of Texas" and "body politic and
2 corporate" because they duplicate part of Section
3 59(b), Article XVI, Texas Constitution.

4 Revised Law

5 Sec. 8510.0103. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

6 (a) The authority is:

7 (1) essential to accomplish the purposes of Section
8 59, Article XVI, Texas Constitution; and

9 (2) created to serve a public use and benefit.

10 (b) All land and other property inside the authority's
11 boundaries will benefit from the authority.

12 (c) All of the authority's territory will benefit by the
13 exercise of the powers, rights, privileges, and functions conferred
14 by this chapter.

15 (d) This chapter addresses a subject in which this state is
16 interested. (Acts 56th Leg., R.S., Ch. 279, Secs. 2 (part), 30
17 (part).)

18 Source Law

19 Sec. 2. . . . It is hereby found and determined
20 that all of the territory comprising said Authority
21 will be benefited by the exercise of the powers,
22 rights, privileges and functions conferred by this
23 Act. . . .

24 Sec. 30. [The Legislature hereby declares that
25 the enactment hereof is in fulfillment of a duty
26 conferred upon it by Section 59 of Article XVI of the
27 Constitution of Texas, . . . ;] that the Authority
28 herein created is essential to the accomplishment of
29 the purposes of said constitutional provision; and
30 that this Act operates on a subject in which the state
31 at large is interested. It is hereby found and
32 determined that all of the lands and other property
33 included within the boundaries of the Authority will
34 be benefited and that the Authority is created to serve
35 a public use and benefit. . . .

36 Revisor's Note

37 Section 30, Chapter 279, Acts of the 56th
38 Legislature, Regular Session, 1959, contains a
39 legislative declaration of a constitutional "duty" to
40 enact Chapter 279 as a law. The revised law omits the
41 declaration by the legislature as executed and because

1 it has no substantive effect. The omitted law reads:

2 Sec. 30. The Legislature hereby
3 declares that the enactment hereof is in
4 fulfillment of a duty conferred upon it by
5 Section 59 of Article XVI of the
6 Constitution of Texas, wherein it is
7 empowered to pass such laws as may be
8 appropriate in the preservation, and
9 conservation of the natural resources of
10 the state;

11 Revised Law

12 Sec. 8510.0104. REVIEW SCHEDULE UNDER SUNSET ACT. A review
13 of the authority under Section 325.025, Government Code, shall be
14 conducted as if the authority were a state agency scheduled to be
15 abolished September 1, 2031, and every 12th year after that year.
16 (Acts 56th Leg., R.S., Ch. 279, Sec. 1A(a) (part).)

17 Source Law

18 (a) The review shall be conducted under
19 Section 325.025, Government Code, as if the Authority
20 were a state agency scheduled to be abolished
21 September 1, 2031, and every 12th year after that year.

22 Revisor's Note

23 Sections 1A(a) and (b), Chapter 279, Acts of the
24 56th Legislature, Regular Session, 1959, relate to a
25 periodic review of the authority by the Sunset
26 Advisory Commission. Section 1A(a) provides in part
27 that the authority is subject to review under Chapter
28 325, Government Code, as if it were a state agency, but
29 may not be abolished under that chapter. Section 1A(b)
30 provides that the authority must pay the costs
31 associated with the Sunset Advisory Commission's
32 review of the authority. The revised law omits those
33 provisions because they duplicate Sections
34 325.025(a), (b), and (d), Government Code. The
35 omitted law reads:

36 Sec. 1A. (a) The Authority is
37 subject to review under Chapter 325,
38 Government Code (Texas Sunset Act), but may
39 not be abolished under that chapter. . . .

40 (b) The Authority shall pay the cost
41 incurred by the Sunset Advisory Commission
42 in performing the review. The Sunset
43 Advisory Commission shall determine the

1 cost, and the Authority shall pay the amount
2 promptly on receipt of a statement from the
3 Sunset Advisory Commission detailing the
4 cost.

5 Revised Law

6 Sec. 8510.01045. SUNSET REPORT AUDIT. (a) The state
7 auditor shall conduct an audit of the authority to evaluate whether
8 the authority has addressed the operational challenges identified
9 in the report on the authority by the Sunset Advisory Commission
10 presented to the 86th Legislature.

11 (b) The state auditor may not begin the audit required by
12 Subsection (a) before December 1, 2021, and shall prepare and
13 submit a report of the findings of the audit to the chairman and
14 executive director of the Sunset Advisory Commission not later than
15 December 1, 2022.

16 (c) The state auditor shall include the auditor's duties
17 under this section in each audit plan under Section 321.013,
18 Government Code, that governs the auditor's duties for the period
19 specified by Subsection (b).

20 (d) This section expires January 1, 2023. (Acts 56th Leg.,
21 R.S., Ch. 279, Sec. 36.)

22 Source Law

23 Sec. 36. (a) The state auditor shall conduct an
24 audit of the Authority to evaluate whether the
25 Authority has addressed the operational challenges
26 identified in the report on the Authority by the Sunset
27 Advisory Commission presented to the 86th Legislature.

28 (b) The state auditor may not begin the audit
29 required by Subsection (a) of this section before
30 December 1, 2021, and shall prepare and submit a report
31 of the findings of the audit to the chairman and
32 executive director of the Sunset Advisory Commission
33 not later than December 1, 2022.

34 (c) The state auditor shall include the
35 auditor's duties under this section in each audit plan
36 under Section 321.013, Government Code, that governs
37 the auditor's duties for the period specified by
38 Subsection (b) of this section.

39 (d) This section expires January 1, 2023.

40 Revised Law

41 Sec. 8510.0105. TERRITORY. (a) The authority is composed
42 of the territory described by Subsection (b) as that territory may
43 have been modified under:

44 (1) Subchapter J, Chapter 49, Water Code;

1 reference to:

2 (1) the statutory authority to change the
3 authority's territory under:

4 (A) Subchapter J, Chapter 49, Water
5 Code, applicable to the authority under Sections
6 49.001 and 49.002 of that chapter and Section 14a(1),
7 Chapter 279, Acts of the 56th Legislature, Regular
8 Session, 1959, which is revised in pertinent part in
9 Section 8510.0301 of this chapter;

10 (B) Subchapter O, Chapter 51, Water
11 Code, applicable to the authority under Section 31,
12 Chapter 279, Acts of the 56th Legislature, Regular
13 Session, 1959, which is revised in Section 8510.0301
14 of this chapter; and

15 (C) Subchapter H, Chapter 62, Water
16 Code, applicable to the authority under Section
17 14a(1), Chapter 279, Acts of the 56th Legislature,
18 Regular Session, 1959, which is revised in pertinent
19 part in Section 8510.0301 of this chapter; and

20 (2) the general authority of the
21 legislature to enact other laws under which the
22 authority's territory may be changed.

23 (2) Section 2, Chapter 279, Acts of the 56th
24 Legislature, Regular Session, 1959, provides that the
25 authority's area is "hereby established" and refers to
26 the authority "hereby created." The revised law omits
27 the quoted language as executed.

28 (3) Section 2, Chapter 279, Acts of the 56th
29 Legislature, Regular Session, 1959, refers to the
30 office of the Texas Department of Water Resources.
31 Chapter 795, Acts of the 69th Legislature, Regular
32 Session, 1985, transferred the relevant authority
33 exercised by the Texas Department of Water Resources
34 to the Texas Water Development Board. The revised law

1 is drafted accordingly.

2 (4) Section 2, Chapter 279, Acts of the 56th
3 Legislature, Regular Session, 1959, refers to contour
4 maps on file in the office of the Texas Department of
5 Water Resources and provides that "[r]eference is
6 hereby made to said records and maps in aid hereof."
7 The revised law omits the quoted language as
8 duplicative of the reference to the contour maps on
9 file in the office.

10 Revised Law

11 Sec. 8510.0106. EFFECT OF OVERLAPPING TERRITORY. (a) An
12 overlap of the authority's territory with another district's or
13 authority's territory or watershed does not affect the powers,
14 affairs, duties, or functions of another district or authority,
15 including the Canadian River Municipal Water Authority.

16 (b) A district or authority of a local nature, peculiar to a
17 defined area, may be created wholly or partly inside the authority.

18 (c) The authority shall cooperate in every practical manner
19 with the sponsor of an existing or proposed district or authority
20 described by this section in the prosecution of its proposed
21 improvements. (Acts 56th Leg., R.S., Ch. 279, Sec. 3.)

22 Source Law

23 Sec. 3. In the event of any overlapping of
24 territory of this Authority with the territories or
25 watershed of any other district or authority such
26 overlapping shall not interfere with or affect the
27 powers, affairs, duties, or functions of the Canadian
28 River Municipal Water Authority or any other district
29 or authority. Provided further, that at anytime
30 hereafter additional districts or authorities of a
31 local nature, peculiar to a defined area may be created
32 either entirely or partly within this Authority. It
33 shall be the duty of the Authority to cooperate in
34 every practical manner with the sponsors of such
35 existing or proposed districts or authorities in the
36 prosecution of its proposed improvements.

37 Revisor's Note

38 (1) Section 3, Chapter 279, Acts of the 56th
39 Legislature, Regular Session, 1959, provides that an
40 overlap of the territory of the authority with the

1 territory of another authority or district does not
2 "interfere with or affect" the powers and duties of
3 other authorities or districts. The revised law omits
4 the reference to "interfere with" because, in context,
5 it is included in the meaning of "affect."

6 (2) Section 3, Chapter 279, Acts of the 56th
7 Legislature, Regular Session, 1959, provides that "at
8 anytime hereafter" other districts or authorities may
9 be created entirely or partly inside the authority.
10 The revised law omits the quoted language because the
11 authorization to create a district or authority inside
12 the authority implies the authorization to do so at any
13 time.

14 Revised Law

15 Sec. 8510.0107. APPLICABILITY OF CHAPTER TO CERTAIN
16 COUNTIES. Except as provided by Section 8510.0108, this chapter
17 does not apply to Bowie, Cass, Delta, Franklin, Hopkins, Marion,
18 Morris, or Titus County. (Acts 56th Leg., R.S., Ch. 279, Sec. 2
19 (part).)

20 Source Law

21 Sec. 2. . . . Except as provided by Section 14d
22 of this Act, none of the provisions of this Act shall
23 apply to the following Counties: Delta County, Hopkins
24 County, Franklin County, Titus County, Morris County,
25 Cass County, Marion County, and Bowie County.

26 Revisor's Note

27 Section 2, Chapter 279, Acts of the 56th
28 Legislature, Regular Session, 1959, provides that the
29 provisions of Chapter 279 are not applicable to
30 certain counties except as provided by Section 14d.
31 Section 14d, Chapter 279, Acts of the 56th
32 Legislature, Regular Session, 1959, is revised in
33 Section 8510.0108 of this chapter and the revised law
34 is drafted accordingly.

35 Revised Law

36 Sec. 8510.0108. APPLICABILITY OF CHAPTER TO BOWIE COUNTY.

1 (a) In this section, "project" means the United States Army Corps
2 of Engineers' Red River Bank Stabilization and Navigation Project,
3 from Index, Arkansas, to Denison Dam.

4 (b) Bowie County is included in the authority for the
5 limited purpose of participating in the project. This chapter
6 applies to Bowie County to the extent necessary to accomplish the
7 project.

8 (c) Bowie County is liable only for debt incurred by the
9 authority directly in connection with the project. The board may
10 exercise the powers and duties, including the power of eminent
11 domain, under this chapter with relation to Bowie County only to the
12 extent necessary to accomplish the project. (Acts 56th Leg., R.S.,
13 Ch. 279, Secs. 2 (part), 14d; New.)

14 Source Law

15 Sec. 2. . . . For the limited purpose stated in
16 Section 14d of this Act, the Authority shall include
17 Bowie County. . . .

18 Sec. 14d. (a) Bowie County is added to the Red
19 River Authority for the limited purpose of
20 participating in the U.S. Army Corps of Engineers' Red
21 River Bank Stabilization and Navigation Project, from
22 Index, Arkansas, to Denison Dam, and this Act shall
23 apply to Bowie County to the extent necessary to
24 accomplish the Red River Bank Stabilization and
25 Navigation Project.

26 (b) Bowie County is liable only for debt
27 incurred by the Authority directly in connection with
28 the Red River Bank Stabilization and Navigation
29 Project, and the Board may exercise the duties and
30 powers, including the power of eminent domain, under
31 this Act, with relation to Bowie County only to the
32 extent necessary to accomplish the Red River Bank
33 Stabilization and Navigation Project.

34 Revisor's Note

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

39 Revised Law

40 Sec. 8510.0109. LIBERAL CONSTRUCTION OF CHAPTER. This
41 chapter shall be liberally construed to effectuate its purposes.
42 (Acts 56th Leg., R.S., Ch. 279, Sec. 30 (part).)

1 Motley, Cottle, Hardeman, Foard, Wilbarger, Wichita,
2 Crosby, Dickens, King, Knox, Baylor, Archer, and Clay
3 counties; and

4 (3) director district no. 3 includes
5 Montague, Cooke, Grayson, Fannin, Lamar, Red River,
6 and Bowie counties.

7 (d) Three directors shall be appointed from each
8 of these director districts to the Board of the
9 Authority.

10 (e) Each director shall be appointed by the
11 Governor of the state and such appointment shall be
12 confirmed by the Senate.

13 Revisor's Note

14 (1) Section 4(b), Chapter 279, Acts of the 56th
15 Legislature, Regular Session, 1959, provides that
16 directors must be "legal voters." The revised law
17 substitutes "qualified" for "legal" because, in
18 context, the terms have the same meaning and
19 "qualified" is more commonly used.

20 (2) Section 4(e), Chapter 279, Acts of the 56th
21 Legislature, Regular Session, 1959, provides that the
22 directors appointed by the governor must be "confirmed
23 by the Senate." The revised law substitutes the
24 requirement that the directors be appointed "with the
25 advice and consent of the senate" for the requirement
26 that the directors be "confirmed by the Senate"
27 because the phrases have the same meaning and the
28 former is more commonly used.

29 Revised Law

30 Sec. 8510.0202. TERMS. Directors serve staggered six-year
31 terms. (Acts 56th Leg., R.S., Ch. 279, Sec. 4(f) (part).)

32 Source Law

33 (f) Directors shall serve for staggered terms of
34 six (6) years. . . .

35 Revisor's Note

36 Section 4(f), Chapter 279, Acts of the 56th
37 Legislature, Regular Session, 1959, requires the
38 directors of the authority to continue to hold their
39 offices until their successors are appointed and have
40 qualified. The revised law omits that provision

1 because it duplicates Section 17, Article XVI, Texas
2 Constitution. The omitted law reads:

3 (f) . . . The directors shall hold
4 office after their appointment and
5 qualification until their successors shall
6 be appointed and qualify. . . .

7 Revised Law

8 Sec. 8510.0203. REMOVAL. (a) It is a ground for removal
9 from the board that a director:

10 (1) does not have at the time of taking office the
11 qualifications required by Sections 8510.0201 and 8510.0205;

12 (2) does not maintain during service on the board the
13 qualifications required by Sections 8510.0201 and 8510.0205;

14 (3) is ineligible for directorship under Chapter 171,
15 Local Government Code;

16 (4) cannot, because of illness or disability,
17 discharge the director's duties for a substantial part of the
18 director's term; or

19 (5) is absent from more than half of the regularly
20 scheduled board meetings that the director is eligible to attend
21 during a calendar year without an excuse approved by a majority vote
22 of the board.

23 (b) The validity of a board action is not affected by the
24 fact that it is taken when a ground for removal of a director
25 exists.

26 (c) If the general manager has knowledge that a potential
27 ground for removal exists, the general manager shall notify the
28 board president of the potential ground. The president shall then
29 notify the governor and the attorney general that a potential
30 ground for removal exists. If the potential ground for removal
31 involves the president, the general manager shall notify the next
32 highest ranking director, who shall then notify the governor and
33 the attorney general that a potential ground for removal exists.
34 (Acts 56th Leg., R.S., Ch. 279, Sec. 4a.)

1 Source Law

2 Sec. 4a. (a) It is a ground for removal from the
3 Board that a director:

4 (1) does not have at the time of taking
5 office the qualifications required by Section 4 of
6 this Act;

7 (2) does not maintain during service on
8 the Board the qualifications required by Section 4 of
9 this Act;

10 (3) is ineligible for directorship under
11 Chapter 171, Local Government Code;

12 (4) cannot, because of illness or
13 disability, discharge the director's duties for a
14 substantial part of the director's term; or

15 (5) is absent from more than half of the
16 regularly scheduled Board meetings that the director
17 is eligible to attend during a calendar year without an
18 excuse approved by a majority vote of the Board.

19 (b) The validity of an action of the Board is not
20 affected by the fact that it is taken when a ground for
21 removal of a director exists.

22 (c) If the general manager has knowledge that a
23 potential ground for removal exists, the general
24 manager shall notify the president of the Board of the
25 potential ground. The president shall then notify the
26 Governor and the Attorney General that a potential
27 ground for removal exists. If the potential ground for
28 removal involves the president, the general manager
29 shall notify the next highest ranking director, who
30 shall then notify the Governor and the Attorney
31 General that a potential ground for removal exists.

32 Revisor's Note

33 Section 4a, Chapter 279, Acts of the 56th
34 Legislature, Regular Session, 1959, provides that a
35 director may be removed for not having, at the time the
36 director takes office, or maintaining, during the
37 director's term, certain qualifications required by
38 "Section 4 of this Act." The relevant provisions of
39 Section 4, Chapter 279, Acts of the 56th Legislature,
40 Regular Session, 1959, are revised as Sections
41 8510.0201 and 8510.0205 of this chapter, and the
42 revised law is drafted accordingly.

43 Revised Law

44 Sec. 8510.0204. VACANCY. The governor fills a board
45 vacancy for the unexpired part of the term in the manner provided by
46 Section 8510.0201. (Acts 56th Leg., R.S., Ch. 279, Sec. 4(f)
47 (part).)

1 language is a reference to the constitutional oath of
2 office, which is prescribed by Section 1, Article XVI,
3 Texas Constitution. The revised law substitutes
4 "constitutional oath of office" for "official oath"
5 for clarification.

6 Revised Law

7 Sec. 8510.0206. COMPENSATION OF DIRECTORS. (a) Unless the
8 board by resolution increases the fee to an amount authorized by
9 Section 49.060, Water Code, a director shall receive as a fee of
10 office an amount not to exceed \$25 for each day of service necessary
11 to discharge the director's duties if the board authorizes the
12 same.

13 (b) Not later than the last day of each month or as soon as
14 practicable after that date, a director shall file with the
15 secretary a verified statement showing the amount due under
16 Subsection (a).

17 (c) The authority shall issue a warrant for the amount shown
18 in the verified statement filed under Subsection (b).

19 (d) In all areas of conflict with this section, Section
20 49.060, Water Code, takes precedence. (Acts 56th Leg., R.S., Ch.
21 279, Secs. 10(a) (part), (b).)

22 Source Law

23 Sec. 10. (a) Unless the Board by resolution
24 increases the fee to an amount authorized by Section
25 49.060, Water Code, the directors shall receive as
26 fees of office the sum of not to exceed Twenty-Five
27 (\$25.00) Dollars per day for each day of service
28 necessary to the discharge of their duties, . . .
29 provided the same is authorized by vote of the Board of
30 Directors, they shall file with the secretary on the
31 last day of each month, or as soon thereafter as
32 practicable, a verified statement showing the actual
33 amount due and warrants shall be issued therefor.

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

37 Revisor's Note

38 (1) Section 10, Chapter 279, Acts of the 56th
39 Legislature, Regular Session, 1959, provides for
40 reimbursement of all of a director's traveling

1 Revisor's Note

2 Section 5, Chapter 279, Acts of the 56th
3 Legislature, Regular Session, 1959, provides that five
4 directors, which is a majority of the full membership
5 of the board, constitute a quorum. The revised law
6 omits that provision because it duplicates, in
7 substance, Section 311.013, Government Code (Code
8 Construction Act), which provides that a quorum of a
9 public body is a majority of the number of members
10 fixed by statute. The omitted law reads:

11 Sec. 5. . . . Five (5) directors
12 shall constitute a quorum at any meeting and
13

14 Revised Law

15 Sec. 8510.0208. OFFICERS. (a) The governor shall
16 designate a director as the board president to serve as the
17 authority's chief executive officer at the pleasure of the
18 governor.

19 (b) The board shall elect one director as vice president,
20 one director as secretary, and one director as treasurer.

21 (c) The vice president shall act as president if the
22 president is absent or disabled.

23 (d) The secretary shall act as board secretary. The board
24 shall select a secretary pro tem if the secretary is absent or
25 unable to act.

26 (e) The authority may appoint officers, prescribe their
27 duties, and set their compensation. (Acts 56th Leg., R.S., Ch. 279,
28 Secs. 5 (part), 7 (part), 22 (part).)

29 Source Law

30 Sec. 5. The directors of the Authority shall
31 organize by electing one director vice-president, one
32 secretary, and one treasurer. . . .

33 Sec. 7. The Governor shall designate a director
34 of the Board as the president of the Board to serve in
35 that capacity at the pleasure of the Governor. The
36 president . . . shall be the chief executive officer
37 of the Authority. The vice-president shall act as
38 president in case of the absence or disability of the
39 president. The secretary shall act as secretary of the

1 Board and In case of the absence or inability
2 of the secretary to act, a secretary pro tem shall be
3 selected by the directors.

4 Sec. 22. The Authority may:

5 . . .
6 (3) appoint officers, . . . prescribe
7 their duties, and fix their compensation;
8 . . .

9 Revisor's Note

10 (1) Section 5, Chapter 279, Acts of the 56th
11 Legislature, Regular Session, 1959, requires the board
12 to "organize" by electing the officers of the board.
13 The revised law omits that requirement because it was
14 completed by the initial election of officers and is
15 executed.

16 (2) Section 22, Chapter 279, Acts of the 56th
17 Legislature, Regular Session, 1959, authorizes the
18 authority to "fix" the compensation of officers,
19 attorneys, agents, and employees. Throughout this
20 chapter, the revised law substitutes "set" for "fix"
21 because, in context, the terms have the same meaning
22 and "set" is more commonly used.

23 Revised Law

24 Sec. 8510.0209. DIRECTOR TRAINING PROGRAM. (a) A person
25 who is appointed to and qualifies for office as a director may not
26 vote, deliberate, or be counted as a director in attendance at a
27 board meeting until the person completes a training program that
28 complies with this section.

29 (b) The training program must provide the person with
30 information regarding:

31 (1) the law governing the authority's operations;

32 (2) the authority's programs, functions, rules, and
33 budget;

34 (3) the results of the authority's most recent formal
35 audit;

36 (4) the requirements of:

37 (A) laws relating to open meetings, public

1 information, administrative procedure, and disclosure of conflicts
2 of interest; and

3 (B) other laws applicable to members of the
4 governing body of a river authority in performing their duties; and

5 (5) any applicable ethics policies adopted by the
6 authority or the Texas Ethics Commission.

7 (c) A person appointed to the board is entitled to
8 reimbursement for the travel expenses incurred in attending the
9 training program regardless of whether the attendance at the
10 program occurs before or after the person qualifies for office.

11 (d) The general manager shall create a training manual that
12 includes the information required by Subsection (b). The general
13 manager shall distribute a copy of the training manual annually to
14 each director. Each director shall sign and submit to the general
15 manager a statement acknowledging that the director has received
16 and reviewed the training manual. (Acts 56th Leg., R.S., Ch. 279,
17 Sec. 4b.)

18 Source Law

19 Sec. 4b. (a) A person who is appointed to and
20 qualifies for office as a director may not vote,
21 deliberate, or be counted as a director in attendance
22 at a Board meeting until the person completes a
23 training program that complies with this section.

24 (b) The training program must provide the person
25 with information regarding:

26 (1) the law governing Authority
27 operations;

28 (2) the programs, functions, rules, and
29 budget of the Authority;

30 (3) the results of the most recent formal
31 audit of the Authority;

32 (4) the requirements of:

33 (A) laws relating to open meetings,
34 public information, administrative procedure, and
35 disclosure of conflicts of interest; and

36 (B) other laws applicable to members
37 of the governing body of a river authority in
38 performing their duties; and

39 (5) any applicable ethics policies adopted
40 by the Authority or the Texas Ethics Commission.

41 (c) A person appointed to the Board is entitled
42 to reimbursement for the travel expenses incurred in
43 attending the training program regardless of whether
44 the attendance at the program occurs before or after
45 the person qualifies for office.

46 (d) The general manager shall create a training
47 manual that includes the information required by
48 Subsection (b) of this section. The general manager
49 shall distribute a copy of the training manual

1 annually to each director. Each director shall sign
2 and submit to the general manager a statement
3 acknowledging that the director has received and
4 reviewed the training manual.

5 Revised Law

6 Sec. 8510.0210. MEETINGS. (a) The president shall preside
7 at all board meetings.

8 (b) At each regular board meeting, the board shall:

9 (1) include public testimony as a meeting agenda item;
10 and

11 (2) allow the public to comment on all meeting agenda
12 items and other matters under the authority's jurisdiction.

13 (c) At a regular board meeting, the board may not deliberate
14 on or decide a matter not included in the meeting agenda, except
15 that the board may discuss including the matter on the agenda for a
16 subsequent meeting.

17 (d) The board or a board committee may hold a meeting by
18 telephone conference call, by video conference call, or through
19 communications over the Internet, in accordance with procedures
20 provided by Subchapter F, Chapter 551, Government Code, if the
21 board president or any three board members determine that holding
22 the meeting in that manner is necessary or convenient. (Acts 56th
23 Leg., R.S., Ch. 279, Secs. 7 (part), 7a, 34(b).)

24 Source Law

25 Sec. 7. . . . The president shall preside at all
26 meetings of the Board and

27 Sec. 7a. The Authority's Board of Directors or a
28 Board committee may hold a meeting by telephone
29 conference call, by video conference call, or through
30 communications over the Internet, in accordance with
31 procedures provided by Subchapter F, Chapter 551,
32 Government Code, if holding the meeting in that way is
33 determined to be necessary or convenient by the Board
34 president or any three Board members.

35 [Sec. 34]

36 (b) At each regular meeting of the Board, the
37 Board shall include public testimony as a meeting
38 agenda item and allow members of the public to comment
39 on other agenda items and other matters under the
40 jurisdiction of the Authority. The Board may not
41 deliberate on or decide a matter not included in the
42 meeting agenda, except that the Board may discuss
43 including the matter on the agenda for a subsequent
44 meeting.

1 Revised Law

2 Sec. 8510.0211. SEPARATION OF POLICYMAKING AND MANAGEMENT
3 FUNCTIONS. The board shall develop and implement policies that
4 clearly separate the board's policymaking responsibilities and the
5 general manager's and staff's management responsibilities. (Acts
6 56th Leg., R.S., Ch. 279, Sec. 11a.)

7 Source Law

8 Sec. 11a. The Board shall develop and implement
9 policies that clearly separate the policymaking
10 responsibilities of the Board and the management
11 responsibilities of the general manager and staff of
12 the Authority.

13 Revised Law

14 Sec. 8510.0212. ATTORNEYS, AGENTS, AND EMPLOYEES. (a) The
15 authority may appoint attorneys, agents, and employees, prescribe
16 their duties, and set their compensation.

17 (b) The board may remove an authority employee.

18 (c) The board shall set the term of office and the
19 compensation to be paid to authority employees. (Acts 56th Leg.,
20 R.S., Ch. 279, Secs. 11 (part), 22 (part).)

21 Source Law

22 Sec. 11. . . . The term of office and
23 compensation to be paid . . . all employees shall be
24 fixed by the Board of Directors and all employees may
25 be removed by the Board. . . .

26 Sec. 22. The Authority may:

27 . . .
28 (3) appoint . . . attorneys, agents, and
29 employees, prescribe their duties, and fix their
30 compensation;
31 . . .

32 Revised Law

33 Sec. 8510.0213. GENERAL MANAGER. (a) The board may employ
34 a general manager.

35 (b) The board shall set the term of office and the
36 compensation to be paid to the general manager.

37 (c) The board may not employ a director as general manager.
38 (Acts 56th Leg., R.S., Ch. 279, Sec. 11 (part).)

39 Source Law

40 Sec. 11. The directors may employ a general

1 manager for the Authority and The term of
2 office and compensation to be paid such manager and
3 . . . shall be fixed by the Board of Directors and
4 A director may not be employed as general
5 manager.

6 Revisor's Note

7 Section 11, Chapter 279, Acts of the 56th
8 Legislature, Regular Session, 1959, allows the board
9 of directors to delegate authority to a general
10 manager. The revised law omits that provision because
11 it duplicates, in substance, part of Section 49.056,
12 Water Code, which provides that the board may delegate
13 full authority over authority affairs to the general
14 manager. The omitted law reads:

15 Sec. 11. [The directors may employ a
16 general manager for the Authority and] may
17 give him full authority in the management
18 and operation of the Authority's affairs
19 (subject only to the orders of the Board of
20 Directors). . . .

21 Revised Law

22 Sec. 8510.0214. DIRECTOR'S, OFFICER'S, OR EMPLOYEE'S SURETY
23 BOND. (a) A bond required of an authority director, officer, or
24 employee must be executed by a surety company authorized to do
25 business in this state, as surety on the bond.

26 (b) The authority shall pay the premium on the bond. (Acts
27 56th Leg., R.S., Ch. 279, Sec. 12.)

28 Source Law

29 Sec. 12. All bonds required to be given by
30 directors, officers and employees of the Authority
31 shall be executed by a surety company authorized to do
32 business in the state, as surety thereon; and the
33 premiums on such bonds shall be paid by the Authority.

34 Revised Law

35 Sec. 8510.0215. AUTHORITY'S OFFICE. A regular office shall
36 be established and maintained to conduct the authority's business
37 inside the authority's territory at a place determined by the
38 board. (Acts 56th Leg., R.S., Ch. 279, Sec. 8 (part).)

39 Source Law

40 Sec. 8. . . . A regular office shall be
41 established and maintained for the conduct of the
42 Authority's business within the authority at such

1 place as may be determined by the Board of Directors.

2 Revised Law

3 Sec. 8510.0216. RECORDS. The secretary shall maintain a
4 record of all board proceedings and orders. (Acts 56th Leg., R.S.,
5 Ch. 279, Sec. 7 (part).)

6 Source Law

7 Sec. 7. . . . The secretary . . . shall be
8 charged with the duty of keeping a record of all
9 proceedings and all orders of the Board. . . .

10 Revisor's Note

11 (1) Section 8, Chapter 279, Acts of the 56th
12 Legislature, Regular Session, 1959, requires that the
13 authority's records be kept in a secure manner and
14 provides that the records are the authority's
15 property. The revised law omits those provisions
16 because they duplicate, in substance, part of Section
17 49.065, Water Code, which requires that the authority
18 keep and preserve records and provides that those
19 records are authority property. The omitted law
20 reads:

21 Sec. 8. All records of the Authority
22 shall be kept in a secure manner. The same
23 shall be the property of the Authority and
24

25 (2) Section 8, Chapter 279, Acts of the 56th
26 Legislature, Regular Session, 1959, requires that the
27 authority's records be subject to public inspection
28 during regular office hours. The revised law omits
29 that provision because it duplicates, in substance,
30 Section 552.021, Government Code, which provides that
31 the "public information" of certain "governmental
32 bod[ies]" must be available to the public during
33 normal business hours. Section 552.021, Government
34 Code, applies to the authority's records under Section
35 49.065(b), Water Code, and under Sections 552.002 and
36 552.003, Government Code, which define "public
37 information" to include the authority's records and

1 "governmental body" to include the authority,
2 respectively. The omitted law reads:

3 Sec. 8. [All records of the Authority
4 shall be] . . . subject to public
5 inspection during regular office hours.
6 . . .

7 Revised Law

8 Sec. 8510.0217. COMPLAINTS. (a) The authority shall
9 maintain a system to promptly and efficiently act on complaints
10 filed with the authority.

11 (b) The authority shall maintain:

12 (1) information about the subject matter of the
13 complaint;

14 (2) information about the parties to the complaint;

15 (3) a summary of the results of the review or
16 investigation of the complaint; and

17 (4) the disposition of the complaint.

18 (c) Periodically, the authority shall notify the parties to
19 the complaint of the complaint's status until final disposition.

20 (d) The authority shall make information available
21 describing its procedures for complaint investigation and
22 resolution. (Acts 56th Leg., R.S., Ch. 279, Sec. 35.)

23 Source Law

24 Sec. 35. (a) The Authority shall maintain a
25 system to promptly and efficiently act on complaints
26 filed with the Authority. The Authority shall maintain
27 information about the parties to and subject matter of
28 the complaint, a summary of the results of the review
29 or investigation of the complaint, and the disposition
30 of the complaint.

31 (b) The Authority shall make information
32 available describing its procedures for complaint
33 investigation and resolution.

34 (c) The Authority shall periodically notify the
35 complaint parties of the status of the complaint until
36 final disposition.

37 Revised Law

38 Sec. 8510.0218. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

39 (a) The board shall develop a policy to encourage the use of
40 appropriate alternative dispute resolution procedures under
41 Chapter 2009, Government Code, to assist in the resolution of

1 internal and external disputes under the authority's jurisdiction.

2 (b) The authority's procedures relating to alternative
3 dispute resolution must conform, to the extent possible, to any
4 model guidelines issued by the State Office of Administrative
5 Hearings for the use of alternative dispute resolution by state
6 agencies.

7 (c) The authority shall:

8 (1) coordinate the implementation of the policy
9 adopted under Subsection (a);

10 (2) provide training as needed to implement the
11 procedures for alternative dispute resolution; and

12 (3) collect data concerning the effectiveness of those
13 procedures. (Acts 56th Leg., R.S., Ch. 279, Sec. 33, as added by
14 Acts 86th Leg., R.S., Ch. 23.)

15 Source Law

16 Sec. 33. (a) The Board shall develop a policy
17 to encourage the use of appropriate alternative
18 dispute resolution procedures under Chapter 2009,
19 Government Code, to assist in the resolution of
20 internal and external disputes under the Authority's
21 jurisdiction.

22 (b) The Authority's procedures relating to
23 alternative dispute resolution must conform, to the
24 extent possible, to any model guidelines issued by the
25 State Office of Administrative Hearings for the use of
26 alternative dispute resolution by state agencies.

27 (c) The Authority shall:

28 (1) coordinate the implementation of the
29 policy adopted under Subsection (a) of this section;

30 (2) provide training as needed to
31 implement the procedures for alternative dispute
32 resolution; and

33 (3) collect data concerning the
34 effectiveness of those procedures.

35 Revised Law

36 Sec. 8510.0219. PUBLIC TESTIMONY. The board shall develop
37 and implement policies that provide the public with a reasonable
38 opportunity to appear before the board and to speak on any issue
39 under the authority's jurisdiction. (Acts 56th Leg., R.S., Ch.
40 279, Sec. 34(a).)

41 Source Law

42 Sec. 34. (a) The Board shall develop and
43 implement policies that provide the public with a
44 reasonable opportunity to appear before the Board and

1 to speak on any issue under the jurisdiction of the
2 Authority.

3 Revisor's Note
4 (End of Subchapter)

5 (1) Section 4(a), Chapter 279, Acts of the 56th
6 Legislature, Regular Session, 1959, provides that the
7 authority's powers are exercised by a board of
8 directors. The revised law omits that provision
9 because it duplicates, in substance, parts of Sections
10 49.051 and 49.057, Water Code, which provide that the
11 authority is governed by the board and the board is
12 responsible for the authority's management. The
13 omitted law reads:

14 Sec. 4. (a) All powers of the
15 Authority shall be exercised by a [Board
16 . . . of . . . directors.]

17 (2) Section 3, Chapter 870, Acts of the 67th
18 Legislature, Regular Session, 1981, provides
19 transition procedures regarding the terms of directors
20 on the effective date of the act (June 18, 1981). The
21 revised law omits that provision as executed because
22 the terms of office of the directors serving on the
23 effective date of that act have expired. The omitted
24 law reads:

25 Sec. 3. The persons who are directors
26 of the Red River Authority on the effective
27 date of this Act shall continue in office
28 for the remainder of their unexpired terms.

29 (3) Section 12, Chapter 23, Acts of the 86th
30 Legislature, Regular Session, 2019, provides that the
31 term of the board president expires on September 1,
32 2019, and that the governor shall designate a
33 president not later than September 2, 2019. The
34 revised law omits those provisions as executed. The
35 omitted law reads:

36 Sec. 12. (a) The term of the
37 president of the board of directors of the
38 Red River Authority serving on the
39 effective date of this Act expires
40 September 1, 2019. The director serving as

1 president on the effective date of this Act
2 may continue to serve on the board of
3 directors until the director's successor is
4 appointed and has qualified.

5 (b) Not later than September 2, 2019,
6 the governor shall designate a director as
7 president of the board of directors of the
8 Red River Authority as required by Section
9 7, Chapter 279, Acts of the 56th
10 Legislature, Regular Session, 1959, as
11 amended by this Act.

12 SUBCHAPTER C. POWERS AND DUTIES

13 Revised Law

14 Sec. 8510.0301. GENERAL POWERS. (a) The authority has:

15 (1) the functions, powers, rights, and duties as may
16 permit the authority to accomplish the purposes for which it is
17 created;

18 (2) the powers of this state under Section 59, Article
19 XVI, Texas Constitution; and

20 (3) all powers, rights, privileges, and functions
21 conferred on navigation districts by general law.

22 (b) Except as otherwise provided by this chapter, the
23 authority has the rights, power, and privileges conferred by the
24 general law applicable to a water control and improvement district
25 created under Section 59, Article XVI, Texas Constitution,
26 including Chapter 51, Water Code.

27 (c) The authority is governed by Chapters 49, 60, and 62,
28 Water Code, but in all areas of conflict, Chapter 62 takes
29 precedence. (Acts 56th Leg., R.S., Ch. 279, Secs. 14a (part), 19
30 (part), 31; New.)

31 Source Law

32 Sec. 14a. (1) In addition to other purposes
33 heretofore authorized by law, the Authority shall have
34 and is vested with all the powers of the state of Texas
35 under Section 59, Article XVI, Constitution of the
36 State of Texas, and shall likewise, have and is vested
37 with all powers, rights, privileges, and functions
38 conferred upon navigation districts by General Law.
39 The Authority is governed by and subject to Chapters
40 49, 60, and 62, Water Code, but in all areas of
41 conflict, Chapter 62 takes precedence. . . .

42 Sec. 19. Said Authority shall have and may
43 exercise such functions, powers, authority, rights and
44 duties as may permit the accomplishment of the
45 purposes for which it is created,

1 (2) the commission's continuing supervision and
2 control;

3 (3) the provisions of Section 11.024, Water Code,
4 prescribing the priorities of water uses; and

5 (4) the water rights acquired by municipalities and
6 other users.

7 (b) The authority shall exercise its powers for the greatest
8 practicable measure of the conservation and beneficial use of the
9 storm, flood, and unappropriated waters of the watershed of the Red
10 River and its tributaries in this state in the manner and for the
11 particular purposes specified by this chapter, including the
12 exercise of its powers to provide for:

13 (1) the study, correction, and control of both
14 artificial and natural pollution of the Red River and its
15 tributaries;

16 (2) the control, conservation, and orderly
17 development of the watershed and water of the Red River and its
18 tributaries in this state through all practical and legal means;

19 (3) the preservation of the equitable rights and
20 beneficial use of the waters for the people of the different
21 sections of the authority;

22 (4) the storage, control, and conservation of the
23 waters of the Red River and its tributaries in this state and the
24 prevention of the escape of any of those waters without the maximum
25 of public service;

26 (5) the prevention of the devastation of lands from
27 recurrent overflows;

28 (6) the protection of life and property in the
29 watershed of the Red River and its tributaries from uncontrolled
30 flood waters;

31 (7) the conservation of storm, flood, and
32 unappropriated waters of the watershed of the Red River and its
33 tributaries in this state essential for the beneficial uses of the
34 people of that watershed;

1 (8) the better encouragement and development of
2 drainage systems and drainage of lands that need drainage for
3 profitable agricultural production;

4 (9) the conservation of soil to prevent destructive
5 erosion and the increased threat of flooding incident to that
6 erosion;

7 (10) the control of those waters and making them
8 available for use in the development of commercial, industrial, and
9 agricultural enterprises in all sections of the authority; and

10 (11) any purpose for which waters when controlled and
11 conserved may be used in the performance of a useful service as
12 authorized by the constitution of this state.

13 (c) For purposes of Subsection (b)(1), the authority may:

14 (1) adopt rules with regard to the pollution described
15 by that subdivision;

16 (2) engage in policing to enforce those rules; and

17 (3) provide for penalties for violating those rules
18 consisting of:

19 (A) fines not to exceed \$1,000;

20 (B) confinement in the county jail for a period
21 not to exceed 30 days; or

22 (C) both the fine and confinement.

23 (d) The general law pertaining to a water control and
24 improvement district, including Chapters 49 and 51, Water Code,
25 applies to Subsection (b)(1).

26 (e) The authority may store and conserve to the greatest
27 beneficial use the storm, flood, and unappropriated waters of the
28 Red River in this state or any tributary of that river in the
29 authority to prevent the escape of water without maximum beneficial
30 use inside or outside the authority's boundaries. (Acts 56th Leg.,
31 R.S., Ch. 279, Secs. 14 (part), 14a (part); New.)

32 Source Law

33 Sec. 14. The Authority is hereby invested with
34 all of the powers of the state under Article XVI,
35 Section 59 of the Constitution to effectuate flood

1 control and the conservation and use, for all
2 beneficial purposes, of the storm, flood and
3 unappropriated waters of the Red River watershed and
4 its Texas tributaries, subject only: (i) declarations
5 of policy by the Legislature as to use of water; (ii)
6 continuing supervision and control by the State Board
7 of Water Engineers and any board or agency which may
8 thereafter succeed to its duties; (iii) the provisions
9 of Article 7471 prescribing the priorities of uses of
10 water; and (iv) the rights heretofore or hereafter
11 legally acquired in water by municipalities and other
12 users. It shall be the duty of the Authority to
13 exercise for the greatest practicable measure of the
14 conservation and beneficial utilization of storm,
15 flood and unappropriated waters of the Red River
16 watershed and its Texas tributaries in the manner and
17 for the particular purposes specified hereinafter in
18 this Section and elsewhere in this Act, powers
19 including those:

20 (a) To provide for the study, correcting and
21 control of both artificial and natural pollution of
22 the Red River and its tributaries. In this connection,
23 such Authority is given the power to promulgate rules
24 and regulations with regard to such pollution, both
25 artificial and natural, with the right of policing by
26 said Authority to enforce such rules and regulations;
27 providing for penalties consisting of fines for
28 violation of such pollution rules not to exceed One
29 Thousand (\$1,000.00) Dollars, or by confinement in the
30 county jail for not more than thirty (30) days or both
31 such fine and imprisonment. In this connection the
32 provisions of the general law pertaining to water
33 control and improvement districts herein shall govern,
34 except as expressly provided herein.

35 (b) To provide through all practical and legal
36 means for the control, conservation and orderly
37 development of the watershed and water of the Red River
38 and its Texas tributaries.

39 (c) To provide for the preservation of the
40 equitable rights and beneficial use of the waters for
41 the people of the different sections of the Authority.

42 (d) For storing, controlling and conserving the
43 waters of the Red River and its Texas tributaries, and
44 the prevention of the escape of any of such waters
45 without the maximum of public service; for the
46 prevention of devastation of lands from recurrent
47 overflows, and the protection of life and property in
48 such watershed areas from uncontrolled flood waters.

49 (e) For the conservation of storm, flood and
50 unappropriated water of the Red River watershed and
51 its Texas tributaries essential for the beneficial
52 uses of the people of the watersheds of the Red River
53 and its Texas tributaries.

54 (f) For the better encouragement and
55 development of drainage systems and provision for
56 drainage of lands needing drainage for profitable
57 agricultural production.

58 (g) For the purpose of conservation of all soils
59 against destructive erosion and thereby preventing the
60 increased flood menace incident thereto.

61 (h) To control and make available for employment
62 such waters in the development of commercial,
63 industrial and agricultural enterprises in all
64 sections of the Authority.

65 (i) And for each and every purpose for which
66 waters when controlled and conserved may be utilized
67 in the performance of a useful service as contemplated
68 and authorized by the provisions of the constitution

1 and the public policy therein declared. . . .
2 Sec. 14a. (1) . . . The Authority shall have
3 and is hereby authorized to exercise the following
4 powers, rights and privileges, and functions;

5 . . .
6 (6) . . . to store and conserve to the
7 greatest beneficial use the storm, flood and
8 unappropriated waters of the Red River in Texas or any
9 tributaries thereof within the Authority, so as to
10 prevent the escape of any water without maximum
11 beneficial use either within or without the boundaries
12 of the Authority;
13 . . .

14 Revisor's Note

15 (1) Section 14, Chapter 279, Acts of the 56th
16 Legislature, Regular Session, 1959, states that the
17 authority "is hereby invested" with certain powers.
18 The revised law substitutes "has" for the quoted
19 language for the reason stated in Revisor's Note (2) to
20 Section 8510.0301.

21 (2) Section 14, Chapter 279, Acts of the 56th
22 Legislature, Regular Session, 1959, refers to the
23 "State Board of Water Engineers." The Board of Water
24 Engineers, created by Chapter 171, General Laws, Acts
25 of the 33rd Legislature, Regular Session, 1913, became
26 the Texas Water Commission under Chapter 4, Acts of the
27 57th Legislature, 3rd Called Session, 1962. The name
28 of the agency was changed to the Texas Water Rights
29 Commission by Chapter 296, Acts of the 59th
30 Legislature, Regular Session, 1965. In 1977, Sections
31 1 and 9, Chapter 870, Acts of the 65th Legislature,
32 Regular Session, changed the name of the agency to the
33 Texas Water Commission. Subsequently, the name of the
34 Texas Water Commission was changed to the Texas
35 Natural Resource Conservation Commission by Section
36 1.085, Chapter 3, Acts of the 72nd Legislature, 1st
37 Called Session, 1991. The name of the Texas Natural
38 Resource Conservation Commission was changed to the
39 Texas Commission on Environmental Quality by Section
40 18.01, Chapter 965, Acts of the 77th Legislature,

1 Regular Session, 2001. Throughout this chapter, the
2 revised law is drafted accordingly.

3 (3) Section 14, Chapter 279, Acts of the 56th
4 Legislature, Regular Session, 1959, refers to Article
5 7471. Article 7471, Revised Statutes, was codified as
6 Section 5.024, Water Code, by Chapter 58, Acts of the
7 62nd Legislature, Regular Session, 1971, and
8 renumbered as Section 11.024, Water Code, by Chapter
9 870, Acts of the 65th Legislature, Regular Session,
10 1977. The revised law is drafted accordingly.

11 (4) Section 14, Chapter 279, Acts of the 56th
12 Legislature, Regular Session, 1959, refers to rights
13 in water "heretofore or hereafter" acquired. The
14 quoted language does not exclude any water right based
15 on the time the right was acquired and therefore does
16 not impose an effective limitation on the time during
17 which the right may be acquired. The revised law omits
18 the quoted language because it does not add to the
19 clear meaning of the law.

20 (5) Section 14, Chapter 279, Acts of the 56th
21 Legislature, Regular Session, 1959, refers to rights
22 in water "legally" acquired. The revised law omits the
23 quoted language because a water right may only be
24 obtained by means authorized by law and the language
25 does not add to the clear meaning of the law.

26 (6) Section 14(a), Chapter 279, Acts of the 56th
27 Legislature, Regular Session, 1959, authorizes the
28 authority to "promulgate" certain rules and
29 regulations. The revised law substitutes "adopt" for
30 "promulgate" because, in context, the terms have the
31 same meaning and "adopt" is more commonly used.

32 (7) Section 14(a), Chapter 279, Acts of the 56th
33 Legislature, Regular Session, 1959, refers to "rules
34 and regulations." The revised law omits the reference

1 to "regulations" because, in context, the terms have
2 the same meaning and under Section 311.005(5),
3 Government Code (Code Construction Act), a rule is
4 defined to include a regulation.

5 (8) Section 14(a), Chapter 279, Acts of the 56th
6 Legislature, Regular Session, 1959, refers to "the
7 provisions of the general law pertaining to water
8 control and improvement districts." For the reader's
9 convenience, the revised law adds a reference to
10 Chapter 49, Water Code, applicable to a water control
11 and improvement district under Sections 49.001 and
12 49.002 of that chapter, and to Chapter 51, Water Code,
13 applicable to a water control and improvement district
14 under Section 51.001 of that chapter.

15 (9) Section 14(a), Chapter 279, Acts of the 56th
16 Legislature, Regular Session, 1959, provides that the
17 provisions of general law pertaining to water control
18 and improvement districts govern "except as expressly
19 provided herein." The revised law omits the quoted
20 language because it duplicates, in substance, Section
21 311.026(b), Government Code (Code Construction Act),
22 which provides that if there is a conflict between a
23 general provision of law and a special or local
24 provision, the special or local provision prevails
25 unless the general provision is the later enactment
26 and the manifest intent is that the general provision
27 prevail.

28 (10) Section 14(a), Chapter 279, Acts of the
29 56th Legislature, Regular Session, 1959, authorizes
30 the authority to provide for penalties for violating
31 certain rules consisting of fines, "confinement in the
32 county jail," or both the fine and "imprisonment." The
33 revised law substitutes "confinement" for
34 "imprisonment" for consistency and to conform to the

1 style of the Penal Code.

2 (11) Section 14(d), Chapter 279, Acts of the
3 56th Legislature, Regular Session, 1959, refers to the
4 "watershed areas" of the Red River and its Texas
5 tributaries. The revised law omits the reference to
6 "areas" because, in context, "areas" is included in
7 the meaning of "watershed."

8 (12) Section 14(i), Chapter 279, Acts of the
9 56th Legislature, Regular Session, 1959, authorizes
10 the authority to control and use water in the
11 performance of a useful service "as contemplated and
12 authorized by the provisions of the constitution and
13 the public policy therein declared." The revised law
14 omits the reference to a useful service "contemplated"
15 by the constitution because that type of service is
16 included in the meaning of a service "authorized" by
17 the constitution. The revised law omits the reference
18 to a useful service authorized by the "public policy
19 therein declared" because that type of service is
20 included in the meaning of a service authorized by the
21 "provisions of the constitution."

22 (13) Section 14a(1), Chapter 279, Acts of the
23 56th Legislature, Regular Session, 1959, provides that
24 the authority "shall have and is hereby authorized to
25 exercise the following powers, rights and privileges,
26 and functions" to take certain actions. Throughout
27 this chapter, the revised law substitutes "may" for
28 the quoted language because, in context, the language
29 has the same meaning, and "may" is more commonly used.

30 Revised Law

31 Sec. 8510.0303. POWERS REGARDING CANALS, WATERWAYS, AND
32 RELATED FACILITIES. (a) The authority may:

33 (1) promote, construct, maintain and operate, or aid
34 and encourage, the construction, maintenance, and operation of

1 navigable canals or waterways and all navigational systems or
2 facilities auxiliary to navigable canals or waterways using the
3 natural bed and banks of the Red River, where practicable, and then
4 traversing a route the authority may find to be more feasible and
5 practicable to connect the Red River in this state with any new
6 navigation canals to be constructed in the lower reaches of the Red
7 River or to connect the Red River with the Gulf Intracoastal
8 Waterway;

9 (2) construct a system of artificial waterways and
10 canals, together with all locks and other works, structures, and
11 artificial facilities as may be necessary and convenient for the
12 construction, maintenance, and operation of:

13 (A) navigation canals or waterways; and

14 (B) all navigational systems and facilities
15 auxiliary to navigation canals or waterways; and

16 (3) acquire, improve, extend, take over, construct,
17 maintain, repair, operate, develop, and regulate ports, levees,
18 wharves, docks, locks, warehouses, grain elevators, dumping
19 facilities, belt railways, lands, and all other facilities or aids
20 to navigation or aids necessary to the operation or development of
21 ports or waterways in the Red River basin in this state.

22 (b) A power described by Subsection (a)(3) applies with
23 respect to a facility or aid described by that subdivision only if
24 the facility or aid is in a county located inside the authority.

25 (Acts 56th Leg., R.S., Ch. 279, Sec. 14a (part).)

26 Source Law

27 Sec. 14a. (1) . . . The Authority shall have
28 and is hereby authorized to exercise the following
29 powers, rights and privileges, and functions;

30 (2) to promote, construct, maintain and
31 operate or aid and encourage, the construction,
32 maintenance and operation of navigable canals or
33 waterways and all navigational systems or facilities
34 auxiliary thereto using the natural bed and banks of
35 the Red River, where practicable and thence traversing
36 such route as may be found by the Authority to be more
37 feasible and practicable to connect Red River in Texas
38 with any new navigation canals to be constructed in the
39 lower reaches of Red River or to connect Red River with
40 the intercoastal canal. The Authority is empowered to
41 construct or cause to be constructed a system of

1 artificial waterways and canals, together with all
2 locks and other works, structures and artificial
3 facilities as may be necessary and convenient for the
4 construction, maintenance and operation of navigation
5 canals or waterways and all navigational systems and
6 facilities auxiliary thereto;

7 (3) the right, power, and authority to
8 acquire, purchase, improve, extend, take over,
9 construct, maintain, repair, operate, develop and
10 regulate ports, levees, wharves, docks, locks,
11 warehouses, grain elevators, dumping facilities, belt
12 railways, lands, and all other facilities or aids to
13 navigation or aids necessary to the operation or
14 development of ports, or waterways within the Red
15 River Basin in Texas, provided, the powers conferred
16 on the Authority under the provisions of this
17 subdivision extend to a facility or aid authorized
18 under this subdivision only if the facility or aid is
19 situated in a county or counties included as part of
20 said Authority;

21 . . .

22 Revisor's Note

23 (1) Section 14a(2), Chapter 279, Acts of the
24 56th Legislature, Regular Session, 1959, refers to the
25 "intercoastal canal." The revised law substitutes a
26 reference to the "Gulf Intracoastal Waterway" because
27 that is the proper name of that waterway.

28 (2) Section 14a(2), Chapter 279, Acts of the
29 56th Legislature, Regular Session, 1959, grants the
30 authority the power to construct "or cause to be
31 constructed" a system of artificial waterways and
32 canals. The revised law omits the quoted language as
33 unnecessary because the grant of a power implies the
34 authority to provide for the exercise of that power.

35 (3) Section 14a(3), Chapter 279, Acts of the
36 56th Legislature, Regular Session, 1959, grants the
37 authority the power to "acquire" and "purchase"
38 certain property. The revised law omits the reference
39 to "purchase" because "purchase" is included in the
40 meaning of "acquire."

41 (4) Section 14a(3), Chapter 279, Acts of the
42 56th Legislature, Regular Session, 1959, references "a
43 county or counties" included in the authority. The
44 revised law substitutes "a county" for the quoted

1 language because Section 311.012(b), Government Code
2 (Code Construction Act), provides that a reference to
3 the singular includes the plural and vice versa.
4 Throughout this chapter, similar provisions in the
5 source law that use a noun in both its singular and
6 plural forms are revised using only the singular form.

7 Revised Law

8 Sec. 8510.0304. FEDERALLY CONSTRUCTED OR MAINTAINED
9 CANALS, WATERWAYS, AND FACILITIES. If the construction or
10 maintenance and operation of navigable canals or waterways and all
11 navigational systems or facilities auxiliary to navigable canals or
12 waterways on the Red River in this state is taken over or performed
13 by the federal government or an agency of the federal government,
14 then the authority may:

15 (1) enter into contracts that may be required by the
16 federal government, including assignments and transfers of
17 property, property rights, easements, and privileges; and

18 (2) take any other action required by the federal
19 government or an agency of the federal government. (Acts 56th Leg.,
20 R.S., Ch. 279, Sec. 14a (part).)

21 Source Law

22 Sec. 14a. (1) . . . The Authority shall have and
23 is hereby authorized to exercise the following powers,
24 rights and privileges, and functions;

25 . . .
26 (7) if the construction or maintenance and
27 operation of navigable canals or waterways and all
28 navigational systems or facilities auxiliary thereto
29 on the Red River in Texas is taken over or performed by
30 the Federal Government or any agency of the Federal
31 Government, then the Authority may:

32 (A) enter into contracts that may be
33 required by the Federal Government, including
34 assignments and transfers of property, property
35 rights, easements, and privileges; and

36 (B) take any other action required by
37 the Federal Government or any agency of the Federal
38 Government;

39 . . .

40 Revised Law

41 Sec. 8510.0305. POWER TO CONTROL, DEVELOP, STORE, AND USE
42 WATER FOR NAVIGATIONAL USE. (a) The authority may control,

1 develop, store, and use the natural flow and floodwaters of the Red
2 River and its tributaries for the purpose of operating and
3 maintaining:

- 4 (1) navigable canals or waterways; and
- 5 (2) navigational systems or facilities auxiliary to
6 navigable canals or waterways.

7 (b) The navigational use of water authorized by Subsection
8 (a) is subordinate and incidental to consumptive use of water.
9 (Acts 56th Leg., R.S., Ch. 279, Sec. 14a (part).)

10 Source Law

11 Sec. 14a. (1) . . . The Authority shall have
12 and is hereby authorized to exercise the following
13 powers, rights and privileges, and functions;

14 . . .
15 (5) to control, develop, store and use the
16 natural flow and floodwaters of the Red River and its
17 tributaries for the purpose of operating and
18 maintaining said navigable canals or waterways and all
19 navigational systems or facilities auxiliary thereto,
20 provided, however, that such navigational use shall be
21 subordinate to consumptive use of water, and
22 navigation shall be incidental thereto;

23 . . .

24 Revised Law

25 Sec. 8510.0306. POWERS RELATING TO FLOODING. The authority
26 may effectuate channel rectification or alignment and the
27 construction, maintenance, and operation of bank stabilization
28 facilities to:

29 (1) prevent and aid in preventing devastation of lands
30 from recurrent overflows; and

31 (2) protect life and property in the watershed of the
32 Red River in this state or any tributaries of that river in the
33 authority from uncontrolled floodwaters. (Acts 56th Leg., R.S.,
34 Ch. 279, Sec. 14a (part).)

35 Source Law

36 Sec. 14a. (1) . . . The Authority shall have
37 and is hereby authorized to exercise the following
38 powers, rights and privileges, and functions;

39 . . .
40 (6) to effectuate the construction,
41 maintenance and operation of bank stabilization
42 facilities and channel rectification or alignment in
43 order to prevent and aid in preventing devastation of
44 lands from recurrent over-flows and the protection of

1 life and property in the watershed of the Red River in
2 Texas or any tributaries thereof within the Authority
3 from uncontrolled flood waters;
4 . . .

5 Revised Law

6 Sec. 8510.0307. MASTER PLAN FOR DEVELOPMENT OF SOIL AND
7 WATER RESOURCES. (a) The authority shall prepare a master plan for
8 the maximum development of the soil and water resources of the Red
9 River watershed inside the authority.

10 (b) The master plan must include plans for the complete use
11 of the water resources of the watershed for all economically
12 beneficial purposes.

13 (c) A soil and water conservation district in the Red River
14 watershed shall prepare the portion of the master plan and
15 amendments to the plan relating to soil conservation, upstream
16 flood prevention, and watershed protection works in aid of soil
17 conservation and upstream flood prevention, subject to the approval
18 of the State Soil and Water Conservation Board.

19 (d) The master plan must be filed with and approved by the
20 commission. (Acts 56th Leg., R.S., Ch. 279, Sec. 14(k).)

21 Source Law

22 (k) It shall be the duty of the Authority to
23 prepare a master plan, for the maximum development of
24 the soil and water resources of the entire Red River
25 watershed within the Authority, including plans for
26 the complete utilization, for all economically
27 beneficial purposes, of the water resources of the
28 watershed. That portion of the master plan and any
29 amendments thereto relating to soil conservation and
30 upstream flood prevention and watershed protection
31 works in aid thereof shall be prepared by the soil
32 conservation districts on the Red River watershed,
33 subject to approval by the State Soil Conservation
34 Board. The master plan shall be filed with and approved
35 by the State Board of Water Engineers.

36 Revisor's Note

37 (1) Section 14(k), Chapter 279, Acts of the 56th
38 Legislature, Regular Session, 1959, refers to "soil
39 conservation districts." The revised law substitutes
40 a reference to "a soil and water conservation
41 district" because that is the proper name of those
42 districts. See Section 201.002, Agriculture Code.

1 municipality, municipal corporation, person, firm or
2 nonprofit organization for the construction,
3 operation and maintenance of such park or recreational
4 facility. It is legislative intent that the Authority
5 will coordinate the development of any public parks
6 and recreational facilities with the Parks and
7 Wildlife Department for conformity with the land and
8 water resources conservation and recreation plan. The
9 Authority may perform all functions necessary to
10 qualify for state or federal recreational grants and
11 loans;

12 . . .

13 Revisor's Note

14 Section 14a(8), Chapter 279, Acts of the 56th
15 Legislature, Regular Session, 1959, refers to the
16 authority's power to enter into contracts and
17 agreements with "the Federal Government or any agency
18 thereof; the Parks and Wildlife Department of the
19 State of Texas, any county, municipality, municipal
20 corporation, person, firm or nonprofit organization."
21 The revised law substitutes "any person" for the
22 quoted language because under Section 311.005(2),
23 Government Code (Code Construction Act), "person" is
24 defined to include any legal entity.

25 Revised Law

26 Sec. 8510.0309. POWERS RELATING TO WASTE FACILITIES; BONDS.

27 (a) As a necessary aid to the conservation, control, preservation,
28 and distribution of the water of the Red River and its tributaries
29 for beneficial use, the authority may:

30 (1) purchase, construct, improve, repair, operate,
31 and maintain works and facilities necessary for the collection,
32 transportation, treatment, and disposal of sewage and industrial
33 waste and effluent; and

34 (2) issue bonds for a purpose described by Subdivision
35 (1).

36 (b) The authority may contract with:

37 (1) a municipality or other entity to collect,
38 transport, treat, and dispose of sewage from the municipality or
39 entity; and

40 (2) a municipality for the use of collection,

1 transportation, treatment, or disposal facilities owned by the
2 municipality or by the authority.

3 (c) A bond issued under this section must be:

4 (1) payable from revenue under a contract described by
5 this section or from other authority income; and

6 (2) in the form and issued in the manner prescribed by
7 law for other revenue bonds and as provided by Sections 8510.0504,
8 8510.0505, 8510.0506, 8510.0507, 8510.0508, 8510.0509, 8510.0510,
9 8510.0511, and 8510.0512. (Acts 56th Leg., R.S., Ch. 279, Sec. 14a
10 (part).)

11 Source Law

12 Sec. 14a. (1) . . . The Authority shall have
13 and is hereby authorized to exercise the following
14 powers, rights and privileges, and functions;

15
16 (9) in addition to other purposes
17 heretofore authorized by law and as a necessary aid to
18 the conservation, control, preservation, and
19 distribution of such water for beneficial use, the
20 Authority is authorized to purchase, construct,
21 improve, repair, operate and maintain works and
22 facilities necessary for the collection,
23 transportation, treatment and disposal of sewage and
24 industrial waste and effluent and to issue negotiable
25 bonds for such purposes, and the Authority may make
26 contracts with cities and others under which the
27 Authority will collect, transport, treat and dispose
28 of sewage from such cities or other entities. The
29 Authority may also make contracts with any city for the
30 use of any collection, transportation, treatment or
31 disposal facilities owned by such city or by the
32 Authority;

33 (10) the bonds which may be issued under
34 this Section, shall be payable from revenues under any
35 contract or contracts described herein or from other
36 income of the Authority. Such bonds shall be in the
37 form and shall be issued in the manner prescribed by
38 law for other revenue bonds and as provided in Sections
39 26, 27, 28 and 29, Article 8280-228.

40 Revisor's Note

41 (1) Section 14a(9), Chapter 279, Acts of the
42 56th Legislature, Regular Session, 1959, authorizes
43 the authority to issue "negotiable" bonds. The
44 revised law omits "negotiable" because it duplicates,
45 in substance, Section 1201.041, Government Code, which
46 provides that a public security is a negotiable
47 instrument. Throughout this chapter, the revised law

1 omits law that is superseded by Chapter 1201,
2 Government Code, or that duplicates law contained in
3 that chapter. Chapter 1201, Government Code, applies
4 to authority bonds under Sections 1201.002 and
5 1201.003, Government Code.

6 (2) Section 14a(9), Chapter 279, Acts of the
7 56th Legislature, Regular Session, 1959, refers to a
8 "city" and "cities." Throughout this chapter, the
9 revised law substitutes "municipality" for "city,"
10 "town," "village," and the plural of those terms
11 because the meaning of "municipality" includes those
12 entities, and "municipality" is the term used in the
13 Local Government Code.

14 (3) Section 14a(10), Chapter 279, Acts of the
15 56th Legislature, Regular Session, 1959, refers to
16 Sections 26, 27, 28, and 29, Article 8280-228.
17 V.A.C.S. Article 8280-228 is the unofficial citation
18 of Chapter 279 supplied by West Group, a private legal
19 publisher. Sections 26, 27, 28, and 29 of Chapter 279
20 are revised in pertinent part in this chapter as
21 Sections 8510.0504, 8510.0505, 8510.0506, 8510.0507,
22 8510.0508, 8510.0509, 8510.0510, 8510.0511, and
23 8510.0512, and the revised law is drafted accordingly.

24 Revised Law

25 Sec. 8510.0310. ADDITIONAL POWERS OF AUTHORITY AND OTHER
26 PERSONS; BONDS. (a) In this section, "public agency" means an
27 authority, district, municipality, other political subdivision,
28 joint board, or other public agency created and operating under the
29 laws of this state.

30 (b) The authority and a person may:

31 (1) contract, on terms to which the parties may agree,
32 with respect to an authority power, function, or duty; and

33 (2) execute appropriate documents and instruments in
34 connection with a contract described by Subdivision (1).

1 (c) The authority may issue bonds in the manner provided by
2 Sections 8510.0504, 8510.0505, 8510.0506, 8510.0507, 8510.0508,
3 8510.0510, and 8510.0511 with respect to its powers, including the
4 powers granted by this section, for the purpose of providing money:

5 (1) to enable the authority to pay for the costs of
6 engineering design and studies, surveys, title research,
7 appraisals, options on property, and other related matters and
8 activities in connection with planning and implementing various
9 proposed projects or improvements; and

10 (2) to operate and maintain a facility.

11 (d) Notwithstanding any other provision of this chapter,
12 the authority may undertake and carry out any activities, enter
13 into loan agreements, leases, or installment sales agreements, and
14 acquire, construct, own, operate, maintain, repair, improve, or
15 extend and loan, lease, sell, or otherwise dispose of, on terms
16 including rentals, sale price, or installment sale payments as the
17 parties may agree, at any place or location inside the authority's
18 boundaries, any and all money or bond proceeds, works,
19 improvements, facilities, plants, buildings, structures,
20 equipment, and appliances, and all property or any property
21 interest, that is incident, helpful, or necessary.

22 (e) The authority may exercise the powers provided by
23 Subsection (d) to:

24 (1) provide for the control, storage, preservation,
25 transmission, treatment, distribution, and use of water, including
26 storm water, floodwater, and the water of rivers and streams, for
27 irrigation, electric energy, flood control, municipal, domestic,
28 industrial, agricultural, and commercial uses and purposes and for
29 all other beneficial purposes;

30 (2) supply water for municipal, domestic, electric
31 energy, industrial, irrigation, oil flooding, mining,
32 agricultural, and commercial uses and purposes and for all other
33 beneficial uses and purposes;

34 (3) generate, produce, distribute, and sell electric

1 energy; and

2 (4) facilitate the carrying out of an authority power,
3 duty, or function.

4 (f) The purposes stated by Subsection (e) are for the
5 conservation and development of the natural resources of this state
6 within the meaning of Section 59, Article XVI, Texas Constitution.

7 (g) A public agency may:

8 (1) impose a fee, rate, charge, rental, or other
9 amount, including a water charge, a sewage charge, a solid waste
10 disposal system fee and a charge including garbage collection or
11 handling fee, or another charge or fee, for a service or facility
12 provided by a utility operated by the public agency, or provided
13 pursuant to or in connection with a contract with the authority;

14 (2) impose an amount described by Subdivision (1) on
15 inhabitants, users, or beneficiaries of the utility, service, or
16 facility described by that subdivision; and

17 (3) use or pledge an amount described by Subdivision
18 (1) to make a payment to the authority required under the contract
19 and may pledge that amount in an amount sufficient to make all or
20 any part of the payment to the authority when due.

21 (h) If a public agency and the authority agree in a
22 contract, the payment made by the public agency to the authority
23 under the contract is an expense of operation of a facility or
24 utility operated by the public agency.

25 (i) This section does not compel a person or public agency
26 to secure water, sewer service, or another service from the
27 authority, except under a voluntarily executed contract. (Acts
28 56th Leg., R.S., Ch. 279, Secs. 14b(a)(part), (b), (d), (e), (f),
29 (g), (h)(part), (j).)

30 Source Law

31 Sec. 14b. (a) As used in this section:

32 (2) 'Public agency' means an authority,
33 district, city, town, other political subdivision,
34 joint board, or other public agency created and
35 operating under the laws of this state.

36 (b) The Authority and all persons may contract,
37

1 on terms and conditions to which the parties may agree,
2 with respect to any power, function, or duty of the
3 Authority, and the Authority and all persons may
4 execute all appropriate documents and instruments in
5 connection therewith. The Authority may issue bonds
6 with respect to any of its powers in the manner
7 provided by Section 26 of this Act including those
8 powers granted in this section for the purpose of
9 providing funds:

10 (1) to enable the Authority to pay for the
11 costs of engineering design and studies, surveys,
12 title research, appraisals, options on real or
13 personal property, and other related matters and
14 activities in connection with planning and
15 implementing various proposed projects or
16 improvements; and

17 (2) to operate and maintain any
18 facilities.

19 (d) Notwithstanding any provisions of this Act
20 and in addition to all other powers granted by this Act
21 or by any other law, the Authority may:

22 (1) undertake and carry out any
23 activities;

24 (2) enter into loan agreements, leases, or
25 installment sale agreements; and

26 (3) acquire, purchase, construct, own,
27 operate, maintain, repair, improve, or extend and
28 loan, lease, sell, or otherwise dispose of, on terms
29 and conditions including rentals, sale price, or
30 installment sale payments as the parties may agree, at
31 any place or location in the boundaries of the
32 Authority, any and all money or bond proceeds, works,
33 improvements, facilities, plants, buildings,
34 structures, equipment, and appliances, and all
35 property or any interest in property, that are
36 incident, helpful, or necessary.

37 (e) The Authority may exercise the powers in
38 Subsection (d) of this section, to:

39 (1) provide for the control, storage,
40 preservation, transmission, treatment, distribution,
41 and use of water, including storm water, flood water,
42 and the water of rivers and streams, for irrigation,
43 electric energy or power, flood control, municipal,
44 domestic, industrial, agricultural, and commercial
45 uses and purposes, and for all other beneficial
46 purposes;

47 (2) supply water for municipal, domestic,
48 electric energy or power, industrial, irrigation, oil
49 flooding, mining, agricultural, and commercial uses
50 and purposes and for all other beneficial uses and
51 purposes;

52 (3) generate, produce, distribute, and
53 sell electric energy or power; and

54 (4) facilitate the carrying out of any
55 power, duty, or function of the Authority.

56 (f) It is found and determined by the
57 legislature that all of the purposes stated in
58 Subsection (e) of this section are for the
59 conservation and development of the natural resources
60 of this state within the meaning of Article XVI,
61 Section 59, of the Texas Constitution.

62 (g) Each public agency may fix, charge, and
63 collect fees, rates, charges, rentals, and other
64 amounts for any services or facilities provided by a
65 utility operated by it, or provided pursuant to or in
66 connection with any contract with the Authority. The
67 fees, rates, charges, rentals, and other amounts may

1 be charged to and collected from inhabitants or from
2 any users or beneficiaries of that utility, service,
3 or facility. These may include specifically water
4 charges, sewage charges, solid waste disposal system
5 fees and charges including garbage collection or
6 handling fees, and other fees or charges.

7 (h) Those fees, rates, charges, rentals, and
8 other amounts may be used or pledged to make payments
9 to the Authority required under the contract and may be
10 pledged in amounts sufficient to make all or any part
11 of those payments to the Authority when due. Those
12 payments, if the parties agree in the contract,
13 constitute an expense of operation of any facilities
14 or utility operated by the public agency;

15 (j) This section does not compel any person,
16 including any public agency, to secure water, sewer
17 service, or any other service from the Authority,
18 except voluntarily executed contracts.

19 Revisor's Note

20 (1) Section 14b(a)(1), Chapter 279, Acts of the
21 56th Legislature, Regular Session, 1959, defines
22 "person." The revised law omits that definition
23 because it duplicates, in substance, the definition of
24 "person" provided by Section 311.005(2), Government
25 Code (Code Construction Act). The omitted law reads:

26 (1) "Person" means:

27 (A) an individual,
28 partnership, corporation, or other private
29 entity; and

30 (B) a public agency.

31 (2) Section 14b(b), Chapter 279, Acts of the
32 56th Legislature, Regular Session, 1959, authorizes
33 the authority and all persons to contract, on "terms
34 and conditions" to which the parties may agree, with
35 respect to any power, function, or duty of the
36 authority, and Section 14b(d)(3) of Chapter 279
37 authorizes the authority to take certain actions, on
38 "terms and conditions" as the parties may agree, with
39 respect to money and property. Throughout this
40 chapter, the revised law omits "conditions" in this
41 context because the meaning of the term is included in
42 the meaning of "terms."

43 (3) Section 14b(b), Chapter 279, Acts of the
44 56th Legislature, Regular Session, 1959, refers to

1 Section 26 of Chapter 279. Section 26 is revised in
2 pertinent part in this chapter as Sections 8510.0504,
3 8510.0505, 8510.0506, 8510.0507, 8510.0508,
4 8510.0510, and 8510.0511, and the revised law is
5 drafted accordingly.

6 (4) Section 14b(b), Chapter 279, Acts of the
7 56th Legislature, Regular Session, 1959, refers to the
8 authority's "funds." Throughout this chapter, the
9 revised law substitutes "money" for "funds" because,
10 in context, the terms have the same meaning and "money"
11 is more commonly used.

12 (5) Section 14b(b)(1), Chapter 279, Acts of the
13 56th Legislature, Regular Session, 1959, refers to
14 "real or personal property." The revised law omits
15 "real or personal" because under Section 311.005(4),
16 Government Code (Code Construction Act), "property"
17 includes real and personal property.

18 (6) Section 14b(c), Chapter 279, Acts of the
19 56th Legislature, Regular Session, 1959, authorizes
20 the authority to invest authority money in any manner
21 or in any securities determined by the board. The
22 revised law omits that provision as superseded by
23 Subchapter A, Chapter 2256, Government Code (enacted
24 as Chapter 889, Acts of the 70th Legislature, Regular
25 Session, 1987), which governs the investments of
26 certain public entities. The omitted law reads:

27 (c) The Authority may invest any of
28 its funds, including bond proceeds, in any
29 manner or in any securities determined by
30 its Board of Directors.

31 (7) Section 14b(d)(3), Chapter 279, Acts of the
32 56th Legislature, Regular Session, 1959, grants the
33 authority the power to "acquire" and "purchase"
34 certain property. The revised law omits the reference
35 to "purchase" for the reason stated in Revisor's Note

1 (3) to Section 8510.0303.

2 (8) Section 14b(e), Chapter 279, Acts of the
3 56th Legislature, Regular Session, 1959, refers to
4 "electric energy or power." The revised law omits the
5 term "power" because, in this context, "power" is
6 included in the meaning of "electric energy."

7 (9) Section 14b(g), Chapter 279, Acts of the
8 56th Legislature, Regular Session, 1959, authorizes a
9 public agency to "fix, charge, and collect" fees,
10 rates, charges, rentals, and other amounts for certain
11 services or facilities to be "charged to and collected
12 from" certain persons. The revised law substitutes
13 "impose" for the quoted language because, in context,
14 the language has the same meaning and "impose" is more
15 commonly used.

16 (10) Section 14b(h), Chapter 279, Acts of the
17 56th Legislature, Regular Session, 1959, provides that
18 an agreement may not be made that violates the United
19 States or Texas Constitution. The revised law omits
20 the provision as it relates to the United States
21 Constitution because under the Supremacy Clause of the
22 United States Constitution (Clause 2, Article VI), the
23 United States Constitution always takes precedence
24 over a state statute. The revised law omits the
25 provision as it relates to the Texas Constitution
26 because the state legislature cannot modify a
27 constitutional provision by statute. The omitted law
28 reads:

29 (h) . . . provided that an agreement
30 may not be made that would violate the
31 United States or Texas constitutions.

32 (11) Section 14b(i), Chapter 279, Acts of the
33 56th Legislature, Regular Session, 1959, provides in
34 part that Section 14b is sufficient authority for the
35 issuance of bonds, the execution of contracts, and the

1 performance of other authorized acts by the authority
2 and other persons, including public agencies, without
3 reference to any other law or any restrictions or
4 limitations included in another law, and that in case
5 of certain conflicts between Section 14b(i) and any
6 other law, including a home-rule city charter, Section
7 14b prevails.

8 The revised law omits the statement that Section
9 14b is sufficient authority for the performance of
10 acts authorized by the act because it is unnecessary.
11 The operative provisions of the act are fully
12 effective on their own terms.

13 The revised law omits the statement that other
14 laws, or restrictions or limitations included in those
15 laws, do not apply and that in case of certain
16 conflicts between Section 14b(i) and other law,
17 including a home-rule city charter, Section 14b
18 prevails, because the statement is both unnecessary
19 and potentially misleading.

20 An accepted general principle of statutory
21 construction requires a statute to be given cumulative
22 effect with other statutes unless it provides
23 otherwise or unless the statutes are in conflict. To
24 the extent the statement means that Section 14b
25 prevails over other law that was in existence at the
26 time that section became effective and with which
27 Section 14b(i) conflicts, it merely restates general
28 rules of statutory construction. To the extent the
29 statement implies that Section 14b prevails over
30 future enactments of the legislature that may conflict
31 with it, it is misleading. It is a fundamental
32 principle of statutory construction that one session
33 of the legislature may not bind a future session of the
34 legislature. In addition, Section 311.026, Government

1 Code (Code Construction Act), governs the
2 interpretation of the revised law in instances of
3 apparent conflict with other laws. Furthermore, a
4 statement that Section 14b prevails over a conflicting
5 home-rule city charter is unnecessary because it
6 restates the common rule of statutory construction
7 regarding conflicting laws.

8 In addition, codification of the statement is
9 potentially misleading because the revised law not
10 only omits provisions of the act that are impliedly
11 repealed by other law, it also omits provisions that
12 are duplicative of other law. Codification of the
13 statement might create an impression that the
14 provisions of other law that duplicate the omitted
15 provisions do not apply.

16 Section 14b(i) also provides that the authority
17 and other persons, including public agencies, may use
18 any other law that does not conflict with that
19 subsection to carry out any power granted by Section
20 14b. The revised law omits that provision as
21 unnecessary. The operative provisions of other
22 applicable laws are fully effective on their own
23 terms. The omitted law reads:

24 (i) This section is wholly sufficient
25 authority for the issuance of the bonds, the
26 execution of contracts, and the performance
27 of the other acts and procedures authorized
28 in this Act by the Authority and persons,
29 including public agencies, without
30 reference to any other law or any
31 restrictions or limitations included in any
32 other law. To the extent of any conflict or
33 inconsistency between this subsection and
34 any other law including a home-rule city
35 charter, this section prevails and
36 controls; provided that the Authority and
37 persons, including public agencies, may use
38 any other law, not in conflict with this
39 subsection, to the extent convenient or
40 necessary to carry out any power or
41 authority granted by this section.

1 Revised Law

2 Sec. 8510.0311. POWERS RELATING TO CONTRACTS. (a) The
3 authority may execute any contract and enter into any agreement
4 necessary to accomplish the purpose for which it was created,
5 including a contract with a municipality, corporation, or district,
6 the United States, this state or an agency of this state, or the
7 state of Oklahoma, Arkansas, or Louisiana, the confines of which
8 are contiguous or adjacent to the Red River.

9 (b) The authority may enter into a contract or execute an
10 instrument necessary or convenient to the exercise of the
11 authority's powers, rights, privileges, and functions granted by
12 this chapter and general law pertaining to a water control and
13 improvement district. (Acts 56th Leg., R.S., Ch. 279, Secs. 16, 22
14 (part).)

15 Source Law

16 Sec. 16. The Authority is granted the power to
17 execute such contracts and enter into such agreements
18 as may be necessary to accomplish the purpose for which
19 it is created. In keeping with this provision the
20 Authority is authorized to enter into contracts with
21 cities, corporations, districts, the United States and
22 its agencies, the State of Texas and agencies thereof,
23 or the States of Oklahoma, Arkansas, and Louisiana,
24 the confines of which are contiguous or adjacent to Red
25 River.

26 Sec. 22. The Authority may:

27 . . .
28 (4) make other contracts and execute
29 instruments necessary or convenient to the exercise of
30 the powers, rights, privileges and functions conferred
31 on the Authority by this Act and the general laws of
32 the state pertaining to water control and improvement
33 districts;
34 . . .

35 Revisor's Note

36 Section 16, Chapter 279, Acts of the 56th
37 Legislature, Regular Session, 1959, refers to "the
38 United States and its agencies." The revised law omits
39 "and its agencies" as unnecessary because under
40 Section 311.005(9), Government Code (Code
41 Construction Act), "United States" includes a
42 department, bureau, or other agency of the United

1 States of America.

2 Revised Law

3 Sec. 8510.0312. POWERS RELATING TO WATER DISTRIBUTION
4 PLANTS OR SYSTEMS. (a) The authority may contract with a
5 municipality located inside its boundaries for the purchase, lease,
6 use, management, control, or operation of a water distribution
7 plant or system owned by the municipality in accordance with the
8 terms mutually agreed on by the governing bodies of the authority
9 and the municipality.

10 (b) The authority may acquire by a contract described by
11 Subsection (a) rights in surface water or groundwater belonging to
12 the municipality.

13 (c) The authority may use water rights acquired from a
14 municipality under Subsection (b) only for:

15 (1) a purpose for which the municipality would be
16 authorized to use them; and

17 (2) the purposes of the municipality's water
18 distribution plant or system. (Acts 56th Leg., R.S., Ch. 279, Sec.
19 16a.)

20 Source Law

21 Sec. 16a. The Authority is expressly authorized
22 to contract with cities, towns, or villages located
23 within its boundaries for the purchase, lease, use,
24 management, control or operation of water distribution
25 plants or systems owned by said cities, towns or
26 villages, in accordance with such terms and conditions
27 as may be mutually agreed upon by and between the
28 governing bodies of the Authority and such city, town
29 or village. In this connection the Authority is
30 empowered to acquire by any such contract surface or
31 underground water rights belonging to any such city,
32 town or village; provided, however, that the Authority
33 shall devote any such water rights so acquired to only
34 such uses as the city, town or village from which they
35 were acquired would be authorized to make of them; and,
36 provided further, that the Authority shall use any
37 such water rights so acquired only for the purposes of
38 the water distribution plant or system of the city,
39 town or village from which such water rights were
40 acquired, and not otherwise.

41 Revisor's Note

42 Section 16a, Chapter 279, Acts of the 56th
43 Legislature, Regular Session, 1959, authorizes the

1 authority to acquire rights to "underground water."
2 The revised law substitutes "groundwater" for
3 "underground water" because "groundwater" is the term
4 used in Chapter 36, Water Code.

5 Revised Law

6 Sec. 8510.0313. CONTRACTS FOR SALE AND DELIVERY OF WATER TO
7 CERTAIN MUNICIPALITIES. The authority may enter into a contract
8 necessary to provide for the sale and delivery of water to the City
9 of Eldorado, Oklahoma. (Acts 56th Leg., R.S., Ch. 279, Sec. 16A.)

10 Source Law

11 Sec. 16A. The Authority may enter into any
12 contracts necessary to provide for the sale and
13 delivery of water to the City of Eldorado, Oklahoma.

14 Revised Law

15 Sec. 8510.0314. ACQUISITION OF PROPERTY BY GIFT, PURCHASE,
16 OR EMINENT DOMAIN. (a) In this section, "property" means property
17 of any kind, including a lighter, tug, barge, or other floating
18 equipment of any nature.

19 (b) The authority may acquire by gift or purchase property
20 or a property interest located inside or outside the authority's
21 boundaries necessary to the exercise of the powers, rights,
22 privileges, and functions conferred on the authority by this
23 chapter and by the exercise of the power of eminent domain in the
24 manner provided by Subsection (c), provided that the authority is
25 not required to give bond for appeal or bond for costs in a judicial
26 proceeding.

27 (c) The authority may exercise the power of eminent domain
28 in the manner provided by the general law applicable to a water
29 control and improvement district.

30 (d) The authority may not exercise the power of eminent
31 domain outside the authority's boundaries.

32 (e) The authority's authority under this section to
33 exercise the power of eminent domain expired on September 1, 2013,
34 unless the authority submitted a letter to the comptroller in
35 accordance with Section 2206.101(b), Government Code, not later

1 than December 31, 2012. (Acts 56th Leg., R.S., Ch. 279, Secs. 14a
2 (part), 18 (part), 19 (part); New.)

3 Source Law

4 Sec. 14a. (1) . . . The Authority shall have
5 and is hereby authorized to exercise the following
6 powers, rights and privileges, and functions;

7 . . .
8 (4) to acquire by gift or purchase any and
9 all properties of any kind, including lighters, tugs,
10 barges and other floating equipment of any nature,
11 real, personal or mixed, or any interest therein
12 within or outside of the boundaries of the Authority
13 necessary to the exercise of the powers, rights,
14 privileges and functions conferred upon it by this Act
15 and by condemnation in the manner provided in Section
16 18 of the Act creating the Authority, provided that the
17 Authority shall not be required to give bond for appeal
18 or bond for costs in any judicial proceedings;

19 . . .

20 Sec. 18. The Authority is hereby vested with the
21 right of eminent domain in the manner provided by the
22 general law pertaining to water control and
23 improvement districts. . . .

24 Sec. 19. . . . The right of eminent domain
25 shall not be exercised or extend beyond the boundaries
26 of this District.

27 Revisor's Note

28 (1) Section 14a(4), Chapter 279, Acts of the
29 56th Legislature, Regular Session, 1959, refers to
30 "properties of any kind, . . . real, personal or
31 mixed." The revised law omits the reference to "real,
32 personal or mixed" for the reason stated in Revisor's
33 Note (5) to Section 8510.0310 and because "mixed"
34 property is property consisting of both real and
35 personal property.

36 (2) Section 14a(4), Chapter 279, Acts of the
37 56th Legislature, Regular Session, 1959, provides that
38 the authority may acquire certain property "by
39 condemnation." The revised law substitutes "by the
40 exercise of the power of eminent domain" for the quoted
41 language because the phrases have the same meaning and
42 the latter phrase is consistent with modern usage in
43 laws relating to eminent domain.

44 (3) Section 14a(4), Chapter 279, Acts of the

1 56th Legislature, Regular Session, 1959, refers to the
2 manner of condemnation provided by "Section 18 of the
3 Act creating the Authority." That act is Chapter 279.
4 Section 18 of Chapter 279 is revised in pertinent part
5 as Subsection (c) of this section, and the revised law
6 is drafted accordingly.

7 (4) Sections 14(a)(4) and 18, Chapter 279, Acts
8 of the 56th Legislature, Regular Session, 1959,
9 provide the authority eminent domain authority.
10 Section 2206.101, Government Code, required an entity
11 with eminent domain authority to submit a letter with
12 certain information to the comptroller not later than
13 December 31, 2012, to prevent the entity's eminent
14 domain authority from expiring on September 1, 2013.
15 To avoid the appearance that this revision recognizes
16 authority that the authority may not possess at the
17 time of the revision, the revised law includes a
18 provision setting out the requirements of Section
19 2206.101, Government Code.

20 (5) Section 19, Chapter 279, Acts of the 56th
21 Legislature, Regular Session, 1959, refers to the
22 authority as the "District." The revised law
23 substitutes "authority" for "District" to more closely
24 conform to the name of the authority and because
25 "authority" is the defined term under this chapter
26 used to refer to the authority.

27 Revised Law

28 Sec. 8510.0315. COST OF RELOCATING OR ALTERING PROPERTY.
29 If the authority's exercise of the power of eminent domain, the
30 power of relocation, or any other power granted by this chapter
31 makes necessary relocating, raising, rerouting, changing the grade
32 of, or altering the construction of a highway, railroad, electric
33 transmission line, telephone or telegraph property or facility, or
34 pipeline, the necessary action shall be accomplished at the

1 authority's sole expense. (Acts 56th Leg., R.S., Ch. 279, Sec. 18
2 (part).)

3 Source Law

4 Sec. 18. . . . In the event that the Authority,
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 of
9 any highway, railroad, electric transmission line,
10 telephone or telegraph 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 Authority.

15 Revised Law

16 Sec. 8510.0316. ACQUISITION OR OPERATION OF PROPERTY. (a)

17 In this section, "property" includes:

18 (1) rights, including surface water rights and
19 groundwater rights; and

20 (2) land, tenements, easements, rights-of-way,
21 improvements, reservoirs, dams, canals, laterals, plants, works,
22 and facilities.

23 (b) The authority may investigate, plan, acquire,
24 construct, maintain, or operate any property the authority
25 considers necessary or proper to accomplish the purposes for which
26 the authority is created.

27 (c) The power described by Subsection (b) includes the power
28 to acquire, inside or outside the authority, property and all other
29 rights that are incidental or helpful to carrying out the purposes
30 for which the authority is created.

31 (d) The authority may purchase groundwater rights only as
32 provided by Section 8510.0317.

33 (e) Notwithstanding the other provisions of this section,
34 the authority may engage in the generation or distribution of
35 electric energy only as provided by Section 8510.0310. (Acts 56th
36 Leg., R.S., Ch. 279, Sec. 19 (part); New.)

37 Source Law

38 Sec. 19. Said Authority . . . may exercise such
39 functions, powers, . . . rights and duties [as may
40 permit the accomplishment of the purposes for which it

1 is created], including investigating and planning,
2 acquiring, constructing, maintaining and operating of
3 all necessary properties, lands, rights, tenements,
4 easements, improvements, reservoirs, dams, canals,
5 laterals, plants, works and facilities which it may
6 deem necessary or proper for the accomplishment of
7 said purposes, including the acquisition within and/or
8 without said Authority of lands, rights-of-way,
9 surface water rights, groundwater rights, if
10 purchased, as provided by Section 19a, and all other
11 properties, tenements, easements and all other rights
12 incident, helpful to, or in aid of carrying out the
13 purposes of said Authority as herein defined;
14 provided, however, that said Authority shall not
15 engage in the generation or distribution of electric
16 power except as provided by Section 14b of this
17 Act. . . .

18 Revisor's Note

19 (1) The definition of "property" is added to the
20 revised law for drafting convenience and to eliminate
21 unnecessary repetition of the substance of the
22 definition.

23 (2) Section 19, Chapter 279, Acts of the 56th
24 Legislature, Regular Session, 1959, refers to Section
25 19a of Chapter 279. Section 19a is revised in pertinent
26 part in this chapter as Section 8510.0317, and the
27 revised law is drafted accordingly.

28 (3) Section 19, Chapter 279, Acts of the 56th
29 Legislature, Regular Session, 1959, refers to
30 "electric power." The revised law substitutes a
31 reference to "electric energy" for consistency with
32 Section 8510.0310(e)(1).

33 (4) Section 19, Chapter 279, Acts of the 56th
34 Legislature, Regular Session, 1959, refers to Section
35 14b of Chapter 279. Section 14b is revised in
36 pertinent part in this chapter as Section 8510.0310,
37 and the revised law is drafted accordingly.

38 Revised Law

39 Sec. 8510.0317. LIMITATION ON PURCHASE OF GROUNDWATER
40 RIGHTS. The authority may purchase groundwater rights in a county
41 inside the authority's territory only if:

42 (1) there is a groundwater conservation district that

1 has jurisdiction over water wells located in the county; or

2 (2) in a county that is not in the jurisdiction of a
3 groundwater conservation district, the commissioners court of the
4 county approves the purchase of groundwater rights by the authority
5 in the county. (Acts 56th Leg., R.S., Ch. 279, Sec. 19a.)

6 Source Law

7 Sec. 19a. The Authority may purchase
8 groundwater rights in a county in the Authority's
9 territory only if:

10 (1) there is a groundwater conservation
11 district that has jurisdiction over water wells
12 located in the county; or

13 (2) in the case where a county is not in
14 the jurisdiction of a groundwater conservation
15 district, the commissioners court of the county
16 approves the purchase of groundwater rights by the
17 Authority in the county.

18 Revised Law

19 Sec. 8510.0318. LIMITATION ON POWERS OF AUTHORITY REGARDING
20 GROUNDWATER. This chapter does not authorize the authority to:

21 (1) acquire or regulate groundwater or groundwater
22 rights by the exercise of the power of eminent domain; or

23 (2) regulate the use of groundwater resources. (Acts
24 56th Leg., R.S., Ch. 279, Sec. 25.)

25 Source Law

26 Sec. 25. Nothing in this Act shall be construed
27 as authorizing the Authority to acquire or regulate
28 underground water or underground water rights by
29 condemnation or regulate the use of underground water
30 resources in any manner.

31 Revisor's Note

32 (1) Section 25, Chapter 279, Acts of the 56th
33 Legislature, Regular Session, 1959, limits the powers
34 of the authority regarding "underground water,"
35 "underground water rights," and "underground water
36 resources." The revised law substitutes "groundwater"
37 for "underground water" for the reason stated in the
38 revisor's note to Section 8510.0312.

39 (2) Section 25, Chapter 279, Acts of the 56th
40 Legislature, Regular Session, 1959, prohibits the
41 authority from acquiring or regulating underground

1 water or underground water rights by "condemnation."
2 The revised law substitutes "exercise of the power of
3 eminent domain" for "condemnation" for the reason
4 stated in Revisor's Note (2) to Section 8510.0314.

5 Revised Law

6 Sec. 8510.0319. LIMITATION ON POWERS AND DUTIES OF
7 AUTHORITY; COMMISSION APPROVAL OF CERTAIN PLANS. (a) The
8 authority's powers and duties under this chapter are subject to all
9 legislative declarations of public policy in the maximum use of the
10 waters of the authority's watersheds for the purposes for which the
11 authority was created.

12 (b) The commission shall consider the adequacy and
13 feasibility of, and approve or refuse to approve, each flood
14 control or conservation plan that is devised to achieve a purpose
15 for which the authority was created. (Acts 56th Leg., R.S., Ch.
16 279, Sec. 15 (part).)

17 Source Law

18 Sec. 15. The powers and duties herein granted to
19 the Authority are recognized to be taken subject to all
20 legislative declarations of public policy in the
21 maximum utilization of the waters of the Authority's
22 watersheds for the purposes for which the Authority is
23 created. . . . the State Board of Water Engineers, or
24 any board or agency which may succeed to its duties,
25 which agency shall be charged with the authority and
26 duty to approve, or to refuse to approve, the adequacy
27 and feasibility of any plan or plans for flood control
28 or conservation devised for the achievement of the
29 purposes intended in the creation of the Authority.

30 Revisor's Note

31 Section 15, Chapter 279, Acts of the 56th
32 Legislature, Regular Session, 1959, provides that the
33 authority in the exercise of its powers and duties is
34 subject to the continuing supervision by the state,
35 acting through the State Board of Water Engineers or
36 its successor. The revised law omits the provision as
37 unnecessary because, as explained by Revisor's Note
38 (2) to Section 8510.0302, the Texas Commission on
39 Environmental Quality is the successor to the board of

1 manufacture and production of industrial alcohol
2 without a permit. The omitted law reads:

3 (b) The Authority is eligible for a
4 local industrial alcohol manufacturer's
5 permit under Chapter 47, Alcoholic Beverage
6 Code, as amended, as if it were an eligible
7 Texas corporation, but its authority under
8 the permit is limited as provided by
9 Subsection (a) of this section.

10 Revised Law

11 Sec. 8510.0321. SEAL. The authority may use a corporate
12 seal. (Acts 56th Leg., R.S., Ch. 279, Sec. 22 (part).)

13 Source Law

14 Sec. 22. The Authority may:
15 . . .
16 (2) use a corporate seal;
17 . . .

18 Revisor's Note
19 (End of Subchapter)

20 (1) Section 14(j), Chapter 279, Acts of the 56th
21 Legislature, Regular Session, 1959, provides that the
22 authority may sue and be sued in its own name. The
23 revised law omits that provision because it duplicates
24 part of Section 49.066, Water Code. The omitted law
25 reads:

26 (j) Such Authority shall have the
27 right to sue and be sued in its own name.

28 (2) Section 22, Chapter 279, Acts of the 56th
29 Legislature, Regular Session, 1959, provides that the
30 authority may make bylaws for the management and
31 regulation of its affairs. The revised law omits that
32 provision because it duplicates, in substance, part of
33 Section 49.057(g), Water Code, which provides that the
34 board may adopt bylaws to govern the authority's
35 affairs. The omitted law reads:

36 Sec. 22. [The Authority may:]
37 (1) make bylaws for the
38 management and regulation of its affairs;
39 . . .

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Revised Law

3 Sec. 8510.0401. PROCEDURE FOR PAYMENT. A warrant for the
4 payment of money by the authority may be drawn and signed by two
5 authority officers or employees, as designated by a standing order
6 entered in the authority's minutes, if the account has been
7 contracted and ordered paid by the board. (Acts 56th Leg., R.S.,
8 Ch. 279, Sec. 5 (part).)

9 Source Law

10 Sec. 5. . . . Warrants for the payment of money
11 may be drawn and signed by two (2) officers or
12 employees designated by standing order entered in the
13 minutes of the Authority when such accounts have been
14 contracted and ordered paid by the Board of Directors.

15 Revised Law

16 Sec. 8510.0402. RECEIPT OF MONEY. The treasurer shall
17 receive and give a receipt for all money received and spent by the
18 authority. (Acts 56th Leg., R.S., Ch. 279, Sec. 7 (part).)

19 Source Law

20 Sec. 7. . . . The treasurer shall receive and
21 receipt for all moneys received and expended. . . .

22 Revised Law

23 Sec. 8510.0403. FISCAL YEAR. The authority's fiscal year
24 ends September 30 of each year. (Acts 56th Leg., R.S., Ch. 279,
25 Sec. 9 (part).)

26 Source Law

27 Sec. 9. . . . a fiscal year ending September 30
28 of each year, and

29 Revised Law

30 Sec. 8510.0404. FILING OF AUDIT REPORT. A copy of the audit
31 report prepared under Subchapter G, Chapter 49, Water Code, shall
32 be filed:

- 33 (1) as required by Section 49.194, Water Code; and
34 (2) in the office of the auditor. (Acts 56th Leg.,
35 R.S., Ch. 279, Sec. 9 (part); New.)

36 Source Law

37 Sec. 9. . . . A copy of the report shall be

1 filed in the office of the auditor. . . .

2 Revisor's Note

3 Section 9, Chapter 279, Acts of the 56th
4 Legislature, Regular Session, 1959, requires the
5 authority's annual audit report to be filed with the
6 auditor. For context and for the convenience of the
7 reader, the revised law adds references to the audit
8 report the authority is required to prepare under
9 Subchapter G, Chapter 49, Water Code, and to Section
10 49.194 of that code, which governs the filing of the
11 report.

12 Revised Law

13 Sec. 8510.0405. ASSET MANAGEMENT PLAN. (a) In this
14 section, "system" means a system for the:

15 (1) provision of water to the public for human
16 consumption; or

17 (2) collection and treatment of wastewater.

18 (b) The authority shall adopt an asset management plan by:

19 (1) preparing an asset inventory that identifies the
20 assets of each system and the condition of the assets;

21 (2) developing criteria to prioritize assets for
22 repair or replacement, including:

23 (A) the date by which the asset will need to be
24 repaired or replaced;

25 (B) the importance of the asset in providing safe
26 drinking water and complying with regulatory standards;

27 (C) the importance of the asset to the effective
28 operation of the system; and

29 (D) other criteria as determined by the
30 authority;

31 (3) estimating asset repair and replacement costs;

32 (4) identifying and evaluating potential financing
33 options; and

34 (5) prioritizing systems that are not in compliance

1 with federal or state regulatory standards, including water quality
2 standards.

3 (c) The authority shall review and revise the plan as
4 necessary to account for regulatory changes and other developments.

5 (d) The board shall approve the plan annually as part of its
6 budgeting process. (Acts 56th Leg., R.S., Ch. 279, Sec. 14e.)

7 Source Law

8 Sec. 14e. (a) In this section, "system" means a
9 system for the:

10 (1) provision of water to the public for
11 human consumption; or

12 (2) collection and treatment of
13 wastewater.

14 (b) The Authority shall adopt an asset
15 management plan by:

16 (1) preparing an asset inventory that
17 identifies the assets of each system and the condition
18 of the assets;

19 (2) developing criteria to prioritize
20 assets for repair or replacement, including:

21 (A) the date by which the asset will
22 need to be repaired or replaced;

23 (B) the importance of the asset in
24 providing safe drinking water and complying with
25 regulatory standards;

26 (C) the importance of the asset to
27 the effective operation of the system; and

28 (D) other criteria as determined by
29 the Authority;

30 (3) estimating asset repair and
31 replacement costs;

32 (4) identifying and evaluating potential
33 financing options; and

34 (5) prioritizing systems that are not in
35 compliance with federal or state regulatory standards,
36 including water quality standards.

37 (c) The Authority shall review and revise the
38 plan as necessary to account for regulatory changes
39 and other developments.

40 (d) The Board shall approve the plan annually as
41 part of its budgeting process.

42 Revised Law

43 Sec. 8510.0406. RATES AND CHARGES. (a) The authority shall
44 impose rates and other charges for the sale or use of water or for
45 services sold, provided, or supplied by the authority.

46 (b) The rates and other charges must be reasonable and
47 nondiscriminatory but sufficient to provide revenue adequate to:

48 (1) pay the authority's expenses in carrying out the
49 functions for which it is created; and

50 (2) fulfill the terms of any agreements made with the

1 holders of any of the authority's obligations. (Acts 56th Leg.,
2 R.S., Ch. 279, Sec. 20 (part).)

3 Source Law

4 Sec. 20. The Authority shall establish and
5 collect rates and other charges for the sale or use of
6 water or for its services sold, furnished or supplied
7 which fees and charges shall be reasonable and
8 nondiscriminatory but sufficient to produce revenues
9 adequate to pay the expenses of the Authority in
10 carrying out its functions for which it is created and
11 to fulfill the terms of any agreements made with the
12 holders of any of its obligations. . . .

13 Revisor's Note

14 (1) Section 20, Chapter 279, Acts of the 56th
15 Legislature, Regular Session, 1959, provides that the
16 authority shall "establish and collect" rates and
17 other charges. The revised law substitutes "impose"
18 for the quoted language for the reason stated in
19 Revisor's Note (9) to Section 8510.0310.

20 (2) Section 20, Chapter 279, Acts of the 56th
21 Legislature, Regular Session, 1959, refers to "rates
22 and other charges" and "fees and charges." The revised
23 law substitutes "rates and other charges" for "fees
24 and charges" for consistency of terminology.

25 (3) Section 20, Chapter 279, Acts of the 56th
26 Legislature, Regular Session, 1959, provides that the
27 rates and charges of the authority for the sale or use
28 of water are subject to review by the Public Utility
29 Commission of Texas as provided by general law. The
30 revised law omits the provision as unnecessary because
31 the provisions of general law giving the Public
32 Utility Commission of Texas the power to review rates
33 and charges for the sale or use of water apply by their
34 own terms. The omitted law reads:

35 Sec. 20. . . . Provided, however,
36 that the rates and charges for the sale or
37 use of water shall be subject to review by
38 the Public Utility Commission of Texas, as
39 provided by general law.

1 Revised Law

2 Sec. 8510.0407. CHANGES TO RATES AND CHARGES. (a) In this
3 section, "affected person" has the meaning assigned by Section
4 13.002, Water Code.

5 (b) The board shall establish a process to ensure that,
6 before the authority makes a significant change to a rate or charge
7 for the sale and use of water, affected persons are provided:

8 (1) notice of the proposed change; and

9 (2) an opportunity to provide to the board comments
10 regarding the proposed change.

11 (c) The process established under Subsection (b) must
12 include:

13 (1) the provision of notice of a proposed change:

14 (A) on the authority's website; and

15 (B) in an affected person's utility bills; and

16 (2) appropriate informational meetings or rate
17 hearings that provide affected persons the opportunity to provide
18 public comments about the proposed change to be held:

19 (A) before sending a statement of intent required
20 under Chapter 13, Water Code;

21 (B) in locations as necessary to enable affected
22 persons to attend; and

23 (C) after the provision of notice under
24 Subdivision (1).

25 (d) The board by rule shall establish a percentage change in
26 a rate or charge such that a change greater than or equal to that
27 percentage is considered significant for purposes of Subsection
28 (b). (Acts 56th Leg., R.S., Ch. 279, Sec. 20a (part).)

29 Source Law

30 Sec. 20a. (a) In this section . . . "affected
31 person" has the meaning assigned by Section 13.002,
32 Water Code.

33 (b) The Board shall establish a process to
34 ensure that, before the Authority makes a significant
35 change to a rate or charge for the sale and use of
36 water, affected persons are provided:

37 (1) notice of proposed change; and

38 (2) an opportunity to provide to the Board

1 comments regarding the proposed change.

2 (c) The process established under Subsection
3 (b) must include:

4 (1) the provision of notice of a proposed
5 change:

6 (A) on the Authority's website; and
7 (B) in an affected person's utility
8 bills; and

9 (2) appropriate informational meetings or
10 rate hearings that provide affected persons the
11 opportunity to provide public comments about the
12 proposed change to be held:

13 (A) before sending a statement of
14 intent required under Chapter 13, Water Code;

15 (B) in locations as necessary to
16 enable affected persons to attend; and

17 (C) after the provision of notice
18 under Subdivision (1) of this subsection.

19 (d) The Board by rule shall establish a
20 percentage change in a rate or charge such that a
21 change greater than or equal to that percentage is
22 considered significant for purposes of Subsection (b)
23 of this section.

24 Revised Law

25 Sec. 8510.0408. NOTICE OF RIGHT TO APPEAL CHANGES TO RATES.

26 (a) In this section, "affected person" has the meaning assigned by
27 Section 13.002, Water Code.

28 (b) The authority shall notify affected persons of their
29 right to appeal changes to rates:

30 (1) in notices related to changes to rates;

31 (2) in utility bills sent before the deadline for
32 initiating an appeal under Chapter 13, Water Code; and

33 (3) on the authority's website.

34 (c) The notice required by Subsection (b) must include
35 descriptions of:

36 (1) the appeals process;

37 (2) the requirements for an appeal, including the
38 number of signatures needed on a petition; and

39 (3) the methods available for obtaining additional
40 information related to rates. (Acts 56th Leg., R.S., Ch. 279, Secs.
41 20a (part), 20b.)

42 Source Law

43 Sec. 20a. (a) In . . . Section 20b, "affected
44 person" has the meaning assigned by Section 13.002,
45 Water Code.

46 Sec. 20b. (a) The Authority shall notify
47 affected persons of their right to appeal changes to
48 rates:

1 (1) in any notices related to changes to
2 rates;
3 (2) in utility bills sent before the
4 deadline for initiating an appeal under Chapter 13,
5 Water Code; and
6 (3) on the Authority's website.
7 (b) The notice required by Subsection (a) of
8 this section must include descriptions of:
9 (1) the appeals process;
10 (2) the requirements for an appeal,
11 including the number of signatures needed on a
12 petition; and
13 (3) the methods available for obtaining
14 additional information related to rates.

15 Revisor's Note

16 Section 20a, Chapter 279, Acts of the 56th
17 Legislature, Regular Session, 1959, refers to "Section
18 20b" of Chapter 279. The revised law substitutes "this
19 section" for the quoted language because Section 20b
20 is revised in this section.

21 Revised Law

22 Sec. 8510.0409. DEPOSITORY. (a) The board shall designate
23 one or more banks in the authority to serve as depository for the
24 authority's money.

25 (b) Authority money shall be deposited in a depository,
26 except that:

27 (1) money pledged to pay bonds may be deposited with
28 the trustee bank named in the trust agreement; and

29 (2) money shall be remitted to the bank of payment for
30 the payment of the principal of and interest on bonds. (Acts 56th
31 Leg., R.S., Ch. 279, Sec. 23 (part).)

32 Source Law

33 Sec. 23. The Board of Directors shall designate
34 one or more banks within the Authority to serve as
35 depository for the funds of the Authority. All funds of
36 the Authority shall be deposited in such depository
37 bank or banks except that funds pledged to pay bonds
38 may be deposited with the trustee bank named in the
39 trust agreement, and except that funds shall be
40 remitted to the bank of payment for the payment of
41 principal of and interest on bonds. . . .

42 Revisor's Note

43 Section 23, Chapter 279, Acts of the 56th
44 Legislature, Regular Session, 1959, requires a bank to
45 secure authority money deposited at the bank in the

1 manner provided by law for the security of county
2 money, to the extent that the authority money
3 deposited is not insured by the Federal Deposit
4 Insurance Corporation. The revised law omits the
5 provision because it duplicates, in substance,
6 Sections 2257.021 and 2257.022, Government Code, which
7 establish the amount and manner of security required
8 for a deposit of public funds. Those sections apply to
9 the security for authority money under Sections
10 2257.002 and 2257.004, Government Code. The omitted
11 law reads:

12 Sec. 23. . . . To the extent that
13 funds in the depository banks and the
14 trustee bank are not insured by the
15 F. D. I. C. they shall be secured in the
16 manner provided by law for the security of
17 county funds.

18 Revised Law

19 Sec. 8510.0410. TAX NOT AUTHORIZED BY CHAPTER. This
20 chapter does not authorize the authority to impose any form of tax
21 inside the authority. (Acts 56th Leg., R.S., Ch. 279, Sec. 24.)

22 Source Law

23 Sec. 24. Nothing in this Act shall be construed
24 as authorizing the Authority to levy or collect any
25 form of tax within said Authority.

26 Revisor's Note

27 Section 24, Chapter 279, Acts of the 56th
28 Legislature, Regular Session, 1959, provides that the
29 authority may not "levy or collect" a tax. The revised
30 law substitutes "impose" for "levy or collect" because
31 "impose" is the term generally used in Title 1, Tax
32 Code, and includes the levying and collection of a tax.

33 Revisor's Note
34 (End of Subchapter)

35 (1) Section 6, Chapter 279, Acts of the 56th
36 Legislature, Regular Session, 1959, provides that the
37 board shall require officers or employees who have
38 certain financial responsibilities to furnish a bond.

1 The revised law omits that provision because it
2 duplicates, in substance, part of Section 49.057,
3 Water Code, which requires the board to require a bond
4 of certain persons who handle authority money. The
5 omitted law reads:

6 Sec. 6. The directors of the
7 Authority shall require each officer and
8 employee who shall be charged with the
9 collection or paying or handling of any
10 funds of the Authority to furnish good and
11 sufficient bond, payable to the Authority,
12 conditioned upon the faithful performance
13 of duties and the accounting for all funds
14 and property of the Authority.

15 (2) Section 9, Chapter 279, Acts of the 56th
16 Legislature, Regular Session, 1959, contains
17 provisions relating to the authority's accounts and
18 audit. The revised law omits those provisions because
19 they either duplicate, in substance, or are superseded
20 by parts of Sections 49.191, 49.193, 49.194, and
21 49.196, Water Code. The omitted law reads:

22 Sec. 9. A complete book of accounts
23 shall be kept. The account books and records
24 of the Authority and of the depository of
25 the Authority shall be audited by a
26 Certified Public Accountant annually as
27 soon as practicable after the end of the
28 district's fiscal year, such audit to cover
29 [a fiscal year ending September 30 of each
30 year, and] a report thereon shall be
31 submitted to the first regular meeting of
32 the Board of Directors thereafter. . . .
33 The copy shall be open to public inspection.

34 (3) Section 4, Chapter 86, Acts of the 67th
35 Legislature, Regular Session, 1981, authorizes the
36 authority to make necessary adjustments in its
37 financial operations to provide an orderly transition
38 to the new fiscal year mandated by that act. Section
39 9, Chapter 279, Acts of the 56th Legislature, Regular
40 Session, 1959, originally provided for an audit to
41 cover the preceding calendar year. Chapter 86 amended
42 Section 9 of Chapter 279 to provide for an audit to
43 cover a fiscal year ending September 30 of each year.

1 The revised law codifies the reference to the fiscal
2 year in Section 8510.0403 and omits Section 4 of
3 Chapter 86 as executed. The omitted law reads:

4 Sec. 4. The Red River Authority may
5 make necessary adjustments in its financial
6 operations to provide an orderly transition
7 to the new fiscal year.

8 SUBCHAPTER E. BORROWED MONEY OR GRANTS

9 Revised Law

10 Sec. 8510.0501. POWER TO ISSUE OBLIGATIONS OR WARRANTS.
11 The authority may issue obligations or warrants to obtain money.
12 (Acts 56th Leg., R.S., Ch. 279, Sec. 21 (part).)

13 Source Law

14 Sec. 21. While the power is expressly given the
15 Authority to issue its obligations or warrants for
16 furnishing of funds,

17 Revisor's Note

18 Section 21, Chapter 279, Acts of the 56th
19 Legislature, Regular Session, 1959, provides that
20 before the authority may issue obligations or
21 warrants, the obligations or warrants must bear the
22 approval of the State of Texas, acting through the
23 attorney general. The revised law omits that provision
24 because it is superseded by Section 1202.003,
25 Government Code, enacted in 1987 as Section 3.002(a),
26 Chapter 53, Acts of the 70th Legislature, 2nd Called
27 Session (Article 717k-8, Vernon's Texas Civil
28 Statutes). Throughout this chapter, the revised law
29 omits law that is superseded by Chapter 1202,
30 Government Code, or that duplicates law contained in
31 that chapter. Chapter 1202, Government Code, applies
32 to authority bonds under Sections 1202.001 and
33 1202.003, Government Code. The omitted law reads:

34 Sec. 21. . . . before such
35 obligations or warrants shall be issued,
36 the same shall bear the approval of the
37 State of Texas, acting through the Attorney
38 General of Texas.

1 Revised Law

2 Sec. 8510.0502. LOANS AND GRANTS. The authority may:

3 (1) borrow money for its corporate purposes; and

4 (2) borrow money or accept a grant from the United
5 States, this state, or any other source, and in connection with the
6 loan or grant, enter into any agreement or assume any obligation as
7 may be required. (Acts 56th Leg., R.S., Ch. 279, Sec. 22 (part).)

8 Source Law

9 Sec. 22. The Authority may:

10 (5) borrow money for its corporate
11 purposes; and

12 (6) borrow money and accept grants from
13 the United States of America, the State of Texas, or
14 any other source, and in connection with any such loan
15 or grant, enter into agreements and assume obligations
16 as may be required.
17

18 Revised Law

19 Sec. 8510.0503. POWER TO SEEK AND ACCEPT CONTRIBUTIONS.

20 (a) The authority may seek and accept from any source a contribution
21 to an authority fund for the purpose of funding:

22 (1) necessary studies;

23 (2) engineering and other services; and

24 (3) the collection and computation of data respecting
25 regional and general conditions that influence the character and
26 extent of the improvements necessary to effect the authority's
27 purposes to the greatest public advantage.

28 (b) A grant or gratuity shall be strictly accounted for and
29 is subject to the same rules and orders applicable to other money
30 the authority handles or disburses. (Acts 56th Leg., R.S., Ch. 279,
31 Sec. 17.)

32 Source Law

33 Sec. 17. (a) The Authority may seek and accept
34 contributions to its funds from any source for the
35 purpose of funding:

36 (1) necessary studies;

37 (2) engineering and other services; and

38 (3) the collection and computation of data
39 respecting regional and general conditions that
40 influence the character and extent of the improvements
41 necessary to effect the purposes of the Authority to
42 the greatest public advantage.

43 (b) Any and all grants and gratuities shall be

1 strictly accounted for and shall be subject to the same
2 rules, regulations and orders as are other funds
3 handled or disbursed by the Authority.

4 Revisor's Note

5 Section 17, Chapter 279, Acts of the 56th
6 Legislature, Regular Session, 1959, refers to "rules"
7 and "regulations." The revised law omits
8 "regulations" for the reason stated in Revisor's Note
9 (7) to Section 8510.0302.

10 Revised Law

11 Sec. 8510.0504. POWER TO ISSUE BONDS. (a) The authority
12 may issue bonds as authorized by this chapter for the purpose of
13 providing money for any purpose authorized by this chapter.

14 (b) The authority, without an election, may issue bonds
15 payable from the authority's revenue pledged by board resolution.

16 (c) The bonds must be authorized by a board resolution.
17 (Acts 56th Leg., R.S., Ch. 279, Secs. 26(a), (b) (part).)

18 Source Law

19 Sec. 26. (a) For the purpose of providing
20 funds for any purpose authorized by this Act the
21 Authority shall have the power and is hereby
22 authorized to issue bonds from time to time as
23 authorized by this Act. The Authority is hereby
24 empowered, without the necessity of an election, to
25 issue such bonds to be payable from such revenues of
26 the district as are pledged by resolution of the Board
27 of Directors.

28 (b) Such bonds shall be authorized by resolution
29 of the Board of Directors and

30 Revisor's Note

31 Section 26(a), Chapter 279, Acts of the 56th
32 Legislature, Regular Session, 1959, authorizes the
33 authority to issue bonds "from time to time."
34 Throughout this chapter, the revised law omits "from
35 time to time" because the grant of a power or
36 imposition of a duty implies the power to exercise the
37 power or discharge the duty at any time.

38 Revised Law

39 Sec. 8510.0505. FORM OF BONDS. Authority bonds must be:

40 (1) issued in the authority's name;

1 section, "net revenue" means the authority's gross revenue less the
2 amount necessary to pay the cost of maintaining and operating the
3 authority and the authority's property.

4 (b) Authority bonds may be secured by a pledge of:

5 (1) all or part of the authority's net revenue;

6 (2) the net revenue of a contract entered into at any
7 time; or

8 (3) other revenue specified by board resolution.

9 (c) The pledge may reserve the right to issue additional
10 bonds on a parity with or subordinate to the bonds being issued,
11 subject to conditions specified by the pledge. (Acts 56th Leg.,
12 R.S., Ch. 279, Sec. 26(d).)

13 Source Law

14 (d) The bonds may be secured by a pledge of all
15 or part of the net revenues of the Authority, or by the
16 net revenues of any one or more contracts theretofore
17 or thereafter made or other revenues specified by
18 resolution of the Board of Directors. Any such pledge
19 may reserve the right, under conditions therein
20 specified, to issue additional bonds which will be on a
21 parity with or subordinate to the bonds then being
22 issued. The term "net revenues" as used in this
23 Section shall mean the gross revenues of the Authority
24 after deduction of the amount necessary to pay the cost
25 of maintaining and operating the Authority and its
26 properties.

27 Revised Law

28 Sec. 8510.0508. COMPENSATION RATES. (a) The board shall
29 set and revise the rates of compensation for:

30 (1) water the authority sells; and

31 (2) services the authority renders.

32 (b) The rates of compensation must be sufficient to:

33 (1) pay the expense of operating and maintaining the
34 authority's facilities;

35 (2) pay the bonds as they mature and the interest as it
36 accrues; and

37 (3) maintain the reserve and other funds as provided
38 in the resolution authorizing the bonds. (Acts 56th Leg., R.S., Ch.
39 279, Sec. 26(e).)

1 security of the bonds. Such deed of trust may contain
2 any provisions prescribed by the Board of Directors
3 for the security of the bonds and the preservation of
4 the trust estate, and may make provision for amendment
5 or modification thereof and the issuance of bonds to
6 replace lost or mutilated bonds. Any purchaser under a
7 sale under such deed of trust shall be the owner of the
8 dam or dams and the other properties and facilities so
9 purchased and shall have the right to maintain and
10 operate the same, in the event of a forfeiture or
11 default on the part of the Authority.

12 Revised Law

13 Sec. 8510.0510. USE OF BOND PROCEEDS. (a) The authority
14 may set aside an amount of proceeds from the sale of authority bonds
15 for the payment of interest expected to accrue during construction
16 and a reserve interest and sinking fund. The resolution
17 authorizing the bonds may provide for setting aside and using the
18 proceeds as provided by this subsection.

19 (b) The authority may use proceeds from the sale of the
20 bonds to pay any expense necessarily incurred in accomplishing the
21 authority's purposes. (Acts 56th Leg., R.S., Ch. 279, Sec. 26(f).)

22 Source Law

23 (f) From the proceeds of the sale of the bonds,
24 the Authority may set aside an amount for the payment
25 of interest expected to accrue during construction and
26 a reserve interest and sinking fund, and such
27 provision may be made in the resolution authorizing
28 the bonds. Proceeds from the sale of the bonds may also
29 be used for the payment of all expenses necessarily
30 incurred in accomplishing the purposes for which this
31 Authority is created.

32 Revised Law

33 Sec. 8510.0511. APPOINTMENT OF RECEIVER. (a) On default or
34 threatened default in the payment of the principal of or interest on
35 authority bonds, a court may appoint a receiver for the authority on
36 petition of the holders of 25 percent of the outstanding bonds of
37 the issue in default or threatened with default.

38 (b) The receiver may collect and receive all authority
39 income, employ and discharge authority agents and employees, take
40 charge of money on hand, and manage the authority's proprietary
41 affairs without the board's consent or hindrance.

42 (c) The receiver may be authorized to sell or contract for
43 the sale of water or to renew those contracts with the approval of

1 the court that appointed the receiver.

2 (d) The court may vest the receiver with any other power or
3 duty the court finds necessary to protect the bondholders. (Acts
4 56th Leg., R.S., Ch. 279, Sec. 26(g).)

5 Source Law

6 (g) In the event of a default or a threatened
7 default in the payment of principal of or interest on
8 any of the bonds any court of competent jurisdiction
9 may, upon petition of the holders of twenty-five
10 percent (25%) of the outstanding bonds of the issue
11 thus in default or threatened with default, appoint a
12 receiver with authority to collect and receive all
13 income of the Authority, employ and discharge agents
14 and employees of the Authority, take charge of funds on
15 hand and manage the proprietary affairs of the
16 Authority without consent or hindrance by the
17 directors. Such receiver may also be authorized to
18 sell or make contracts for the sale of water or renew
19 such contracts with the approval of the court
20 appointing him. The court may vest the receiver with
21 such other powers and duties as the court may find
22 necessary for the protection of the holders of the
23 bonds.

24 Revisor's Note

25 Section 26(g), Chapter 279, Acts of the 56th
26 Legislature, Regular Session, 1959, refers to a court
27 "of competent jurisdiction." The revised law omits
28 the quoted language because the general laws of civil
29 jurisdiction determine which courts have "competent
30 jurisdiction" over the matter.

31 Revised Law

32 Sec. 8510.0512. REFUNDING BONDS. (a) The authority may
33 issue refunding bonds to refund outstanding authority bonds and
34 interest on those bonds.

35 (b) Refunding bonds may:

36 (1) be issued to refund bonds of more than one series;

37 (2) combine the pledges for the outstanding bonds for
38 the security of the refunding bonds; or

39 (3) be secured by a pledge of other or additional
40 revenue.

41 (c) The provisions of this subchapter regarding the
42 issuance of other bonds and the remedies of the holders apply to

1 refunding bonds.

2 (d) The comptroller shall register the refunding bonds on
3 surrender and cancellation of the bonds to be refunded.

4 (e) Instead of issuing bonds to be registered on the
5 surrender and cancellation of the bonds to be refunded, the
6 authority, in the resolution authorizing the issuance of the
7 refunding bonds, may provide for the sale of the refunding bonds and
8 the deposit of the proceeds in a bank at which the bonds to be
9 refunded are payable. In that case, the refunding bonds may be
10 issued in an amount sufficient to pay the interest on the bonds to
11 be refunded to their option date or maturity date, and the
12 comptroller shall register the refunding bonds without the
13 concurrent surrender and cancellation of the bonds to be refunded.
14 (Acts 56th Leg., R.S., Ch. 279, Sec. 27.)

15 Source Law

16 Sec. 27. The Authority is authorized to issue
17 refunding bonds for the purpose of refunding any
18 outstanding bonds authorized by this Act and interest
19 thereon. Such refunding bonds may be issued to refund
20 more than one series of outstanding bonds and combine
21 the pledges for the outstanding bonds for the security
22 of the refunding bonds, and may be secured by other or
23 additional revenues. The provisions of this law with
24 reference to the issuance of other bonds and their
25 approval by the Attorney General and the remedies of
26 the holders shall be applicable to refunding bonds.
27 Refunding bonds shall be registered by the Comptroller
28 upon surrender and cancellation of the bonds to be
29 refunded, but in lieu thereof, the resolution
30 authorizing their issuance may provide that they shall
31 be sold and the proceeds thereof deposited in the bank
32 where the original bonds are payable, in which case the
33 refunding bonds may be issued in an amount sufficient
34 to pay the interest on the original bonds to their
35 option date or maturity date, and the Comptroller
36 shall register them without concurrent surrender and
37 cancellation of the original bonds.

38 Revisor's Note

39 Section 27, Chapter 279, Acts of the 56th
40 Legislature, Regular Session, 1959, refers to
41 provisions of Chapter 279 referencing "approval [of
42 bonds] by the Attorney General" and applies them to
43 refunding bonds. The revised law omits the quoted
44 language because that language and the provisions of

1 the chapter it refers to are superseded by Section
2 1202.003, Government Code, enacted in 1987 as Section
3 3.002(a), Chapter 53, Acts of the 70th Legislature,
4 2nd Called Session (Article 717k-8, Vernon's Texas
5 Civil Statutes), which provides for approval of public
6 securities by the attorney general.

7 Revisor's Note
8 (End of Subchapter)

9 (1) Section 26(b), Chapter 279, Acts of the 56th
10 Legislature, Regular Session, 1959, provides that
11 authority bonds may be sold at a price and under terms
12 that the board determines to be the most advantageous
13 reasonably obtainable. The revised law omits that
14 provision because it duplicates or is superseded by
15 provisions of general law. Section 1204.006(b),
16 Government Code, enacted as Section 2, Chapter 3, Acts
17 of the 61st Legislature, Regular Session, 1969
18 (Article 717k-2, Vernon's Texas Civil Statutes),
19 provides that an issuer may sell public securities at
20 any price. Section 1204.006(b) applies to authority
21 bonds under Sections 1204.001 and 1204.002, Government
22 Code. Section 1201.022, Government Code, as amended
23 in 2001, provides that an issuer may sell public
24 securities "under the terms determined by the
25 governing body of the issuer to be in the issuer's best
26 interests." The omitted law reads:

27 (b) . . . [They] . . . may be sold at
28 a price and under terms determined by the
29 Board of Directors to be the most
30 advantageous reasonably obtainable,
31

32 (2) Section 26(b), Chapter 279, Acts of the 56th
33 Legislature, Regular Session, 1959, provides that the
34 interest rate on authority bonds may not exceed the
35 maximum net effective interest rate, as that term is
36 defined by Chapter 3, Acts of the 61st Legislature,

1 Regular Session, 1969 (Article 717k-2, Vernon's Texas
2 Civil Statutes), as amended, that is legally
3 authorized at the time the bonds are issued. Chapter
4 3, Acts of the 61st Legislature, Regular Session, 1969
5 (Article 717k-2, Vernon's Texas Civil Statutes), was
6 codified in 1999 as Chapter 1204, Government Code. The
7 revised law omits the provision because Chapter 1204,
8 Government Code, applies to authority bonds on its own
9 terms by application of Sections 1204.001 and 1204.002
10 of that code. The omitted law reads:

11 (b) . . . provided that the interest
12 rate on the bonds may not exceed the maximum
13 net effective interest rate, as that term is
14 defined by Chapter 3, Acts of the 61st
15 Legislature, Regular Session, 1969, as
16 amended (Article 717k-2, Vernon's Texas
17 Civil Statutes), that is legally authorized
18 at the time the bonds are issued, and
19

20 (3) Section 26(b), Chapter 279, Acts of the 56th
21 Legislature, Regular Session, 1959, provides that
22 authority bonds may be called, or redeemed, before
23 maturity at the time and price specified in the
24 resolution authorizing the bonds. The revised law
25 omits that provision because it duplicates, in
26 substance, Sections 1201.021 and 1201.022, Government
27 Code, which provide that a public security may be
28 redeemed before maturity and be payable in specified
29 amounts and at specified times. The omitted law reads:

30 (b) . . . [bonds] . . . within the
31 discretion of the Board, may be made
32 callable prior to maturity at such times,
33 and prices as may be prescribed in the
34 resolution authorizing the bonds, and
35

36 (4) Section 26(b), Chapter 279, Acts of the 56th
37 Legislature, Regular Session, 1959, provides that
38 authority bonds may be made registrable as to
39 principal or as to principal and interest. The revised
40 law omits that provision because it duplicates Section

1 1201.024(a)(3), Government Code. The omitted law
2 reads:

3 (b) . . . [bonds] . . . may be made
4 registrable as to principal or as to both
5 principal and interest.

6 (5) Section 26(c), Chapter 279, Acts of the 56th
7 Legislature, Regular Session, 1959, states that bonds
8 may be issued in "more than one series and from time to
9 time as required for carrying out the purposes of this
10 Act." The revised law omits "more than one series"
11 because it duplicates part of Section 1201.022,
12 Government Code. The revised law omits "as required
13 for carrying out the purposes of this Act" because
14 Section 26(a), Chapter 279, Acts of the 56th
15 Legislature, Regular Session, 1959, revised in Section
16 8510.0504, authorizes the authority to issue bonds for
17 the purpose of providing funds for any purpose
18 authorized by the act. The omitted law reads:

19 (c) Bonds may be issued in more than
20 one series and from time to time as required
21 for carrying out the purposes of this Act.

22 (6) Section 29, Chapter 279, Acts of the 56th
23 Legislature, Regular Session, 1959, requires the
24 authority to submit bonds it issues to the attorney
25 general for examination and approval. Section 29 also
26 requires the attorney general to approve authority
27 bonds if the bonds were authorized under law. In
28 addition, Section 29 provides that after approval the
29 bonds must be registered with the comptroller and that
30 after approval and registration the bonds are
31 incontestable. The revised law omits those provisions
32 as superseded by Chapter 1202, Government Code
33 (enacted as Article 3, Chapter 53, Acts of the 70th
34 Legislature, 2nd Called Session, 1987 (Article 717k-8,
35 Vernon's Texas Civil Statutes)). Section 1202.003,
36 Government Code, provides for approval of the bonds by

1 the attorney general and requires the attorney general
2 to submit the approved bonds to the comptroller for
3 registration. Section 1202.005, Government Code,
4 requires registration of the bonds by the comptroller.
5 Section 1202.006, Government Code, provides that after
6 approval and registration the bonds are incontestable
7 and binding obligations. The omitted law reads:

8 Sec. 29. After any bonds are
9 authorized by the district, such bonds and
10 the record relating to their issuance shall
11 be submitted to the Attorney General for his
12 examination as to the validity
13 thereof. . . . If such bonds have been
14 authorized and . . . in accordance with the
15 Constitution and laws of the State of Texas
16 he shall approve the bonds and . . . the
17 bonds then shall be registered by the
18 Comptroller of Public Accounts. Thereafter,
19 the bonds and . . . shall be valid and
20 binding and shall be incontestable for any
21 cause.

22 (7) Section 29, Chapter 279, Acts of the 56th
23 Legislature, Regular Session, 1959, details various
24 procedures regarding approval of bond contracts and
25 proceedings by the attorney general. The revised law
26 omits the portion of Section 29 regarding the validity
27 and incontestability of a contract the proceeds of
28 which are pledged to the payment of a bond as impliedly
29 repealed by Section 1202.006, Government Code (enacted
30 as Section 3.002(d), Chapter 53, Acts of the 70th
31 Legislature, 2nd Called Session, 1987 (Article 717k-8,
32 Vernon's Texas Civil Statutes)). Section 1202.006,
33 Government Code, provides that after approval and
34 registration of the bond, the bond and contract are not
35 contestable for any reason. The omitted law reads:

36 Sec. 29. . . . Where such bonds
37 recite that they are secured by a pledge of
38 the proceeds of a contract theretofore made
39 between the district and any city or other
40 governmental agency or district, a copy of
41 such contract and the proceedings of the
42 city or other governmental agency or
43 district authorizing such contract shall
44 also be submitted to the Attorney
45 General. . . . if such contracts have been

1 made [in accordance with the Constitution
2 and laws of the State of Texas he shall
3 approve] . . . such contracts and
4 [Thereafter,] . . . the contracts, if any,
5 [shall be valid and . . . shall be
6 incontestable for any cause.]

7 Revisor's Note
8 (End of Chapter)

9 (1) Section 32, Chapter 279, Acts of the 56th
10 Legislature, Regular Session, 1959, Section 3, Chapter
11 504, Acts of the 57th Legislature, Regular Session,
12 1961, and Section 2, Chapter 570, Acts of the 60th
13 Legislature, Regular Session, 1967, provide that the
14 act is severable. The revised law omits those
15 provisions because the same result is produced by
16 application of Section 311.032, Government Code (Code
17 Construction Act), which provides that a provision of
18 a statute is severable from each other provision of the
19 statute that can be given effect. The omitted law
20 reads:

21 [Acts 56th Leg., R.S., Ch. 279]

22 Sec. 32. If any provision of this Act
23 or the application thereof to any person or
24 circumstance shall be held to be invalid or
25 unconstitutional, the remainder of the Act,
26 and the application of such provision to
27 other persons or circumstances shall not be
28 affected thereby.

29 [Acts 57th Leg., R.S., Ch. 504]

30 Sec. 3. If any section, paragraph or
31 provision of this Act be declared
32 unconstitutional or invalid for any reason,
33 such holding shall not in any manner affect
34 the remaining sections, paragraphs or
35 provisions of this Act, but the same shall
36 remain in full force and effect.

37 [Acts 60th Leg., R.S., Ch. 570]

38 Sec. 2. If any provision of this Act
39 or the application thereof to any person or
40 circumstance is held invalid, such
41 invalidity shall not affect other
42 provisions or applications of the Act which
43 can be given effect without the invalid
44 provision or application and to this end the
45 provisions of this Act are declared to be
46 severable.

47 (2) Section 2, Chapter 217, Acts of the 64th
48 Legislature, Regular Session, 1975, Section 3, Chapter
49 529, Acts of the 65th Legislature, Regular Session,

1 1977, Section 5, Chapter 696, Acts of the 68th
2 Legislature, Regular Session, 1983, and Section 14,
3 Chapter 23, Acts of the 86th Legislature, Regular
4 Session, 2019, recite legislative findings regarding
5 procedural requirements for legislation affecting the
6 district under the constitution and other laws and
7 rules, including proper legal notice and the filing of
8 recommendations. The revised law omits those
9 provisions as executed. The omitted law reads:

10 [Acts 64th Leg., R.S., Ch. 217]

11 Sec. 2. Proof of publication of the
12 constitutional notice required in the
13 enactment hereof under the provisions of
14 Article XVI, Section 59(d), of the Texas
15 Constitution, has been made in the manner
16 provided therein, and a copy of said notice
17 and the bill as originally introduced have
18 been delivered to the Governor of the State
19 of Texas and to the Texas Water Rights
20 Commission as required in such
21 constitutional provisions, and it is hereby
22 found that all requirements of such
23 constitutional provision have been properly
24 satisfied.

25 [Acts 65th Leg., R.S., Ch. 529]

26 Sec. 3. Proof of publication of the
27 constitutional notice required in the
28 enactment hereof under the provisions of
29 Article XVI, Section 59(d) of the Texas
30 Constitution has been made in the manner
31 provided therein and a copy of said notice
32 and the bill as originally introduced have
33 been delivered to the Governor of the State
34 of Texas and to the Texas Water Rights
35 Commission and returned as required in such
36 constitutional provision, and it is hereby
37 found that all requirements of such
38 constitutional provision have been properly
39 satisfied.

40 [Acts 68th Leg., R.S., Ch. 696]

41 Sec. 5. Proof of publication of the
42 constitutional notice required by Article
43 XVI, Section 59(d), of the Texas
44 Constitution has been given in the manner
45 provided in that section, and a copy of the
46 notice and the bill as originally
47 introduced have been delivered to the
48 Governor of the State of Texas. The notice
49 and delivery are found and declared to be
50 proper and sufficient to satisfy
51 constitutional requirements.

52 [Acts 86th Leg., R.S., Ch. 23]

53 Sec. 14. (a) The legal notice of the
54 intention to introduce this Act, setting
55 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.

8 (b) The governor, one of the required
9 recipients, has submitted the notice and
10 Act to the Texas Commission on
11 Environmental Quality.

12 (c) The Texas Commission on
13 Environmental Quality has filed its
14 recommendations relating to this Act with
15 the governor, the lieutenant governor, and
16 the speaker of the house of representatives
17 within the required time.

18 (d) All requirements of the
19 constitution and laws of this state and the
20 rules and procedures of the legislature
21 with respect to the notice, introduction,
22 and passage of this Act are fulfilled and
23 accomplished.

24 CHAPTER 8511. NUECES RIVER AUTHORITY

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22	SUBCHAPTER A. GENERAL PROVISIONS		
23	<u>Revised Law</u>		
24	Sec. 8511.0101.	DEFINITIONS. Unless the context otherwise	
25		requires, in this chapter:	
26	(1)	"Authority" means the Nueces River Authority.	
27	(2)	"Board" means the authority's board of directors.	
28	(3)	"Commission" means the Texas Commission on	
29		Environmental Quality.	
30	(4)	"Development board" means the Texas Water	
31		Development Board.	
32	(5)	"Director" means a board member.	
33	(6)	"State" means the State of Texas or any of its	
34		agencies, departments, boards, political subdivisions, or other	

1 entities.

2 (7) "Waste" means sewage, industrial waste, municipal
3 waste, recreational waste, agricultural waste, waste heat, solid
4 waste, or any other waste. (Acts 44th Leg., 1st C.S., Ch. 427,
5 Secs. 1.02(1), (2), (4), (6), (7), (8); New.)

6 Source Law

7 Sec. 1.02. In this Act, unless the context
8 requires a different definition:

9 (1) "Authority" means the Nueces River
10 Authority.

11 (2) "Board" means the board of directors
12 of the Nueces River Authority.

13 (4) "State" means the State of Texas or any
14 of its agencies, departments, boards, political
15 subdivisions, or other entities.

16 (6) "Commission" means the Texas
17 Commission on Environmental Quality.

18 (7) "Development board" means the Texas
19 Water Development Board.

20 (8) "Waste" means sewage, industrial
21 waste, municipal waste, recreational waste,
22 agricultural waste, waste heat, solid waste, or any
23 other waste.

24 Revisor's Note

25 (1) Section 1.02(3), Chapter 427, Acts of the
26 44th Legislature, 1st Called Session, 1935, defines
27 "person." The revised law omits the definition
28 because it duplicates, in substance, the definition of
29 "person" provided by Section 311.005(2), Government
30 Code (Code Construction Act). The omitted law reads:

31 (3) "Person" includes an
32 individual, corporation, organization,
33 government or governmental subdivision or
34 agency, business trust, estate, trust,
35 partnership, association, and any other
36 legal entity.

37 (2) Section 1.02(5), Chapter 427, Acts of the
38 44th Legislature, 1st Called Session, 1935, defines
39 "United States." The revised law omits the definition
40 because it duplicates, in substance, the definition of
41 "United States" provided by Section 311.005(9),
42 Government Code (Code Construction Act). The omitted
43 law reads:

1 (5) "United States" includes
2 department, bureau, and any other agency of
3 the United States of America.

4 (3) The definition of "director" is added to the
5 revised law for drafting convenience and to eliminate
6 frequent, unnecessary repetition of the substance of
7 the definition.

8 Revised Law

9 Sec. 8511.0102. NATURE OF AUTHORITY. (a) The authority is:

10 (1) a conservation and reclamation district under
11 Section 59, Article XVI, Texas Constitution; and

12 (2) a municipality.

13 (b) The authority's creation is essential to accomplish the
14 purposes of Section 59, Article XVI, Texas Constitution. (Acts
15 44th Leg., 1st C.S., Ch. 427, Sec. 2.01 (part).)

16 Source Law

17 Sec. 2.01. Under the authority of Article XVI,
18 Section 59 of the Texas Constitution, the Nueces River
19 Authority is a conservation and reclamation district,
20 which is a governmental agency, body politic and
21 corporate, and a municipality The creation of
22 the authority is found to be essential to accomplish
23 the purposes of Article XVI, Section 59 of the Texas
24 Constitution.

25 Revisor's Note

26 Section 2.01, Chapter 427, Acts of the 44th
27 Legislature, 1st Called Session, 1935, refers to the
28 authority as a conservation and reclamation district,
29 "which is a governmental agency, body politic and
30 corporate." The revised law omits the quoted language
31 because it duplicates part of Section 59(b), Article
32 XVI, Texas Constitution.

33 Revised Law

34 Sec. 8511.0103. PURPOSE OF CHAPTER. The purpose of this
35 chapter is to provide by the means and in the manner authorized in
36 this chapter for the conservation and development of this state's
37 natural resources inside the Nueces River Basin, including:

38 (1) the control, storage, preservation, and
39 distribution of this state's water for domestic and municipal uses,

1 industrial uses, irrigation, mining and recovery of minerals, stock
2 raising, underground water recharge, electric power generation,
3 navigation, recreation and pleasure, and other beneficial uses and
4 purposes;

5 (2) the reclamation and irrigation of arid, semiarid,
6 and other land needing irrigation;

7 (3) the reclamation and drainage of overflowed land
8 and other land needing drainage;

9 (4) the maintenance and enhancement of the quality of
10 the water in the Nueces River Basin;

11 (5) the conservation and development of the forests,
12 water, and hydroelectric power;

13 (6) the navigation of inland and coastal water; and

14 (7) the provision of systems, facilities, and
15 procedures for the collection, transportation, handling,
16 treatment, and disposal of waste. (Acts 44th Leg., 1st C.S., Ch.
17 427, Sec. 1.01.)

18 Source Law

19 Sec. 1.01. The purpose of this Act is to provide
20 by the means and in the manner authorized in this Act
21 for the conservation and development of the state's
22 natural resources within the Nueces River Basin,
23 including:

24 (1) the control, storage, preservation,
25 and distribution of the state's water for domestic and
26 municipal uses, industrial uses, irrigation, mining
27 and recovery of minerals, stock raising, underground
28 water recharge, electric power generation,
29 navigation, recreation and pleasure, and other
30 beneficial uses and purposes;

31 (2) the reclamation and irrigation of
32 arid, semiarid, and other land needing irrigation;

33 (3) the reclamation and drainage of
34 overflowed land and other land needing drainage;

35 (4) the maintenance and enhancement of the
36 quality of the water in the Nueces River Basin;

37 (5) the conservation and development of
38 the forests, water, and hydroelectric power;

39 (6) the navigation of inland and coastal
40 water; and

41 (7) providing systems, facilities, and
42 procedures for the collection, transportation,
43 handling, treatment, and disposal of waste of all
44 types.

45 Revised Law

46 Sec. 8511.0104. REVIEW SCHEDULE UNDER SUNSET ACT. A review

1 of the authority under Section 325.025, Government Code, shall be
2 conducted as if the authority were a state agency scheduled to be
3 abolished September 1, 2031, and every 12th year after that year.
4 (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 1.02A(a) (part).)

5 Source Law

6 (a) . . . The review shall be conducted under
7 Section 325.025, Government Code, as if the authority
8 were a state agency scheduled to be abolished
9 September 1, 2031, and every 12th year after that year.

10 Revisor's Note

11 Sections 1.02A(a) and (b), Chapter 427, Acts of
12 the 44th Legislature, 1st Called Session, 1935, relate
13 to a periodic review of the authority by the Sunset
14 Advisory Commission. Section 1.02A(a) provides in
15 part that the authority is subject to review under
16 Chapter 325, Government Code, as if it were a state
17 agency but may not be abolished under that chapter.
18 Section 1.02A(b) provides that the authority must pay
19 the costs associated with the Sunset Advisory
20 Commission's review of the authority. The revised law
21 omits those provisions because they duplicate Sections
22 325.025(a), (b), and (d), Government Code. The
23 omitted law reads:

24 Sec. 1.02A. (a) The authority is
25 subject to review under Chapter 325,
26 Government Code (Texas Sunset Act), but may
27 not be abolished under that chapter. . . .

28 (b) The authority shall pay the cost
29 incurred by the Sunset Advisory Commission
30 in performing the review. The Sunset
31 Advisory Commission shall determine the
32 cost, and the authority shall pay the amount
33 promptly on receipt of a statement from the
34 Sunset Advisory Commission detailing the
35 cost.

36 Revised Law

37 Sec. 8511.0105. TERRITORY. (a) The authority is composed
38 of the territory described by Section 2.02(a), Chapter 427, Acts of
39 the 44th Legislature, 1st Called Session, 1935, as that territory
40 may have been modified under:

41 (1) Subsection (c) or its predecessor statute, Section

1 2.02(c), Chapter 427, Acts of the 44th Legislature, 1st Called
2 Session, 1935;

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

4 (3) other law.

5 (b) The board shall record in the authority's minutes the
6 written description of the boundaries in Section 2.02(a), Chapter
7 427, Acts of the 44th Legislature, 1st Called Session, 1935.

8 (c) If the directors find any land included in the field
9 notes, other than land in San Patricio, Nueces, and Jim Wells
10 Counties, that is not actually included in the watershed of the
11 Nueces River, the board shall exclude the land from the authority
12 and file a certificate of exclusion with the county clerk of the
13 county in which the land is located. The certificate of exclusion
14 must describe the boundaries of the land excluded so that the land
15 remaining in the authority may be adequately identified.

16 (d) The boundaries and field notes of the authority 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 authority's organization, existence, or
20 validity;

21 (2) the authority's right to issue any type of bond for
22 a purpose for which the authority is created or to pay the principal
23 of or interest on the bond;

24 (3) the right to impose a tax; or

25 (4) the legality or operation of the authority or its
26 governing body. (Acts 44th Leg., 1st C.S., Ch. 427, Secs. 2.02(b),
27 (c); Acts 64th Leg., R.S., Ch. 699, Sec. 5; Acts 69th Leg., R.S.,
28 Ch. 665, Sec. 3; New.)

29 Source Law

30 [Acts 44th Leg., 1st C.S., Ch. 427, Sec. 2.02]

31 (b) The written description of the boundaries in
32 Subsection (a) of this section shall be recorded by the
33 board in the minutes of the authority.

34 (c) If the directors find any land included in
35 the field notes other than land in San Patricio,
36 Nueces, and Jim Wells counties, which is not actually
37 included in the watershed of the Nueces River, the
38 board shall exclude the land from the authority and

1 file a certificate of exclusion with the county clerk
2 of the county in which the land is located. The
3 certificate of exclusion shall describe the boundaries
4 of the land excluded so that the land remaining in the
5 authority may be adequately identified.

6 [Acts 64th Leg., R.S., Ch. 699]

7 Sec. 5. The legislature finds and determines
8 that the boundaries and field notes of the Nueces River
9 Authority form a closure. If any mistake is made in
10 copying the field notes in the legislative process, or
11 a mistake is otherwise made in the field notes, it
12 shall in no way affect the organization, existence,
13 and validity of the authority, or the right of the
14 authority to issue any type of bonds or refunding bonds
15 for the purpose for which the authority is created, or
16 to pay the principal of or interest on the bonds, or
17 the right to assess, levy, and collect taxes, or in any
18 other manner affect the legality or operation of the
19 authority or its governing body.

20 [Acts 69th Leg., R.S., Ch. 665]

21 Sec. 3. The legislature finds and determines
22 that the boundaries and field notes of the Nueces River
23 Authority form a closure. If any mistake is made in
24 copying the field notes in the legislative process or a
25 mistake is otherwise made in the field notes, the
26 mistake in no way affects the organization, existence,
27 and validity of the authority or the right of the
28 authority to issue any type of bonds or refunding bonds
29 for the purpose for which the authority is created or
30 to pay the principal of or interest on the bonds or the
31 right to assess, levy, and collect taxes or in any
32 other manner affects the legality or operation of the
33 authority or its governing body.

34 Revisor's Note

35 (1) The revised law does not revise the
36 statutory language describing the authority's
37 territory to avoid the lengthy recitation of the
38 description and because that description may not be
39 accurate on the effective date of the revision or at
40 the time of a later reading. For the reader's
41 convenience, the revised law includes references to
42 the statutory description of the authority's territory
43 and to the statutory authority to change the
44 authority's territory under Subsection (c) of this
45 section, Section 2.02(c), Chapter 427, Acts of the
46 44th Legislature, 1st Called Session, 1935, from which
47 Subsection (c) of this section was derived, and
48 Subchapter J, Chapter 49, Water Code, applicable to
49 the authority under Sections 49.001 and 49.002 of that

1 chapter. The revised law also includes a reference to
2 the general authority of the legislature to enact
3 other laws to change the authority's territory.

4 (2) Section 5, Chapter 699, Acts of the 64th
5 Legislature, Regular Session, 1975, and Section 3,
6 Chapter 665, Acts of the 69th Legislature, Regular
7 Session, 1985, provide that a mistake in the field
8 notes' description of the authority's boundaries does
9 not affect the authority's right to issue "any type of
10 bonds or refunding bonds." The revised law omits the
11 references to "refunding bonds" because refunding
12 bonds are included in the meaning of "any type of
13 bonds."

14 (3) Section 5, Chapter 699, Acts of the 64th
15 Legislature, Regular Session, 1975, and Section 3,
16 Chapter 665, Acts of the 69th Legislature, Regular
17 Session, 1985, refer to the authority's authority to
18 "assess, levy, and collect" taxes. Throughout this
19 chapter, the revised law substitutes "impose" for
20 "assess, levy, and collect" or other similar language
21 because "impose" is the term generally used in Title 1,
22 Tax Code, and includes the assessment, levy, and
23 collection of a tax.

24 Revised Law

25 Sec. 8511.0106. LIBERAL CONSTRUCTION OF CHAPTER. This
26 chapter shall be liberally construed to achieve its purposes.
27 (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 1.03 (part).)

28 Source Law

29 Sec. 1.03. This Act shall be liberally
30 construed to achieve its purposes, and

31 Revisor's Note

32 (1) Section 1.03, Chapter 427, Acts of the 44th
33 Legislature, 1st Called Session, 1935, provides that
34 any grant of power contained in that act shall be held

1 in specification but not in limitation of general
2 powers. The revised law omits the provision as
3 unnecessary because it is an accepted general
4 principle of statutory construction that a grant of a
5 power does not act as a limitation. The omitted law
6 reads:

7 Sec. 1.03. . . . any particular
8 grant of power contained in this Act shall
9 be held in specification but not in
10 limitation of general powers. . . .

11 (2) Section 1.03, Chapter 427, Acts of the 44th
12 Legislature, 1st Called Session, 1935, provides in
13 part that the provisions of the act are wholly
14 sufficient authority within themselves for the
15 performance of all acts and procedures authorized in
16 the act, without reference to any other law or any
17 restrictions or limitations contained in another law.

18 The revised law omits the statement that the
19 provisions of the act are wholly sufficient authority
20 within themselves for the performance of all acts and
21 procedures authorized in the act because it is
22 unnecessary. The operative provisions of the act are
23 fully effective on 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 the act
32 prevails over other law in existence at the time the
33 act became effective and with which the act conflicts,
34 the statement merely restates general rules of
35 statutory construction. To the extent the statement

1 implies that the act prevails over future enactments
2 of the legislature that may conflict with it, it is
3 misleading. It is a fundamental principle of
4 statutory construction that one session of the
5 legislature may not bind a future session of the
6 legislature. In addition, Section 311.026, Government
7 Code (Code Construction Act), governs the
8 interpretation of the revised law in instances of
9 apparent conflict with other laws.

10 Codification of the statement is potentially
11 misleading because the revised law not only omits
12 provisions of the act that are impliedly repealed by
13 other law, it also omits provisions that are
14 duplicative of other law. Codification of the
15 statement might create an impression that the
16 provisions of other law that duplicate the omitted
17 provisions do not apply.

18 Section 1.03 also provides that the authority may
19 use the provisions of other laws to the extent
20 necessary or convenient to carry out any power granted
21 by the act or any other applicable law, except to the
22 extent of a conflict with the act. The revised law
23 omits that provision as unnecessary. The operative
24 provisions of other applicable laws are fully
25 effective on their own terms. The omitted law reads:

26 Sec. 1.03. . . . The provisions of
27 this Act are wholly sufficient authority
28 within themselves for the performance of
29 all acts and procedures authorized in this
30 Act, without reference to any other law or
31 any restrictions or limitations contained
32 therein. The authority has the power to use
33 the provisions of any other laws to the
34 extent necessary or convenient to carry out
35 any power, expressed or implied, granted by
36 this Act, or granted by any other law which
37 by its terms is applicable to the authority,
38 except to the extent that any provision of
39 any such other law is in conflict with any
40 express provision of this Act.

1 SUBCHAPTER B. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS

2 Revised Law

3 Sec. 8511.0201. MEMBERSHIP OF BOARD. (a) The board
4 consists of 21 directors appointed by the governor with the advice
5 and consent of the senate.

6 (b) Each director must be a qualified voter and a resident
7 of a county that is wholly or partly inside the authority as
8 described by Section 2.02(a), Chapter 427, Acts of the 44th
9 Legislature, 1st Called Session, 1935.

10 (c) Four directors must be residents of Nueces County. Two
11 directors must be residents of San Patricio County. Two directors
12 must be residents of Jim Wells County.

13 (d) Not more than four persons who reside in Nueces County
14 and not more than two persons who reside in any other county that is
15 wholly or partly inside the authority may be appointed to or serve
16 on the board at the same time. (Acts 44th Leg., 1st C.S., Ch. 427,
17 Secs. 2.03(a), (b).)

18 Source Law

19 Sec. 2.03. (a) The authority shall be governed
20 by a board of directors composed of 24 members until
21 February 1, 1977. On and after that date, the board of
22 directors shall be composed of 21 members. The members
23 of the board of directors shall be appointed by the
24 governor with the advice and consent of the senate.
25 The membership on the board shall be as provided in
26 Subsection (b) of this section. Each member of the
27 board shall be a qualified elector and a resident of a
28 county which lies wholly or partly within the
29 authority as described in Subsection (a), Section 2.02
30 of this Act.

31 (b) There shall be four members of the board who
32 are residents of Nueces County, two members of the
33 board who are residents of San Patricio County, and two
34 members of the board who are residents of Jim Wells
35 County. Not more than four persons who reside in
36 Nueces County and not more than two persons who reside
37 in any other county which lies wholly or partly within
38 the authority may be appointed to or serve on the board
39 at the same time.

40 Revisor's Note

41 (1) Section 2.03(a), Chapter 427, Acts of the
42 44th Legislature, 1st Called Session, 1935, provides
43 that the authority is governed by a board of directors
44 composed of 24 members until February 1, 1977, and

1 provides that "[o]n and after that date," the board is
2 composed of 21 members. The revised law omits the
3 provision regarding the board's composition until
4 February 1, 1977, and the reference to that date in
5 connection with the current composition of the board
6 as executed.

7 (2) Section 2.03(a), Chapter 427, Acts of the
8 44th Legislature, 1st Called Session, 1935, refers to
9 an "elector" of a county in the authority. The revised
10 law substitutes "voter" for "elector" because the
11 terms have the same meaning and "voter" is the term
12 used in the Election Code.

13 Revised Law

14 Sec. 8511.0202. TERMS. Directors serve staggered terms of
15 six years, with one-third of the directors taking office February 1
16 of each odd-numbered year. (Acts 44th Leg., 1st C.S., Ch. 427, Sec.
17 2.03(c).)

18 Source Law

19 (c) Each member of the board shall serve for a
20 term of six years and until his successor is appointed
21 and has qualified. The members' terms shall be
22 staggered, with one-third of the directors taking
23 office on February 1 of each odd-numbered year.

24 Revisor's Note

25 Section 2.03(c), Chapter 427, Acts of the 44th
26 Legislature, 1st Called Session, 1935, provides that
27 each director shall serve "until his successor is
28 appointed and has qualified." The revised law omits
29 the quoted language because it duplicates Section 17,
30 Article XVI, Texas Constitution.

31 Revised Law

32 Sec. 8511.0203. REMOVAL. (a) The governor may remove a
33 director from office for:

- 34 (1) inefficiency;
35 (2) neglect of duty;
36 (3) misconduct in office; or

1 11 of the directors is required to approve such a
2 recommendation. The revised law omits the quoted
3 language as executed.

4 Revised Law

5 Sec. 8511.0204. VACANCY. A board vacancy shall be filled in
6 the manner provided by Section 8511.0201 for making the original
7 appointment. (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 2.03(e).)

8 Source Law

9 (e) All vacancies on the board shall be filled
10 in the manner provided in this section for making the
11 original appointment.

12 Revisor's Note

13 Section 2.03(e), Chapter 427, Acts of the 44th
14 Legislature, 1st Called Session, 1935, provides that
15 vacancies on the board shall be filled in the manner
16 provided in "this section" for making the original
17 appointment. The relevant provisions of Section 2.03,
18 Chapter 427, Acts of the 44th Legislature, 1st Called
19 Session, 1935, are revised as Section 8511.0201 of
20 this chapter. For the reader's convenience, the
21 revised law substitutes a reference to Section
22 8511.0201 for the quoted language.

23 Revised Law

24 Sec. 8511.0205. BYLAWS. The board shall adopt necessary
25 bylaws for the conduct of the authority's business. (Acts 44th
26 Leg., 1st C.S., Ch. 427, Sec. 2.03(h).)

27 Source Law

28 (h) The board shall adopt and may from time to
29 time amend necessary bylaws for the conduct of the
30 authority's business.

31 Revisor's Note

32 Section 2.03(h), Chapter 427, Acts of the 44th
33 Legislature, 1st Called Session, 1935, provides that
34 the board "shall adopt and may from time to time amend"
35 bylaws. The revised law omits the provision
36 authorizing the board to amend bylaws because the duty

1 to adopt bylaws implies the power to amend bylaws. In
2 addition, throughout this chapter the revised law
3 omits "from time to time" because the power to take an
4 action includes the power to act at any time.

5 Revised Law

6 Sec. 8511.0206. BOND REQUIREMENT FOR DIRECTORS. (a) As a
7 qualification for office, a director must execute a bond in an
8 amount determined by the board conditioned on the faithful
9 performance of the director's duties.

10 (b) The authority shall pay the premiums on the bond. (Acts
11 44th Leg., 1st C.S., Ch. 427, Secs. 2.03(d), 2.08(b) (part).)

12 Source Law

13 [Sec. 2.03]

14 (d) Each member of the board shall qualify by
15 taking the constitutional oath of office and by
16 executing a bond in an amount to be determined by the
17 board conditioned on the faithful performance of his
18 duties.

19 [Sec. 2.08]

20 (b) The authority shall pay the premiums on
21 . . . the directors' bonds under Subsection (d),
22 Section 2.03 of this Act.

23 Revisor's Note

24 Section 2.03(d), Chapter 427, Acts of the 44th
25 Legislature, 1st Called Session, 1935, requires each
26 director to take the constitutional oath of office.
27 The revised law omits that provision because Section
28 1, Article XVI, Texas Constitution, requires all
29 officers to take the oath (or affirmation) before
30 assuming office.

31 Revised Law

32 Sec. 8511.0207. COMPENSATION OF DIRECTORS. (a) A director
33 is entitled to receive an allowance in an amount not to exceed that
34 provided under Section 49.060, Water Code.

35 (b) A director is not entitled to receive a per diem
36 allowance for more than 50 days in a calendar year.

37 (c) In all areas of conflict with this section, Section
38 49.060, Water Code, takes precedence. (Acts 44th Leg., 1st C.S.,

1 Ch. 427, Sec. 2.05.)

2 Source Law

3 Sec. 2.05. (a) A director is entitled to
4 receive an allowance in an amount not exceeding that
5 provided under Section 49.060, Water Code.

6 (b) A director is not entitled to receive a per
7 diem allowance for more than 50 days in any one
8 calendar year.

9 (c) In all areas of conflict with this section,
10 Section 49.060, Water Code, takes precedence.

11 Revised Law

12 Sec. 8511.0208. OFFICERS. (a) The governor shall
13 designate a director as board president to serve in that capacity at
14 the governor's pleasure.

15 (b) The board shall elect one or more vice presidents, a
16 secretary, a treasurer, and any other officers as the directors may
17 determine in the bylaws or otherwise.

18 (c) Each vice president, the secretary, and the treasurer
19 must be a director, but other officers are not required to be
20 directors.

21 (d) The offices of secretary and treasurer may be combined,
22 and the offices of assistant secretary and assistant treasurer may
23 be combined. (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 2.03(i).)

24 Source Law

25 (i) The governor shall designate a member of the
26 board as the president of the board to serve in that
27 capacity at the pleasure of the governor. The board
28 shall elect one or more vice-presidents, a secretary,
29 a treasurer, and such other officers as the members of
30 the board may determine in the bylaws or otherwise.
31 The vice-presidents, secretary, and treasurer shall be
32 members of the board, but other officers need not be
33 members of the board. The offices of secretary and
34 treasurer may be combined, as may the offices of
35 assistant secretary and assistant treasurer.

36 Revisor's Note

37 Section 16, Chapter 21, Acts of the 86th
38 Legislature, Regular Session, 2019, contains
39 transition provisions regarding the term of the
40 director serving as board president in office on the
41 effective date of the act (September 1, 2019), the
42 appointment of a successor director, and the

1 not be allowed to vote on matters coming before the
2 committee unless specifically authorized by the board
3 to do so.

4 Revised Law

5 Sec. 8511.0210. EXECUTIVE DIRECTOR. (a) The board may
6 employ an executive director and set the executive director's
7 salary and other compensation by a majority vote of all the
8 qualified directors.

9 (b) The executive director is the authority's chief
10 executive officer.

11 (c) Under policies the board and the executive committee
12 establish, the executive director is responsible to the board and
13 the executive committee for:

14 (1) administering the directives of the board and the
15 executive committee;

16 (2) keeping the authority's records, including minutes
17 of meetings of the board and the executive committee;

18 (3) coordinating with state, federal, and local
19 agencies;

20 (4) developing plans and programs for the approval of
21 the board or the executive committee;

22 (5) hiring, supervising, training, and discharging
23 the authority's employees, as authorized by the board or the
24 executive committee;

25 (6) contracting for or retaining technical,
26 scientific, legal, fiscal, and other professional services, as
27 authorized by the board or the executive committee; and

28 (7) performing any other duties assigned to the
29 executive director by the board or the executive committee.

30 (d) The board may discharge the executive director by a
31 majority vote of all the qualified directors. (Acts 44th Leg., 1st
32 C.S., Ch. 427, Sec. 2.07.)

33 Source Law

34 Sec. 2.07. (a) The board may employ an
35 executive director and set his salary and other
36 compensation on a majority vote of all the qualified
37 directors.

1 (b) The executive director is the chief
2 executive officer of the authority. Under policies
3 established by the board and the executive committee,
4 he is responsible to the board and the executive
5 committee for:

6 (1) administering the directives of the
7 board and the executive committee;

8 (2) keeping the authority's records,
9 including minutes of meetings of the board and the
10 executive committee;

11 (3) coordinating with state, federal, and
12 local agencies;

13 (4) developing plans and programs for the
14 approval of the board or the executive committee;

15 (5) hiring, supervising, training, and
16 discharging the authority's employees, as authorized
17 by the board or the executive committee;

18 (6) contracting for or retaining
19 technical, scientific, legal, fiscal, and other
20 professional services, as authorized by the board or
21 the executive committee; and

22 (7) performing any other duties assigned
23 to him by the board or the executive committee.

24 (c) The board may discharge the executive
25 director on a majority vote of all the qualified
26 directors.

27 Revised Law

28 Sec. 8511.0211. DIRECTOR TRAINING PROGRAM. (a) A person
29 who is appointed to and qualifies for office as a director may not
30 vote, deliberate, or be counted as a director in attendance at a
31 board meeting until the person completes a training program that
32 complies with this section.

33 (b) The training program must provide the person with
34 information regarding:

35 (1) the law governing authority operations;

36 (2) the authority's programs, functions, rules, and
37 budget;

38 (3) the results of the authority's most recent formal
39 audit;

40 (4) the requirements of:

41 (A) laws relating to open meetings, public
42 information, administrative procedure, and disclosure of conflicts
43 of interest; and

44 (B) other laws applicable to members of the
45 governing body of a river authority in performing their duties; and

46 (5) any applicable ethics policies adopted by the
47 authority or the Texas Ethics Commission.

1 (c) A person appointed to the board is entitled to
2 reimbursement for the travel expenses incurred in attending the
3 training program regardless of whether the attendance at the
4 program occurs before or after the person qualifies for office.

5 (d) The executive director shall create a training manual
6 that includes the information required by Subsection (b). The
7 executive director shall distribute a copy of the training manual
8 annually to each director. Each director shall sign and submit to
9 the executive director a statement acknowledging that the director
10 has received and reviewed the training manual. (Acts 44th Leg., 1st
11 C.S., Ch. 427, Sec. 2.03A.)

12 Source Law

13 Sec. 2.03A. (a) A person who is appointed to
14 and qualifies for office as a director may not vote,
15 deliberate, or be counted as a director in attendance
16 at a board meeting until the person completes a
17 training program that complies with this section.

18 (b) The training program must provide the person
19 with information regarding:

20 (1) the law governing authority
21 operations;

22 (2) the programs, functions, rules, and
23 budget of the authority;

24 (3) the results of the most recent formal
25 audit of the authority;

26 (4) the requirements of:

27 (A) laws relating to open meetings,
28 public information, administrative procedure, and
29 disclosure of conflicts of interest; and

30 (B) other laws applicable to members
31 of the governing body of a river authority in
32 performing their duties; and

33 (5) any applicable ethics policies adopted
34 by the authority or the Texas Ethics Commission.

35 (c) A person appointed to the board is entitled
36 to reimbursement for the travel expenses incurred in
37 attending the training program regardless of whether
38 the attendance at the program occurs before or after
39 the person qualifies for office.

40 (d) The executive director shall create a
41 training manual that includes the information required
42 by Subsection (b) of this section. The executive
43 director shall distribute a copy of the training
44 manual annually to each director. Each director shall
45 sign and submit to the executive director a statement
46 acknowledging that the director has received and
47 reviewed the training manual.

48 Revised Law

49 Sec. 8511.0212. INTEREST IN CONTRACT. (a) A director who
50 is financially interested in a contract to be executed by the
51 authority for the purchase, sale, lease, rental, or supply of

1 property, including supplies, materials, and equipment, or the
2 construction of facilities shall disclose that fact to the other
3 directors and may not vote on or participate in discussions during
4 board meetings on the acceptance of the contract.

5 (b) An interest described by Subsection (a) does not affect
6 the validity of a contract if the disclosure is made and the
7 interested director does not vote on the question of entering into
8 the contract. (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 2.04.)

9 Source Law

10 Sec. 2.04. A director who is financially
11 interested in a contract to be executed by the
12 authority for the purchase, sale, lease, renting, or
13 supplying of property, including without limitation
14 supplies, materials, and equipment, or the
15 construction of facilities shall disclose that fact to
16 the other directors and may not vote on or participate
17 in discussions during board meetings on the acceptance
18 of the contract. Such interest shall not affect the
19 validity of a contract if the disclosure is made and
20 the interested director does not vote on the question
21 of entering into the contract.

22 Revisor's Note

23 Section 2.04, Chapter 427, Acts of the 44th
24 Legislature, 1st Called Session, 1935, refers to a
25 contract for the purchase, sale, lease, renting, or
26 supplying of property, "including without limitation"
27 supplies, materials, and equipment. The revised law
28 omits "without limitation" as unnecessary because
29 Section 311.005(13), Government Code (Code
30 Construction Act), provides that "includes" and
31 "including" are terms of enlargement and not of
32 limitation and do not create a presumption that
33 components not expressed are excluded.

34 Revised Law

35 Sec. 8511.0213. SEPARATION OF POLICYMAKING AND MANAGEMENT
36 FUNCTIONS. The board shall develop and implement policies that
37 clearly separate the board's policymaking responsibilities and the
38 executive director's and staff's management responsibilities.
39 (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 2.08A.)

1 44th Leg., 1st C.S., Ch. 427, Secs. 2.08(a), (b) (part).)

2 Source Law

3 Sec. 2.08. (a) The executive director, the
4 treasurer, and other officers, agents, and employees
5 of the authority charged with the collection, custody,
6 or payment of any money of the authority shall execute
7 a fidelity bond. The board shall approve the form,
8 amount, and surety of the bond.

9 (b) The authority shall pay the premiums on the
10 bonds under this section and

11 Revised Law

12 Sec. 8511.0216. AUTHORITY'S OFFICE. The authority shall
13 maintain its principal office inside its boundaries. (Acts 44th
14 Leg., 1st C.S., Ch. 427, Sec. 2.09.)

15 Source Law

16 Sec. 2.09. The authority shall maintain its
17 principal office within its boundaries.

18 Revised Law

19 Sec. 8511.0217. COMPLAINTS. (a) The authority shall
20 maintain a system to act promptly and efficiently on complaints
21 filed with the authority.

22 (b) The authority shall maintain information about:

23 (1) the parties to the complaint;

24 (2) the subject matter of the complaint;

25 (3) a summary of the results of the review or
26 investigation of the complaint; and

27 (4) the complaint's disposition.

28 (c) The authority shall periodically notify the parties to
29 the complaint of the complaint's status until final disposition.

30 (d) The authority shall make information available
31 describing its procedures for complaint investigation and
32 resolution. (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 3.27.)

33 Source Law

34 Sec. 3.27. (a) The authority shall maintain a
35 system to promptly and efficiently act on complaints
36 filed with the authority. The authority shall maintain
37 information about the parties to and subject matter of
38 the complaint, a summary of the results of the review
39 or investigation of the complaint, and the disposition
40 of the complaint.

41 (b) The authority shall make information
42 available describing its procedures for complaint

1 investigation and resolution.

2 (c) The authority shall periodically notify the
3 complaint parties of the status of the complaint until
4 final disposition.

5 Revised Law

6 Sec. 8511.0218. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

7 (a) The board shall develop a policy to encourage the use of
8 appropriate alternative dispute resolution procedures under
9 Chapter 2009, Government Code, to assist in the resolution of
10 internal and external disputes under the authority's jurisdiction.

11 (b) The authority's procedures relating to alternative
12 dispute resolution must conform, to the extent possible, to any
13 model guidelines issued by the State Office of Administrative
14 Hearings for the use of alternative dispute resolution by state
15 agencies.

16 (c) The authority shall:

17 (1) coordinate the implementation of the policy
18 adopted under Subsection (a);

19 (2) provide training as needed to implement the
20 procedures for alternative dispute resolution; and

21 (3) collect data concerning the effectiveness of those
22 procedures. (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 3.18A.)

23 Source Law

24 Sec. 3.18A. (a) The board shall develop a
25 policy to encourage the use of appropriate alternative
26 dispute resolution procedures under Chapter 2009,
27 Government Code, to assist in the resolution of
28 internal and external disputes under the authority's
29 jurisdiction.

30 (b) The authority's procedures relating to
31 alternative dispute resolution must conform, to the
32 extent possible, to any model guidelines issued by the
33 State Office of Administrative Hearings for the use of
34 alternative dispute resolution by state agencies.

35 (c) The authority shall:

36 (1) coordinate the implementation of the
37 policy adopted under Subsection (a) of this section;

38 (2) provide training as needed to
39 implement the procedures for alternative dispute
40 resolution; and

41 (3) collect data concerning the
42 effectiveness of those procedures.

43 Revised Law

44 Sec. 8511.0219. FIVE-YEAR STRATEGIC PLAN. (a) The
45 authority shall adopt and promptly publish on the authority's

1 Internet website a written strategic plan that:

2 (1) sets the authority's goals for the following five
3 years;

4 (2) establishes the authority's mission; and

5 (3) describes the anticipated activities that the
6 authority will perform in the Nueces River Basin over the following
7 five years.

8 (b) The authority shall update the strategic plan regularly
9 and publish the updated versions of the plan on the authority's
10 Internet website. (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 3.28.)

11 Source Law

12 Sec. 3.28. (a) The authority shall adopt and
13 promptly publish on the authority's Internet website a
14 written, five-year strategic plan that:

15 (1) sets the authority's goals for the
16 following five years;

17 (2) establishes the authority's mission;
18 and

19 (3) describes the anticipated activities
20 that the authority will perform in the Nueces River
21 Basin over the following five years.

22 (b) The authority shall update the five-year
23 strategic plan regularly and publish the updated
24 versions of the plan on the authority's Internet
25 website.

26 Revisor's Note
27 (End of Subchapter)

28 (1) Section 2.03(g), Chapter 427, Acts of the
29 44th Legislature, 1st Called Session, 1935, provides
30 that 13 members of the board constitute a quorum for
31 the transaction of business until February 1, 1977,
32 and that on and after that date 11 members of the
33 board, which is a majority of the full membership of
34 the board, constitute a quorum for the transaction of
35 business. The revised law omits the provision
36 regarding the number of members of the board required
37 to constitute a quorum for the transaction of business
38 until February 1, 1977, as executed. The revised law
39 omits the provision regarding the number of members of
40 the board required to constitute a quorum for the
41 transaction of business on and after that date because

1 it duplicates, in substance, Section 311.013,
2 Government Code (Code Construction Act), which
3 provides that a quorum of a public body is a majority
4 of the number of members fixed by statute. The revised
5 law also omits "for the transaction of business"
6 because "quorum" means the number of persons or votes
7 necessary for a body to act. The omitted law reads:

8 (g) Thirteen members of the board
9 shall constitute a quorum for the
10 transaction of business until February 1,
11 1977. On and after that date, 11 members of
12 the board shall constitute a quorum for the
13 transaction of business.

14 (2) Section 2.10(b), Chapter 427, Acts of the
15 44th Legislature, 1st Called Session, 1935, requires
16 the board to keep complete and accurate minutes of its
17 meetings. The revised law omits that provision
18 because it duplicates, in substance, part of Section
19 49.065(a), Water Code, which requires that the board
20 keep a complete account of all its meetings.
21 Throughout this chapter, the revised law omits law
22 that is superseded by Chapter 49, Water Code, or that
23 duplicates law contained in that chapter. Except as
24 otherwise provided by that chapter, Chapter 49, Water
25 Code, applies to the authority under Sections 49.001
26 and 49.002, Water Code. The omitted law reads:

27 (b) The authority shall keep complete
28 and accurate minutes of its meetings.

29 (3) Section 3, Chapter 699, Acts of the 64th
30 Legislature, Regular Session, 1975, provides for the
31 transition of the board following changes to the board
32 by that act. The revised law omits that provision as
33 executed. The omitted law reads:

34 Sec. 3. Those persons who are serving
35 on the 21-member board of directors of the
36 authority on the effective date of this Act
37 shall continue to hold office until the
38 expiration of the terms to which they have
39 been appointed, except as provided in this
40 section. On the effective date of this Act,

1 or as soon thereafter as possible, the
2 governor shall proceed to appoint members
3 to the board of directors who are residents
4 of Nueces County, San Patricio County, and
5 Jim Wells County as may be necessary to
6 bring the membership of the board into
7 compliance with Section 2.03(b) of this Act
8 at the earliest possible time. Of the three
9 initial appointments made by the governor
10 to fill the three new positions on the
11 24-member board of directors authorized by
12 Section 2.03(a) of this Act, one shall be
13 appointed to serve a two-year term, one
14 shall be appointed to serve a four-year
15 term, and one shall be appointed to serve a
16 six-year term. Thereafter, appointments to
17 fill the new positions shall be made for
18 six-year terms. On or before January 31,
19 1977, the board of directors of the
20 authority shall determine the three
21 positions on the board which shall be
22 abolished to reduce the number of positions
23 as of February 1, 1977, from 24 back down to
24 21, as required by Section 2.03(a) of this
25 Act; provided, however, that none of the
26 positions filled by directors who are
27 residents of Nueces County, San Patricio
28 County, and Jim Wells County shall be
29 abolished, but those positions shall be
30 continued. The proceedings for making this
31 determination shall be initiated by the
32 president of the board of directors, who
33 shall present the matter to the board at any
34 regular or special board meeting, or at a
35 board meeting which he is hereby
36 specifically authorized to call for the
37 purpose, held on or before January 31, 1977.
38 At least 10 days' notice of the meeting at
39 which the matter is to be presented shall be
40 given to the members of the board. For this
41 purpose, the board of directors shall be
42 considered in three classes. One class
43 shall consist of the members of the board
44 whose terms expire January 31, 1977; a
45 second class shall consist of the members of
46 the board whose terms expire January 31,
47 1979; the third class shall consist of the
48 members of the board whose terms expire
49 January 31, 1981. All members in each class
50 of directors who are present at the meeting
51 shall determine by unanimous agreement of
52 the members of the class present which
53 director's position in that class, other
54 than a position held by a director who is a
55 resident of Nueces County, San Patricio
56 County, or Jim Wells County, shall be
57 abolished so as to reduce the number of
58 directors in that class to seven as of
59 February 1, 1977. In the event unanimous
60 agreement is not reached by the members of
61 the class present at the meeting, the matter
62 of which director's position in that class
63 shall be abolished shall be determined at
64 such meeting by the drawing of lots. Only
65 those members of the class who are residents
66 of counties other than Nueces County, San
67 Patricio County, and Jim Wells County shall
68 participate in the drawing of lots at the

1 meeting; a member of the class who is a
2 resident of one of the named counties shall
3 not participate in the drawing of lots, nor
4 shall his position be abolished. If at the
5 time of the meeting there is a vacancy in
6 any directorship position in a class which
7 makes the determination by the drawing of
8 lots or if a member holding a directorship
9 position in such class is absent from the
10 meeting, other than a vacant position
11 formerly held by or an absent member who is
12 a resident of one of the named counties, any
13 other member of the board present at the
14 meeting is authorized to draw the lot on
15 behalf of the vacant position or the
16 position held by the absent director. The
17 directorship positions abolished by this
18 process shall be abolished as of and shall
19 cease to exist after January 31, 1977, and
20 the term of office of the persons holding
21 the positions shall likewise terminate. In
22 making appointments to fill unexpired terms
23 in other positions on the board which may be
24 vacant on February 1, 1977, or become vacant
25 within a reasonable period of time
26 thereafter because of resignations or other
27 reasons, the governor shall give
28 consideration to appointing those persons
29 now serving on the board whose positions are
30 abolished as of January 31, 1977, pursuant
31 to the provisions of this section. This
32 section is a transition provision and shall
33 have effect only for the period of time
34 necessary to accomplish its purpose.
35 Except as otherwise specifically provided
36 herein to accomplish the transition, the
37 governor shall make appointments to the
38 board of directors of the authority as
39 provided in Section 2.03 of this Act.

40 SUBCHAPTER C. POWERS AND DUTIES

41 Revised Law

42 Sec. 8511.0301. GENERAL POWERS AND DUTIES. (a) The
43 authority shall:

44 (1) administer this chapter; and

45 (2) use its facilities and powers to accomplish the
46 purposes of this chapter.

47 (b) The authority may:

48 (1) exercise the powers, rights, privileges, and
49 functions in this chapter;

50 (2) exercise all powers, rights, and privileges
51 necessary or convenient for accomplishing the purposes of this
52 chapter; and

53 (3) perform any other act necessary or convenient to

1 the exercise of the powers, rights, privileges, or functions
2 conferred by this chapter or other laws.

3 (c) The board may provide for any expenditures it considers
4 essential or useful in the authority's maintenance, operation, and
5 administration. (Acts 44th Leg., 1st C.S., Ch. 427, Secs. 2.01
6 (part), 3.01(a), (b), 3.24.)

7 Source Law

8 [Sec. 2.01]

9 . . . [the Nueces River Authority is a conservation
10 and reclamation district,] . . . with the authority to
11 exercise the powers, rights, privileges, and functions
12 in this Act. . . .

13 Sec. 3.01. (a) The authority shall administer
14 this Act and shall use its facilities and powers to
15 accomplish the purposes of this Act.

16 (b) The authority shall have and may exercise
17 all powers, rights, and privileges necessary or
18 convenient for accomplishing the purposes of this Act.

19 Sec. 3.24. (a) The board may provide for any
20 expenditures it considers essential or useful in the
21 maintenance, operation, and administration of the
22 authority.

23 (b) The authority may perform any other acts or
24 things necessary or convenient to the exercise of the
25 powers, rights, privileges, or functions conferred by
26 this Act or other laws.

27 Revised Law

28 Sec. 8511.0302. CONTROL AND USE OF WATERS. (a) The
29 authority may exercise power over the storm water and floodwater of
30 the Nueces River Basin.

31 (b) The authority may exercise the powers of control and use
32 of this state's water in the following manner and for the following
33 purposes:

34 (1) to provide for the control and coordination of
35 water use in the Nueces River Basin as a unit;

36 (2) to provide for the preservation of the rights of
37 the people of the different sections of the Nueces River Basin in
38 the beneficial use of water by adequate organization and
39 administration;

40 (3) to provide for conserving storm water, floodwater,
41 and unappropriated flow water of the Nueces River Basin, including
42 the storage, control, transportation, treatment, and distribution

1 of that water, and the prevention of the escape of any of that water
2 without the maximum of public service;

3 (4) to provide for the prevention of the devastation
4 of land from recurrent overflows;

5 (5) to provide for the protection of life and property
6 in the Nueces River Basin from uncontrolled floodwater;

7 (6) to provide for the conservation of water essential
8 for domestic and other water uses of the people of the Nueces River
9 Basin, including all necessary water supplies for municipalities
10 and industrial districts;

11 (7) to provide for the irrigation of land in the Nueces
12 River Basin where irrigation is required for agricultural purposes
13 or may be considered helpful to more profitable agricultural
14 production;

15 (8) to provide for the equitable distribution of storm
16 water, floodwater, and unappropriated flow water to meet the
17 regional potential requirements for all uses;

18 (9) to provide for the encouragement and development
19 of drainage systems and provisions for the drainage of land in the
20 valleys of the Nueces River and its tributary streams needing
21 drainage for profitable agricultural and livestock production and
22 industrial activities and the drainage of other land in the
23 authority's watershed area requiring drainage for the most
24 advantageous use;

25 (10) to provide for the conservation of soil against
26 destructive erosion to prevent the increased flood menace incident
27 to erosion;

28 (11) to control and make available for use storm
29 water, floodwater, and unappropriated flow water as may be
30 authorized by the commission in the development of commercial and
31 industrial enterprises in all sections of the authority's watershed
32 area;

33 (12) to provide for the control, storage, and use of
34 storm water, floodwater, and unappropriated flow water in the

1 development and distribution of hydroelectric power, if that use
2 may be economically coordinated with other and superior uses and
3 subordinated to the uses declared by law to be superior; and

4 (13) to provide for each purpose and use for which
5 storm water, floodwater, and unappropriated flow water when
6 controlled and conserved may be used in the performance of a useful
7 service as contemplated and authorized by the provisions of the
8 constitution and statutes.

9 (c) The authority may:

10 (1) control, store, and preserve the water of the
11 Nueces River and its tributaries inside the authority's boundaries
12 for a useful purpose;

13 (2) use, distribute, and sell the water for a
14 beneficial purpose inside and outside the authority; and

15 (3) acquire water and water rights inside and outside
16 the authority.

17 (d) All plans and works provided by the authority and all
18 works that may be provided under the authority's authorization
19 should have primary regard to the necessity and potential needs for
20 water by or in the respective areas constituting the watershed of
21 the Nueces River and its tributary streams. (Acts 44th Leg., 1st
22 C.S., Ch. 427, Sec. 3.02.)

23 Source Law

24 Sec. 3.02. (a) Subject to the provisions of
25 the constitution and statutes of the state and the
26 continuing right of supervision of the state through
27 the commission, the Nueces River Authority has and may
28 exercise authority and power over the storm water and
29 floodwater of the Nueces River Basin, subject to the
30 applicable provisions of Chapters 5, 11, and 12, Water
31 Code.

32 (b) Subject to Chapters 5, 11, and 12, Water
33 Code, the authority may exercise the powers of control
34 and employment of the state's water in the manner and
35 for the particular purposes as follows:

36 (1) to provide for the control and
37 coordination of water use in the Nueces River Basin as
38 a unit;

39 (2) to provide by adequate organization
40 and administration for the preservation of the rights
41 of the people of the different sections of the river
42 basin in the beneficial use of water;

43 (3) to provide for conserving storm,
44 flood, and unappropriated flow water of the Nueces

1 River Basin, including the storing, controlling,
2 transporting, treating, and distributing of such
3 water, and the prevention of the escape of any such
4 water without the maximum of public service and for the
5 prevention of devastation of land from recurrent
6 overflows, and the protection of life and property in
7 the river basin from uncontrolled floodwater;

8 (4) to provide for the conservation of
9 water essential for domestic and other water uses of
10 the people of the Nueces River Basin, including all
11 necessary water supplies for cities, towns, and
12 industrial districts;

13 (5) to provide for the irrigation of land
14 in the Nueces River Basin where irrigation is required
15 for agricultural purposes or may be deemed helpful to
16 more profitable agricultural production and for the
17 equitable distribution of storm, flood, and
18 unappropriated flow water to the regional potential
19 requirements for all uses; all plans and all works
20 provided by the authority and all works which may be
21 provided under authorization of the authority should
22 have primary regard to the necessary and potential
23 needs for water, by or within the respective areas
24 constituting the watershed of the Nueces River and its
25 tributary streams;

26 (6) to provide for the encouragement and
27 development of drainage systems and provisions for
28 drainage of land in the valleys of the Nueces River and
29 its tributary streams needing drainage for profitable
30 agricultural and livestock production and industrial
31 activities and drainage of other land in the watershed
32 area of the authority requiring drainage for the most
33 advantageous use;

34 (7) to provide for the conservation of all
35 soils against destructive erosion, thereby preventing
36 the increased flood menace incident thereto;

37 (8) to control and make available for
38 employment, flood, storm, and unappropriated flow
39 water as may be authorized by the commission, in the
40 development of commercial and industrial enterprises
41 in all sections of the watershed area of the authority;

42 (9) to provide as set forth by Chapters 5,
43 11, and 12, Water Code, for the control, storing, and
44 employment of flood, storm, and unappropriated flow
45 water in the development and distribution of
46 hydroelectric power, where this use may be
47 economically coordinated with other and superior uses,
48 and subordinated to the uses declared by law to be
49 superior; and

50 (10) to provide in the manner set forth in
51 Chapters 5, 11, and 12, Water Code, for each and every
52 purpose and use for which flood, storm, and
53 unappropriated flow water when controlled and
54 conserved may be utilized in the performance of a
55 useful service as contemplated and authorized by the
56 provisions of the constitution and statutes.

57 (c) Subject to Chapters 5, 11, and 12, Water
58 Code, the authority may control, store, and preserve
59 the water of the Nueces River and its tributaries
60 within the boundaries of the authority for any useful
61 purpose, and may use, distribute, and sell the water
62 for any beneficial purpose inside and outside the
63 authority, and may acquire water and water rights
64 inside and outside the authority.

65 Revisor's Note

66 (1) Section 3.02(a), Chapter 427, Acts of the

1 44th Legislature, 1st Called Session, 1935, provides
2 that, "[s]ubject to the provisions of the constitution
3 and statutes of the state and the continuing right of
4 supervision of the state through the commission," the
5 authority has certain powers, "subject to the
6 applicable provisions of Chapters 5, 11, and 12, Water
7 Code." Similarly, Section 3.02(b) of Chapter 427
8 provides that, "[s]ubject to Chapters 5, 11, and 12,
9 Water Code," the authority may exercise certain
10 powers, Section 3.02(b)(9) of Chapter 427 authorizes
11 the authority to provide "as set forth by Chapters 5,
12 11, and 12, Water Code," for the control, storage, and
13 employment of certain water for certain purposes,
14 Section 3.02(b)(10) of Chapter 427 authorizes the
15 authority to provide "in the manner set forth in
16 Chapters 5, 11, and 12, Water Code," for each purpose
17 for which certain water may be used in the performance
18 of a useful service, and Section 3.02(c) of Chapter 427
19 provides that, "[s]ubject to Chapters 5, 11, and 12,
20 Water Code," the authority may control, store,
21 preserve, use, distribute, and sell certain water for
22 certain purposes and may acquire water and water
23 rights.

24 The revised law omits the references to the
25 constitution and statutes of the state and Chapters 5,
26 11, and 12, Water Code, as unnecessary because the
27 applicable provisions of those laws apply by their own
28 terms. The revised law omits the reference to the
29 continuing right of supervision of the state through
30 the Texas Water Rights Commission because the Texas
31 Commission on Environmental Quality is the successor
32 to the Texas Water Rights Commission, and therefore
33 the provision duplicates, in substance, part of
34 Section 12.081, Water Code, which subjects certain

1 special districts and authorities, including the
2 authority, to supervision by the Texas Commission on
3 Environmental Quality.

4 (2) Section 3.02(a), Chapter 427, Acts of the
5 44th Legislature, 1st Called Session, 1935, provides
6 that the authority may exercise "authority and power"
7 over the storm water and floodwater of the Nueces River
8 Basin. The revised law omits "authority" because, in
9 context, "authority" is included in the meaning of
10 "power."

11 (3) Section 3.02(b)(4), Chapter 427, Acts of the
12 44th Legislature, 1st Called Session, 1935, refers to
13 "cities" and "towns." The revised law substitutes
14 "municipalities" for "cities" and "towns" because the
15 meaning of "municipalities" includes both cities and
16 towns, and "municipalities" is the term used in the
17 Local Government Code.

18 Revised Law

19 Sec. 8511.0303. USE OF BED AND BANKS OF NUECES RIVER AND ITS
20 TRIBUTARIES. Subject to the commission's approval, the authority
21 may use the bed and banks of the Nueces River and its tributary
22 streams for any purpose necessary to accomplish the authority's
23 plans for storing, controlling, conserving, transporting, and
24 distributing storm water, floodwater, and appropriated flow waters
25 for useful purposes. (Acts 44th Leg., 1st C.S., Ch. 427, Sec.
26 3.21.)

27 Source Law

28 Sec. 3.21. Subject to the approval of the
29 commission, the authority may use the bed and banks of
30 the Nueces River and its tributary streams for any
31 purposes necessary to accomplish the plans of the
32 authority for storing, controlling, conserving,
33 transporting, and distributing storm, flood, and
34 appropriated flow waters for useful purposes.

35 Revised Law

36 Sec. 8511.0304. MASTER PLAN. (a) The authority shall
37 prepare and file with the commission a master plan for the maximum

1 development of the soil and water resources of the entire Nueces
2 River watershed, including plans for the complete use, for all
3 economically beneficial purposes, of the watershed's water
4 resources. The authority may amend the master plan as appropriate
5 to accomplish the purposes of this section.

6 (b) After the master plan or any amendments to the plan have
7 been filed with the commission, notice of the application of any
8 person who desires to acquire the right to use state water that is
9 in the Nueces River watershed shall be provided to the authority.
10 After public hearing as provided by law, the commission may grant or
11 deny the proposed application in the manner required by law,
12 notwithstanding any contrary provision of the master plan or any
13 amendments to the plan.

14 (c) Each work constructed by the authority shall be
15 constructed and operated in a manner that, in the greatest
16 practicable degree, conforms to the master plan and any amendments
17 to the plan.

18 (d) This section may not be construed to interfere with any
19 improvement of the Nueces River or its tributaries or with a grant
20 or loan in aid of any improvement made by the United States or by
21 this state. (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 3.22.)

22 Source Law

23 Sec. 3.22. (a) It shall be the duty of the
24 authority to prepare and file with the commission a
25 master plan for the maximum development of the soil and
26 water resources of the entire Nueces River watershed,
27 including plans for the complete utilization, for all
28 economically beneficial purposes, of the water
29 resources of the watershed. The authority may amend
30 the master plan from time to time as may be appropriate
31 to accomplish the purposes of this section.

32 (b) After the master plan or any amendments
33 thereto have been filed with the commission, notice of
34 the application of any person who desires to acquire
35 the right to use state water which is in the Nueces
36 River watershed shall be furnished to the authority.
37 After public hearing as provided by law, the
38 commission may grant or deny the proposed application
39 in the manner required by law, notwithstanding any
40 provisions of the master plan or any amendments
41 thereto to the contrary.

42 (c) Works constructed by the authority shall be
43 constructed and operated in a manner which will
44 conform to the master plan and any amendments thereto
45 in the greatest practicable degree.

1 (d) None of the provisions of this section shall
2 be construed to interfere with any improvement of the
3 Nueces River or its tributaries or with grants or loans
4 in aid of any improvement made by the United States or
5 any of its agencies or by the State of Texas or any of
6 its agencies or political subdivisions.

7 Revisor's Note

8 (1) Section 3.22(d), Chapter 427, Acts of the
9 44th Legislature, 1st Called Session, 1935, refers to
10 the United States "or any of its agencies." The
11 revised law omits the quoted language as unnecessary
12 because under Section 311.005(9), Government Code
13 (Code Construction Act), "United States" includes a
14 department, bureau, or other agency of the United
15 States of America.

16 (2) Section 3.22(d), Chapter 427, Acts of the
17 44th Legislature, 1st Called Session, 1935, refers to
18 the state or "any of its agencies or political
19 subdivisions." The revised law omits the quoted
20 language as unnecessary because an agency or political
21 subdivision is included in the meaning of the term
22 "state" as defined by Section 8511.0101 of this
23 chapter.

24 Revised Law

25 Sec. 8511.0305. WATER CONSERVATION PROGRAM. The board
26 shall adopt and implement a program of water conservation that:

27 (1) incorporates the practices, techniques, and
28 technologies that will reduce water consumption, reduce water loss
29 or waste, improve efficiency in water use, or increase water
30 recycling and reuse so that a water supply is available for future
31 or alternative uses; and

32 (2) the commission and development board determine
33 meets reasonably anticipated local needs and conditions. (Acts
34 44th Leg., 1st C.S., Ch. 427, Sec. 3.22A.)

35 Source Law

36 Sec. 3.22A. The board shall adopt and implement
37 a program of water conservation that incorporates the
38 practices, techniques, and technologies that will

1 reduce the consumption of water, reduce the loss or
2 waste of water, improve the efficiency in the use of
3 water, or increase the recycling and reuse of water so
4 that a water supply is made available for future or
5 alternative uses and that the commission and
6 development board determine will meet reasonably
7 anticipated local needs and conditions.

8 Revised Law

9 Sec. 8511.0306. FORESTATION AND REFORESTATION. The
10 authority may forest, reforest, or aid in foresting or reforesting
11 the watershed of the Nueces River and its tributaries. (Acts 44th
12 Leg., 1st C.S., Ch. 427, Sec. 3.03.)

13 Source Law

14 Sec. 3.03. The authority may forest and
15 reforest and aid in the foresting and reforesting of
16 the watershed area of the Nueces River and its
17 tributaries.

18 Revisor's Note

19 Section 3.03, Chapter 427, Acts of the 44th
20 Legislature, 1st Called Session, 1935, refers to the
21 "watershed area of the Nueces River and its
22 tributaries." The revised law omits the reference to
23 "area" because, in context, "area" is included in the
24 meaning of "watershed."

25 Revised Law

26 Sec. 8511.0307. GROUNDWATER. (a) The authority may
27 conduct surveys and studies of the groundwater supplies in the
28 authority to:

29 (1) determine the location and quantity of groundwater
30 available for irrigation and other purposes; and

31 (2) develop and ascertain other information that in
32 the authority's judgment may be necessary to fully develop
33 irrigation and other water uses from the groundwater in the
34 authority.

35 (b) With the approval and under the supervision of the
36 commission, the authority may appropriate storm water and
37 floodwater to recharge underground freshwater-bearing sand and
38 aquifers in the Nueces River Basin.

39 (c) The authority shall cooperate with the Edwards Aquifer

1 Authority, or its lawful successor, and any other groundwater
2 conservation district inside the authority's boundaries in any
3 groundwater recharge project in an area where a groundwater
4 conservation district has jurisdiction. (Acts 44th Leg., 1st C.S.,
5 Ch. 427, Sec. 3.04.)

6 Source Law

7 Sec. 3.04. (a) The authority may conduct
8 surveys and studies of the groundwater supplies in the
9 authority for the purpose of determining the location
10 and quantity of groundwater available for irrigation
11 and other purposes, and to develop and ascertain such
12 other data and information as in the judgment of the
13 authority may be necessary to fully develop irrigation
14 and other water uses from the groundwater in the
15 authority.

16 (b) Subject to the requirements of the
17 applicable statutes, the approval of the commission,
18 and under the supervision of the commission, the
19 authority may appropriate storm water and floodwater
20 to recharge underground fresh water bearing sand and
21 aquifers in the Nueces River Basin.

22 (c) The authority shall cooperate with the
23 Edwards Underground Water District, or its lawful
24 successor, and any other groundwater districts within
25 the boundaries of the authority in any groundwater
26 recharge projects in areas where a groundwater
27 district has jurisdiction.

28 Revisor's Note

29 (1) Section 3.04(a), Chapter 427, Acts of the
30 44th Legislature, 1st Called Session, 1935, refers to
31 "data and information." The revised law omits the term
32 "data" because, in this context, the meaning of
33 "information" includes "data."

34 (2) Section 3.04(b), Chapter 427, Acts of the
35 44th Legislature, 1st Called Session, 1935, provides
36 that, "[s]ubject to the requirements of the applicable
37 statutes," the authority may appropriate storm water
38 and floodwater for certain purposes. The revised law
39 omits the quoted language for the reason stated in
40 Revisor's Note (1) to Section 8511.0302.

41 (3) Section 3.04(c), Chapter 427, Acts of the
42 44th Legislature, 1st Called Session, 1935, refers to
43 the "Edwards Underground Water District, or its lawful
44 successor." The Edwards Aquifer Authority is the

1 successor to the Edwards Underground Water District.
2 See Section 1.41, Chapter 626, Acts of the 73rd
3 Legislature, Regular Session, 1993. The revised law
4 is drafted accordingly.

5 (4) Section 3.04(c), Chapter 427, Acts of the
6 44th Legislature, 1st Called Session, 1935, refers to
7 "groundwater districts" and a "groundwater district."
8 The revised law substitutes "groundwater conservation
9 districts" and "groundwater conservation district,"
10 respectively, for the quoted language to conform to
11 the term used in Chapter 36, Water Code.

12 Revised Law

13 Sec. 8511.0308. WATER QUALITY CONTROL. (a) The authority
14 may exercise the powers vested in a river authority by Chapters 5,
15 7, 17, 26, and 30, Water Code, and Chapter 366, Health and Safety
16 Code.

17 (b) The authority may perform the licensing and other
18 functions authorized to be delegated to a local government by the
19 commission in connection with the regulation of private sewage
20 facilities under Chapter 366, Health and Safety Code.

21 (c) The authority may serve as the entity to provide
22 regional or area-wide waste collection, treatment, and disposal
23 systems as provided by Subchapter C, Chapter 26, Water Code. (Acts
24 44th Leg., 1st C.S., Ch. 427, Sec. 3.05.)

25 Source Law

26 Sec. 3.05. (a) The authority has and may
27 exercise all of the powers vested in river authorities
28 under Chapters 5, 7, 17, 26, and 30, Water Code, and
29 Chapter 366, Health and Safety Code.

30 (b) The authority is authorized to perform the
31 licensing and other functions authorized to be
32 delegated to local governments by the commission in
33 connection with the regulation of private sewage
34 facilities under Chapter 366, Health and Safety Code.

35 (c) The authority may serve as the entity to
36 provide regional or area-wide waste collection,
37 treatment, and disposal services, as provided in
38 Subchapter C, Chapter 26, Water Code.

39 Revised Law

40 Sec. 8511.0309. SOLID WASTE SERVICES. The authority may

1 acquire, construct, maintain, and provide facilities, equipment,
2 and disposal sites to provide solid waste collection,
3 transportation, treatment, and disposal services inside the
4 authority, charge for the services, and enter into a contract for
5 the services with any person. (Acts 44th Leg., 1st C.S., Ch. 427,
6 Sec. 3.06.)

7 Source Law

8 Sec. 3.06. The authority has the power to
9 purchase, acquire, construct, maintain, and provide
10 facilities, equipment, and disposal sites to furnish
11 solid waste collection, transportation, treatment,
12 and disposal services inside the authority, to charge
13 for the services, and to make contracts for the
14 services with any person.

15 Revisor's Note

16 Section 3.06, Chapter 427, Acts of the 44th
17 Legislature, 1st Called Session, 1935, refers to the
18 authority's power to "purchase" and "acquire" certain
19 property. The revised law omits "purchase" because it
20 is included in the meaning of "acquire."

21 Revised Law

22 Sec. 8511.0310. APPLICABILITY OF CERTAIN ENVIRONMENTAL
23 LAWS. The authority may exercise the powers and functions vested in
24 a river authority by Chapter 383, Health and Safety Code. (Acts
25 44th Leg., 1st C.S., Ch. 427, Sec. 3.26.)

26 Source Law

27 Sec. 3.26. In addition to the powers and
28 functions vested in the authority by this Act, the
29 authority has and may exercise all the powers and
30 functions vested in river authorities under the Clean
31 Air Financing Act (Article 4477-5a, Vernon's Texas
32 Civil Statutes).

33 Revisor's Note

34 (1) Section 3.26, Chapter 427, Acts of the 44th
35 Legislature, 1st Called Session, 1935, provides that
36 "[i]n addition to the powers and functions vested in
37 the authority by this Act," the authority has certain
38 powers and functions. The revised law omits the quoted
39 language because an accepted general principle of

1 statutory construction requires that a statute be
2 given cumulative effect with other statutes unless the
3 statute provides otherwise or unless the statute
4 conflicts with another statute.

5 (2) Section 3.26, Chapter 427, Acts of the 44th
6 Legislature, 1st Called Session, 1935, refers to the
7 "Clean Air Financing Act (Article 4477-5a, Vernon's
8 Texas Civil Statutes)." That act was revised in 1989
9 as Chapter 383, Health and Safety Code. Throughout
10 this chapter, the revised law is drafted accordingly.

11 Revised Law

12 Sec. 8511.0311. PARKS AND RECREATIONAL FACILITIES. The
13 authority may:

14 (1) acquire land adjacent to or in the vicinity of the
15 Nueces River or any of its tributaries for park and recreational
16 purposes; and

17 (2) acquire, construct, and maintain park and
18 recreational facilities on the land. (Acts 44th Leg., 1st C.S., Ch.
19 427, Sec. 3.07.)

20 Source Law

21 Sec. 3.07. The authority may acquire land
22 adjacent to or in the vicinity of the Nueces River or
23 any of its tributaries for park and recreational
24 purposes, and may acquire, construct, and maintain
25 park and recreational facilities on the land.

26 Revised Law

27 Sec. 8511.0312. PERMITS AND LICENSES. In the manner
28 provided by Chapters 5, 11, and 12, Water Code, the authority may
29 apply for any permit, license, franchise, or other grant of
30 authority it may require from the commission, the development
31 board, or any other federal, state, or local governmental agency in
32 exercising its powers and accomplishing the purposes under this
33 chapter. (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 3.08.)

34 Source Law

35 Sec. 3.08. In the manner provided by Chapters 5,
36 11, and 12, Water Code, the authority may apply for any
37 permits, licenses, franchises, and other grants of

1 authority it may require from the commission, the
2 development board, or any other federal, state, or
3 local governmental agencies in exercising its powers
4 and accomplishing the purposes under this Act.

5 Revised Law

6 Sec. 8511.0313. SERVICE CONTRACTS AND CHARGES. (a) The
7 authority may enter into a service contract and may adopt
8 resolutions and orders establishing rates and providing for the
9 collection of fees and charges for:

10 (1) the sale or use of water;

11 (2) water transmission, treatment, and storage
12 facility services;

13 (3) solid and liquid waste collection, treatment, and
14 disposal services and facilities;

15 (4) the use of park and recreational facilities;

16 (5) the sale of power and electric energy; and

17 (6) other services or facilities sold, provided, or
18 supplied by the authority.

19 (b) The fees and charges must be sufficient to produce
20 revenue adequate to:

21 (1) pay expenses necessary for the operation and
22 maintenance of the authority's properties and facilities;

23 (2) pay the principal of or the interest on any bonds
24 or other obligations issued by the authority when due and payable;

25 (3) fulfill any reserve or other fund obligations of
26 the authority in connection with the bonds or other obligations;
27 and

28 (4) pay any other expenses the board may consider
29 necessary and proper for the authority's operations. (Acts 44th
30 Leg., 1st C.S., Ch. 427, Sec. 3.09.)

31 Source Law

32 Sec. 3.09. (a) The authority may enter into
33 service contracts and may adopt resolutions and orders
34 establishing rates and providing for the collection of
35 fees and charges for the sale or use of water, the
36 services of water transmission, treatment, and storage
37 facilities, solid and liquid waste collection,
38 treatment and disposal facilities and services, the
39 use of park and recreational facilities, sale of power
40 and electric energy, and any other services or

1 facilities sold, furnished, or supplied by the
2 authority.

3 (b) The fees and charges shall be sufficient to
4 produce revenue adequate to:

5 (1) pay expenses necessary for the
6 operation and maintenance of the properties and
7 facilities of the authority;

8 (2) pay the interest on or the principal of
9 any bonds or other obligations issued by the authority
10 when and as they become due and payable and to fulfill
11 any reserve or other fund obligations of the authority
12 in connection with the bonds or other obligations; and

13 (3) pay any other expenses the board may
14 consider necessary and proper for the operations of
15 the authority.

16 Revised Law

17 Sec. 8511.0314. USE OF REVENUE AND PROPERTY. The use of any
18 authority money or property for any purpose not provided by this
19 chapter is prohibited. (Acts 44th Leg., 1st C.S., Ch. 427, Sec.
20 4.06(b).)

21 Source Law

22 (b) The use of any money or property of the
23 authority for any purpose not provided in this Act is
24 prohibited.

25 Revisor's Note

26 Section 4.06(a), Chapter 427, Acts of the 44th
27 Legislature, 1st Called Session, 1935, provides that
28 all revenue accruing to the authority shall be used by
29 the authority pursuant to the act and any other law
30 relating to the authority. The revised law omits that
31 provision as unnecessary because the absence of the
32 provision does not imply that the authority is
33 authorized to take actions inconsistent with this
34 chapter or any other law relating to the authority.
35 The omitted law reads:

36 Sec. 4.06. (a) All revenue accruing
37 to the authority shall be used by the
38 authority pursuant to this Act and any other
39 law relating to the authority.

40 Revised Law

41 Sec. 8511.0315. ACQUISITION, MAINTENANCE, AND OPERATION OF
42 PROPERTY. The authority may purchase, lease, acquire by gift,
43 maintain, use, and operate property of any kind inside or outside
44 the authority that is appropriate for the exercise of its

1 functions. (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 3.11(a).)

2 Source Law

3 Sec. 3.11. (a) The authority may purchase,
4 lease, acquire by gift, maintain, use, and operate
5 property of any kind inside or outside the authority,
6 appropriate for the exercise of its functions.

7 Revised Law

8 Sec. 8511.0316. ACQUISITION, CONSTRUCTION, MAINTENANCE,
9 AND OPERATION OF FACILITIES. The authority may acquire in any
10 manner, construct, extend, improve, maintain, reconstruct, use,
11 and operate facilities inside or outside the authority that are
12 necessary or convenient for the exercise of its powers, rights,
13 duties, and functions. (Acts 44th Leg., 1st C.S., Ch. 427, Sec.
14 3.12.)

15 Source Law

16 Sec. 3.12. The authority may acquire in any
17 lawful manner, construct, extend, improve, maintain,
18 reconstruct, use, and operate any facilities inside or
19 outside the authority necessary or convenient to the
20 exercise of its powers, rights, duties, and functions.

21 Revisor's Note

22 Section 3.12, Chapter 427, Acts of the 44th
23 Legislature, 1st Called Session, 1935, permits the
24 authority to acquire in any "lawful" manner certain
25 facilities. The revised law omits the word "lawful" as
26 unnecessary because the authority would not, in the
27 absence of the term, have the power to act unlawfully.

28 Revised Law

29 Sec. 8511.0317. EMINENT DOMAIN. (a) The authority may
30 exercise the power of eminent domain under Chapter 21, Property
31 Code, to acquire property of any kind inside or outside the
32 authority that is appropriate for the exercise of its functions.

33 (b) The authority's authority under this section to
34 exercise the power of eminent domain expired on September 1, 2013,
35 unless the authority submitted a letter to the comptroller in
36 accordance with Section 2206.101(b), Government Code, not later
37 than December 31, 2012. (Acts 44th Leg., 1st C.S., Ch. 427, Sec.

1 3.10; New.)

2 Source Law

3 Sec. 3.10. The authority may acquire property
4 of any kind within or outside the authority,
5 appropriate for the exercise of its functions, through
6 the exercise of the power of eminent domain under the
7 provisions of Title 52, Revised Civil Statutes of
8 Texas, 1925, as amended.

9 Revisor's Note

10 (1) Section 3.10, Chapter 427, Acts of the 44th
11 Legislature, 1st Called Session, 1935, refers to Title
12 52, Revised Civil Statutes of Texas, as amended. That
13 statute was codified as Chapter 21, Property Code. The
14 revised law is drafted accordingly. Throughout this
15 chapter, the revised law omits the reference "as
16 amended" because, under Section 311.027, Government
17 Code (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 (2) Section 3.10, Chapter 427, Acts of the 44th
21 Legislature, 1st Called Session, 1935, provided the
22 authority eminent domain authority. Section 2206.101,
23 Government Code, required an entity with eminent
24 domain authority to submit a letter with certain
25 information to the comptroller not later than December
26 31, 2012, to prevent the entity's eminent domain
27 authority from expiring on September 1, 2013. To avoid
28 the appearance that this revision recognizes authority
29 that the authority may not possess at the time of the
30 revision, the revised law includes a provision setting
31 out the requirements of Section 2206.101, Government
32 Code.

33 Revised Law

34 Sec. 8511.0318. COST OF RELOCATING OR ALTERING PROPERTY.

35 (a) In this section, "sole expense" means the actual cost of
36 relocating, raising, rerouting, changing the grade of, or altering

1 the construction of a facility described by Subsection (b) in
2 providing comparable replacement without enhancement of the
3 facility, after deducting from that cost the net salvage value
4 derived from the old facility.

5 (b) If the authority's exercise of the power of eminent
6 domain, the power of relocation, or any other power makes necessary
7 relocating, raising, rerouting, changing the grade of, or altering
8 the construction of a highway, railroad, electric transmission
9 line, telephone or telegraph property or facility, or pipeline, the
10 necessary action shall be accomplished at the authority's sole
11 expense. (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 3.14.)

12 Source Law

13 Sec. 3.14. In the event that the authority, in
14 the exercise of the power of eminent domain or power of
15 relocation, or any other power, makes necessary the
16 relocation, raising, rerouting, or changing the grade
17 of or altering the construction of any highway,
18 railroad, electric transmission line, telephone or
19 telegraph properties and facilities, or pipelines, all
20 such necessary relocation, raising, rerouting, or
21 change in grade or alteration of construction, shall
22 be accomplished at the sole expense of the authority.
23 The term "sole expense" means the actual cost of the
24 relocation, raising, rerouting, or change in grade or
25 alteration of grade or construction in providing
26 comparable replacement without any enhancement of the
27 facilities, after deducting therefrom the net salvage
28 value derived from the old facility.

29 Revised Law

30 Sec. 8511.0319. DISPOSITION OF PROPERTY. The authority
31 may:

32 (1) sell any property or interest in property of any
33 kind owned by the authority by installments or otherwise, including
34 a sale in any manner prescribed or permitted by:

- 35 (A) Chapter 383, Health and Safety Code;
- 36 (B) Section 552.014, Local Government Code; or
- 37 (C) Chapter 30, Water Code; or

38 (2) lease, exchange, or otherwise dispose of any
39 property described by Subdivision (1) or interest in property.

40 (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 3.11(b).)

1 Revised Law

2 Sec. 8511.0321. AWARD OF CERTAIN CONTRACTS. (a) Any
3 construction, maintenance, operation, or repair contract, or
4 contract for the purchase of material, equipment, or supplies, or
5 any contract for services other than technical, scientific, legal,
6 fiscal, or other professional services, which will require an
7 estimated expenditure of more than \$10,000, or is for a term of six
8 months or more, shall be awarded to the lowest and best bidder.

9 (b) In the event of a catastrophe or calamity of any kind,
10 the authority may award a contract necessary to protect and
11 preserve the public health and welfare or the authority's property
12 without using bidding procedures.

13 (c) The authority:

14 (1) shall publish notice:

15 (A) to bidders once each week for three
16 consecutive weeks before the date set for awarding the contract;
17 and

18 (B) in a newspaper having general circulation in
19 the county or counties in which the contract is to be performed; and

20 (2) may publish notice in any other appropriate
21 publication.

22 (d) The notice is sufficient if it states the time and place
23 when and where the bids will be opened, the general nature of the
24 work to be done, or the material, equipment, or supplies to be
25 purchased, or the nonprofessional services to be rendered, and
26 states the terms upon which copies of the plans, specifications, or
27 other pertinent information may be obtained.

28 (e) A person who desires to bid on the construction of any
29 advertised work shall, on written application to the authority, be
30 provided a copy of the plans and specifications or other
31 engineering and architectural documents showing all of the details
32 of the work to be done. A charge may be made to cover the cost of
33 making the copy.

34 (f) A bid must be:

- 1 (1) in writing;
- 2 (2) sealed and delivered to the authority; and
- 3 (3) accompanied by a certified check drawn on a
- 4 responsible bank in this state or, at the discretion of the
- 5 authority, a bid bond from a company approved by the authority, in
- 6 an amount equal to at least one percent of the total amount bid.

7 (g) The authority shall open bids at the place specified in
8 the published notice and shall announce the bids. The place where
9 the bids are opened and announced must be open to the public. The
10 award of the contract shall be made by:

- 11 (1) the board; or
- 12 (2) the executive committee, if authorized by the
- 13 board.

14 (h) The person with whom a contract is made shall provide
15 the performance and payment bonds required by law.

16 (i) The amount of a check or bond provided under Subsection
17 (f) is forfeited to the authority if the successful bidder fails or
18 refuses to:

- 19 (1) enter into a proper contract; or
- 20 (2) provide a bond as required by law.

21 (j) The authority may reject any or all bids.

22 (k) The authority may waive any informality in the bids.

23 (l) This section does not prohibit the authority from taking
24 the following actions by negotiated contract and without necessity
25 for advertising for bids:

26 (1) purchasing or acquiring land or an interest in
27 land from any person;

28 (2) acquiring, constructing, or improving pollution
29 control or waste collection and disposal facilities in accordance
30 with Chapter 30, Water Code, Chapter 383, Health and Safety Code, or
31 other applicable statutes; or

32 (3) purchasing or acquiring surplus property from a
33 governmental entity. (Acts 44th Leg., 1st C.S., Ch. 427, Secs.
34 3.15(b), (c), (d), (e), (f), (h), (i).)

1 Financing Act (Chapter 4477-5a, Vernon's Texas Civil
2 Statutes), or other applicable statutes, or purchasing
3 or acquiring surplus property from any governmental
4 entity by negotiated contract and without necessity
5 for advertising for bids.

6 Revisor's Note

7 Section 3.15(h), Chapter 427, Acts of the 44th
8 Legislature, 1st Called Session, 1935, requires a
9 person, "firm, or corporation" to provide certain
10 bonds. The revised law omits the quoted language
11 because under Section 311.005(2), Government Code
12 (Code Construction Act), "person" is defined to
13 include any legal entity.

14 Revised Law

15 Sec. 8511.0322. CONSTRUCTION CONTRACTS: PAYMENT. (a) The
16 contract price of any construction contract of the authority may be
17 paid in partial payments as the work progresses, but the payments
18 may not exceed 90 percent of the amount due at the time of the
19 payments as shown by the authority engineer's report.

20 (b) The executive director shall, at all times during the
21 progress of the work, inspect the work or have the work inspected by
22 the authority engineer or the engineer's assistants.

23 (c) On certification of the executive director and the
24 authority engineer of the completion of the contract in accordance
25 with its terms and, in the case of any construction contract for
26 which notice to bidders is required by Section 8511.0321(c), on
27 board approval, the authority shall draw a warrant on its
28 depository to pay the balance due on the contract. (Acts 44th Leg.,
29 1st C.S., Ch. 427, Sec. 3.15(g).)

30 Source Law

31 (g) The contract price of all construction
32 contracts of the authority may be paid in partial
33 payments as the work progresses, but the payments
34 shall not exceed 90 percent of the amount due at the
35 time of the payment as shown by the report of the
36 engineer of the authority. The executive director
37 shall, at all times during the progress of the work,
38 inspect the same or have the same inspected by the
39 authority's engineer or his assistants. On
40 certification of the executive director and the
41 authority's engineer of the completion of the contract
42 in accordance with its terms, and in the case of any

1 construction contract for which notice to bidders is
2 required by Section 3.15(b) of this Act, on approval of
3 the board, the authority shall draw a warrant on its
4 depository to pay the balance due thereon.

5 Revisor's Note

6 Section 3.15(g), Chapter 427, Acts of the 44th
7 Legislature, 1st Called Session, 1935, refers to any
8 construction contract for which notice to bidders is
9 required by "Section 3.15(b) of this Act." Section
10 3.15(b) is revised in pertinent part in this chapter in
11 Section 8511.0321(c), and the revised law is drafted
12 accordingly.

13 Revised Law

14 Sec. 8511.0323. CONFLICT OF INTEREST IN CERTAIN CONTRACTS.
15 An officer, agent, or employee of the authority who is financially
16 interested in a contract of a type described by Section
17 8511.0321(a) shall disclose that fact to the board before the board
18 votes on the acceptance of the contract. (Acts 44th Leg., 1st C.S.,
19 Ch. 427, Sec. 3.15(j).)

20 Source Law

21 (j) An officer, agent, or employee of the
22 authority who is financially interested in a contract
23 of the types enumerated in Subsection (b) of this
24 section shall disclose that fact to the board before
25 the board votes on the acceptance of the contract.

26 Revisor's Note

27 Section 3.15(j), Chapter 427, Acts of the 44th
28 Legislature, 1st Called Session, 1935, refers to a
29 contract of the types enumerated in "Subsection (b) of
30 this section." Section 3.15(b) is revised in
31 pertinent part in this chapter in Section
32 8511.0321(a), and the revised law is drafted
33 accordingly.

34 Revised Law

35 Sec. 8511.0324. SURVEYS AND ENGINEERING INVESTIGATIONS.
36 The authority shall conduct surveys and engineering investigations
37 to develop information for its use. (Acts 44th Leg., 1st C.S., Ch.
38 427, Sec. 3.19 (part).)

1 water reservoir or dam, the construction, operation,
2 or management of which is participated in by the
3 authority, to control and regulate ingress, egress,
4 and use, and the operation of land and water vehicles.

5 (b) All public roads, streets, and state
6 highways now traversing the areas to be covered by any
7 impounded water shall remain open as a way of public
8 passing to and from the lakes created, unless changed
9 by lawful authority.

10 Revisor's Note

11 Section 3.20(b), Chapter 427, Acts of the 44th
12 Legislature, 1st Called Session, 1935, refers to
13 public roads, streets, and state highways "now"
14 traversing certain areas. The revised law refers to
15 public roads, streets, and state highways "that as of
16 September 1, 1975," traversed those areas because that
17 was the effective date of Chapter 699, Acts of the 64th
18 Legislature, Regular Session, 1975, which added
19 Section 3.20.

20 Revised Law

21 Sec. 8511.0327. LIMITATIONS ON POWERS AND DUTIES;
22 COMMISSION APPROVAL OF CERTAIN PLANS. (a) The powers granted and
23 duties prescribed by this chapter are subject to all legislative
24 declarations of public policy in the maximum use of the storm water,
25 floodwater, and unappropriated flow water of the Nueces River Basin
26 for the purposes for which the authority is created.

27 (b) The commission shall consider the adequacy of, and
28 approve or refuse to approve, any flood control or conservation
29 improvement plan that:

30 (1) is devised by the authority to achieve a plan or
31 purpose for which the authority was created; and

32 (2) contemplates improvements that are to be
33 supervised by the commission under general law. (Acts 44th Leg.,
34 1st C.S., Ch. 427, Secs. 3.25(a) (part), (b).)

35 Source Law

36 Sec. 3.25. (a) The powers and duties granted
37 and prescribed by this Act are taken subject to all
38 legislative declarations of public policy in the
39 maximum utilization of the storm, flood, and
40 unappropriated flow water of the Nueces River basin
41 for the purposes for which the authority is created and

1
2 (b) The commission is charged with the authority
3 and duty to approve or refuse to approve the adequacy
4 of any plan or plans for flood control or conservation
5 improvement purposes devised by the authority for the
6 achievement of the plans and purposes intended in the
7 creation of the authority and that contemplate
8 improvements supervised by the commission under the
9 provisions of the general law.

10 Revisor's Note

11 Section 3.25(a), Chapter 427, Acts of the 44th
12 Legislature, 1st Called Session, 1935, provides that
13 the authority's powers and duties are subject to the
14 supervision of the state, acting through the
15 commission. The revised law omits the provision for
16 the reason stated in Revisor's Note (1) to Section
17 8511.0302. The omitted law reads:

18 (a) [The powers and duties granted
19 and prescribed by this Act are] . . .
20 subject to the continuing right of
21 supervision of the state through the
22 commission.

23 Revisor's Note
24 (End of Subchapter)

25 (1) Section 2.11, Chapter 427, Acts of the 44th
26 Legislature, 1st Called Session, 1935, requires the
27 authority to adopt a seal. The revised law omits that
28 provision because it duplicates, in substance, Section
29 49.061, Water Code, which requires the directors to
30 adopt an authority seal. The omitted law reads:

31 Sec. 2.11. The authority shall adopt
32 a seal, the form of which it may alter from
33 time to time.

34 (2) Section 2.12, Chapter 427, Acts of the 44th
35 Legislature, 1st Called Session, 1935, provides that
36 the authority may sue and be sued in its corporate
37 name. The revised law omits that provision because it
38 duplicates part of Section 49.066(a), Water Code. The
39 omitted law reads:

40 Sec. 2.12. The authority may sue and
41 be sued in its corporate name.

42 (3) Section 3.01(c), Chapter 427, Acts of the

1 44th Legislature, 1st Called Session, 1935, provides
2 that the powers granted to the authority by that
3 chapter are cumulative of powers granted by other law.
4 The revised law omits the provision because an
5 accepted general principle of statutory construction
6 requires that a statute be given cumulative effect
7 with other statutes unless the statute provides
8 otherwise or unless the statute conflicts with another
9 statute. The omitted law reads:

10 (c) The powers granted to the
11 authority by this Act are cumulative of all
12 powers granted by other laws which are by
13 their terms applicable to the authority.

14 (4) Section 3.13, Chapter 427, Acts of the 44th
15 Legislature, 1st Called Session, 1935, provides that
16 the authority may use public roadways, streets,
17 alleys, or public easements. The revised law omits the
18 provision because it duplicates, in substance, Section
19 49.220, Water Code, which grants all districts a
20 right-of-way for all public roads. The omitted law
21 reads:

22 Sec. 3.13. The authority shall have
23 the right, power, and authority to use any
24 and all public roadways, streets, alleys,
25 or public easements inside or outside the
26 boundaries of the authority in the
27 accomplishment of its purposes without the
28 necessity of securing a franchise.

29 (5) Section 3.23, Chapter 427, Acts of the 44th
30 Legislature, 1st Called Session, 1935, provides that
31 the authority may exercise all powers vested in
32 political subdivisions under Chapters 5, 16, and 17,
33 Water Code. The revised law omits that provision as
34 unnecessary because the applicable provisions of those
35 chapters apply by their own terms. The omitted law
36 reads:

37 Sec. 3.23. The authority has and may
38 exercise all the powers vested in political
39 subdivisions under Chapters 5, 16, and 17,
40 Water Code, including the powers necessary

1 to enable the authority to participate in:
2 (1) programs administered by
3 the development board for:
4 (A) the acquisition and
5 development of facilities;
6 (B) the sale or lease of
7 facilities; and
8 (C) financial assistance
9 to political subdivisions; and
10 (2) other programs as are now or
11 may hereafter be authorized.

12 (6) Section 2, Chapter 699, Acts of the 64th
13 Legislature, Regular Session, 1975, provides that the
14 rights, privileges, authority, and functions granted
15 by that act to the authority and the authority itself
16 are expressly subject to Chapters 5, 7, 17, and 26,
17 Water Code, and Chapter 366, Health and Safety Code.
18 The revised law omits that provision as unnecessary
19 because the applicable provisions of those chapters
20 apply by their own terms. The omitted law reads:

21 Sec. 2. The rights, privileges,
22 authority, and functions herein granted to
23 the authority and the authority itself are
24 expressly subject to Chapters 5, 7, 17, and
25 26, Water Code, and Chapter 366, Health and
26 Safety Code.

27 SUBCHAPTER D. REGULATORY POWERS; ENFORCEMENT AND COURT REVIEW

28 PROVISIONS

29 Revised Law

30 Sec. 8511.0401. ADOPTION AND ENFORCEMENT OF RULES. (a) The
31 authority may adopt and enforce rules reasonably required to
32 effectuate this chapter.

33 (b) In adopting rules, the board shall comply, as
34 appropriate, with the requirements of Chapters 2001 and 2002,
35 Government Code.

36 (c) The board shall print its rules and provide copies to
37 any person on written request. (Acts 44th Leg., 1st C.S., Ch. 427,
38 Sec. 3.16.)

39 Source Law

40 Sec. 3.16. (a) The authority may adopt and
41 enforce rules reasonably required to effectuate the
42 provisions of this Act.

43 (b) In adopting rules, the board shall comply,
44 as appropriate, with the requirements of Chapter 274,

1 Acts of the 57th Legislature, Regular Session, 1961,
2 as amended (Article 6252-13, Vernon's Texas Civil
3 Statutes).

4 (c) The board shall print its rules and furnish
5 copies to any person on written request.

6 Revisor's Note

7 Section 3.16(b), Chapter 427, Acts of the 44th
8 Legislature, 1st Called Session, 1935, refers to
9 "Chapter 274, Acts of the 57th Legislature, Regular
10 Session, 1961, as amended (Article 6252-13, Vernon's
11 Texas Civil Statutes)." Article 6252-13 was repealed
12 by Chapter 61, Acts of the 64th Legislature, Regular
13 Session, 1975, which enacted the Administrative
14 Procedure and Texas Register Act (Article 6252-13a,
15 Vernon's Texas Civil Statutes). Article 6252-13a was
16 codified in 1993 as Chapters 2001 and 2002, Government
17 Code. The revised law is drafted accordingly.

18 Revised Law

19 Sec. 8511.0402. CIVIL PENALTY; INJUNCTIVE RELIEF. (a) A
20 person who violates an authority rule or order is subject to a civil
21 penalty of not less than \$50 or more than \$1,000 for each day of
22 violation.

23 (b) The authority may sue to recover the penalty in a
24 district court in the county in which the violation occurred. A
25 penalty shall be paid to the authority.

26 (c) The authority may sue for injunctive relief in a
27 district court in the county in which a violation of a rule or order
28 occurred or is threatened.

29 (d) The authority may sue for injunctive relief and a
30 penalty in the same proceeding. (Acts 44th Leg., 1st C.S., Ch. 427,
31 Sec. 3.17.)

32 Source Law

33 Sec. 3.17. (a) A person who violates a rule or
34 order of the authority is subject to a civil penalty of
35 not less than \$50 nor more than \$1,000 for each day of
36 violation. The authority may sue to recover the
37 penalty in a district court in the county where the
38 violation occurred. Penalties shall be paid to the
39 authority.

40 (b) The authority may sue for injunctive relief

1 in a district court in the county where a violation of
2 any rule or orders occurred or is threatened.

3 (c) The authority may sue for injunctive relief
4 and penalties in the same proceeding.

5 Revised Law

6 Sec. 8511.0403. COURT REVIEW. (a) A person adversely
7 affected by an authority rule or order may sue the authority in a
8 district court to set aside the rule or order before the 31st day
9 after the date on which the rule or order took effect.

10 (b) Venue for a suit under Subsection (a) is in:

11 (1) a county located wholly or partly in the authority
12 in which the plaintiff resides; or

13 (2) the county in which the authority maintains its
14 principal office. (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 3.18.)

15 Source Law

16 Sec. 3.18. (a) A person who is adversely
17 affected by a rule or order of the authority may sue
18 the authority in a district court to set aside the rule
19 or order before the 31st day after the day on which the
20 rule or order took effect.

21 (b) Venue for suits under Subsection (a) of this
22 section is in any county located wholly or partially in
23 the authority where the plaintiff resides or in the
24 county in which the authority maintains its principal
25 office.

26 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

27 Revised Law

28 Sec. 8511.0501. DISBURSEMENT OF MONEY. The authority may
29 disburse its money only by a check, draft, order, or other
30 instrument signed by a person authorized to do so in the board's
31 bylaws or by board resolution. (Acts 44th Leg., 1st C.S., Ch. 427,
32 Sec. 4.01.)

33 Source Law

34 Sec. 4.01. The authority's money may be
35 disbursed only by check, draft, order, or other
36 instrument, signed by the person or persons authorized
37 to do so in the board's bylaws, or by resolution of the
38 board.

39 Revisor's Note

40 Section 4.01, Chapter 427, Acts of the 44th
41 Legislature, 1st Called Session, 1935, provides that
42 authority money be disbursed only by an instrument

1 signed by "the person or persons" authorized to do so
2 in the board's bylaws. The revised law omits "or
3 persons" as unnecessary because Section 311.012(b),
4 Government Code (Code Construction Act), provides that
5 a reference to the singular includes the plural and
6 vice versa.

7 Revised Law

8 Sec. 8511.0502. ACCOUNTS, CONTRACTS, AND OTHER RECORDS;
9 PUBLIC INSPECTION. (a) The authority shall keep complete and
10 accurate accounts of its business transactions in accordance with
11 generally accepted methods of accounting.

12 (b) The authority shall keep its accounts, contracts,
13 documents, minutes, and other records at its principal office.

14 (c) Except as otherwise required by law, the authority may
15 not disclose a record that it has relating to a trade secret or the
16 economics of operation of business or industry.

17 (d) Except as provided by Subsection (c), the authority
18 shall permit reasonable public inspection of its records during
19 regular business hours. (Acts 44th Leg., 1st C.S., Ch. 427, Secs.
20 2.10(a), (c), (d), (e).)

21 Source Law

22 Sec. 2.10. (a) The authority shall keep
23 complete and accurate accounts of its business
24 transactions in accordance with generally accepted
25 methods of accounting.

26 (c) The authority shall keep its accounts,
27 contracts, documents, minutes, and other records at
28 its principal office.

29 (d) Except as otherwise required by law, the
30 authority shall not disclose any records that it has
31 relating to trade secrets or economics of operation of
32 business or industries.

33 (e) Except as provided in Subsection (d) of this
34 section, the authority shall permit reasonable public
35 inspection of its records during regular business
36 hours.

37 Revised Law

38 Sec. 8511.0503. FEES AND CHARGES. (a) The authority shall
39 establish fees and charges.

40 (b) The fees and charges may not exceed the amount necessary

1 to fulfill the obligations imposed on the authority by this
2 chapter. (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 4.02.)

3 Source Law

4 Sec. 4.02. The authority shall establish fees
5 and charges which may not be higher than necessary to
6 fulfill the obligations imposed on it by this Act.

7 Revised Law

8 Sec. 8511.0504. TRUST MONEY. Money collected by or
9 donated, granted, loaned, or advanced to the authority is trust
10 money for the purposes provided by this chapter. (Acts 44th Leg.,
11 1st C.S., Ch. 427, Sec. 4.05.)

12 Source Law

13 Sec. 4.05. Money collected by or donated,
14 granted, loaned, or advanced to the authority is
15 declared to be trust funds for the purposes provided in
16 this Act.

17 Revisor's Note

18 Section 4.05, Chapter 427, Acts of the 44th
19 Legislature, 1st Called Session, 1935, refers to the
20 "trust funds" of the authority. Throughout this
21 chapter, the revised law substitutes "money" for
22 "funds" (except where a specific type of fund is
23 indicated) because, in context, the meaning is the
24 same and "money" is the more commonly used term.

25 Revised Law

26 Sec. 8511.0505. DEPOSITORY. (a) The board shall designate
27 one or more banks inside or outside the authority to serve as a
28 depository for authority money.

29 (b) Authority money shall be deposited in a depository
30 designated by the board, except that the following may be handled as
31 provided in a trust indenture or bond resolution:

- 32 (1) bond proceeds;
- 33 (2) money pledged to pay bonds;
- 34 (3) money placed in special funds; and
- 35 (4) money remitted to a bank of payment for the payment
36 of the principal of and interest on bonds.

1 (c) The board shall prescribe the term of service for a
2 depository.

3 (d) Before designating a depository, the board shall:

4 (1) publish notice one time in one or more newspapers
5 of general circulation in the authority that are specified by the
6 board; or

7 (2) mail a copy of the notice to each bank inside the
8 authority.

9 (e) The notice must:

10 (1) state the time and place at which the board will
11 meet to designate a depository; and

12 (2) invite the banks inside the authority to submit
13 applications to be designated a depository.

14 (f) At the time stated in the notice, the board shall:

15 (1) consider the application and the management and
16 condition of each bank that applies; and

17 (2) designate as a depository the bank or banks:

18 (A) that offer the most favorable terms for
19 handling authority money; and

20 (B) that the board finds have proper management
21 and are in condition to handle authority money.

22 (g) Membership on the board of an officer or director of a
23 bank does not disqualify the bank from being designated as a
24 depository.

25 (h) If the board does not receive any applications before
26 the time stated in the notice, the board shall designate one or more
27 banks inside or outside the authority on terms that the board finds
28 advantageous to the authority. (Acts 44th Leg., 1st C.S., Ch. 427,
29 Secs. 4.09(a) (part), (b), (c), (d).)

30 Source Law

31 Sec. 4.09. (a) The board shall designate one
32 or more banks inside or outside the authority to serve
33 as depository for the funds of the authority. All
34 money of the authority shall be deposited in the
35 depository bank or banks except that bond proceeds,
36 money pledged to pay bonds, money placed in special
37 funds, and money remitted to a bank of payment for the

1 payment of principal of and interest on bonds, may be
2 handled as provided in a trust indenture or bond
3 resolution. . . .

4 (b) Before designating a depository bank or
5 banks, the board shall issue a notice stating the time
6 and place when and where the board will meet for such
7 purposes and inviting the banks in the authority to
8 submit applications to be designated depositories.
9 The term of service for depositories shall be
10 prescribed by the board. The notice shall be published
11 one time in a newspaper or newspapers of general
12 circulation in the authority and specified by the
13 board, or in lieu of such publication, a copy of such
14 notice may be mailed to each bank in the authority.

15 (c) At the time mentioned in the notice, the
16 board shall consider the applications and the
17 management and condition of the banks filing them, and
18 shall designate as depositories the bank or banks
19 which offer the most favorable terms and conditions
20 for the handling of the funds of the authority and
21 which the board finds have proper management and are in
22 condition to warrant handling of authority funds.
23 Membership on the board of an officer or director of a
24 bank shall not disqualify such bank from being
25 designated as depository.

26 (d) If no applications are received by the time
27 stated in the notice, the board shall designate some
28 bank or banks inside or outside the authority on such
29 terms and conditions as it may find advantageous to the
30 authority.

31 Revisor's Note

32 (1) Section 4.09(a), Chapter 427, Acts of the
33 44th Legislature, 1st Called Session, 1935, requires a
34 bank to secure authority money deposited at the bank in
35 the manner provided by law for the security of county
36 money, to the extent that the authority money
37 deposited is not insured by the Federal Deposit
38 Insurance Corporation. The revised law omits the
39 provision because it duplicates, in substance,
40 Sections 2257.021 and 2257.022, Government Code, which
41 establish the amount and manner of security required
42 for a deposit of public funds. Those sections apply to
43 the security for authority money under Sections
44 2257.002 and 2257.004, Government Code. The omitted
45 law reads:

46 (a) . . . To the extent that funds in
47 the depository banks or a trustee bank are
48 not invested or insured by the Federal
49 Deposit Insurance Corporation, they shall
50 be secured in the manner provided by law for
51 the security of county funds.

1 (c) A resolution relating to the issuance of bonds must
2 provide appropriate recitals with regard to the investment of money
3 in funds established in connection with the authorization of the
4 bonds.

5 (d) The board shall direct the application of income from
6 investments made under this section. (Acts 44th Leg., 1st C.S., Ch.
7 427, Sec. 4.07.)

8 Source Law

9 Sec. 4.07. Any funds in the treasury of the
10 authority which are not required for current payment
11 of obligations of the authority or for sinking funds
12 and which the board considers available for investment
13 may be invested or reinvested by the authority from
14 time to time in direct obligations of or obligations
15 the principal and interest of which are guaranteed by
16 the United States; in direct obligations of or
17 participation certificates guaranteed by the Federal
18 Intermediate Credit Banks, Federal Land Banks, Federal
19 National Mortgage Association, Federal Home Loan
20 Banks, Banks for Cooperatives, or the successor or
21 successors to any of those entities, and in
22 certificates of deposit of any bank or trust company
23 the deposits of which are fully secured by a pledge of
24 securities of any of the kind hereinabove specified;
25 in any other securities made eligible for such
26 investment by other laws and constitutional
27 provisions; or in any combination of the foregoing.
28 The type and maturity of investments made hereunder
29 shall be determined by the board which, in the case of
30 funds established in connection with the authorization
31 of bonds, shall provide appropriate recitals with
32 regard thereto in the resolutions relating to the
33 issuance of such bonds. Income and profits on such
34 investments shall be applied as directed by the board.

35 Revisor's Note

36 (1) Section 4.07, Chapter 427, Acts of the 44th
37 Legislature, 1st Called Session, 1935, refers to
38 investment or reinvestment in direct obligations of or
39 participation certificates guaranteed by the "Federal
40 Intermediate Credit Banks" and the "Federal Land
41 Banks." Under the Agricultural Credit Act of 1987
42 (Pub. L. No. 100-233), each of the 12 federal
43 intermediate credit banks was merged with a federal
44 land bank to create 12 farm credit banks. See 12
45 U.S.C. Section 2011. The revised law reflects that
46 change.

1 accounts.

2 Revisor's Note

3 (1) Section 4.08, Chapter 427, Acts of the 44th
4 Legislature, 1st Called Session, 1935, refers to
5 various audit procedures, including requirements
6 regarding the contents of, and the filing of copies of,
7 the audit report. The revised law omits certain of
8 those procedures for the following reasons. Chapter
9 49, Water Code, which was enacted by Chapter 715, Acts
10 of the 74th Legislature, Regular Session, 1995,
11 applies to the authority by application of Sections
12 49.001 and 49.002 of that chapter. As further detailed
13 in the revisor's notes that follow, certain procedural
14 requirements of Section 4.08, Chapter 427, have been
15 omitted as superseded by Subchapter G, Chapter 49,
16 Water Code. Section 49.191(b), Water Code, provides
17 that in all areas of conflict Subchapter G "shall take
18 precedence over all prior statutory enactments."

19 For context and the convenience of the reader,
20 the revised law adds references 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 with the authority because
26 it duplicates or is superseded by Section 49.194(c),
27 Water Code.

28 The Texas Commission on Environmental Quality is
29 the successor to the Texas Water Rights Commission.
30 The revised law omits a requirement that a copy of the
31 audit report be filed with the Texas Commission on
32 Environmental Quality because it duplicates or is
33 superseded by Section 49.194(a), Water Code.

34 (2) Section 4.08(b), Chapter 427, Acts of the

1 44th Legislature, 1st Called Session, 1935, provides
2 that, on or before January 1 following the close of
3 each fiscal year, the state auditor shall audit the
4 books and accounts of the authority for the preceding
5 fiscal year. The revised law omits that provision as
6 superseded by Section 49.191, Water Code (enacted by
7 Section 2, Chapter 715, Acts of the 74th Legislature,
8 Regular Session, 1995), which requires an annual audit
9 by a certified public accountant or public accountant
10 holding a permit from the Texas State Board of Public
11 Accountancy to be completed within 120 days after the
12 close of the authority's fiscal year. The omitted law
13 reads:

14 (b) On or before January 1 following
15 the close of each fiscal year, the state
16 auditor shall audit the books and accounts
17 of the authority for the preceding fiscal
18 year. . . .

19 (3) Section 4.08(d), Chapter 427, Acts of the
20 44th Legislature, 1st Called Session, 1935, prescribes
21 the procedure for the reimbursement of the state by the
22 authority for the cost of the audit. The revised law
23 omits that provision because, to the extent it
24 requires the authority to pay the cost of the audit, it
25 duplicates Section 49.191(a), Water Code, and, to the
26 extent it requires that the payment be made to the
27 state, it is superseded by Sections 49.191(b) and (c),
28 Water Code (enacted by Section 2, Chapter 715, Acts of
29 the 74th Legislature, Regular Session, 1995), which
30 provide that the person who performs the audit shall be
31 a certified public accountant or public accountant
32 holding a permit from the Texas State Board of Public
33 Accountancy. The omitted law reads:

34 (d) After completing the audit
35 report, the state auditor shall prepare a
36 statement showing the actual cost of the
37 audit and shall certify the statement to the
38 governor for his approval. When the

1 statement is approved by the governor, it
2 shall be delivered to the authority. The
3 authority shall pay for the cost of the
4 audit by depositing the money therefor with
5 the State Treasurer, who shall place the
6 money in the general revenue fund.

7 (4) Section 4.08(e), Chapter 427, Acts of the
8 44th Legislature, 1st Called Session, 1935, provides
9 that Section 4.08 does not prohibit the authority from
10 employing the professional services of accountants for
11 any purposes. The revised law omits that provision as
12 unnecessary because the provisions of Section 4.08
13 pertaining to the conducting of the audit by the state
14 auditor are omitted from the revised law for the reason
15 stated in Revisor's Notes (2) and (3) and therefore
16 there is no reason the revised law would be interpreted
17 as prohibiting the authority from employing the
18 services of an accountant for any purpose. The omitted
19 law reads:

20 (e) Nothing herein shall prohibit the
21 authority from employing the professional
22 services of accountants for any purpose.

23 SUBCHAPTER F. TAX PROVISIONS

24 Revised Law

25 Sec. 8511.0601. MAINTENANCE AND ADMINISTRATION TAX. (a)
26 The board may impose ad valorem taxes in amounts approved at an
27 election held in accordance with Section 8511.0602 for:

28 (1) the maintenance of the authority and its
29 improvements; or

30 (2) the authority's administrative expenses.

31 (b) The maintenance tax and administration tax may not
32 exceed the maximum rate approved at the election, and the rate
33 remains in effect until changed by a subsequent election. The tax
34 rate may not exceed the limit specified by Section 8511.0604. (Acts
35 44th Leg., 1st C.S., Ch. 427, Sec. 5.05.)

36 Source Law

37 Sec. 5.05. (a) The board may levy and collect
38 ad valorem taxes for the maintenance of the authority
39 and its improvements or for administrative expenses of

1 the authority, or for both purposes, in such amounts as
2 are voted in accordance with the election procedure
3 set forth in Section 5.06 of this Act.

4 (b) The maintenance tax and administration tax
5 shall not exceed the maximum rate voted, and the rate
6 shall remain in effect until or unless changed by
7 subsequent vote. The tax rate may not exceed the limit
8 specified in Section 5.08 of this Act.

9 Revisor's Note

10 Section 5.05(a), Chapter 427, Acts of the 44th
11 Legislature, 1st Called Session, 1935, refers to the
12 election procedure set forth in "Section 5.06 of this
13 Act." Section 5.06 is revised in pertinent part in
14 this chapter as Section 8511.0602, and the revised law
15 is drafted accordingly.

16 Revised Law

17 Sec. 8511.0602. ELECTION FOR AD VALOREM TAX OR BONDS
18 PAYABLE FROM AD VALOREM TAXES. (a) An ad valorem tax for a purpose
19 authorized by this chapter may not be imposed and bonds payable
20 wholly or partly from ad valorem taxes, other than refunding bonds,
21 may not be issued unless the taxes or bonds are approved by a
22 majority of the authority's voters voting at an election held in the
23 authority.

24 (b) The election must be ordered by resolution of the board.
25 The election resolution must include:

- 26 (1) the date of the election;
27 (2) the proposition to be submitted and voted on;
28 (3) the polling places; and
29 (4) any other matters the board considers advisable.

30 (c) There must be at least two polling places in each county
31 that is wholly inside the authority, one of which must be at the
32 county seat. There must be at least one polling place in that part
33 of each county that is partly inside the authority.

34 (d) Notice of the election must be given by publishing a
35 substantial copy of the resolution ordering the election in one or
36 more newspapers of general circulation in the authority. The
37 notice must be published at least twice in each newspaper. The
38 first publication in each newspaper must occur at least 14 days

1 before the date set for the election, and the interval between the
2 publications in each newspaper must be at least one week. (Acts
3 44th Leg., 1st C.S., Ch. 427, Sec. 5.06 (part).)

4 Source Law

5 Sec. 5.06. No ad valorem tax for any purpose
6 authorized in this Act may be levied or collected and
7 no bonds payable wholly or partially from ad valorem
8 taxes, except refunding bonds, may be issued unless an
9 election is held in the authority and the taxes or
10 bonds are duly and favorably voted by a majority of the
11 resident electors of the authority voting at the
12 election. Each election shall be called by resolution
13 of the board. The election resolution shall set forth
14 the date of the election, the proposition to be
15 submitted and voted on, the polling places, and any
16 other matters considered advisable by the board.
17 There shall be at least two polling places in each
18 county which lies wholly inside the authority, one of
19 which shall be at the county seat. There shall be at
20 least one polling place in that part of each county
21 which lies partly inside the authority. Notice of the
22 election shall be given by publishing a substantial
23 copy of the resolution calling the election in a
24 newspaper or newspapers of general circulation in the
25 authority not less than twice in each newspaper, with
26 the interval between the publications to be at least
27 one week, and with the first of each of the
28 publications to be at least 14 days prior to the date
29 set for the election. . . .

30 Revisor's Note

31 (1) Section 5.06, Chapter 427, Acts of the 44th
32 Legislature, 1st Called Session, 1935, provides that
33 the authority may not impose an ad valorem tax or issue
34 bonds payable wholly or partly from ad valorem taxes
35 unless an election is held in the authority and the
36 taxes or bonds are approved by a majority of the
37 "resident electors" of the authority voting at the
38 election. The revised law omits "resident" as
39 unnecessary in this context because Chapter 11,
40 Election Code, governs eligibility to vote in an
41 election in this state and allows only voters who are
42 residents of the territory covered by the election to
43 vote in an election. Throughout this chapter, the
44 revised law omits law that is superseded or duplicated
45 by the Election Code, applicable to the authority
46 under Section 1.002 of that code. The revised law also

1 substitutes "voters" for "electors" for the reason
2 stated in Revisor's Note (2) to Section 8511.0201.

3 (2) Section 5.06, Chapter 427, Acts of the 44th
4 Legislature, 1st Called Session, 1935, provides that
5 an election to authorize the imposition of an ad
6 valorem tax or the issuance of bonds payable wholly or
7 partly from ad valorem taxes "shall be called" by
8 resolution of the board and refers to the "resolution
9 calling the election." The revised law substitutes
10 "must be ordered" for "shall be called" and
11 "resolution ordering the election" for "resolution
12 calling the election" because "order" is the term used
13 in Chapter 3, Election Code.

14 (3) Section 5.06, Chapter 427, Acts of the 44th
15 Legislature, 1st Called Session, 1935, provides that,
16 to the extent not inconsistent with the provisions of
17 that section, the elections provided for by that
18 section shall be held in accordance with the Election
19 Code. The revised law omits that provision because an
20 exception to the application of the Election Code
21 would apply by its own terms. The omitted law reads:

22 Sec. 5.06. . . . To the extent not
23 inconsistent with the provisions hereof,
24 the elections herein provided for shall be
25 held in accordance with the provisions of
26 the Texas Election Code, as amended.

27 Revised Law

28 Sec. 8511.0603. ASSESSMENT AND COLLECTION OF TAXES. (a)
29 Concurrently with the imposition of county taxes by the
30 commissioners courts, the board shall impose a tax for the
31 authority on all taxable property in the authority that is subject
32 to taxation. The board shall immediately certify the tax rate to
33 the assessor-collector of each county located wholly or partly
34 inside the authority.

35 (b) The tax assessor-collector of each county located
36 wholly or partly inside the authority shall act as the tax

1 assessor-collector for the authority for property in the authority
2 located in that county.

3 (c) The fee of each county tax assessor-collector for
4 assessing and collecting the authority's taxes may not exceed one
5 percent of the taxes collected, to be paid over and disbursed in
6 each county in the same manner as other fees of office. (Acts 44th
7 Leg., 1st C.S., Ch. 427, Secs. 5.07(b) (part), (c) (part), (f).)

8 Source Law

9 (b) . . . the tax assessor-collector of each
10 such county shall act as the tax assessor-collector
11 for the authority for property in the authority
12 located in such county.

13 (c) . . . The fee of each county tax
14 assessor-collector for assessing and collecting taxes
15 shall be one percent of the taxes collected, to be paid
16 over and disbursed in each county as are other fees of
17 office.

18 (f) Concurrently with the levy of county taxes
19 by the commissioners courts, the board shall levy the
20 tax on all taxable property in the authority which is
21 subject to such taxation and shall immediately certify
22 the tax rate to the tax assessor-collectors of the
23 counties which lie wholly or partly inside the
24 authority.

25 Revisor's Note

26 (1) Section 5.07(a), Chapter 427, Acts of the
27 44th Legislature, 1st Called Session, 1935, provides
28 that the rendition and assessment of property for
29 taxation, the equalization of values, and the
30 collection of taxes for the authority's benefit shall
31 be in accordance with the law applicable to counties,
32 insofar as that law can be made applicable and except
33 as otherwise specifically provided. The revised law
34 omits that provision because it was repealed by
35 Section 6(b), Chapter 841, Acts of the 66th
36 Legislature, Regular Session, 1979, which repealed all
37 "general, local, and special laws" that conflicted
38 with that act. The 1979 act enacted the Property Tax
39 Code (Title 1, Tax Code), a comprehensive, substantive
40 codification of the laws governing the administration
41 of ad valorem taxes. Title 1, Tax Code, provides the

1 exclusive procedures for the appraisal of property for
2 and the assessment and collection of ad valorem taxes
3 by a taxing unit, including the authority. Throughout
4 this chapter, the revised law omits law that is
5 superseded or duplicated by Title 1, Tax Code,
6 applicable to the authority under Section 1.02 of that
7 code. The omitted law reads:

8 Sec. 5.07. (a) The rendition and
9 assessment of property for taxation, the
10 equalization of values, and the collection
11 of taxes for the benefit of the authority
12 shall be in accordance with the law
13 applicable to counties, insofar as such law
14 can be made applicable, and except as
15 hereinafter specifically provided.

16 (2) Section 5.07(b), Chapter 427, Acts of the
17 44th Legislature, 1st Called Session, 1935, authorizes
18 the board to act as the authority's board of
19 equalization in all counties that lie wholly or partly
20 in the authority or to delegate the equalization
21 functions for one or more of those counties to the
22 county board of equalization for each of those
23 counties, grants the board of equalization the powers,
24 functions, and duties of a commissioners court in
25 equalizing property values, and, if the board
26 delegates the equalization function to one or more
27 county boards of equalization, authorizes the board to
28 review and adjust the assessments of each county board
29 of equalization as necessary to equalize values
30 throughout the authority. The revised law omits that
31 provision because boards of equalization were
32 abolished and their functions and duties transferred
33 to appraisal review boards by the 1979 enactment of the
34 Property Tax Code, Title 1, Tax Code (Section 1,
35 Chapter 841, Acts of the 66th Legislature, Regular
36 Session). The omitted law reads:

37 (b) The board may act as the board of
38 equalization for the authority in all

1 counties that lie wholly or partly in the
2 authority or, to the extent authorized or
3 not prohibited by the Texas Constitution,
4 may delegate the equalization functions for
5 one or more of those counties to the county
6 board of equalization for each such county.
7 In either case, the board of equalization
8 shall have the powers, functions, and
9 duties of the commissioners courts in
10 counties in equalizing the property values
11 in accordance with the law applicable to
12 counties, insofar as such laws can be made
13 applicable. In the event the board
14 delegates the equalization functions to one
15 or more county boards of equalization as
16 authorized herein, the board shall review
17 the assessments of each such county board of
18 equalization and shall adjust the
19 assessments as necessary to equalize values
20 throughout the authority. . . .

21 (3) Section 5.07(b), Chapter 427, Acts of the
22 44th Legislature, 1st Called Session, 1935, provides
23 that renditions of property for taxation shall be made
24 to the county tax assessor-collector of the county in
25 which property in the authority is located. The
26 revised law omits that provision because it was
27 repealed by Section 6(b), Chapter 841, Acts of the 66th
28 Legislature, Regular Session, 1979. See Revisor's
29 Note (1). Chapter 22, Tax Code, governs the rendition
30 of property for taxation. The omitted law reads:

31 (b) . . . Regardless of the method
32 used by the authority to accomplish the
33 equalization functions, renditions shall be
34 made to the county tax assessor-collector
35 of the county in which property in the
36 authority is located, and

37 (4) Section 5.07(c), Chapter 427, Acts of the
38 44th Legislature, 1st Called Session, 1935, requires
39 the tax assessor-collector in each county to cause to
40 be placed on the county tax rolls the additional column
41 or columns needed to show the amount of taxes imposed
42 on property by the authority. The revised law omits
43 that provision because it was repealed by Section
44 6(b), Chapter 841, Acts of the 66th Legislature,
45 Regular Session, 1979. See Revisor's Note (1).
46 Section 26.09(e), Tax Code, requires the assessor for

1 a taxing unit to enter on the appraisal roll for the
2 unit the amount of tax imposed on each property
3 included on the roll and submit it to the governing
4 body of the unit for approval and provides that the
5 appraisal roll with amounts of tax entered as approved
6 by the governing body constitutes the unit's tax roll.
7 The omitted law reads:

8 (c) It shall be the duty of the tax
9 assessor-collector in each county to cause
10 to be placed on the county tax rolls the
11 additional column or columns needed to show
12 the taxes levied by the authority and the
13 amount thereof, based on the value of such
14 property as approved and equalized finally
15 by the board. . . .

16 (5) Section 5.07(c), Chapter 427, Acts of the
17 44th Legislature, 1st Called Session, 1935, provides
18 that the fee of each county tax assessor-collector for
19 assessing and collecting the authority's taxes "shall
20 be one percent of the taxes collected." Section
21 6.27(b), Tax Code, provides in part that, except as
22 provided by Section 6.27(d) of that code, the county
23 assessor-collector is entitled to a reasonable fee,
24 which may not exceed the actual costs incurred, for
25 assessing and collecting taxes for a taxing unit
26 pursuant to Section 6.23(a)(1). Section 6.23(a)(1),
27 Tax Code, provides that the county assessor-collector
28 shall assess and collect taxes on property for another
29 taxing unit if the law creating or authorizing
30 creation of the unit requires it to use the county
31 assessor-collector for the taxes the unit imposes in
32 the county. Because Section 5.07(b), Chapter 427,
33 requires the tax assessor-collector of each county to
34 act as the tax assessor-collector for the authority
35 for property in the authority located in that county,
36 Section 6.23(a)(1), Tax Code, and therefore Section
37 6.27(b) of that code, applies to the authority.

1 However, Section 6.27(d), Tax Code, provides in part
2 that if a law enacted under Section 59, Article XVI,
3 Texas Constitution, creating a river authority
4 authorizes the river authority to impose a tax,
5 specifies the maximum tax rate, and specifies the
6 maximum fee that the authority may pay for the
7 assessment and collection of the authority's taxes,
8 and if the county assessor-collector assesses and
9 collects the taxes the river authority imposes
10 pursuant to Section 6.23(a)(1) of that code, the
11 county assessor-collector may not charge the river
12 authority a fee for assessing and collecting the taxes
13 that exceeds the fee specified in the law creating the
14 river authority. Chapter 427 is a law described by
15 Section 6.27(d), Tax Code. Accordingly, the revised
16 law provides that the fee of each county tax
17 assessor-collector for assessing and collecting the
18 authority's taxes "may not exceed" one percent of the
19 taxes collected.

20 (6) Section 5.07(d), Chapter 427, Acts of the
21 44th Legislature, 1st Called Session, 1935, provides
22 that the laws for the enforcement of state and county
23 taxes are available to the authority and authorizes
24 the authority to cause the officers of each county to
25 enforce and collect the taxes due to the authority in
26 that county, as provided in the law for the enforcement
27 of state and county taxes. The revised law omits that
28 provision as unnecessary. The law governing the
29 enforcement and collection of all ad valorem taxes is
30 Title 1, Tax Code. Section 1.02, Tax Code, requires
31 all taxing units of government to administer the
32 enforcement and collection of taxes in conformity with
33 that title. The duty of the county tax
34 assessor-collector to enforce and collect the

1 authority's taxes is established by Section 5.07(b),
2 Chapter 427, revised as Section 8511.0603(b), and it
3 is not necessary to restate that duty. The omitted law
4 reads:

5 (d) All the laws for the enforcement
6 of state and county taxes shall be available
7 to the authority. The authority shall have
8 the right to cause the officers of each
9 county to enforce and collect the taxes due
10 to the authority in that county, as provided
11 in the law for the enforcement of state and
12 county taxes.

13 (7) Section 5.07(e), Chapter 427, Acts of the
14 44th Legislature, 1st Called Session, 1935, provides
15 in part that taxes imposed for the authority's benefit
16 are payable and become delinquent at the same time, in
17 the same manner, and subject to the same discount for
18 advance payment as taxes imposed by and for the benefit
19 of the county in which the property is taxable. 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). Section 31.02, Tax Code, specifies when
24 taxes are payable and become delinquent. Section
25 31.05, Tax Code, governs discounts for the advance
26 payment of taxes. Section 31.06, Tax Code, governs the
27 medium of payment of taxes. The omitted law reads:

28 (e) Taxes assessed and levied for the
29 benefit of the authority shall be payable
30 and shall become delinquent at the same
31 time, in the same manner, and subject to the
32 same discount for advance payment as taxes
33 levied by and for the benefit of the county
34 in which the property is taxable. . . .

35 (8) Section 5.07(e), Chapter 427, Acts of the
36 44th Legislature, 1st Called Session, 1935, provides
37 that the fee for collecting delinquent taxes through
38 prosecution of suit is 15 percent of the taxes
39 collected by the suit. The revised law omits that
40 provision because it was repealed by Section 6(b),

1 Chapter 841, Acts of the 66th Legislature, Regular
2 Session, 1979. See Revisor's Note (1). Section 33.48,
3 Tax Code, governs the recovery of costs and expenses,
4 including attorney's fees, in a suit to collect a
5 delinquent tax. The omitted law reads:

6 (e) . . . The fee for collecting
7 delinquent taxes through prosecution of
8 suit shall be 15 percent of the taxes
9 collected by the suit, to be paid over and
10 disbursed in each county as are other fees
11 of office.

12 Revised Law

13 Sec. 8511.0604. MAXIMUM TAX RATE. Except as provided by
14 Section 8511.0605, the maximum tax rate that may be imposed for any
15 year for all purposes is 15 cents on each \$100 of assessed valuation
16 of taxable property. (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 5.08;
17 New.)

18 Source Law

19 Sec. 5.08. The maximum rate of tax which may be
20 levied for any year for all purposes is 15 cents on
21 each \$100 of taxable property, based on its assessed
22 valuation.

23 Revisor's Note

24 Section 5.09, Chapter 427, Acts of the 44th
25 Legislature, 1st Called Session, 1935, provides an
26 exception to the maximum tax rate provided by Section
27 5.08 of that act. Section 5.09 is revised in pertinent
28 part as Section 8511.0605 of this chapter. For the
29 reader's convenience, the revised law adds a reference
30 to the exception provided by that section.

31 Revised Law

32 Sec. 8511.0605. POWERS RELATING TO IMPROVEMENTS PECULIAR TO
33 DEFINED AREA. (a) The authority may exercise the powers specified
34 by Sections 51.510 through 51.530, Water Code, relating to
35 improvements peculiar to defined areas inside the authority.

36 (b) The tax rate limit specified by Section 8511.0604 does
37 not apply with respect to an improvement constructed in exercise of
38 a power authorized by this section. (Acts 44th Leg., 1st C.S., Ch.

1 427, Sec. 5.09 (part).)

2 Source Law

3 Sec. 5.09. The authority has and may exercise,
4 but is not required to exercise, the powers specified
5 in Sections 51.510 through 51.530, Water Code,
6 relating to improvements peculiar to defined areas
7 inside the authority. The tax rate limit specified in
8 Section 5.08 of this Act does not apply with respect to
9 improvements constructed in the exercise of the powers
10 authorized in this section. . . .

11 Revisor's Note

12 Section 5.09, Chapter 427, Acts of the 44th
13 Legislature, 1st Called Session, 1935, provides that
14 the taxing powers in that section are cumulative of
15 other taxing powers in that act. The revised law omits
16 that provision for the reason stated in Revisor's Note
17 (3) at the end of Subchapter C. The omitted law reads:

18 Sec. 5.09. . . . The taxing powers
19 in this section are cumulative of the other
20 taxing powers in this Act.

21 SUBCHAPTER G. BONDS, BORROWED MONEY, AND GRANTS

22 Revised Law

23 Sec. 8511.0701. BORROWING MONEY; GRANTS. (a) The
24 authority may:

25 (1) borrow money or accept a grant or donation for its
26 corporate purposes from any person, including a private source, the
27 United States, this state, or a local government; and

28 (2) enter into an agreement in connection with a loan,
29 grant, or donation accepted under Subdivision (1).

30 (b) The source of any money accepted by the authority is
31 public information, both as to amount and any restrictions placed
32 by the donor on its expenditure. (Acts 44th Leg., 1st C.S., Ch.
33 427, Sec. 4.03.)

34 Source Law

35 Sec. 4.03. (a) The authority may borrow money
36 and accept grants and donations for its corporate
37 purposes from private sources, the United States of
38 America, the state, local governments, or any other
39 person. The authority may enter into any agreement in
40 connection with the loan, grant, or donation that is
41 not in conflict with the constitution and laws of this
42 state.

1 (b) The sources of any funds accepted by the
2 authority shall be public information, both as to
3 amount and any restrictions placed by the donor on
4 their expenditure.

5 Revisor's Note

6 Section 4.03(a), Chapter 427, Acts of the 44th
7 Legislature, 1st Called Session, 1935, provides that
8 the authority may enter into an agreement "that is not
9 in conflict with the constitution and laws of this
10 state." The revised law omits the quoted language
11 because the absence of the language does not imply that
12 the authority is authorized to take actions
13 inconsistent with the constitution and laws of this
14 state.

15 Revised Law

16 Sec. 8511.0702. POWER TO APPLY FOR MONEY FOR ENGINEERING
17 SURVEYS, INFORMATION COMPILATION AND COLLECTION, AND OTHER
18 PURPOSES. (a) The authority may apply to any person, including
19 this state and the United States, for money necessary to:

20 (1) secure engineering surveys and the compilation and
21 collection of information relating to regional and general
22 conditions entering into and influencing the character and extent
23 of the improvements necessary to accomplish the storage, control,
24 transportation, treatment, conservation, and equitable
25 distribution to the greatest public advantage of the floodwater,
26 normal flow water, and storm water that is stored and controlled; or

27 (2) accomplish or carry out any purpose of this
28 chapter.

29 (b) The authority:

30 (1) shall request an amount it considers sufficient;

31 (2) may make the necessary agreements with the party
32 providing the money; and

33 (3) may appropriate the amount of the estimated
34 equitable contribution of the costs of developing essential
35 engineering information. (Acts 44th Leg., 1st C.S., Ch. 427, Sec.
36 4.04.)

1 Source Law

2 Sec. 4.04. The authority may apply to the state,
3 the United States, or any other person for funds
4 necessary to secure engineering surveys and the
5 compilation and collection of data relating to
6 regional and general conditions entering into and
7 influencing the character and the extent of the
8 improvements necessary to accomplish the storage,
9 control, transportation, treatment, conservation, and
10 equitable distribution to the greatest public
11 advantage of the floodwater, normal flow and storm
12 water which are stored and controlled, and to
13 accomplish or carry out any of the other purposes of
14 this Act. The authority shall request an amount it
15 considers sufficient, and may make the necessary
16 agreements with the party providing the funds and may
17 appropriate the amount of the estimated equitable
18 contribution of the costs of developing essential
19 engineering data.

20 Revised Law

21 Sec. 8511.0703. POWER TO ISSUE BONDS. (a) For the purpose
22 of carrying out any power conferred by this chapter, including
23 preparation of the master plan and payment of engineering and
24 related expenses, the authority may issue bonds in three general
25 classes:

26 (1) bonds secured by ad valorem taxes;

27 (2) bonds secured by a pledge of all or part of the
28 revenue accruing to the authority from any source other than ad
29 valorem taxes, including the revenue received from:

30 (A) the sale of water or other products;

31 (B) the rendition of services;

32 (C) tolls; and

33 (D) charges; and

34 (3) bonds secured by a combination pledge of:

35 (A) taxes; and

36 (B) all or part of the revenue described by
37 Subdivision (2).

38 (b) The bonds must be authorized by a board resolution.
39 (Acts 44th Leg., 1st C.S., Ch. 427, Secs. 5.01(a), (b) (part).)

40 Source Law

41 Sec. 5.01. (a) For the purpose of carrying out
42 any power or authority conferred by this Act,
43 including preparing the master plan and payment of
44 engineering and related expenses, the authority may

1 issue its bonds in three general classes:

- 2 (1) bonds secured by ad valorem taxes;
- 3 (2) bonds secured by a pledge of all or
- 4 part of the revenues accruing to the authority,
- 5 including without limitation those received from sale
- 6 of water or other products, rendition of service,
- 7 tolls, charges, and from all other sources other than
- 8 ad valorem taxes;
- 9 (3) bonds secured by a combination pledge
- 10 of all or part of the revenues described in Subdivision
- 11 (2) of this subsection, and taxes.
- 12 (b) The bonds shall be authorized by resolution
- 13 of the board and

14 Revisor's Note

15 (1) Section 5.01(a), Chapter 427, Acts of the
16 44th Legislature, 1st Called Session, 1935, refers to
17 carrying out any "power" or "authority" conferred by
18 that act. The revised law omits the reference to
19 "authority" because, in context, it is included in the
20 meaning of "power."

21 (2) Section 5.01(a)(2), Chapter 427, Acts of the
22 44th Legislature, 1st Called Session, 1935, authorizes
23 the authority to issue bonds secured by a pledge of all
24 or part of the revenue accruing to the authority from
25 all sources other than ad valorem taxes, including
26 "without limitation" revenue received from certain
27 sources. The revised law omits the quoted language for
28 the reason stated in the revisor's note to Section
29 8511.0212.

30 (3) Section 5.01(c), Chapter 427, Acts of the
31 44th Legislature, 1st Called Session, 1935, provides
32 that bonds may be issued in "more than one series, and
33 from time to time, as required for carrying out the
34 purposes of this Act." The revised law omits "more
35 than one series" because it duplicates a provision of
36 Section 1201.022, Government Code. Throughout this
37 chapter, the revised law omits law that is superseded
38 by Chapter 1201, Government Code, or that duplicates
39 law contained in that chapter. Chapter 1201,
40 Government Code, applies to authority bonds under

1 Sections 1201.002 and 1201.003, Government Code. The
2 revised law omits "as required for carrying out the
3 purposes of this Act" because Section 5.01(a), Chapter
4 427, Acts of the 44th Legislature, 1st Called Session,
5 1935, revised in this section, authorizes the
6 authority to issue bonds for the purposes of the act.
7 The omitted law reads:

8 (c) Bonds may be issued in more than
9 one series, and from time to time, as
10 required for carrying out the purposes of
11 this Act. . . .

12 Revised Law

13 Sec. 8511.0704. FORM OF BONDS. Authority bonds must be:

- 14 (1) in the form the board prescribes;
15 (2) issued in the authority's name;
16 (3) signed by the president or a vice president; and
17 (4) attested by the secretary. (Acts 44th Leg., 1st
18 C.S., Ch. 427, Sec. 5.01(b) (part).)

19 Source Law

20 (b) The bonds . . . shall be issued in the name
21 of the authority, shall be signed by the president or
22 any vice-president, shall be attested by the
23 secretary, and The bonds shall be in the form
24 prescribed by the board,

25 Revisor's Note

26 Section 5.01(b), Chapter 427, Acts of the 44th
27 Legislature, 1st Called Session, 1935, provides that
28 authority bonds must bear the authority seal and
29 authorizes "printed or lithographed" signatures and
30 seals. The revised law omits those provisions as
31 unnecessary. The requirement that the bonds bear the
32 authority seal was impliedly repealed by Section 3,
33 Bond Procedures Act of 1981 (Article 717k-6, Vernon's
34 Texas Civil Statutes), revised in pertinent part in
35 1999 as Section 1201.026(a), Government Code, which
36 provides that bonds may be signed with or without a
37 seal. The authorization for the use of printed or

1 lithographed signatures duplicates Section
2 1201.026(a), Government Code, which also provides that
3 bonds and interest coupons may be executed with manual
4 or facsimile signatures. The omitted law reads:

5 (b) [The bonds] . . . shall bear the
6 seal of the authority. If authorized by the
7 board, the signatures of the president, or
8 any vice-president, and the secretary or of
9 both may be printed or lithographed on the
10 bonds, and the seal of the authority may be
11 impressed on the bonds or may be printed or
12 lithographed on the bonds. . . .

13 Revised Law

14 Sec. 8511.0705. MATURITY. Authority bonds must mature not
15 later than 50 years after the date of their issuance. (Acts 44th
16 Leg., 1st C.S., Ch. 427, Sec. 5.01(b) (part).)

17 Source Law

18 (b) . . . The bonds . . . shall mature serially
19 or otherwise in not to exceed 50 years from their date,
20

21 Revisor's Note

22 Section 5.01(b), Chapter 427, Acts of the 44th
23 Legislature, 1st Called Session, 1935, provides that
24 authority bonds shall mature "serially or otherwise."
25 The revised law omits the quoted language because it
26 duplicates Section 1201.022(a)(1), Government Code.

27 Revised Law

28 Sec. 8511.0706. ELECTION FOR BONDS PAYABLE FROM AD VALOREM
29 TAXES. (a) Authority bonds, other than refunding bonds, payable
30 wholly or partly from ad valorem taxes may not be issued unless
31 authorized by an election at which a majority of the votes cast
32 favor the bond issuance. The election must be held in accordance
33 with Section 8511.0602.

34 (b) The authority may issue bonds not payable wholly or
35 partly from ad valorem taxes without an election. (Acts 44th Leg.,
36 1st C.S., Ch. 427, Sec. 5.04.)

37 Source Law

38 Sec. 5.04. (a) No bonds payable wholly or
39 partially from ad valorem taxes, except refunding

1 bonds, shall be issued unless authorized by an
2 election at which the resident electors cast a
3 majority of the votes in favor of the issuance of the
4 bonds. The election shall be held in accordance with
5 the provisions set forth in Section 5.06 of this Act
6 governing ad valorem tax elections.

7 (b) Bonds not payable wholly or partially from
8 ad valorem taxes may be issued without an election.

9 Revisor's Note

10 (1) Section 5.04, Chapter 427, Acts of the 44th
11 Legislature, 1st Called Session, 1935, refers to
12 "resident electors" casting a majority of the votes in
13 favor of the issuance of bonds. The revised law omits
14 the quoted language because Chapter 11, Election Code,
15 governs eligibility to vote in an election in this
16 state and allows only qualified voters who are
17 residents of the territory covered by the election to
18 vote in an election.

19 (2) Section 5.04, Chapter 427, Acts of the 44th
20 Legislature, 1st Called Session, 1935, refers to
21 "Section 5.06 of this Act." Section 5.06 is revised in
22 pertinent part as Section 8511.0602 of this chapter,
23 and the revised law is drafted accordingly.

24 Revised Law

25 Sec. 8511.0707. TRUST INDENTURE. Authority bonds may be
26 further secured by a trust indenture with a corporate trustee.
27 (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 5.01(b) (part).)

28 Source Law

29 (b) . . . The bonds may be further secured by an
30 indenture of trust with a corporate trustee.

31 Revised Law

32 Sec. 8511.0708. ADDITIONAL BONDS. A pledge of revenue may
33 reserve the right, under conditions specified by the pledge, to
34 issue additional bonds that will be on a parity with or subordinate
35 to the bonds then being issued. (Acts 44th Leg., 1st C.S., Ch. 427,
36 Sec. 5.01(c) (part).)

37 Source Law

38 (c) . . . Any pledge of revenue may reserve the
39 right, under conditions therein specified, to issue

1 additional bonds which will be on a parity with or
2 subordinate to the bonds then being issued.

3 Revised Law

4 Sec. 8511.0709. ADDITIONAL PROVISIONS IN RESOLUTION
5 AUTHORIZING BONDS OR TRUST INDENTURE. (a) The resolution
6 authorizing the bonds or the trust indenture further securing the
7 bonds may specify additional provisions that constitute a contract
8 between the authority and its bondholders.

9 (b) The board has full discretion in providing for the
10 additional provisions, including the authority to provide for a
11 corporate trustee or receiver to take possession of authority
12 facilities if the authority defaults in fulfilling the covenants
13 made in the resolution or trust indenture. (Acts 44th Leg., 1st
14 C.S., Ch. 427, Sec. 5.01(d).)

15 Source Law

16 (d) The resolution authorizing the bonds or the
17 trust indenture further securing the bonds may specify
18 additional provisions which shall constitute a
19 contract between the authority and its bondholders.
20 The board shall have full discretion in providing for
21 the additional provisions, including the authority to
22 provide for a corporate trustee or receiver to take
23 possession of facilities of the authority in the event
24 of default on the part of the authority in fulfilling
25 the covenants therein made.

26 Revised Law

27 Sec. 8511.0710. REFUNDING BONDS. (a) The authority may
28 issue refunding bonds to refund outstanding authority bonds and
29 interest on the bonds.

30 (b) Refunding bonds may:

31 (1) be issued to refund bonds of one or more series;

32 (2) combine the pledges for the outstanding bonds for
33 the security of the refunding bonds; or

34 (3) be secured by a pledge of other or additional
35 revenue.

36 (c) The provisions of this subchapter regarding the
37 issuance of other bonds, their security, and the remedies of the
38 holders apply to refunding bonds.

39 (d) The comptroller shall register the refunding bonds on

1 surrender and cancellation of the bonds to be refunded.

2 (e) Instead of issuing bonds to be registered on the
3 surrender and cancellation of the bonds to be refunded, the
4 authority, in the resolution authorizing the issuance of the
5 refunding bonds, may provide for the sale of the refunding bonds and
6 the deposit of the proceeds in a bank at which the bonds to be
7 refunded are payable. In that case, the refunding bonds may be
8 issued in an amount sufficient to pay the principal of and interest
9 on the bonds to be refunded to their option date or maturity date,
10 and the comptroller shall register the refunding bonds without the
11 concurrent surrender and cancellation of the bonds to be refunded.
12 (Acts 44th Leg., 1st C.S., Ch. 427, Sec. 5.02.)

13 Source Law

14 Sec. 5.02. The authority may issue refunding
15 bonds for the purpose of refunding any outstanding
16 bonds authorized by this Act and interest on the bonds.
17 The refunding bonds may be issued to refund one or more
18 series of outstanding bonds and combine the pledges
19 for the outstanding bonds for the security of the
20 refunding bonds, and may be secured by other or
21 additional revenue. The provisions of this Act with
22 reference to the issuance by the authority of other
23 bonds, their security, and their approval by the
24 attorney general, and the remedies of the holders
25 shall be applicable to refunding bonds. Refunding
26 bonds shall be registered by the Comptroller of Public
27 Accounts of the State of Texas on surrender and
28 cancellation of the bonds to be refunded, but in lieu
29 thereof, the resolution authorizing their issuance may
30 provide that they shall be sold and the proceeds
31 deposited in the bank where the original bonds are
32 payable, in which case the refunding bonds may be
33 issued in an amount sufficient to pay the principal of
34 and the interest on the original bonds to their option
35 date or maturity date, and the comptroller shall
36 register them without concurrent surrender and
37 cancellation of the original bonds.

38 Revisor's Note

39 Section 5.02, Chapter 427, Acts of the 44th
40 Legislature, 1st Called Session, 1935, refers to the
41 "approval [of bonds] by the attorney general" and
42 applies that to refunding bonds. The revised law omits
43 the quoted language because it is superseded by
44 Section 1202.003, Government Code, enacted in 1987 as
45 Section 3.002(a), Chapter 53, Acts of the 70th

1 Legislature, 2nd Called Session (Article 717k-8,
2 Vernon's Texas Civil Statutes), which provides for
3 approval of public securities by the attorney general.
4 That section applies to bonds issued by the authority
5 under Section 1202.001, Government Code.

6 Revisor's Note
7 (End of Subchapter)

8 (1) Section 5.01(b), Chapter 427, Acts of the
9 44th Legislature, 1st Called Session, 1935, provides
10 that authority bonds may be in any denomination. The
11 revised law omits that provision because it duplicates
12 Section 1201.021(1), Government Code. The omitted law
13 reads:

14 (b) . . . [The bonds] . . . shall be
15 in any denomination or denominations,
16

17 (2) Section 5.01(b), Chapter 427, Acts of the
18 44th Legislature, 1st Called Session, 1935, provides
19 that authority bonds shall "bear any interest." The
20 revised law omits that provision because it duplicates
21 Section 1201.021(2), Government Code. The omitted law
22 reads:

23 (b) . . . [The bonds] . . . shall
24 bear any interest, and

25 (3) Section 5.01(b), Chapter 427, Acts of the
26 44th Legislature, 1st Called Session, 1935, provides
27 that authority bonds may be sold at a price and under
28 terms determined by the board to be the most
29 advantageous reasonably obtainable. The revised law
30 omits that provision because it duplicates or is
31 superseded by provisions of general law. Section
32 1204.006(b), Government Code, enacted as Section 2,
33 Chapter 3, Acts of the 61st Legislature, Regular
34 Session, 1969 (Article 717k-2, Vernon's Texas Civil
35 Statutes), provides that an issuer may sell public
36 securities at any price. Section 1204.006(b) applies

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

7 (b) . . . [The bonds] . . . may be
8 sold at a price and under terms determined
9 by the board to be the most advantageous
10 reasonably obtainable, and

11 (4) Section 5.01(b), Chapter 427, Acts of the
12 44th Legislature, 1st Called Session, 1935, provides
13 that the board may make authority bonds callable
14 before maturity at the times and prices prescribed in
15 the bonds. The revised law omits that provision
16 because it duplicates, in substance, Sections 1201.021
17 and 1201.022, Government Code, which provide that a
18 public security may be issued as redeemable before
19 maturity and be payable in specified amounts and at
20 specified times. The omitted law reads:

21 (b) . . . [The bonds] . . . within
22 the discretion of the board, may be made
23 callable prior to maturity at the times and
24 prices prescribed in the bonds, and

25 (5) Section 5.01(b), Chapter 427, Acts of the
26 44th Legislature, 1st Called Session, 1935, provides
27 that authority bonds may be made registrable as to
28 principal or as to principal and interest. The revised
29 law omits that provision because it duplicates Section
30 1201.024(a)(3), Government Code. The omitted law
31 reads:

32 (b) . . . [The bonds] . . . may be
33 made registrable as to principal or as to
34 both principal and interest. . . .

35 (6) Section 5.10, Chapter 427, Acts of the 44th
36 Legislature, 1st Called Session, 1935, lists the
37 entities for which authority bonds are legal
38 investments and provides that authority bonds may

1 secure deposits of public funds of the state or
2 political subdivisions. The revised law omits the
3 provision relating to the eligibility of authority
4 bonds to be considered as investments for various
5 entities because it duplicates, in substance, Section
6 49.186(a), Water Code. The revised law omits the
7 provision relating to the use of authority bonds as
8 security for deposits of state funds as impliedly
9 repealed by Section 404.0221, Government Code (enacted
10 in 1995), which lists eligible collateral for deposits
11 of state funds by the comptroller, and by Section
12 404.031, Government Code (enacted in 1985 as Section
13 3.001, Article 4393-1, Vernon's Texas Civil Statutes,
14 and last amended in 2009), which provides for the
15 valuation of that collateral. As to securing deposits
16 of other funds, the provision is impliedly repealed by
17 Chapter 2257, Government Code (enacted in 1989 as
18 Article 2529d, Vernon's Texas Civil Statutes), 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. 5.10. All bonds and refunding
25 bonds of the authority 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; trustees; the sinking funds of
30 cities, towns, villages, counties, school
31 districts, or any other political
32 corporations or subdivisions of the State
33 of Texas; and for all public funds of the
34 State of Texas or its agencies, including
35 the state permanent school fund. The bonds
36 and refunding bonds shall be eligible to
37 secure the deposit of any and all public
38 funds of 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

1 unmatured coupons appurtenant thereto.

2 Revisor's Note
3 (End of Chapter)

4 (1) Section 4, Chapter 699, Acts of the 64th
5 Legislature, Regular Session, 1975, validates certain
6 authority actions. That provision is omitted from the
7 revised law because it served its purposes on the day
8 it took effect and is executed law. Section
9 311.031(a)(2), Government Code (Code Construction
10 Act), provides that the repeal of a statute does not
11 affect any validation previously made under the
12 statute. Therefore, the omission of the executed
13 validation provision does not affect the validation.
14 The omitted law reads:

15 Sec. 4. All resolutions, orders,
16 rules, bylaws, requests, applications to
17 state agencies, depository bank
18 designations, proceedings, and actions
19 heretofore adopted, made, taken, performed,
20 or established by the Nueces River
21 Authority pursuant to Chapter 427, Acts of
22 the 44th Legislature, 1st Called Session,
23 1935, as amended (Article 8280-115,
24 Vernon's Texas Civil Statutes), are
25 validated and remain in effect unless and
26 until amended or superseded by order of the
27 board of the authority.

28 (2) Section 6, Chapter 699, Acts of the 64th
29 Legislature, Regular Session, 1975, provides that the
30 act is severable. The revised law omits that provision
31 because the same result is produced by application of
32 Section 311.032, Government Code (Code Construction
33 Act), which provides that a provision of a statute is
34 severable from each other provision of the statute
35 that can be given effect. The omitted law reads:

36 Sec. 6. If any provision of this Act
37 or the application thereof to any person or
38 circumstance is held invalid, such
39 invalidity shall not affect other
40 provisions or applications of the Act which
41 can be given effect without the invalid
42 provision or application, and to this end
43 the provisions of this Act are declared to
44 be severable.

45 (3) Section 7, Chapter 699, Acts of the 64th

1 Legislature, Regular Session, 1975, contains
2 legislative findings relating to the performance of
3 the requirements of Section 59(d), Article XVI, Texas
4 Constitution, concerning the introduction of that act.
5 The revised law omits that provision as executed. The
6 omitted law reads:

7 Sec. 7. The legislature finds that
8 the requirements of Article XVI, Section
9 59, Subsection (d) of the Texas
10 Constitution, concerning the introduction
11 of this Act have been met.

12 (4) Section 18, Chapter 21, Acts of the 86th
13 Legislature, Regular Session, 2019, recites
14 legislative findings regarding procedural
15 requirements for legislation affecting the authority
16 under the constitution and other laws and rules,
17 including proper legal notice and the filing of
18 recommendations. The revised law omits those
19 provisions as executed. The omitted law reads:

20 Sec. 18. (a) The legal notice of the
21 intention to introduce this Act, setting
22 forth the general substance of this Act, has
23 been published as provided by law, and the
24 notice and a copy of this Act have been
25 furnished to all persons, agencies,
26 officials, or entities to which they are
27 required to be furnished under Section 59,
28 Article XVI, Texas Constitution, and
29 Chapter 313, Government Code.

30 (b) The governor, one of the required
31 recipients, has submitted the notice and
32 Act to the Texas Commission on
33 Environmental Quality.

34 (c) The Texas Commission on
35 Environmental Quality has filed its
36 recommendations relating to this Act with
37 the governor, the lieutenant governor, and
38 the speaker of the house of representatives
39 within the required time.

40 (d) All requirements of the
41 constitution and laws of this state and the
42 rules and procedures of the legislature
43 with respect to the notice, introduction,
44 and passage of this Act are fulfilled and
45 accomplished.

1 SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS

2 CHAPTER 9088. CALHOUN COUNTY WATER CONTROL AND IMPROVEMENT

3 DISTRICT NO. 1

4 SUBCHAPTER A. GENERAL PROVISIONS

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14 CHAPTER 9088. CALHOUN COUNTY WATER CONTROL AND IMPROVEMENT

15 DISTRICT NO. 1

16 SUBCHAPTER A. GENERAL PROVISIONS

17 Revised Law

18 Sec. 9088.0101. DEFINITIONS. In this chapter:

19 (1) "Board" means the district's board of directors.

20 (2) "District" means the Calhoun County Water Control

21 and Improvement District No. 1 in Calhoun County. (Acts 56th Leg.,

22 R.S., Ch. 472, Sec. 1 (part); Acts 71st Leg., R.S., Ch. 518, Sec. 1;

23 New.)

24 Source Law

25 [Acts 56th Leg., R.S., Ch. 472]

26 Sec. 1. Calhoun County Water Control and

27 Improvement District No. 1, hereinafter sometimes

28 referred to as "District," in Calhoun County, Texas,

29

30 [Acts 71st Leg., R.S., Ch. 518]

31 Sec. 1. In this Act, "district" means the

32 Calhoun County Water Control and Improvement District

33 No. 1.

34 Revisor's Note

35 The revised law adds the definition of "board"

36 for drafting convenience and to avoid frequent,

37 unnecessary repetition of the substance of the

1 definition.

2 Revised Law

3 Sec. 9088.0102. NATURE AND PURPOSE OF DISTRICT. (a) The
4 district is:

5 (1) a conservation and reclamation district under
6 Section 59, Article XVI, Texas Constitution;

7 (2) a water control and improvement district; and

8 (3) a municipal corporation.

9 (b) The district's sole purpose is reclaiming and draining
10 the district's overflowed land and other land needing drainage.

11 (Acts 56th Leg., R.S., Ch. 472, Secs. 1 (part), 4 (part).)

12 Source Law

13 Sec. 1. [Calhoun County Water Control and
14 Improvement District No. 1 . . . is . . . a] . . .
15 conservation and reclamation district under Section
16 59, Article XVI, of the Constitution of Texas. Without
17 in any way limiting the generalization of the
18 foregoing, it is expressly provided that . . . [the
19 conversion of said District into] a water control and
20 improvement district [from a drainage district, and]
21 . . . provided, however, that such District shall be
22 considered to be organized and existing for the sole
23 purpose of the reclamation and drainage of its
24 overflowed lands and other lands needing drainage, and
25

26 Sec. 4. The Legislature hereby . . . declares
27 the District to be a governmental agency, a body
28 politic and corporate, and a municipal corporation.

29 Revisor's Note

30 (1) Section 1, Chapter 472, Acts of the 56th
31 Legislature, Regular Session, 1959, validates the
32 existence of the district, the board order designating
33 the area of the district, the conversion of the
34 district into a water control and improvement
35 district, and proceedings in connection with that
36 order and conversion. The revised law omits the
37 validation language because it served its purpose on
38 the day it took effect and is executed law. Section
39 311.031(a)(2), Government Code (Code Construction
40 Act), provides that the repeal of a statute does not
41 affect any validation previously made under the

1 district is essential to the accomplishment of the purposes of
2 Section 59, Article XVI, Texas Constitution.

3 (b) All land and other property in the district benefit from
4 the district and improvements and facilities the district
5 constructs and acquires. (Acts 56th Leg., R.S., Ch. 472, Secs. 3
6 (part), 4 (part).)

7 Source Law

8 Sec. 3. It is hereby found and determined that
9 all of the lands and other property included within the
10 boundaries of the District are, and will be benefited
11 by said District and its improvements and facilities
12 to be constructed and acquired. . . .

13 Sec. 4. The Legislature hereby exercises the
14 authority conferred upon it by Section 59, Article
15 XVI, Constitution of Texas, and declares that said
16 District is essential to the accomplishment of the
17 purposes of said constitutional provision, finds that
18 all the land and other property included therein are,
19 and will be, benefited thereby, and

20 Revisor's Note

21 Section 4, Chapter 472, Acts of the 56th
22 Legislature, Regular Session, 1959, states that the
23 legislature "hereby exercises the authority conferred
24 upon it by Section 59, Article XVI, Constitution of
25 Texas." The revised law omits the quoted language as
26 executed.

27 Revised Law

28 Sec. 9088.0104. DISTRICT TERRITORY. The district has the
29 area and boundaries described by the board's order adopted on March
30 23, 1959, as that area and those boundaries may have been modified
31 under:

- 32 (1) Subchapter J, Chapter 49, Water Code;
33 (2) Subchapter O, Chapter 51, Water Code; or
34 (3) other law. (Acts 56th Leg., R.S., Ch. 472, Sec. 1
35 (part); New.)

36 Source Law

37 Sec. 1. . . . [it is expressly provided that]
38 the area and boundary lines of said District, as
39 redefined by order adopted on March 23, 1959, by the
40 Board of Directors of said District, . . . [are hereby
41 in all things validated;]

1 Revisor's Note

2 For the reader's convenience, the revised law
3 includes references to statutory authority to change
4 the district's territory under Subchapter J, Chapter
5 49, Water Code, and Subchapter O, Chapter 51, Water
6 Code, applicable to water control and improvement
7 districts, including the Calhoun County Water Control
8 and Improvement District No. 1, which was converted
9 into a water control and improvement district.
10 Throughout this chapter, the revised law omits law
11 that is superseded by Chapter 49, Water Code, or
12 duplicates law contained in that chapter, which is
13 applicable to the district under Sections 49.001 and
14 49.002 of that chapter. The revised law also includes a
15 reference to the general authority of the legislature
16 to enact other laws to change the district's territory.

17 SUBCHAPTER B. POWERS AND DUTIES

18 Revised Law

19 Sec. 9088.0201. WATER CONTROL AND IMPROVEMENT DISTRICT
20 POWERS. To accomplish the sole purpose of reclaiming and draining
21 the district's overflowed land and other land needing drainage, the
22 district has all of the rights, powers, privileges, and duties
23 provided by general law applicable to a water control and
24 improvement district created under Section 59, Article XVI, Texas
25 Constitution, including Chapters 49 and 51, Water Code. (Acts 56th
26 Leg., R.S., Ch. 472, Sec. 1 (part); New.)

27 Source Law

28 Sec. 1. . . . [provided, however, that such
29 District shall be considered to be organized and
30 existing for] the sole purpose of the reclamation and
31 drainage of its overflowed lands and other lands
32 needing drainage, and to accomplish such purpose such
33 District shall have and exercise, and is hereby vested
34 with, all the rights, powers, privileges and duties
35 conferred and imposed by the General Laws of the State
36 of Texas now in force and hereafter enacted applicable
37 to water control and improvement districts created
38 under authority of Section 59, Article XVI,
39 Constitution of Texas.

1 Revisor's Note

2 (1) Section 1, Chapter 472, Acts of the 56th
3 Legislature, Regular Session, 1959, 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 language has
8 the same meaning and "has" is more commonly used.

9 (2) Section 1, Chapter 472, Acts of the 56th
10 Legislature, Regular Session, 1959, 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 "conferred and
14 imposed" because, in context, the meaning is the same
15 and "provided" is more commonly used.

16 (3) Section 1, Chapter 472, Acts of the 56th
17 Legislature, Regular Session, 1959, refers to the
18 general laws of this state "now in force and 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 State
22 of Texas" means those laws "in force" at the time the
23 provision was adopted. It is unnecessary to state that
24 the district may be granted additional powers by later
25 enacted laws because those laws apply on their own
26 terms.

27 (4) Section 1, Chapter 472, Acts of the 56th
28 Legislature, Regular Session, 1959, refers to the
29 general laws "applicable to water control and
30 improvement districts." For the reader's convenience,
31 the revised law adds references to Chapter 51, Water
32 Code, specifically applicable to a water control and
33 improvement district, and to Chapter 49, Water Code.

1 SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

2 Revised Law

3 Sec. 9088.0301. 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 56th Leg., R.S., Ch. 472,
7 Sec. 3 (part).)

8 Source Law

9 Sec. 3. . . . 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 of said
12 District to hold a hearing on the adoption of a plan of
13 taxation.

14 Revisor's Note
15 (End of Chapter)

16 (1) Section 2, Chapter 472, Acts of the 56th
17 Legislature, Regular Session, 1959, and Section 6,
18 Chapter 518, Acts of the 71st Legislature, Regular
19 Session, 1989, validate certain acts of the district
20 and certain board elections. The revised law omits
21 those provisions because they served their purpose on
22 the day they took effect and are executed law. Section
23 311.031(a)(2), Government Code (Code Construction
24 Act), provides that the repeal of a statute does not
25 affect any validation previously made under the
26 statute. Therefore, the omission of the executed
27 validation provisions does not affect those
28 validations. The omitted law reads:

29 [Acts 56th Leg., R.S., Ch. 472]

30 Sec. 2. All governmental proceedings
31 and acts performed by the governing board of
32 said District and all officers thereof in
33 connection with said District are hereby in
34 all things validated as of the respective
35 date of such proceedings and acts.

36 [Acts 71st Leg., R.S., Ch. 518]

37 Sec. 6. The election of district
38 directors since 1984 for two-year terms,
39 although required by general law to elect
40 directors for four-year terms, is
41 validated, and the election, terms of
42 office, actions, proceedings, and
43 expenditures of the district and the

1 directors are validated and may not be held
2 invalid because the directors were elected
3 to two-year terms at those elections.

4 (2) Section 5, Chapter 472, Acts of the 56th
5 Legislature, Regular Session, 1959, provides that the
6 act is severable. The revised law omits that provision
7 because the same result is produced by application of
8 Section 311.032, Government Code (Code Construction
9 Act), which provides that a provision of a statute is
10 severable from each other provision of the statute
11 that can be given effect. The omitted law reads:

12 Sec. 5. If any word, phrase, clause,
13 sentence, paragraph, or provision of this
14 Act is held to be invalid or
15 unconstitutional by a court of competent
16 jurisdiction in this State, it is the
17 intention of the Legislature that the
18 remaining provisions thereof shall be
19 effective, and that such remaining portions
20 shall remain in full force and effect.

21 (3) Section 2, Chapter 518, Acts of the 71st
22 Legislature, Regular Session, 1989, states that the
23 directors of the district serve staggered four-year
24 terms. The revised law omits the provision because it
25 duplicates Section 49.103(a), Water Code. The omitted
26 law reads:

27 Sec. 2. Except as provided by Section
28 5 of this Act, directors of the district
29 serve for staggered four-year terms.

30 (4) Section 3, Chapter 518, Acts of the 71st
31 Legislature, Regular Session, 1989, requires the
32 directors' election to be held on the third Saturday in
33 January in each even-numbered year. The revised law
34 omits this provision as superseded by the 1995
35 enactment of Section 49.103, Water Code. Section
36 49.103(b), Water Code, requires the election of the
37 appropriate number of directors to be held on the
38 uniform election date in May of even-numbered years.
39 Section 49.103(e), Water Code, provides that the
40 provisions of Sections 49.103(a) and (b) take

1 precedence over all prior statutory enactments. The
2 omitted law reads:

3 Sec. 3. A directors' election shall
4 be held in the district on the third
5 Saturday in January in each even-numbered
6 year to elect the appropriate number of
7 directors.

8 (5) Section 4, Chapter 518, Acts of the 71st
9 Legislature, Regular Session, 1989, states that
10 "[e]xcept as provided by this Act," a directors'
11 election is held "as provided by Chapter 51, Water
12 Code, and the Election Code." The revised law omits the
13 reference to Chapter 51 because Chapter 715, Acts of
14 the 74th Legislature, Regular Session, 1995, enacted
15 Chapter 49, Water Code, as the general law applicable
16 to most water districts and repealed the pertinent
17 election provisions in Chapter 51. Similarly, the
18 revised law omits the reference to the Election Code
19 because that code applies to the district under
20 Section 1.002 of that code. Finally, the revised law
21 omits the phrase "[e]xcept as provided by this Act,"
22 because an exception would apply by its own terms. The
23 omitted law reads:

24 Sec. 4. Except as provided by this
25 Act, a directors' election in the district
26 is held as provided by Chapter 51, Water
27 Code, and the Election Code.

28 (6) Section 5, Chapter 518, Acts of the 71st
29 Legislature, Regular Session, 1989, provides for the
30 election of five directors on the third Saturday in
31 January 1990 and the terms of those directors. The
32 revised law omits that provision as executed. The
33 omitted law reads:

34 Sec. 5. (a) At the district's
35 regularly scheduled directors' election on
36 the third Saturday in January 1990, five
37 directors shall be elected. The three
38 directors that receive the highest number
39 of votes serve four-year terms. The
40 remaining two directors serve two-year
41 terms. Successors to the directors elected

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pursuant to this section serve four-year terms.

(b) If it is impossible to determine the directors who are elected or the terms of office under Subsection (a) of this section because two or more candidates received the same number of votes, the persons who tied in number of votes shall draw lots to determine who will be director or to determine the terms of office, as applicable.

1 APPENDIX A

2 CONFORMING AMENDMENT

3 SECTION 2.01. NUECES RIVER AUTHORITY. Section 2.02(a),
4 Chapter 427, Acts of the 44th Legislature, 1st Called Session,
5 1935, is amended to read as follows:

6 (a) The Nueces River Authority [~~authority~~] includes all
7 counties which lie wholly within the Nueces River Basin, all of San
8 Patricio, Nueces, and Jim Wells counties, and generally the
9 in-basin parts of other counties, except Webb County, which lie
10 partially within the basin. The actual boundaries of the area
11 within the authority may be described by metes and bounds as
12 follows: Beginning at a point in the boundary of the State of Texas
13 offshore of the City of Port Aransas at the Northeast corner of
14 Nueces County and the most southerly Southeast corner of Aransas
15 County; thence along the common line between Nueces County and
16 Aransas County in a westerly and then northerly direction to a point
17 in the center of the Intracoastal Canal cutoff between Rockport and
18 Aransas Pass, Texas; thence southerly along the centerline of the
19 said Intracoastal Canal to its point of intersection with an
20 extension of the boundary line between Aransas County and San
21 Patricio County for the northernmost Southeast corner of San
22 Patricio County and the Southwest corner of Aransas County for an
23 angle point; thence along the common line between San Patricio
24 County and Aransas County in a northwesterly direction
25 approximately 14 miles to a point on the Aransas River on the South
26 line of Refugio County for the Northeast corner of San Patricio
27 County and the West corner of Aransas County; thence along the
28 Aransas River and the common line between Refugio County and San
29 Patricio County in a west-northwesterly direction approximately 19
30 miles to a point on the Southeast line of Bee County for the
31 Southwest corner of Refugio County; thence along the common line
32 between Bee County and San Patricio County in a southwesterly
33 direction approximately 3 miles to a point for the Southeast corner
34 of Bee County; thence along the common line between Bee County and

1 San Patricio County in a west-northwesterly direction
2 approximately 16 miles to the common corner of Live Oak, Bee, and
3 San Patricio Counties; thence in a northwesterly direction with the
4 line between Live Oak and Bee Counties approximately 14 miles;
5 thence N. approximately 25 miles to the most northern corner of Bee
6 County; thence N. 40° W. at approximately 19 1/2 miles the
7 Karnes-Wilson Counties line, at about 31 miles a point in the S.W.
8 line of Bexar County; thence approximately North 77 1/2° W.
9 approximately 28 miles, to the S.W. corner of Bexar County; thence
10 N.W. along the northwest extension of the common boundary between
11 Bexar and Atascosa Counties 3 1/2 miles to a point; thence N. 30° W.
12 approximately 28 miles to a point in the North line of Medina
13 County; then North 64° W. approximately 34 miles to a point in the
14 west line of Bandera County; thence North approximately 3 miles to
15 the northwest corner of Bandera County; thence West with the line of
16 Real and Kerr Counties approximately 5 miles to S.W. corner of Kerr
17 County; thence North with the line between Kerr and Real Counties
18 approximately 13 miles to the N.E. corner of Real County; thence
19 West, North and West, with the north line of Real County,
20 approximately 18 miles to the Northwest corner of Real County;
21 thence South 75° west approximately 15 miles to the Court House in
22 Rock Springs in Edwards County; thence N. 68° W. approximately 15
23 miles to a point; thence S. 34° W. approximately 19 miles to a point;
24 thence S. 35° E. at 21 miles pass a point in the South line of
25 Edwards County, 34 miles to a point; thence S. 23 1/2° W.
26 approximately 14 miles to a point; thence S. approximately 8 miles
27 to Spofford Junction; thence South with the Eagle Pass branch of G.
28 H. & S. A. R. R. at 15 miles a point; thence South 12 miles to a
29 point; thence S. 41 1/2° E. 42 miles to the village of Dentonia in
30 Dimmit County; thence S. 27 1/2 d. E. approximately 10 miles to the
31 Dimmit and Webb Counties line; thence E. with said Dimmit-Webb
32 County line approximately 25 miles to the west line of La Salle
33 County; thence South with west line of La Salle County
34 approximately 5 miles to the S.W. corner of La Salle County, a

1 common corner with Webb County; thence E. with the Webb-La Salle
2 County line approximately 30 miles to the N.E. corner of Webb
3 County, the common corner of Webb, La Salle, McMullen and Duval
4 Counties; thence S. with the Webb-Duval County line approximately
5 27 miles to a point in the E. line of Webb County; thence N. 35 d. E.
6 33 miles to a point on the 28 d. North Parallel; thence East along
7 the 28 degrees North Parallel approximately 17 miles to a point on
8 the East line of Duval County and the West line of Jim Wells County
9 for an interior corner; thence along the common line between Duval
10 County and Jim Wells County, South approximately 55 miles to a point
11 on the North line of Brooks County for the Southwest corner of Jim
12 Wells County and the Southeast corner of Duval County; thence along
13 the common line between Jim Wells County and Brooks County, East
14 approximately 11 miles to a point for the northernmost Southwest
15 corner of Kleberg County and the southernmost Southeast corner of
16 Jim Wells County; thence along the common line between Jim Wells
17 County and Kleberg County, North approximately 25.5 miles to the
18 Northwest corner of Kleberg County and an interior corner of Jim
19 Wells County; thence along the common line between Jim Wells County
20 and Kleberg County, East approximately 7.25 miles to a point in the
21 center of San Fernando Creek for the northernmost Southeast corner
22 of Jim Wells County and the northernmost Southwest corner of Nueces
23 County; thence along the centerline of San Fernando Creek and along
24 the common line between Kleberg County and Nueces County in a
25 southeasterly direction approximately 9 miles to a point for the
26 southernmost Southwest corner of Nueces County; thence along the
27 common line between Kleberg County and Nueces County, East
28 approximately 32 miles to a point on the shoreline of Laguna Madre
29 for an angle point; thence along the common line between Kleberg
30 County and Nueces County in an east-northeasterly direction across
31 Laguna Madre approximately 5.25 miles to a point on the Northwest
32 line of Padre Island for an angle point; thence along the common
33 line between Kleberg County and Nueces County in a southeasterly
34 direction to a point on the boundary of the State of Texas in the

1 Gulf of Mexico off North Padre Island at the Northeast corner of
2 Kleberg County and the Southeast corner of Nueces County; thence
3 along the boundary of the State of Texas in the Gulf of Mexico and
4 along the Southeast line of Nueces County in a northeasterly
5 direction to the point of beginning; being all of Live Oak County,
6 1116 square miles, McMullen County 1302 square miles, La Salle
7 County 1561 square miles, Frio County 1124 square miles, Zavala
8 County 1348 square miles, Atascosa County, 1358 square miles, Real
9 County 619 square miles, Uvalde County 1589 square miles, San
10 Patricio County 680 square miles, Nueces County 838 square miles,
11 and Jim Wells County 846 square miles, and parts of the following
12 Counties with the number of square miles included in the authority:

13	Duval	378 square miles.
14	Dimmit	1200 square miles.
15	Maverick	574 square miles.
16	Kinney	602 square miles.
17	Medina	1113 square miles.
18	Bandera	224 square miles.
19	Edwards	922 square miles.
20	Bexar	84 square miles.
21	Wilson	98 square miles.
22	Karnes	85 square miles.
23	Bee	135 square miles.

24 REPEALERS

25 SECTION 3.01. DENTON COUNTY LEVEE IMPROVEMENT DISTRICT NO.
26 1 OF DENTON AND DALLAS COUNTIES, TEXAS. The following statutes are
27 repealed:

28 (1) Chapter 473, Acts of the 69th Legislature, Regular
29 Session, 1985; and

30 (2) Section 6, Chapter 962, Acts of the 80th
31 Legislature, Regular Session, 2007.

32 SECTION 3.02. SEBASTIAN MUNICIPAL UTILITY DISTRICT.
33 Chapter 516, Acts of the 75th Legislature, Regular Session, 1997,
34 is repealed.

1 SECTION 3.03. RED RIVER AUTHORITY OF TEXAS. The following
2 statutes are repealed:

3 (1) Chapter 279, Acts of the 56th Legislature, Regular
4 Session, 1959;

5 (2) Section 3, Chapter 504 Acts of the 57th
6 Legislature, Regular Session, 1961;

7 (3) Section 2, Chapter 570, Acts of the 60th
8 Legislature, Regular Session, 1967;

9 (4) Section 2, Chapter 217, Acts of the 64th
10 Legislature, Regular Session, 1975;

11 (5) Section 3, Chapter 529, Acts of the 65th
12 Legislature, Regular Session, 1977;

13 (6) Section 4, Chapter 86, Acts of the 67th
14 Legislature, Regular Session, 1981;

15 (7) Section 3, Chapter 870, Acts of the 67th
16 Legislature, Regular Session, 1981;

17 (8) Section 5, Chapter 696, Acts of the 68th
18 Legislature, Regular Session, 1983; and

19 (9) Sections 12 and 14, Chapter 23, Acts of the 86th
20 Legislature, Regular Session, 2019.

21 SECTION 3.04. NUECES RIVER AUTHORITY. The following
22 statutes are repealed:

23 (1) Sections 1.01, 1.02, 1.02A, 1.03, 2.01, 2.02(b)
24 and (c), 2.03, 2.03A, 2.04, 2.05, 2.06, 2.06A, 2.07, 2.08, 2.08A,
25 2.09, 2.10, 2.11, 2.12, 3.01, 3.02, 3.03, 3.04, 3.05, 3.06, 3.07,
26 3.08, 3.09, 3.10, 3.11, 3.12, 3.13, 3.14, 3.15, 3.16, 3.17, 3.18,
27 3.18A, 3.19, 3.20, 3.21, 3.22, 3.22A, 3.23, 3.24, 3.25, 3.26, 3.27,
28 3.28, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, 4.09, 5.01,
29 5.02, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, and 5.10, Chapter 427,
30 Acts of the 44th Legislature, 1st Called Session, 1935;

31 (2) Sections 2, 3, 4, 5, 6, and 7, Chapter 699, Acts of
32 the 64th Legislature, Regular Session, 1975;

33 (3) Section 3, Chapter 665, Acts of the 69th
34 Legislature, Regular Session, 1985; and

1 APPENDIX B

2 CHAPTER 311. CODE CONSTRUCTION ACT

3 (current as of end of 87th Legislature, 3rd Called Session, 2021)

4 SUBCHAPTER A. GENERAL PROVISIONS

5 Sec. 311.001. SHORT TITLE. This chapter may be cited as the
6 Code Construction Act.

7 Sec. 311.002. APPLICATION. This chapter applies to:

8 (1) each code enacted by the 60th or a subsequent
9 legislature as part of the state's continuing statutory revision
10 program;

11 (2) each amendment, repeal, revision, and reenactment
12 of a code or code provision by the 60th or a subsequent legislature;

13 (3) each repeal of a statute by a code; and

14 (4) each rule adopted under a code.

15 Sec. 311.003. RULES NOT EXCLUSIVE. The rules provided in
16 this chapter are not exclusive but are meant to describe and clarify
17 common situations in order to guide the preparation and
18 construction of codes.

19 Sec. 311.004. CITATION OF CODES. A code may be cited by its
20 name preceded by the specific part concerned. Examples of
21 citations are:

22 (1) Title 1, Business & Commerce Code;

23 (2) Chapter 5, Business & Commerce Code;

24 (3) Section 9.304, Business & Commerce Code;

25 (4) Section 15.06(a), Business & Commerce Code; and

26 (5) Section 17.18(b)(1)(B)(ii), Business & Commerce
27 Code.

28 Sec. 311.005. GENERAL DEFINITIONS. The following
29 definitions apply unless the statute or context in which the word or
30 phrase is used requires a different definition:

31 (1) "Oath" includes affirmation.

32 (2) "Person" includes corporation, organization,
33 government or governmental subdivision or agency, business trust,
34 estate, trust, partnership, association, and any other legal

1 entity.

2 (3) "Population" means the population shown by the
3 most recent federal decennial census.

4 (4) "Property" means real and personal property.

5 (5) "Rule" includes regulation.

6 (6) "Signed" includes any symbol executed or adopted
7 by a person with present intention to authenticate a writing.

8 (7) "State," when referring to a part of the United
9 States, includes any state, district, commonwealth, territory, and
10 insular possession of the United States and any area subject to the
11 legislative authority of the United States of America.

12 (8) "Swear" includes affirm.

13 (9) "United States" includes a department, bureau, or
14 other agency of the United States of America.

15 (10) "Week" means seven consecutive days.

16 (11) "Written" includes any representation of words,
17 letters, symbols, or figures.

18 (12) "Year" means 12 consecutive months.

19 (13) "Includes" and "including" are terms of
20 enlargement and not of limitation or exclusive enumeration, and use
21 of the terms does not create a presumption that components not
22 expressed are excluded.

23 Sec. 311.006. INTERNAL REFERENCES. In a code:

24 (1) a reference to a title, chapter, or section
25 without further identification is a reference to a title, chapter,
26 or section of the code; and

27 (2) a reference to a subtitle, subchapter, subsection,
28 subdivision, paragraph, or other numbered or lettered unit without
29 further identification is a reference to a unit of the next larger
30 unit of the code in which the reference appears.

31 SUBCHAPTER B. CONSTRUCTION OF WORDS AND PHRASES

32 Sec. 311.011. COMMON AND TECHNICAL USAGE OF WORDS. (a)
33 Words and phrases shall be read in context and construed according
34 to the rules of grammar and common usage.

1 (b) Words and phrases that have acquired a technical or
2 particular meaning, whether by legislative definition or
3 otherwise, shall be construed accordingly.

4 Sec. 311.012. TENSE, NUMBER, AND GENDER. (a) Words in the
5 present tense include the future tense.

6 (b) The singular includes the plural and the plural includes
7 the singular.

8 (c) Words of one gender include the other genders.

9 Sec. 311.013. AUTHORITY AND QUORUM OF PUBLIC BODY. (a) A
10 grant of authority to three or more persons as a public body confers
11 the authority on a majority of the number of members fixed by
12 statute.

13 (b) A quorum of a public body is a majority of the number of
14 members fixed by statute.

15 Sec. 311.014. COMPUTATION OF TIME. (a) In computing a
16 period of days, the first day is excluded and the last day is
17 included.

18 (b) If the last day of any period is a Saturday, Sunday, or
19 legal holiday, the period is extended to include the next day that
20 is not a Saturday, Sunday, or legal holiday.

21 (c) If a number of months is to be computed by counting the
22 months from a particular day, the period ends on the same numerical
23 day in the concluding month as the day of the month from which the
24 computation is begun, unless there are not that many days in the
25 concluding month, in which case the period ends on the last day of
26 that month.

27 Sec. 311.015. REFERENCE TO A SERIES. If a statute refers to
28 a series of numbers or letters, the first and last numbers or
29 letters are included.

30 Sec. 311.016. "MAY," "SHALL," "MUST," ETC. The following
31 constructions apply unless the context in which the word or phrase
32 appears necessarily requires a different construction or unless a
33 different construction is expressly provided by statute:

34 (1) "May" creates discretionary authority or grants

1 permission or a power.

2 (2) "Shall" imposes a duty.

3 (3) "Must" creates or recognizes a condition
4 precedent.

5 (4) "Is entitled to" creates or recognizes a right.

6 (5) "May not" imposes a prohibition and is synonymous
7 with "shall not."

8 (6) "Is not entitled to" negates a right.

9 (7) "Is not required to" negates a duty or condition
10 precedent.

11 SUBCHAPTER C. CONSTRUCTION OF STATUTES

12 Sec. 311.021. INTENTION IN ENACTMENT OF STATUTES. In
13 enacting a statute, it is presumed that:

14 (1) compliance with the constitutions of this state
15 and the United States is intended;

16 (2) the entire statute is intended to be effective;

17 (3) a just and reasonable result is intended;

18 (4) a result feasible of execution is intended; and

19 (5) public interest is favored over any private
20 interest.

21 Sec. 311.022. PROSPECTIVE OPERATION OF STATUTES. A statute
22 is presumed to be prospective in its operation unless expressly
23 made retrospective.

24 Sec. 311.023. STATUTE CONSTRUCTION AIDS. In construing a
25 statute, whether or not the statute is considered ambiguous on its
26 face, a court may consider among other matters the:

27 (1) object sought to be attained;

28 (2) circumstances under which the statute was enacted;

29 (3) legislative history;

30 (4) common law or former statutory provisions,
31 including laws on the same or similar subjects;

32 (5) consequences of a particular construction;

33 (6) administrative construction of the statute; and

34 (7) title (caption), preamble, and emergency

1 provision.

2 Sec. 311.024. HEADINGS. The heading of a title, subtitle,
3 chapter, subchapter, or section does not limit or expand the
4 meaning of a statute.

5 Sec. 311.025. IRRECONCILABLE STATUTES AND AMENDMENTS. (a)
6 Except as provided by Section 311.031(d), if statutes enacted at
7 the same or different sessions of the legislature are
8 irreconcilable, the statute latest in date of enactment prevails.

9 (b) Except as provided by Section 311.031(d), if amendments
10 to the same statute are enacted at the same session of the
11 legislature, one amendment without reference to another, the
12 amendments shall be harmonized, if possible, so that effect may be
13 given to each. If the amendments are irreconcilable, the latest in
14 date of enactment prevails.

15 (c) In determining whether amendments are irreconcilable,
16 text that is reenacted because of the requirement of Article III,
17 Section 36, of the Texas Constitution is not considered to be
18 irreconcilable with additions or omissions in the same text made by
19 another amendment. Unless clearly indicated to the contrary, an
20 amendment that reenacts text in compliance with that constitutional
21 requirement does not indicate legislative intent that the reenacted
22 text prevail over changes in the same text made by another
23 amendment, regardless of the relative dates of enactment.

24 (d) In this section, the date of enactment is the date on
25 which the last legislative vote is taken on the bill enacting the
26 statute.

27 (e) If the journals or other legislative records fail to
28 disclose which of two or more bills in conflict is latest in date of
29 enactment, the date of enactment of the respective bills is
30 considered to be, in order of priority:

31 (1) the date on which the last presiding officer
32 signed the bill;

33 (2) the date on which the governor signed the bill; or

34 (3) the date on which the bill became law by operation

1 of law.

2 Sec. 311.026. SPECIAL OR LOCAL PROVISION PREVAILS OVER
3 GENERAL. (a) If a general provision conflicts with a special or
4 local provision, the provisions shall be construed, if possible, so
5 that effect is given to both.

6 (b) If the conflict between the general provision and the
7 special or local provision is irreconcilable, the special or local
8 provision prevails as an exception to the general provision, unless
9 the general provision is the later enactment and the manifest
10 intent is that the general provision prevail.

11 Sec. 311.027. STATUTORY REFERENCES. Unless expressly
12 provided otherwise, a reference to any portion of a statute or rule
13 applies to all reenactments, revisions, or amendments of the
14 statute or rule.

15 Sec. 311.028. UNIFORM CONSTRUCTION OF UNIFORM ACTS. A
16 uniform act included in a code shall be construed to effect its
17 general purpose to make uniform the law of those states that enact
18 it.

19 Sec. 311.029. ENROLLED BILL CONTROLS. If the language of
20 the enrolled bill version of a statute conflicts with the language
21 of any subsequent printing or reprinting of the statute, the
22 language of the enrolled bill version controls.

23 Sec. 311.030. REPEAL OF REPEALING STATUTE. The repeal of a
24 repealing statute does not revive the statute originally repealed
25 nor impair the effect of any saving provision in it.

26 Sec. 311.031. SAVING PROVISIONS. (a) Except as provided by
27 Subsection (b), the reenactment, revision, amendment, or repeal of
28 a statute does not affect:

29 (1) the prior operation of the statute or any prior
30 action taken under it;

31 (2) any validation, cure, right, privilege,
32 obligation, or liability previously acquired, accrued, accorded,
33 or incurred under it;

34 (3) any violation of the statute or any penalty,

1 forfeiture, or punishment incurred under the statute before its
2 amendment or repeal; or

3 (4) any investigation, proceeding, or remedy
4 concerning any privilege, obligation, liability, penalty,
5 forfeiture, or punishment; and the investigation, proceeding, or
6 remedy may be instituted, continued, or enforced, and the penalty,
7 forfeiture, or punishment imposed, as if the statute had not been
8 repealed or amended.

9 (b) If the penalty, forfeiture, or punishment for any
10 offense is reduced by a reenactment, revision, or amendment of a
11 statute, the penalty, forfeiture, or punishment, if not already
12 imposed, shall be imposed according to the statute as amended.

13 (c) The repeal of a statute by a code does not affect an
14 amendment, revision, or reenactment of the statute by the same
15 legislature that enacted the code. The amendment, revision, or
16 reenactment is preserved and given effect as part of the code
17 provision that revised the statute so amended, revised, or
18 reenacted.

19 (d) If any provision of a code conflicts with a statute
20 enacted by the same legislature that enacted the code, the statute
21 controls.

22 Sec. 311.032. SEVERABILITY OF STATUTES. (a) If any statute
23 contains a provision for severability, that provision prevails in
24 interpreting that statute.

25 (b) If any statute contains a provision for
26 nonseverability, that provision prevails in interpreting that
27 statute.

28 (c) In a statute that does not contain a provision for
29 severability or nonseverability, if any provision of the statute or
30 its application to any person or circumstance is held invalid, the
31 invalidity does not affect other provisions or applications of the
32 statute that can be given effect without the invalid provision or
33 application, and to this end the provisions of the statute are
34 severable.

1 Sec. 311.034. WAIVER OF SOVEREIGN IMMUNITY. In order to
2 preserve the legislature's interest in managing state fiscal
3 matters through the appropriations process, a statute shall not be
4 construed as a waiver of sovereign immunity unless the waiver is
5 effected by clear and unambiguous language. In a statute, the use
6 of "person," as defined by Section 311.005 to include governmental
7 entities, does not indicate legislative intent to waive sovereign
8 immunity unless the context of the statute indicates no other
9 reasonable construction. Statutory prerequisites to a suit,
10 including the provision of notice, are jurisdictional requirements
11 in all suits against a governmental entity.

12 Sec. 311.035. CONSTRUCTION OF STATUTE OR RULE INVOLVING
13 CRIMINAL OFFENSE OR PENALTY. (a) In this section, "actor" and
14 "element of offense" have the meanings assigned by Section 1.07,
15 Penal Code.

16 (b) Except as provided by Subsection (c), a statute or rule
17 that creates or defines a criminal offense or penalty shall be
18 construed in favor of the actor if any part of the statute or rule is
19 ambiguous on its face or as applied to the case, including:

20 (1) an element of offense; or

21 (2) the penalty to be imposed.

22 (c) Subsection (b) does not apply to a criminal offense or
23 penalty under the Penal Code or under the Texas Controlled
24 Substances Act.

25 (d) The ambiguity of a part of a statute or rule to which
26 this section applies is a matter of law to be resolved by the judge.

27 Sec. 311.036. CONSTRUCTION OF ABORTION STATUTES. (a) A
28 statute that regulates or prohibits abortion may not be construed
29 to repeal any other statute that regulates or prohibits abortion,
30 either wholly or partly, unless the repealing statute explicitly
31 states that it is repealing the other statute.

32 (b) A statute may not be construed to restrict a political
33 subdivision from regulating or prohibiting abortion in a manner
34 that is at least as stringent as the laws of this state unless the

1 statute explicitly states that political subdivisions are
2 prohibited from regulating or prohibiting abortion in the manner
3 described by the statute.

4 (c) Every statute that regulates or prohibits abortion is
5 severable in each of its applications to every person and
6 circumstance. If any statute that regulates or prohibits abortion
7 is found by any court to be unconstitutional, either on its face or
8 as applied, then all applications of that statute that do not
9 violate the United States Constitution and Texas Constitution shall
10 be severed from the unconstitutional applications and shall remain
11 enforceable, notwithstanding any other law, and the statute shall
12 be interpreted as if containing language limiting the statute's
13 application to the persons, group of persons, or circumstances for
14 which the statute's application will not violate the United States
15 Constitution and Texas Constitution.

APPENDIX C
DISPOSITION TABLE

SPECIAL DISTRICT LOCAL LAWS CODE

44th Leg., 1st C.S., Ch. 427

5	Sec. 1.01	8511.0103
6	Sec. 1.02(1)	8511.0101
7	(2)	8511.0101
8	(3)	RN(1) 8511.0101
9	(4)	8511.0101
10	(5)	RN(2) 8511.0101
11	(6)	8511.0101
12	(7)	8511.0101
13	(8)	8511.0101
14	Sec. 1.02A(a) (part)	8511.0104
15	(part)	RN 8511.0104
16	(b)	RN 8511.0104
17	Sec. 1.03 (part)	8511.0106
18	(part)	RN(1) 8511.0106
19	(part)	RN(2) 8511.0106
20	Sec. 2.01 (part)	8511.0102
21	(part)	8511.0301
22	Sec. 2.02(b)	8511.0105
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