

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL  
Special District Local  
Laws Code  
Chapter 8018  
10/22/18

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13	CHAPTER 8018. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 319	
14	SUBCHAPTER A. GENERAL PROVISIONS	
15	<u>Revised Law</u>	
16	Sec. 8018.0001. DEFINITIONS. In this chapter:	
17	(1) "Board" means the district's board of directors.	
18	(2) "Director" means a member of the board.	
19	(3) "District" means the Harris County Municipal	
20	Utility District No. 319. (Acts 69th Leg., R.S., Ch. 787, Secs.	
21	1(a) (part), 2; New.)	
22	<u>Source Law</u>	
23	Sec. 1. (a) . . . [a . . . district is created]	
24	. . . to be known as "Harris County Municipal Utility	
25	District No. 319," . . . .	
26	Sec. 2. In this Act, "district" means Harris	
27	County Municipal Utility District No. 319.	

1                                    Revisor's Note

2                    The definitions of "board" and "director" are  
3                    added to the revised law for drafting convenience and  
4                    to eliminate frequent, unnecessary repetition of the  
5                    substance of the definitions.

6                                    Revised Law

7                    Sec. 8018.0002. NATURE OF DISTRICT. The district is a  
8                    conservation and reclamation district in Harris County created  
9                    under Section 59, Article XVI, Texas Constitution. (Acts 69th Leg.,  
10                   R.S., Ch. 787, Sec. 1(a) (part).)

11                                   Source Law

12                    Sec. 1. (a) Pursuant to Article XVI, Section  
13                    59, of the Texas Constitution a conservation and  
14                    reclamation district is created in Harris County,  
15                    Texas, . . . .

16                                   Revisor's Note

17                    Section 1(a), Chapter 787, Acts of the 69th  
18                    Legislature, Regular Session, 1985, provides that the  
19                    district is a governmental agency and a body politic  
20                    and corporate. The revised law omits the provision  
21                    because it duplicates a portion of Section 59(b),  
22                    Article XVI, Texas Constitution, which provides that a  
23                    conservation and reclamation district is a  
24                    governmental agency and a body politic and corporate.  
25                    The omitted law reads:

26                                    (a) . . . [a conservation and  
27                                    reclamation district is created] . . .  
28                                    which shall be a governmental agency and a  
29                                    body politic and corporate.

30                                    Revised Law

31                    Sec. 8018.0003. FINDINGS OF PUBLIC USE AND BENEFIT. (a)  
32                    The district is created to serve a public use and benefit.

33                    (b) All land and other property included in the district  
34                    will benefit from the works and projects accomplished by the  
35                    district under the powers conferred by Section 59, Article XVI,  
36                    Texas Constitution.

37                    (c) The creation of the district is essential to accomplish

1 the purposes of Section 59, Article XVI, Texas Constitution. (Acts  
2 69th Leg., R.S., Ch. 787, Secs. 1(b), 5.)

3 Source Law

4 [Sec. 1]

5 (b) The creation of the district is declared to  
6 be essential to the accomplishment of the purposes of  
7 Article XVI, Section 59, of the Texas Constitution.

8 Sec. 5. The legislature finds that all of the  
9 land and other property included within the boundaries  
10 of the district will be benefited by the works and  
11 projects that are to be accomplished by the district  
12 under powers conferred by Article XVI, Section 59, of  
13 the Texas Constitution and that the district is  
14 created to serve a public use and benefit.

15 Revised Law

16 Sec. 8018.0004. DISTRICT TERRITORY. (a) The district is  
17 composed of the territory described by Section 3, Chapter 787, Acts  
18 of the 69th Legislature, Regular Session, 1985, as that territory  
19 may have been modified under:

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

21 (2) Subchapter H, Chapter 54, Water Code; or

22 (3) other law.

23 (b) The boundaries and field notes of the district form a  
24 closure. A mistake in the field notes or in copying the field notes  
25 in the legislative process does not affect:

26 (1) the district's organization, existence, or  
27 validity;

28 (2) the district's right to issue any type of bond for  
29 a purpose for which the district is created or to pay the principal  
30 of and interest on the bonds;

31 (3) the district's right to impose a tax; or

32 (4) the legality or operation of the district or its  
33 governing body. (Acts 69th Leg., R.S., Ch. 787, Sec. 4; New.)

34 Source Law

35 Sec. 4. The legislature finds that the  
36 boundaries and field notes of the district form a  
37 closure. If any mistake is made in the field notes or  
38 in copying the field notes in the legislative process,  
39 it in no way affects the organization, existence, and  
40 validity of the district, or the right of the district  
41 to issue any type of bonds or refunding bonds for the  
42 purposes for which the district is created or to pay

1 the principal of and interest on the bonds, or the  
2 right of the district to levy and collect taxes, or in  
3 any other manner affects the legality or operation of  
4 the district or its governing body.

5 Revisor's Note

6 (1) The revision of the law governing the  
7 district does not revise the statutory language  
8 describing the territory of the district to avoid the  
9 lengthy recitation of the description and because that  
10 description may not be accurate on the effective date  
11 of the revision or at the time of a later reading. For  
12 the reader's convenience, the revised law includes  
13 references to the statutory description of the  
14 district's territory and to the authority to change the  
15 district's territory under Subchapter J, Chapter 49,  
16 Water Code, applicable to the district under Sections  
17 49.001 and 49.002 of that chapter, and under  
18 Subchapter H, Chapter 54, Water Code, applicable to  
19 municipal utility districts. The revised law also  
20 includes a reference to the general authority of the  
21 legislature to enact a law to change the district's  
22 territory.

23 (2) Section 4, Chapter 787, Acts of the 69th  
24 Legislature, Regular Session, 1985, provides that a  
25 mistake in the description of the district's  
26 boundaries does not affect the right of the district to  
27 issue "any type of bonds or refunding bonds." The  
28 revised law omits the reference to "refunding bonds"  
29 because refunding bonds are included in the meaning of  
30 "any type of bonds."

31 (3) Section 4, Chapter 787, Acts of the 69th  
32 Legislature, Regular Session, 1985, refers to the  
33 district's authority to "levy and collect" taxes. The  
34 revised law substitutes "impose" for "levy and  
35 collect" because "impose" is the term generally used  
36 in Title 1, Tax Code, and includes the levy and

1 collection of a tax.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Revised Law

4 Sec. 8018.0051. COMPOSITION OF BOARD. The district is  
5 governed by a board of five elected directors. (Acts 69th Leg.,  
6 R.S., Ch. 787, Secs. 8(a), (b) (part).)

7 Source Law

8 Sec. 8. (a) The district is governed by a board  
9 of five directors.

10 (b) . . . each director shall be elected and  
11 . . . .

12 Revisor's Note

13 (1) Section 8(b), Chapter 787, Acts of the 69th  
14 Legislature, Regular Session, 1985, provides that  
15 except for the initial directors, each director shall  
16 serve for the term of office provided for directors  
17 under Chapter 54, Water Code. Because the terms of the  
18 initial directors have expired, the revised law omits  
19 the provision as executed. The revised law also omits  
20 the provision relating to the term of office of  
21 directors because Chapter 715, Acts of the 74th  
22 Legislature, Regular Session, 1995, repealed the  
23 relevant provisions of Chapter 54, Water Code, and  
24 enacted Section 49.103, Water Code, to govern the term  
25 of office of a director of a municipal utility  
26 district. Chapter 49, Water Code, applies to the  
27 district under Sections 49.001 and 49.002, Water Code.  
28 Finally, Section 8(b) provides that each director  
29 shall serve until the director's successor is elected  
30 and has qualified. The revised law omits the provision  
31 because it duplicates in substance Section 17, Article  
32 XVI, Texas Constitution, which requires an officer to  
33 continue to perform the officer's duties until a  
34 successor has qualified. The omitted law reads:

35 (b) Except for the initial directors,  
36 [each director] . . . shall serve for the

1 term of office provided for directors under  
2 Chapter 54, Water Code, and until his  
3 successor is elected and has qualified.

4 (2) Section 8(c), Chapter 787, Acts of the 69th  
5 Legislature, Regular Session, 1985, provides that each  
6 director shall qualify to serve as director in the  
7 manner provided by Chapter 54, Water Code. The revised  
8 law omits Section 8(c) because, as explained in  
9 Revisor's Note (1), the relevant provisions of Chapter  
10 54 were repealed, and similar provisions, including  
11 provisions governing the qualifications of directors,  
12 were enacted in Chapter 49, Water Code, which applies  
13 to the district under Sections 49.001 and 49.002 of  
14 that chapter. The omitted law reads:

15 (c) Each director shall qualify to  
16 serve as director in the manner provided by  
17 Chapter 54, Water Code.

18 Revised Law

19 Sec. 8018.0052. BOARD VACANCY. (a) Except as provided by  
20 Subsection (b), a vacancy in the office of director shall be filled  
21 in the manner provided by Section 49.105, Water Code.

22 (b) The Texas Commission on Environmental Quality shall  
23 appoint directors to fill the vacancies on the board whenever the  
24 number of qualified directors is fewer than three. (Acts 69th Leg.,  
25 R.S., Ch. 787, Sec. 8(e) (part); New.)

26 Source Law

27 (e) . . . If at any time the number of qualified  
28 directors is less than three because of the failure or  
29 refusal of one or more directors to qualify or serve,  
30 because of death or incapacitation, or for any other  
31 reason, the Texas Water Commission shall appoint the  
32 necessary number of directors to fill all vacancies on  
33 the board.

34 Revisor's Note

35 (1) Section 8(e), Chapter 787, Acts of the 69th  
36 Legislature, Regular Session, 1985, refers to a  
37 vacancy in the office of director "because of the  
38 failure or refusal of one or more directors to qualify  
39 or serve, because of death or incapacitation, or for

1 any other reason." The revised law omits the quoted  
2 language because it merely describes every manner in  
3 which a vacancy may occur without limiting in any way  
4 the board's duty to fill a vacancy.

5 (2) Section 49.105, Water Code, governs a  
6 vacancy in the office of director of certain  
7 districts, including a municipal utility district.  
8 Chapter 49, Water Code, applies to the district under  
9 Sections 49.001 and 49.002 of that chapter. For that  
10 reason and for the convenience of the reader, the  
11 revised law adds a reference to Section 49.105.

12 (3) Section 8(e), Chapter 787, Acts of the 69th  
13 Legislature, Regular Session, 1985, refers to the  
14 "Texas Water Commission." The revised law substitutes  
15 "Texas Commission on Environmental Quality" for "Texas  
16 Water Commission" to reflect the current name of the  
17 agency with the relevant regulatory authority.

18 Revisor's Note  
19 (End of Subchapter)

20 (1) Sections 8(d) and (f), Chapter 787, Acts of  
21 the 69th Legislature, Regular Session, 1985, name the  
22 district's initial directors and describe their terms  
23 of office. Because the terms of the initial directors  
24 have expired, the revised law omits the provisions as  
25 executed. The omitted law reads:

26 (d) At the time this Act takes  
27 effect, the following persons shall  
28 constitute the initial board of directors  
29 of the district:

- 30 (1) Brenton Harvey  
31 (2) Wyn Hyzer  
32 (3) Donna Mullenix  
33 (4) Anne C. Welch  
34 (5) Sue Westhoff

35 (f) The initial directors shall serve  
36 until permanent directors are elected as  
37 provided by Chapter 54, Water Code.

38 (2) Section 8(e), Chapter 787, Acts of the 69th  
39 Legislature, Regular Session, 1985, provides

1 procedures for filling a vacancy in the initial board  
2 of directors because of the failure of a member of the  
3 initial board of directors to qualify for office. The  
4 revised law omits the provision as executed because  
5 the terms of the initial directors have expired. The  
6 omitted law reads:

7 (e) If any of the directors listed in  
8 Subsection (d) of this section fails to  
9 qualify for office, the remaining directors  
10 shall appoint someone to fill the vacancy  
11 for the unexpired term. . . .

12 (3) Section 9, Chapter 787, Acts of the 69th  
13 Legislature, Regular Session, 1985, requires an  
14 election to confirm the establishment of the district  
15 and to elect the initial five permanent directors. The  
16 revised law omits that provision as executed because  
17 the election has been held. The omitted law reads:

18 Sec. 9. An election shall be called  
19 and held to confirm establishment of the  
20 district and to elect five permanent  
21 directors as provided by Chapter 54, Water  
22 Code.

23 SUBCHAPTER C. POWERS AND DUTIES

24 Revised Law

25 Sec. 8018.0101. MUNICIPAL UTILITY DISTRICT POWERS. The  
26 district has the rights, powers, privileges, and functions provided  
27 by general law, including Chapters 49 and 54, Water Code,  
28 applicable to a municipal utility district created under Section  
29 59, Article XVI, Texas Constitution. (Acts 69th Leg., R.S., Ch.  
30 787, Sec. 6(a) (part); New.)

31 Source Law

32 Sec. 6. (a) The district has all of the rights,  
33 powers, privileges, authority, and functions  
34 conferred by the general laws of this state applicable  
35 to municipal utility districts created under Article  
36 XVI, Section 59, of the Texas Constitution, including  
37 those conferred by Chapter 54, Water Code. . . .

38 Revisor's Note

39 (1) Section 6(a), Chapter 787, Acts of the 69th  
40 Legislature, Regular Session, 1985, refers to the



1 "rights, powers, privileges, [and] authority" of the  
2 district. The revised law omits "authority" because,  
3 in context, "authority" is included in the meaning of  
4 "rights, powers, [and] privileges."

5 (2) Section 6(a), Chapter 787, Acts of the 69th  
6 Legislature, Regular Session, 1985, refers to Chapter  
7 54, Water Code. For the reader's convenience, the  
8 revised law adds a reference to Chapter 49, Water Code,  
9 because Chapter 715, Acts of the 74th Legislature,  
10 Regular Session, 1995, repealed many provisions of  
11 Chapter 54 and enacted similar provisions in Chapter  
12 49, Water Code. Chapter 49 applies to municipal  
13 utility districts under Sections 49.001 and 49.002,  
14 Water Code.

15 (3) Section 6(a), Chapter 787, Acts of the 69th  
16 Legislature, Regular Session, 1985, provides that the  
17 act prevails over general law in case of a conflict or  
18 other inconsistency. The revised law omits the  
19 provision because it duplicates in substance Section  
20 311.026, Government Code (Code Construction Act). The  
21 omitted law reads:

22 (a) . . . If any provision of the  
23 general law is in conflict or inconsistent  
24 with this Act, this Act prevails.

25 (4) Section 6(b), Chapter 787, Acts of the 69th  
26 Legislature, Regular Session, 1985, provides that any  
27 general laws not in conflict or inconsistent with the  
28 provisions of the act are adopted and incorporated by  
29 reference. The revised law omits the provision  
30 because Section 6(a), Chapter 787, revised as this  
31 section, provides that those general laws apply to the  
32 district, and it is not necessary to duplicate that  
33 applicability by adopting and incorporating the  
34 general law by reference. The omitted law reads:

35 (b) Any general law not in conflict

1 or inconsistent with this Act is adopted and  
2 incorporated by reference.

3 (5) Section 6(c), Chapter 787, Acts of the 69th  
4 Legislature, Regular Session, 1985, refers to the  
5 continuing right of supervision to be exercised by the  
6 Texas Department of Water Resources. The revised law  
7 omits the provision because the Texas Commission on  
8 Environmental Quality is the successor to the Texas  
9 Department of Water Resources, and therefore the  
10 provision duplicates in substance part of Section  
11 12.081, Water Code, which applies to the district. The  
12 omitted law reads:

13 (c) The rights, powers, privileges,  
14 authority, and functions granted to the  
15 district are subject to the continuing  
16 right of supervision of the State of Texas  
17 to be exercised by and through the Texas  
18 Department of Water Resources.

19 Revised Law

20 Sec. 8018.0102. WATER CONSERVATION PROGRAM. (a) In this  
21 section, "water conservation program" means the practices,  
22 techniques, and technologies that will reduce water consumption,  
23 reduce water loss or waste, improve efficiency in water use, or  
24 increase water recycling and reuse so that a water supply is  
25 available for future or alternative uses.

26 (b) The district shall adopt and implement a water  
27 conservation program consistent with rules and criteria adopted and  
28 enforceable by the Texas Commission on Environmental Quality for  
29 similarly situated districts in the region. (Acts 69th Leg., R.S.,  
30 Ch. 787, Sec. 7.)

31 Source Law

32 Sec. 7. The district shall adopt and implement a  
33 program of water conservation consistent with rules  
34 and criteria duly adopted and enforceable by the Texas  
35 Department of Water Resources for similarly situated  
36 districts in the region. A program of water  
37 conservation means the practices, techniques, and  
38 technologies which will reduce the consumption of  
39 water, reduce the loss or waste of water, improve  
40 efficiency in the use of water, or increase the  
41 recycling and reuse of water so that a water supply is  
42 made available for future or alternative uses.

1 Revisor's Note

2 (1) Section 7, Chapter 787, Acts of the 69th  
3 Legislature, Regular Session, 1985, refers to "duly"  
4 adopted rules and criteria. The revised law omits  
5 "duly" as unnecessary in this context because the word  
6 does not add to the clear meaning of the law.

7 (2) Section 7, Chapter 787, Acts of the 69th  
8 Legislature, Regular Session, 1985, refers to the  
9 "Texas Department of Water Resources." The revised  
10 law substitutes "Texas Commission on Environmental  
11 Quality" for "Texas Department of Water Resources" to  
12 reflect the current name of the agency with the  
13 relevant regulatory authority.

14 Revisor's Note  
15 (End of Chapter)

16 Section 10, Chapter 787, Acts of the 69th  
17 Legislature, Regular Session, 1985, recites  
18 legislative findings regarding procedural  
19 requirements for the creation of the district under  
20 the constitution and other laws and rules, including  
21 proper legal notice and the filing of recommendations.  
22 The revised law omits those provisions as executed.  
23 The omitted law reads:

24 Sec. 10. The legislature finds that  
25 proper and legal notice of the intention to  
26 introduce this Act, setting forth the  
27 general substance of this Act, has been  
28 published as provided by law, and the notice  
29 and a copy of this Act have been furnished  
30 to all persons, agencies, officials, or  
31 entities to which they are required to be  
32 furnished by the constitution and laws of  
33 this state, including the governor of  
34 Texas, who has submitted the notice and Act  
35 to the Texas Water Commission. The  
36 legislature also finds that the Texas Water  
37 Commission has filed its recommendations  
38 relating to this Act with the governor,  
39 lieutenant governor, and speaker of the  
40 house of representatives within the  
41 required time. The general law relating to  
42 consent by political subdivisions to the  
43 creation of conservation and reclamation  
44 districts and the inclusion of land in those  
45 districts has been complied with, and all

1 requirements of the constitution and laws  
2 of this state and the rules and procedures  
3 of the legislature with respect to the  
4 notice, introduction, and passage of this  
5 Act have been fulfilled and accomplished.