

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL  
Special District Local  
Laws Code  
Chapter 11013  
5/10/18

1 CHAPTER 11013. HAYS COUNTY WATER CONTROL AND IMPROVEMENT

2 DISTRICT NO. 2

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10 CHAPTER 11013. HAYS COUNTY WATER CONTROL AND IMPROVEMENT

11 DISTRICT NO. 2

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Revised Law

14 Sec. 11013.0001. DEFINITION. In this chapter, "district"

15 means the Hays County Water Control and Improvement District No. 2.

16 (Acts 77th Leg., R.S., Ch. 1354, Sec. 2.)

17 Source Law

18 Sec. 2. In this Act, "district" means the Hays

19 County Water Control and Improvement District No. 2.

20 Revised Law

21 Sec. 11013.0002. FINDINGS OF PUBLIC USE AND BENEFIT. (a)

22 The district serves a public use and benefit.

23 (b) All land and other property included in the district

24 will benefit from the works and projects accomplished by the

25 district under the powers conferred by Section 59, Article XVI,

26 Texas Constitution. (Acts 77th Leg., R.S., Ch. 1354, Sec. 5.)



1 under Section 6(a), Chapter 1354, Acts of the 77th  
2 Legislature, Regular Session, 2001, revised in part as  
3 Section 11013.0051 of this chapter. The revised law  
4 also includes a reference to the general authority of  
5 the legislature to enact other laws to change the  
6 district's territory.

7 SUBCHAPTER B. POWERS AND DUTIES

8 Revised Law

9 Sec. 11013.0051. GENERAL POWERS AND DUTIES. (a) The  
10 district has the rights, powers, privileges, functions, and duties  
11 provided by general law, including Chapters 49, 51, and 54, Water  
12 Code, applicable to water control and improvement districts and  
13 municipal utility districts created under Section 59, Article XVI,  
14 Texas Constitution.

15 (b) If there is a conflict between Chapters 49, 51, and 54,  
16 Water Code, Chapter 51 controls. (Acts 77th Leg., R.S., Ch. 1354,  
17 Sec. 6(a) (part).)

18 Source Law

19 Sec. 6. (a) The district has all of the rights,  
20 powers, privileges, authority, functions, and duties  
21 provided by the general law of this state, including  
22 Chapters 49, 51, and 54, Water Code, applicable to  
23 water control and improvement districts and municipal  
24 utility districts created pursuant to Section 59,  
25 Article XVI, Texas Constitution. If Chapters 49, 51,  
26 and 54, Water Code, conflict, Chapter 51 controls.  
27 . . .

28 Revisor's Note

29 (1) Section 6(a), Chapter 1354, Acts of the 77th  
30 Legislature, Regular Session, 2001, refers to "the  
31 rights, powers, privileges, [and] authority" of the  
32 district. The revised law omits "authority" because,  
33 in context, "authority" is included in the meaning of  
34 "rights, powers, [and] privileges."

35 (2) Section 6(a), Chapter 1354, Acts of the 77th  
36 Legislature, Regular Session, 2001, provides that the  
37 act prevails over general law in case of a conflict or  
38 other inconsistency. The revised law omits that

1 provision because it duplicates in substance Section  
2 311.026(b), Government Code (Code Construction Act).

3 The omitted law reads:

4 (a) . . . This Act prevails over any  
5 provision of general law that is in conflict  
6 or inconsistent with this Act.

7 Revised Law

8 Sec. 11013.0052. EXPANSION OF SERVICE. (a) In this  
9 section, "district" includes an entity that succeeds to or is  
10 assigned the district's authority to act under this section.

11 (b) Except as provided by Subsection (c), another entity,  
12 including a public utility or retail public utility, may not expand  
13 the provision of retail water or sewer utility service inside the  
14 district without the written authorization of the district.

15 (c) If the Public Utility Commission of Texas finds that the  
16 district is not providing continuous and adequate service to  
17 customers in the district, the utility commission may grant a  
18 separate retail public utility certificate of convenience and  
19 necessity for that part of the district where the utility  
20 commission has found that the district is not providing continuous  
21 and adequate service. (Acts 77th Leg., R.S., Ch. 1354, Sec. 6(b).)

22 Source Law

23 (b) No other entity, including any public  
24 utility or retail public utility, may expand the  
25 provision of retail water or sewer utility service  
26 within the boundaries of the district without the  
27 written authorization of the district or the  
28 district's successors or assigns unless the Texas  
29 Natural Resource Conservation Commission finds that  
30 the district or its successors or assigns is not  
31 providing continuous and adequate service to customers  
32 in the district. In that event, the commission may  
33 grant a separate retail public utility certificate of  
34 convenience and necessity for that part of the  
35 district where the district is not providing  
36 continuous and adequate service.

37 Revisor's Note

38 Section 6(b), Chapter 1354, Acts of the 77th  
39 Legislature, Regular Session, 2001, refers to  
40 authority exercised by the "Texas Natural Resource  
41 Conservation Commission." The name of the Texas

1 Natural Resource Conservation Commission was changed  
2 to the Texas Commission on Environmental Quality by  
3 Section 18.01, Chapter 965, Acts of the 77th  
4 Legislature, Regular Session, 2001. The regulatory  
5 authority to grant certificates of convenience and  
6 necessity and to determine whether a certificate  
7 holder is providing continuous and adequate service  
8 was transferred from the Texas Commission on  
9 Environmental Quality to the Public Utility Commission  
10 of Texas by Chapters 170 and 171, Acts of the 83rd  
11 Legislature, Regular Session, 2013. The revised law  
12 substitutes "Public Utility Commission of Texas" for  
13 "Texas Natural Resource Conservation Commission" to  
14 reflect the name of the agency with the relevant  
15 regulatory authority.

16 Revisor's Note  
17 (End of Chapter)

18 (1) Section 1, Chapter 1354, Acts of the 77th  
19 Legislature, Regular Session, 2001, states that the  
20 creation of the district is valid subject to a  
21 confirmation election. The revised law omits the  
22 language regarding the creation and validation of the  
23 district because it served its purpose on the day it  
24 took effect and is executed law. Section  
25 311.031(a)(2), Government Code (Code Construction  
26 Act), provides that the repeal of a statute does not  
27 affect any validation previously made under the  
28 statute. Therefore, the omission of the executed  
29 validation provision does not affect the validation.  
30 The revised law also omits language regarding the  
31 confirmation election as executed because the  
32 confirmation election has already been held. The  
33 omitted law reads:

34 Sec. 1. The creation of the Hays  
35 County Water Control and Improvement

1 District No. 2 by the Hays County  
2 Commissioners Court on January 16, 2001, is  
3 validated, subject to approval at a  
4 confirmation election under Chapters 49 and  
5 51, Water Code.

6 (2) Section 7(b), Chapter 1354, Acts of the 77th  
7 Legislature, Regular Session, 2001, contains  
8 transition language regarding the expiration of the  
9 act if the creation of the district is not confirmed at  
10 a confirmation election before a certain date. The  
11 revised law omits that provision as executed because  
12 the creation of the district was confirmed within the  
13 required period. The omitted law reads:

14 (b) If the creation of the district  
15 is not confirmed at a confirmation election  
16 before September 1, 2003, this Act expires  
17 on that date.