

A NONSUBSTANTIVE REVISION
OF LOCAL LAWS RELATING TO
SPECIAL DISTRICTS

Submitted to the 85th Legislature
as part of the
Texas Legislative Council's
Statutory Revision Program

Austin, Texas

2017

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 The process involves reclassifying and rearranging the statutes in a more logical order, eliminating repealed, invalid, duplicative, and other ineffective provisions while employing a format and numbering system that will accommodate future expansion of the law, and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 869, Acts of the 85th Legislature, Regular Session, 2017, 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, 2019, to provide all affected persons a complete legislative cycle to review the revision more closely.

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

The revision required conforming amendments to several statutes. These amendments, also enacted into law by Chapter 869, Acts of the 85th Legislature, Regular Session, 2017, are printed in Appendix A to the revisor's report. Appendix A also includes a section listing the laws repealed effective April 1, 2019, 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.

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1 SPECIAL DISTRICT LOCAL LAWS CODE
2 TITLE 5. TRANSPORTATION
3 SUBTITLE A. NAVIGATION DISTRICTS AND PORT AUTHORITIES
4 CHAPTER 5009. GALVESTON COUNTY NAVIGATION DISTRICT NO. 1
5 CHAPTER 5013. PORT OF HARLINGEN AUTHORITY
6 TITLE 6. WATER AND WASTEWATER
7 SUBTITLE B. FRESH WATER SUPPLY DISTRICTS
8 CHAPTER 6913. HASKELL COUNTY WATER SUPPLY DISTRICT
9 SUBTITLE E. LEVEE IMPROVEMENT DISTRICTS
10 CHAPTER 7811. DALLAS COUNTY FLOOD CONTROL DISTRICT NO. 1
11 SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER
12 CHAPTER 8877. CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT
13 CHAPTER 8879. CROCKETT COUNTY GROUNDWATER CONSERVATION DISTRICT
14 CHAPTER 8880. GONZALES COUNTY UNDERGROUND WATER CONSERVATION
15 DISTRICT
16 CHAPTER 8881. MESA UNDERGROUND WATER CONSERVATION DISTRICT
17 CHAPTER 8882. SANDY LAND UNDERGROUND WATER CONSERVATION DISTRICT
18 CHAPTER 8883. SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT
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20 CHAPTER 8885. SOUTH PLAINS UNDERGROUND WATER CONSERVATION DISTRICT
21 CHAPTER 8886. SUTTON COUNTY UNDERGROUND WATER CONSERVATION
22 DISTRICT
23 CHAPTER 8887. NORTH PLAINS GROUNDWATER CONSERVATION DISTRICT
24 CHAPTER 8888. NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY
25 SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS
26 CHAPTER 9048. EL PASO COUNTY WATER CONTROL AND IMPROVEMENT
27 DISTRICT NO. 4
28 CHAPTER 9070. FAYETTE COUNTY WATER CONTROL AND IMPROVEMENT
29 DISTRICT-MONUMENT HILL

1 TITLE 5. TRANSPORTATION

2 SUBTITLE A. NAVIGATION DISTRICTS AND PORT AUTHORITIES

3 CHAPTER 5009. GALVESTON COUNTY NAVIGATION DISTRICT NO. 1

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14 CHAPTER 5009. GALVESTON COUNTY NAVIGATION DISTRICT NO. 1

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Revised Law

17 Sec. 5009.001. DEFINITIONS. In this chapter:

18 (1) "Commission" means the board of navigation and
19 canal commissioners of the district.

20 (2) "District" means the Galveston County Navigation
21 District No. 1.

22 (3) "Fund" means a promotion and development fund
23 created by the district. (New.)

24 Revisor's Note

25 The revised law adds the definitions of

26 "commission," "district," and "fund" for drafting

27 convenience and to eliminate frequent, unnecessary

28 repetition of the substance of the definitions.

29 Chapter 46, Acts of the 54th Legislature, Regular

30 Session, 1955, and Chapter 1168, Acts of the 71st

31 Legislature, Regular Session, 1989, respectively

32 refer to the "governing board" of the district and the

33 district's "commissioners." It is clear that the

34 source law references to the commissioners refer to

1 the commission as a body rather than to the
2 commissioners as individuals. Therefore, throughout
3 this chapter the revised law substitutes "commission"
4 for both "governing board" and "commissioners" to
5 conform to the terminology used in the Water Code to
6 refer to the governing body of a navigation district.

7 Revised Law

8 Sec. 5009.002. NATURE OF DISTRICT. The district is created
9 under Section 59, Article XVI, Texas Constitution. (Acts 54th
10 Leg., R.S., Ch. 46, Sec. 4 (part).)

11 Source Law

12 Sec. 4. Said District is hereby declared to be a
13 district established and created under the provisions
14 of Section 59 of Article XVI, Constitution of Texas,
15 and

16 Revisor's Note

17 Section 4, Chapter 46, Acts of the 54th
18 Legislature, Regular Session, 1955, states that the
19 district is "established and created" under Section
20 59, Article XVI, Texas Constitution. The revised law
21 omits "established" because the meaning of that word
22 is included in the meaning of "created."

23 Revised Law

24 Sec. 5009.003. LEGISLATIVE FINDINGS. (a) All land and
25 other property in the district benefit from the creation of the
26 district, the carrying out of the purposes for which the district
27 was created, and the acquisition and construction of navigation
28 facilities and improvements to carry out those purposes.

29 (b) The district is necessary to carry out Section 59,
30 Article XVI, Texas Constitution. (Acts 54th Leg., R.S., Ch. 46,
31 Sec. 4 (part).)

32 Source Law

33 Sec. 4. [Said District is hereby declared . . .
34 under . . . Section 59 of Article XVI, Constitution of
35 Texas] . . . to be necessary to carry out the
36 provisions of said Section 59, and it is hereby found
37 and determined that all land and other property within
38 the limits of the District are benefited by the

1 creation of said District and will be benefited
2 through the carrying out of the purposes for which the
3 District was created, and by the acquisition and
4 construction of the navigation facilities and
5 improvements to carry out such purposes;

6 SUBCHAPTER B. POWERS AND DUTIES

7 Revised Law

8 Sec. 5009.051. LIMITATION ON POWERS AND DUTIES.

9 Notwithstanding any other law, the district, the commission, or
10 officers of the district may not have any power or authority over
11 the appointment, remuneration, operations, or conduct of the branch
12 pilots of the Galveston Bar or the commission of pilots of the
13 Galveston Bar. (Acts 54th Leg., R.S., Ch. 46, Sec. 4 (part).)

14 Source Law

15 Sec. 4. . . . provided, however, that neither
16 said District as established and created, and hereby
17 validated, nor the commissioners nor officers thereof,
18 shall have or be granted any power or authority over
19 the appointment, remuneration, operations or conduct
20 of the Branch Pilots of the Galveston Bar and the
21 commission of Pilots of the Galveston Bar; . . . any
22 law or laws to the contrary notwithstanding.

23 Revisor's Note

24 (1) Section 4, Chapter 46, Acts of the 54th
25 Legislature, Regular Session, 1955, provides that
26 "neither said District . . . nor the commissioners nor
27 officers thereof, shall have or be granted any power or
28 authority over the appointment, remuneration,
29 operations or conduct of the Branch Pilots of the
30 Galveston Bar and the commission of Pilots of the
31 Galveston Bar." The revised law omits "or be granted"
32 for the following reasons. The revision preserves the
33 meaning by changing the negative "shall" to "may not,"
34 which preserves both the present prohibition on having
35 those powers and the possibly intended prohibition
36 against another party granting the district those
37 powers in the future. Today those powers belong to
38 other entities that may or may not have the power to
39 delegate them. By disallowing the district to have the
40 powers, the potential for delegation of the powers to

1 the district by one of those parties is removed. To
2 the extent that the statement means that the act
3 prevails over future enactments of the legislature
4 that may conflict with it, it is misleading. It is a
5 fundamental principle of statutory construction that
6 one session of the legislature may not bind a future
7 session of the legislature. In addition, Section
8 311.026, Government Code (Code Construction Act),
9 governs the interpretation of the revised law in
10 instances of apparent conflict with other laws.

11 (2) Section 4, Chapter 46, Acts of the 54th
12 Legislature, Regular Session, 1955, provides that it
13 is the intent of the legislature to exclude certain
14 entities from the operation of the district. The
15 revised law omits that provision as unnecessary
16 because it is implied that a statute expresses the
17 intent of the legislature. The omitted law reads:

18 Sec. 4. . . . it being the intent of
19 this Legislature to exclude the Branch
20 Pilots and Commissioners of the Galveston
21 Bar from any part of the operation of this
22 Act or said District as established and
23 created,

24 SUBCHAPTER C. PROMOTION AND DEVELOPMENT FUND

25 Revised Law

26 Sec. 5009.101. ESTABLISHMENT OF FUND; DEPOSITS. (a) The
27 district may establish a promotion and development fund.

28 (b) The district, from time to time, may deposit in the fund
29 a portion of the district's accumulated money, plus an amount each
30 year not to exceed 10 percent of the district's total maintenance
31 and operation taxes, including delinquent taxes, received during a
32 fiscal year.

33 (c) The commission shall determine the amount to be
34 deposited in the fund.

35 (d) The money in the fund shall be kept separate from other
36 money and accounts of the district. (Acts 71st Leg., R.S., Ch.

1 1168, Secs. 1, 3(a).)

2 Source Law

3 Sec. 1. The Galveston County Navigation
4 District No. 1 may establish a promotion and
5 development fund and may deposit to the credit of that
6 fund, from time to time, a portion of the district's
7 accumulated funds, plus an amount each year not to
8 exceed 10 percent of the district's total maintenance
9 and operation taxes, including delinquent taxes,
10 received during a fiscal year. The district's
11 commissioners shall determine the amount to be
12 deposited in the fund.

13 Sec. 3. (a) The money in the promotion and
14 development fund shall be kept separate from other
15 funds and accounts of the district.

16 Revisor's Note

17 Section 1, Chapter 1168, Acts of the 71st
18 Legislature, Regular Session, 1989, refers to the
19 district's "funds." The revised law substitutes
20 "money" for "funds" because, in context, the meaning
21 is the same and "money" is the more commonly used term.

22 Revised Law

23 Sec. 5009.102. USE OF FUND. The fund may be used only for:

24 (1) the purposes described by Section 60.203, Water
25 Code;

26 (2) the public purposes of development and
27 diversification of the district's economy; and

28 (3) joint projects with other political subdivisions
29 or entities, including funding a program of an entity, to carry out
30 the purposes of Subchapter H, Chapter 60, Water Code. (Acts 71st
31 Leg., R.S., Ch. 1168, Sec. 2.)

32 Source Law

33 Sec. 2. The fund may be used only for:

34 (1) the purposes described in Section
35 60.203, Water Code;

36 (2) the public purposes of development and
37 diversification of the district's economy; and

38 (3) joint projects with other political
39 subdivisions or entities, including funding a program
40 of an entity, to carry out the purposes of Subchapter
41 H, Chapter 60, Water Code.

42 Revised Law

43 Sec. 5009.103. CONTROL OF FUND. The fund is under the

1 exclusive control of the commission, and the commission has full
2 responsibility for auditing, approving, and safeguarding the
3 expenditure of money from the fund. (Acts 71st Leg., R.S., Ch.
4 1168, Sec. 3(b).)

5 Source Law

6 (b) The promotion and development fund is under
7 the exclusive control of the district's commissioners,
8 and the commissioners have full responsibility for
9 auditing, approving, and safeguarding the expenditure
10 of money from the fund.

11 Revisor's Note
12 (End of Chapter)

13 (1) Section 1, in part, and Sections 2 and 3,
14 Chapter 46, Acts of the 54th Legislature, Regular
15 Session, 1955, validate the establishment and
16 boundaries of the district and all governmental
17 proceedings and actions relating to the district.
18 Section 5 of that chapter provides that the act did not
19 apply to pending litigation involving the validity of
20 the creation of the district or of bonds issued by the
21 district. The provisions are omitted from the revised
22 law because they 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 provisions does not affect the validation. The omitted
28 law reads:

29 Sec. 1. Galveston County Navigation
30 District No. 1 in Galveston County, Texas,
31 is hereby in all things validated. Without
32 in any way limiting the generalization of
33 the foregoing, it is specifically provided
34 that the election held within said District
35 on the 30th day of January, 1954, for the
36 creation of said District and for the
37 issuance of bonds of said District and the
38 levy of a tax on all taxable property within
39 said District sufficient to pay the
40 interest on said bonds and provide a sinking
41 fund sufficient to redeem the bonds at
42 maturity is hereby in all things validated,
43 and all proceedings relating to said
44 election and creation and bonds are hereby

1 in all things validated, and said bonds are
2 in all respects validated, and

3 Sec. 2. All governmental proceedings
4 and acts performed by the governing board of
5 said District and all officers thereof and
6 all proceedings and acts performed by
7 county officials and municipal officials in
8 connection with said District are hereby in
9 all things validated as of the respective
10 date of such proceedings and acts.

11 Sec. 3. The area and boundary lines
12 of said District are in all things
13 validated.

14 Sec. 5. This Act shall have no
15 application to any litigation pending upon
16 the effective date hereof in which the
17 validity of the creation of the District or
18 of said bonds is involved if such litigation
19 is ultimately determined against the
20 legality thereof.

21 (2) Section 1, Chapter 46, Acts of the 54th
22 Legislature, Regular Session, 1955, provides that
23 after approval, registration, and delivery, district
24 bonds are incontestable. The revised law omits that
25 provision because it duplicates, in substance, Section
26 1202.006, Government Code, which provides that after
27 approval, registration, and issuance, bonds are
28 incontestable for any reason. Section 1202.006
29 applies to district bonds under Sections 1202.001 and
30 1202.003(c), Government Code. The omitted law reads:

31 Sec. 1. . . . when said bonds have
32 been approved by the Attorney General of
33 Texas, registered by the Comptroller of
34 Texas, and delivered to the purchaser or
35 purchasers thereof, they shall be
36 incontestable.

37 (3) Section 6, Chapter 46, Acts of the 54th
38 Legislature, Regular Session, 1955, provides that the
39 act is severable. The revised law omits that provision
40 because the same result is produced by application of
41 Section 311.032, Government Code (Code Construction
42 Act), which provides that a provision of a statute is
43 severable from each other provision of the statute
44 that can be given effect. The omitted law reads:

45 Sec. 6. If any word, phrase, clause,
46 sentence, paragraph, or provision of this
47 Act is held to be invalid or

1 unconstitutional by a court of competent
2 jurisdiction in this State, it is the
3 intention of the Legislature that the
4 remaining provisions thereof shall be
5 effective, and that such remaining portions
6 shall remain in full force and effect.

7 CHAPTER 5013. PORT OF HARLINGEN AUTHORITY

8 Sec. 5013.001. DEFINITION 9
9 Sec. 5013.002. FORMER NAME OF AUTHORITY 9
10 Sec. 5013.003. GOVERNING BODY 10

11 CHAPTER 5013. PORT OF HARLINGEN AUTHORITY

12 Revised Law

13 Sec. 5013.001. DEFINITION. In this chapter, "authority"
14 means the Port of Harlingen Authority. (Acts 68th Leg., R.S., Ch.
15 21, Sec. 1(a); New.)

16 Source Law

17 Sec. 1. (a) The Arroyo Colorado Navigation
18 District of Cameron and Willacy counties is renamed
19 the Port of Harlingen Authority.

20 Revisor's Note

21 Section 1(a), Chapter 21, Acts of the 68th
22 Legislature, Regular Session, 1983, renamed the Arroyo
23 Colorado Navigation District of Cameron and Willacy
24 Counties as the Port of Harlingen Authority. The
25 revised law adds a definition of "authority" to
26 reflect the name change and to conform to the standard
27 format for chapters in the Special District Local Laws
28 Code, which normally places definitions at the
29 beginning of a chapter.

30 Revised Law

31 Sec. 5013.002. FORMER NAME OF AUTHORITY. Before April 13,
32 1983, the authority was known as the Arroyo Colorado Navigation
33 District of Cameron and Willacy Counties. (Acts 68th Leg., R.S.,
34 Ch. 21, Sec. 1(a); New.)

35 Source Law

36 Sec. 1. (a) The Arroyo Colorado Navigation
37 District of Cameron and Willacy counties is renamed
38 the Port of Harlingen Authority.

1 Revisor's Note

2 Section 1(a), Chapter 21, Acts of the 68th
3 Legislature, Regular Session, 1983, renamed the Arroyo
4 Colorado Navigation District of Cameron and Willacy
5 Counties as the Port of Harlingen Authority. The
6 revised law includes a reference to the former name of
7 the authority to provide a key part of the record of
8 the authority's history.

9 Revised Law

10 Sec. 5013.003. GOVERNING BODY. The navigation and canal
11 commission of the authority is called the port commission and is
12 composed of port commissioners. (Acts 68th Leg., R.S., Ch. 21, Sec.
13 1(b); New.)

14 Source Law

15 (b) The board of navigation commissioners is
16 renamed the port commission, and the title of a
17 commission member is that of port commissioner.

18 Revisor's Note

19 Section 1(b), Chapter 21, Acts of the 68th
20 Legislature, Regular Session, 1983, renamed the
21 authority's "board of navigation commissioners" as a
22 "port commission." Although the authority was created
23 under general law, the general law statutes applicable
24 to navigation districts, Chapters 60-63, Water Code,
25 do not define a "board of navigation commissioners."
26 The general law does describe a "navigation board"
27 involved in the creation of a district, defined in
28 Sections 62.061 and 63.026, Water Code, as a body
29 composed of the county commissioners court and the
30 mayor and aldermen or commissioners of the navigation
31 district's included city or cities. The general law
32 also defines "commission" and "commissioner" to refer
33 to a district's navigation and canal commission and its
34 members. A navigation and canal commission is the
35 group of three people who compose the governing body of

1 a navigation district.

2 The revised law adds a section describing the
3 governing body of the authority to conform to the
4 standard format of chapters in the Special District
5 Local Laws Code. This section clarifies that the "port
6 commission" of the authority is the three-member
7 navigation and canal commission of the authority
8 rather than a "board" under general law.

9 TITLE 6. WATER AND WASTEWATER

10 SUBTITLE B. FRESH WATER SUPPLY DISTRICTS

11 CHAPTER 6913. HASKELL COUNTY WATER SUPPLY DISTRICT

12 SUBCHAPTER A. GENERAL PROVISIONS

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17 TERRITORY

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3 CHAPTER 6913. HASKELL COUNTY WATER SUPPLY DISTRICT
4 SUBCHAPTER A. GENERAL PROVISIONS

5 Revised Law

6 Sec. 6913.001. DEFINITIONS. In this chapter:

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

8 (2) "Commissioners court" means the Haskell County
9 Commissioners Court.

10 (3) "Director" means a board member.

11 (4) "District" means the Haskell County Water Supply
12 District. (Acts 54th Leg., R.S., Ch. 141, Sec. 1 (part); New.)

13 Source Law

14 Sec. 1. . . . [a District] to be known as
15 "Haskell County Water Supply District," (hereinafter
16 called "District")

17 Revisor's Note

18 The definitions of "board," "commissioners
19 court," and "director" are added to the revised law for
20 drafting convenience and to eliminate frequent,
21 unnecessary repetition of the substance of the
22 definitions.

23 Revised Law

24 Sec. 6913.002. NATURE OF DISTRICT. The district is created
25 under Section 59, Article XVI, Texas Constitution. (Acts 54th
26 Leg., R.S., Ch. 141, Sec. 1 (part).)

27 Source Law

28 Sec. 1. By virtue of Article XVI, Section 59 of
29 the Texas Constitution, there is hereby created a
30 District . . . which shall be a governmental agency
31 and a body politic and corporate.

32 Revisor's Note

33 Section 1, Chapter 141, Acts of the 54th
34 Legislature, Regular Session, 1955, refers to the
35 district as "a governmental agency and a body politic
36 and corporate." The revised law omits the quoted

1 language because it duplicates a portion of Section
2 59(b), Article XVI, Texas Constitution, which provides
3 that a district created under that section is a
4 governmental agency and a body politic and corporate.

5 Revised Law

6 Sec. 6913.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
7 All land in the district will benefit from the improvements to be
8 acquired and constructed by the district.

9 (b) Because the accomplishment of the purposes stated in
10 this chapter is for the benefit of the people of this state and for
11 the improvement of their property and industries, the district in
12 carrying out the purposes of this chapter performs an essential
13 public function under the Texas Constitution. (Acts 54th Leg.,
14 R.S., Ch. 141, Secs. 2 (part), 19 (part).)

15 Source Law

16 Sec. 2. . . . It is hereby found that all of the
17 land thus included in said District will be benefited
18 by the improvements to be acquired and constructed by
19 said District.

20 Sec. 19. The accomplishment of the purposes
21 stated in this Act being for the benefit of the people
22 of this State and for the improvement of their
23 properties and industries, the District in carrying
24 out the purposes of this Act will be performing an
25 essential public function under the Constitution and
26

27 SUBCHAPTER B. DISTRICT TERRITORY AND ANNEXATIONS TO DISTRICT
28 TERRITORY

29 Revised Law

30 Sec. 6913.051. DISTRICT TERRITORY. The district is
31 composed of the territory described by Section 2, Chapter 141, Acts
32 of the 54th Legislature, Regular Session, 1955, as that territory
33 may have been modified under:

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

35 (2) this subchapter or its predecessor statute, former
36 Section 5, Chapter 141, Acts of the 54th Legislature, Regular
37 Session, 1955; or

38 (3) other law. (Acts 54th Leg., R.S., Ch. 141, Sec. 2

1 (part); New.)

2 Source Law

3 Sec. 2. The District shall comprise all of the
4 territory contained within the following described
5 area:

6 Revisor's Note

7 The revised law does not revise the statutory
8 language describing the territory of the district to
9 avoid the lengthy recitation of the description and
10 because that description may not be accurate on the
11 effective date of the revision or at the time of a
12 later reading. For the reader's convenience, the
13 revised law includes references to the statutory
14 description of the district's territory and to the
15 statutory authority to change the district's territory
16 under Subchapter J, Chapter 49, Water Code, applicable
17 to the district under Sections 49.001 and 49.002 of
18 that chapter, this subchapter, and Section 5, Chapter
19 141, Acts of the 54th Legislature, Regular Session,
20 1955, from which the relevant provisions of this
21 subchapter are derived. The revised law also includes
22 a reference to the general authority of the
23 legislature to enact other laws to change the
24 district's territory.

25 Revised Law

26 Sec. 6913.052. ANNEXATION OF TERRITORY IN HASKELL COUNTY.
27 Territory in Haskell County, whether the territory is contiguous to
28 the district or not, may be annexed to the district as provided by
29 this subchapter. (Acts 54th Leg., R.S., Ch. 141, Sec. 5 (part).)

30 Source Law

31 Sec. 5. Other territory, whether contiguous to
32 the District or not, and within Haskell County, may be
33 annexed to the District in the following manner:
34

35 Revised Law

36 Sec. 6913.053. PETITION FOR ANNEXATION; BOARD

1 DETERMINATION AND RESOLUTION. (a) Territory may be annexed to the
2 district under this subchapter if a petition requesting annexation
3 is filed with the board.

4 (b) The petition must:

5 (1) be signed by:

6 (A) 50 registered voters of the territory
7 proposed to be annexed who own taxable property in that territory;
8 or

9 (B) a majority of the registered voters of that
10 territory who own taxable property in that territory; and

11 (2) describe the territory proposed to be annexed by
12 metes and bounds.

13 (c) If the board determines that the petition complies with
14 Subsection (b), that the annexation would be in the district's
15 interest, and that the district will be able to supply water to the
16 proposed territory, the board shall:

17 (1) adopt a resolution requesting that the
18 commissioners court annex the territory to the district and stating
19 any conditions for annexation of the territory; and

20 (2) deliver a certified copy of the resolution and of
21 the petition to the commissioners court. (Acts 54th Leg., R.S., Ch.
22 141, Secs. 5(a), (b).)

23 Source Law

24 [Sec. 5. Other] territory . . . may be annexed
25 to the District:

26 (a) A petition praying for such annexation
27 signed by fifty (50) or a majority of the qualified
28 voters of the territory to be annexed who own taxable
29 property therein and who have duly rendered the same to
30 the county for taxation shall be filed with the Board
31 of Directors of the District. The petition shall
32 describe the territory by metes and bounds;

33 (b) If the Board of Directors finds that the
34 petition complies with and is signed by the number of
35 qualified persons required by the foregoing
36 subsection, that the annexation would be to the
37 interest of the District, and that the District will be
38 able to supply water to the territory, it shall adopt a
39 resolution stating the conditions, if any, under which
40 such territory may be annexed to the District, and
41 requesting the Commissioners Court of Haskell County
42 to annex said territory to the District. A certified
43 copy of such resolution and of the petition shall be
44 filed with said court;

1 Revisor's Note

2 (1) Section 5(a), Chapter 141, Acts of the 54th
3 Legislature, Regular Session, 1955, refers to
4 "qualified voters" of the territory. The revised law
5 substitutes "registered voters" for the quoted
6 language because in the context of eligibility to sign
7 a petition, Section 277.0021, Election Code, provides
8 that "qualified voter" means a "registered voter."
9 Throughout this chapter, the revised law omits law
10 that is superseded or duplicated by the Election Code,
11 applicable to the district under Section 1.002 of that
12 code.

13 (2) Section 5(a), Chapter 141, Acts of the 54th
14 Legislature, Regular Session, 1955, requires that an
15 annexation petition be signed by owners of taxable
16 property "who have duly rendered the same to the county
17 for taxation." The revised law omits the quoted
18 language because, in context, "property" means "real
19 property," and the Property Tax Code (Title 1, Tax
20 Code) does not require an owner of real property to
21 render the property for ad valorem taxation.

22 Revised Law

23 Sec. 6913.054. COMMISSIONERS COURT RESOLUTION; SETTING
24 ANNEXATION HEARING. On receipt of a board resolution and petition
25 under this subchapter, the commissioners court shall:

26 (1) adopt a resolution that declares the court's
27 intention to call an election in the proposed territory on the
28 proposition of whether to annex the territory to the district; and

29 (2) set a time and place to hold a hearing on the
30 question of whether the proposed territory will benefit from the
31 improvements, works, and facilities then owned or operated or
32 contemplated to be owned or operated by the district. (Acts 54th
33 Leg., R.S., Ch. 141, Sec. 5(c).)

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Source Law

(c) The Commissioners Court shall adopt a resolution declaring its intention to call an election in the territory for the purpose of submitting the proposition of whether or not such territory shall be annexed to the District, and fix a time and place when and where a hearing shall be held by said court on the question of whether the territory proposed to be annexed will be benefited by the improvements, works and facilities then owned or operated or contemplated to be owned or operated by the District;

Revised Law

Sec. 6913.055. NOTICE OF ANNEXATION HEARING. (a) Not later than the 10th day before the date of the annexation hearing, notice of the resolution adopted under Section 6913.054 shall be published one time in a newspaper designated by the commissioners court, except as provided by Subsection (c).

(b) The notice must:

(1) be addressed to the citizens and owners of property in the proposed territory;

(2) state the time and place of the annexation hearing; and

(3) describe the proposed territory in the same manner as Section 6913.053(b) requires.

(c) If a newspaper is not published in the proposed territory, the notice shall be posted in three public places in the proposed territory. (Acts 54th Leg., R.S., Ch. 141, Secs. 5(d), (k).)

Source Law

(d) Notice of the adoption of such resolution stating the time and place of such hearing, addressed to the citizens and owners of property in such territory shall be published one (1) time in a newspaper designated by the Commissioners Court at least ten (10) days prior to the date of such hearing. The notice shall describe the territory proposed to be annexed in the same manner as required for the petition;

(k) If no newspaper is published in territory to be annexed, the notices shall be posted in three (3) public places therein.

Revisor's Note

Section 5(d), Chapter 141, Acts of the 54th

1 Legislature, Regular Session, 1955, requires notice of
2 an annexation hearing to describe the territory to be
3 annexed in the same manner in which the territory is
4 "required" to be described in the petition. The
5 requirements for describing the territory in the
6 petition are revised in Section 6913.053(b). The
7 revised law is drafted accordingly.

8 Revised Law

9 Sec. 6913.056. ANNEXATION HEARING. (a) The annexation
10 hearing may proceed in the order and under the rules prescribed by
11 the commissioners court, and the court may recess the hearing.

12 (b) Any interested person may appear at the annexation
13 hearing and offer evidence for or against the proposed annexation.
14 (Acts 54th Leg., R.S., Ch. 141, Sec. 5(e) (part).)

15 Source Law

16 (e) All persons interested may appear at such
17 hearing and offer evidence for or against the intended
18 annexation. Such hearing may proceed in such order and
19 under such rules as may be prescribed by the
20 Commissioners Court, and the hearing may be recessed
21 from time to time. . . .

22 Revisor's Note

23 Section 5(e), Chapter 141, Acts of the 54th
24 Legislature, Regular Session, 1955, states that an
25 annexation hearing "may be recessed from time to
26 time." The revised law omits "from time to time"
27 because the power to recess a hearing implies the power
28 to do so at any time.

29 Revised Law

30 Sec. 6913.057. ANNEXATION FINDINGS AND RESOLUTION;
31 ELECTION PROPOSITIONS. (a) At the conclusion of the annexation
32 hearing, if the commissioners court finds that all the proposed
33 territory will benefit from the present or contemplated
34 improvements, works, or facilities of the district, the
35 commissioners court shall adopt a resolution that:

36 (1) calls an election in the proposed territory; and

1 (2) states the date of the election and the place or
2 places of holding the election.

3 (b) In calling an election on the proposition for annexation
4 of the proposed territory, the commissioners court may include in
5 the same proposition a proposition for:

6 (1) the territory to assume its part of the
7 tax-supported bonds of the district then outstanding and those
8 bonds previously voted but not yet sold; and

9 (2) an ad valorem tax to be imposed on taxable property
10 in the territory along with the tax in the rest of the district for
11 the payment of the bonds. (Acts 54th Leg., R.S., Ch. 141, Secs.
12 5(e) (part), (i).)

13 Source Law

14 (e) . . . If, at the conclusion of the hearing,
15 the Commissioners Court finds that all of the land in
16 the territory proposed to be annexed will be benefited
17 by the present or contemplated improvements, works or
18 facilities of the District, the court shall adopt a
19 resolution calling an election in the territory to be
20 annexed stating therein the date of the election, the
21 place or places of holding the same, and appointing a
22 presiding judge for each voting place who shall
23 appoint the necessary assistant judges and clerks to
24 assist in holding the election. . . .

25 (i) The Commissioners Court in calling the
26 election on the proposition for annexation of
27 territory, may include as part of the same
28 proposition, a proposition for the assumption of its
29 part of the tax-supported bonds of the District then
30 outstanding and those theretofore voted but not yet
31 sold, and for the levy of an ad valorem tax on taxable
32 property in said territory along with the tax in the
33 rest of the District for the payment thereof;

34 Revisor's Note

35 (1) Section 5(e), Chapter 141, Acts of the 54th
36 Legislature, Regular Session, 1955, provides that if
37 the commissioners court makes certain findings the
38 court shall adopt a resolution calling an election and
39 "appointing a presiding judge for each voting place
40 who shall appoint the necessary assistant judges and
41 clerks to assist in holding the election." The revised
42 law omits the quoted language as superseded by Chapter
43 32, Election Code, which governs the selection of

1 election judges and clerks.

2 (2) Section 5(i), Chapter 141, Acts of the 54th
3 Legislature, Regular Session, 1955, refers to the
4 "levy" of an ad valorem tax. Throughout this chapter,
5 the revised law substitutes "impose" for "levy"
6 because "impose" is the term generally used in Title 1,
7 Tax Code, and includes the levy of an ad valorem tax.

8 Revised Law

9 Sec. 6913.058. NOTICE OF ANNEXATION ELECTION. (a) Not
10 later than the 10th day before the date set for the election, notice
11 of the election shall be published one time in a newspaper
12 designated by the commissioners court, except as provided by
13 Subsection (c).

14 (b) In addition to the requirements of Section 4.004,
15 Election Code, notice of the annexation election must:

16 (1) state the conditions under which the proposed
17 territory may be annexed; or

18 (2) refer to the resolution of the board for that
19 purpose.

20 (c) If a newspaper is not published in the proposed
21 territory, the notice shall be posted in three public places in the
22 territory. (Acts 54th Leg., R.S., Ch. 141, Secs. 5(f) (part), (k).)

23 Source Law

24 (f) Notice of such election, stating . . . the
25 condition under which the territory may be annexed, or
26 making reference to the resolution of the Board of
27 Directors for that purpose, and . . . shall be
28 published one (1) time in a newspaper designated by the
29 Commissioners Court at least ten (10) days before the
30 day set for the election;

31 (k) If no newspaper is published in territory to
32 be annexed, the notices shall be posted in three (3)
33 public places therein.

34 Revisor's Note

35 Section 5(f), Chapter 141, Acts of the 54th
36 Legislature, Regular Session, 1955, requires notice of
37 an annexation election to state the election date, the
38 proposition to be voted on, and the place or places of

1 holding the election. The revised law omits those
2 provisions because they duplicate provisions of
3 Section 4.004, Election Code. For the convenience of
4 the reader, the revised law adds a cross-reference to
5 Section 4.004, Election Code. The omitted law reads:

6 (f) [Notice of such election,
7 stating] the date thereof, the proposition
8 to be voted upon and . . . the place or
9 places of holding the same,

10 Revised Law

11 Sec. 6913.059. ANNEXATION ELECTION RESULTS. (a) The
12 commissioners court shall issue an order declaring the results of
13 the annexation election.

14 (b) If the order shows that a majority of the votes cast are
15 in favor of annexation, the commissioners court shall annex the
16 proposed territory to the district. The annexation is
17 incontestable except in the time for contesting elections under the
18 Election Code.

19 (c) A certified copy of the order shall be recorded in the
20 deed records of Haskell County. (Acts 54th Leg., R.S., Ch. 141,
21 Sec. 5(h) (part).)

22 Source Law

23 (h) The Commissioners Court shall [canvass the
24 returns of the election and] . . . pass an order
25 declaring the results thereof. If such order shows
26 that a majority of the votes cast are in favor of
27 annexation said court shall annex said territory to
28 the District, and such annexation shall thereafter be
29 incontestable except within the time for contesting
30 elections under the General Election Law. A certified
31 copy of said order shall be recorded in the deed
32 records of the county in which the territory is
33 situated;

34 Revisor's Note

35 (1) Section 5(h), Chapter 141, Acts of the 54th
36 Legislature, Regular Session, 1955, provides that an
37 annexation election is not contestable except under
38 the time for contesting elections under "the General
39 Election Law." The revised law substitutes a
40 reference to the Election Code for the quoted language

1 because that code provides the general law on election
2 contests.

3 (2) Section 5(h), Chapter 141, Acts of the 54th
4 Legislature, Regular Session, 1955, provides that a
5 certified copy of the election order shall be recorded
6 in the deed records of "the county in which the
7 [proposed] territory is situated." The revised law
8 substitutes a reference to Haskell County for the
9 quoted language because the introductory clause in
10 Section 5, revised as Section 6913.052 of this
11 chapter, provides that annexation under that section
12 is limited to Haskell County.

13 Revised Law

14 Sec. 6913.060. ASSUMPTION OF DEBT; TAXES. (a) After
15 territory is annexed to the district, the board may order an
16 election in the district as enlarged to determine whether the
17 district as enlarged shall assume any tax-supported bonds then
18 outstanding and those previously voted but not yet sold and impose
19 an ad valorem tax on all taxable property in the district as
20 enlarged to pay the bonds, unless the proposition is voted along
21 with the annexation election and becomes binding on the territory
22 annexed.

23 (b) An election ordered under Subsection (a) shall be held
24 in the same manner as an election under this chapter for the
25 issuance of bonds. (Acts 54th Leg., R.S., Ch. 141, Sec. 5(j).)

26 Source Law

27 (j) After territory is added to the District,
28 the Board of Directors of the District may call an
29 election over the entire District for the purpose of
30 determining whether the entire District as enlarged
31 shall assume the tax-supported bonds then outstanding
32 and those theretofore voted but not yet sold and
33 whether an ad valorem tax shall be levied upon all
34 taxable property within the District as enlarged for
35 the payment thereof unless such proposition is voted
36 along with the annexation election and becomes
37 lawfully binding upon the territory annexed. Such
38 election shall be called and held in the same manner as
39 elections for the issuance of bonds as provided in this
40 Act;

1 Revisor's Note

2 Section 5(j), Chapter 141, Acts of the 54th
3 Legislature, Regular Session, 1955, provides that the
4 board may "call" an election on the assumption of bonds
5 by the district as enlarged and the imposition of an ad
6 valorem tax to pay the bonds and that the election
7 shall be "called and held" in the same manner as
8 elections for the issuance of bonds. The revised law
9 substitutes "order" for "call" because "order" is the
10 term used in Chapter 3, Election Code. The revised law
11 also omits the reference to the election being
12 "called" because, in context, "calling" an election is
13 included in the meaning of "holding" an election.
14 Under Chapter 3, Election Code, all elections must be
15 ordered (called) before they may be held.

16 Revised Law

17 Sec. 6913.061. RESTRICTION ON ANNEXATION OF RAILROAD
18 RIGHT-OF-WAY OR UTILITY PROPERTY. A railroad right-of-way or a
19 transmission line or another item of property of an electric or gas
20 utility that is not located inside the limits of a municipality will
21 not benefit from improvements, works, or facilities the district is
22 authorized to construct. Therefore, a railroad right-of-way or a
23 transmission line or another item of property of an electric or gas
24 utility may not be annexed to the district unless the right-of-way
25 or property is located inside the limits of a municipality annexed
26 to the district. (Acts 54th Leg., R.S., Ch. 141, Sec. 5(e) (part).)

27 Source Law

28 (e) . . . Railroad right-of-way, transmission
29 lines and other property of electric and gas utilities
30 which are not situated within the defined limits of an
31 incorporated city or town will not be benefited by
32 improvements, works and facilities which the District
33 is authorized to construct; therefore, no railroad
34 right-of-way, or transmission lines, or other property
35 of electric and gas utilities shall hereafter be
36 annexed to the District except such right-of-way,
37 transmission lines and other property of electric and
38 gas utilities as are contained within the limits of an
39 incorporated city or town then or thereafter annexed
40 to the District;

1 Revisor's Note

2 Section 5(e), Chapter 141, Acts of the 54th
3 Legislature, Regular Session, 1955, refers to an
4 "incorporated city or town." Throughout this chapter,
5 the revised law substitutes "municipality" for "city"
6 or "town" because the meaning of "municipality"
7 includes both cities and towns and because that is the
8 term used in the Local Government Code. The revised
9 law omits "incorporated" because under the Local
10 Government Code, all municipalities must be
11 incorporated.

12 Revisor's Note
13 (End of Subchapter)

14 (1) Section 5(g), Chapter 141, Acts of the 54th
15 Legislature, Regular Session, 1955, requires that an
16 elector reside in the territory proposed to be annexed
17 to be qualified to vote in an annexation election. The
18 revised law omits that requirement because it
19 duplicates other law. Section 5(e) (the relevant part
20 of which is revised in this chapter as Section
21 6913.057) provides for the calling of an election in
22 the territory to be annexed, and under Section 11.001,
23 Election Code, to be eligible to vote in an election in
24 this state a person must be a resident of the territory
25 covered by the election. The revised law also omits
26 the language in Section 5(g) that purports to limit
27 qualified voters to those voters who own taxable
28 property and have rendered that property for taxation
29 because in Hill v. Stone, 421 U.S. 289 (1975), the
30 United States Supreme Court determined that property
31 ownership as a qualification for voting is an
32 unconstitutional denial of equal protection. The
33 omitted law reads:

34 (g) Only qualified electors who
35 reside in, and who own taxable property in

1 such territory, and who have duly rendered
2 the same to the county in which it is
3 situated, for taxation, shall be qualified,
4 to vote in said election. . . .

5 (2) Sections 5(g) and (h), Chapter 141, Acts of
6 the 54th Legislature, Regular Session, 1955, provide
7 that returns of an annexation election shall be made to
8 and canvassed by the commissioners court. The revised
9 law omits those provisions as superseded by Chapter
10 67, Election Code, which provides for the canvass of
11 elections. The omitted law reads:

12 (g) . . . Returns of said election
13 shall be made to the Commissioners Court of
14 Haskell County.

15 (h) [The Commissioners Court shall]
16 canvass the returns of the election and
17

18 SUBCHAPTER C. BOARD OF DIRECTORS

19 Revised Law

20 Sec. 6913.101. DIRECTORS. The district is governed by a
21 board of five elected directors. (Acts 54th Leg., R.S., Ch. 141,
22 Secs. 3(a) (part), (c) (part).)

23 Source Law

24 Sec. 3. (a) All powers of the District shall be
25 exercised by a Board of five (5) Directors. . . .

26 (c) A regular election for the election of
27 Directors shall be held

28 Revised Law

29 Sec. 6913.102. QUALIFICATIONS FOR OFFICE. (a) A person may
30 not be appointed a director unless the person resides in and owns
31 taxable property in the district.

32 (b) A member of a municipality's governing body or an
33 employee of a municipality may not be a director. (Acts 54th Leg.,
34 R.S., Ch. 141, Sec. 3(a) (part).)

35 Source Law

36 (a) . . . No person shall be appointed a
37 Director unless he resides in and owns taxable
38 property in the District. No member of a governing
39 body of any city or town, and no employee of a city or
40 town shall be a Director. . . .

1 Revised Law

2 Sec. 6913.103. NOTICE OF DIRECTORS' ELECTION. Notice of a
3 directors' election shall be published once in a newspaper
4 published in Haskell County not later than the 10th day before the
5 date of the election. (Acts 54th Leg., R.S., Ch. 141, Secs. 3(b)
6 (part), (c) (part).)

7 Source Law

8 (b) [Immediately after this Act becomes
9 effective, the County Judge of Haskell County shall
10 order the holding of an election in the District for
11 the purpose of electing the Directors.] Notice of the
12 election shall be published in a newspaper published
13 in Haskell County one (1) time at least ten (10) days
14 before the election. . . .

15 (c) [A regular election for the election of
16 Directors shall be held] . . . beginning in 1956
17 Notice shall be given the same as is provided
18 for the first election of Directors.

19 Revisor's Note

20 (1) Section 3(c), Chapter 141, Acts of the 54th
21 Legislature, Regular Session, 1955, specifies that
22 directors' elections are to be held "beginning in
23 1956." The revised law omits the quoted language as
24 executed.

25 (2) Section 3(c), Chapter 141, Acts of the 54th
26 Legislature, Regular Session, 1955, states that
27 regular directors' elections shall be held on the first
28 Tuesday in May of each year and that two or three
29 directors shall be elected each year. The revised law
30 omits those provisions as superseded by the 1995
31 enactment of Section 49.103, Water Code, applicable to
32 the district under Sections 49.001, 49.002, and
33 49.103(e), Water Code. Section 49.103(a), Water Code,
34 provides for staggered four-year terms for directors.
35 Section 49.103(b), Water Code, requires the election
36 of the appropriate number of directors to be held on
37 the uniform election date in May of even-numbered
38 years. Section 49.103(e), Water Code, provides that
39 the provisions of Sections 49.103(a) and (b) take

1 precedence over all prior statutory enactments.
2 Throughout this chapter, the revised law omits law
3 that is superseded by Chapter 49 or that duplicates law
4 contained in that chapter. The omitted law reads:

5 (c) A regular election for the
6 election of Directors shall be held on the
7 first Tuesday in May of each year
8 Three (3) Directors shall be elected in each
9 odd numbered year and two (2) in each even
10 numbered year. . . .

11 (3) Section 3(c), Chapter 141, Acts of the 54th
12 Legislature, Regular Session, 1955, provides that the
13 board shall order the election of directors. The
14 revised law omits that provision because it duplicates
15 Section 3.004, Election Code, which requires the
16 governing body of a political subdivision that has
17 elective offices to order the general election for
18 those officers. The omitted law reads:

19 (c) . . . The regular elections shall
20 be ordered by the Board of Directors. . . .

21 (4) Section 3(c), Chapter 141, Acts of the 54th
22 Legislature, Regular Session, 1955, provides for the
23 appointment of election judges and clerks. The
24 revised law omits the provision for the reasons stated
25 in Revisor's Note (1) to Section 6913.057. The omitted
26 law reads:

27 (c) . . . The Board shall appoint the
28 presiding judge who shall appoint an
29 assistant judge and two (2) clerks, if
30 needed. . . .

31 Revised Law

32 Sec. 6913.104. OFFICERS. (a) The board shall elect from
33 the board's membership a president, a vice president, and any other
34 officers that the board determines are necessary.

35 (b) The board shall appoint a secretary and a treasurer, who
36 are not required to be directors. The board may combine the offices
37 of secretary and treasurer. (Acts 54th Leg., R.S., Ch. 141, Sec. 4
38 (part).)

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Source Law

Sec. 4. The Board of Directors shall elect from its number a President and a Vice-President of the District, and such other officers as in the judgment of the Board are necessary. . . . The Board shall also appoint a Secretary and a Treasurer who may or may not be members of the Board, and it may combine those offices. . . .

Revisor's Note

Section 4, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, establishes the duties of the board president. The revised law omits the provision because it duplicates in substance Section 49.054(c), Water Code. The omitted law reads:

Sec. 4. . . . [The President] shall be the chief executive officer of the District and the presiding officer of the Board, and

Revised Law

Sec. 6913.105. VOTE BY BOARD PRESIDENT. The president has the same right to vote as any other director. (Acts 54th Leg., R.S., Ch. 141, Sec. 4 (part).)

Source Law

Sec. 4. . . . The President . . . shall have the same right to vote as any other Director. . . .

Revised Law

Sec. 6913.106. ABSENCE OR INACTION OF BOARD PRESIDENT. When the board president is absent or fails or declines to act, the board vice president shall perform all duties and exercise all powers this chapter gives the president. (Acts 54th Leg., R.S., Ch. 141, Sec. 4 (part).)

Source Law

Sec. 4. . . . The Vice-President shall perform all duties and exercise all powers conferred by this Act upon the President when the President is absent or fails or declines to act. . . .

Revised Law

Sec. 6913.107. DIRECTOR AND TREASURER BONDS. (a) Each director shall give bond in the amount of \$5,000 conditioned on the faithful performance of the director's duties.

1 (b) The treasurer shall give bond in the amount required by
2 the board. The treasurer's bond shall be conditioned on the
3 treasurer's faithful accounting for all money that comes into the
4 treasurer's custody as treasurer of the district. (Acts 54th Leg.,
5 R.S., Ch. 141, Secs. 3(a) (part), 4 (part).)

6 Source Law

7 Sec. 3. (a) . . . Such Directors . . . each
8 shall give bond in the amount of Five Thousand Dollars
9 (\$5,000) for the faithful performance of his duties,
10 the cost of which shall be paid by the District. . . .

11 Sec. 4. . . . The Treasurer shall give bond in
12 such amount as may be required by the Board of
13 Directors. The condition of such bond shall be that he
14 will faithfully account for all money which shall come
15 into his custody as Treasurer of the District. . . .

16 Revisor's Note

17 Section 3(a), Chapter 141, Acts of the 54th
18 Legislature, Regular Session, 1955, provides that the
19 district shall pay the cost of a director's bond. The
20 revised law omits that requirement because it
21 duplicates in substance Section 49.055(c), Water Code.

22 Revised Law

23 Sec. 6913.108. COMPENSATION OF DIRECTORS. (a) Each
24 director:

25 (1) shall receive a fee not to exceed \$5 for attending
26 each board meeting; and

27 (2) is also entitled to receive \$5 for each day devoted
28 to the business of the district if the service is expressly approved
29 by the board.

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

32 (c) A director's compensation may be increased as
33 authorized by Section 49.060, Water Code, by resolution adopted by
34 the board in accordance with Subsection (e) of that section on or
35 after September 1, 1995. (Acts 54th Leg., R.S., Ch. 141, Sec. 3(e)
36 (part); New.)

1 Source Law

2 (e) Each Director shall receive a fee not
3 exceeding Five Dollars (\$5) for attending each meeting
4 of the Board. Each Director shall also be entitled to
5 receive Five Dollars (\$5) per day devoted to the
6 business of the District and . . . provided that such
7 service and . . . are expressly approved by the Board.

8 Revisor's Note

9 (1) Section 3(e), Chapter 141, Acts of the 54th
10 Legislature, Regular Session, 1955, provides that a
11 director is entitled to a fee of \$5 for each board
12 meeting attended and a salary in an amount not to
13 exceed \$5 per day. Section 49.060, Water Code, enacted
14 in 1995 and applicable by its own terms to the
15 district, also provides for a director's fees of
16 office, computed on a rate per day of certain service,
17 and, under Subsection (a-1) of that section, enacted
18 in 2003, requires the board of each district to adopt a
19 resolution limiting a director's total annual fees of
20 office. Section 49.060(e) provides that, in all areas
21 of conflict, Section 49.060 takes precedence over all
22 prior statutory enactments and that, if the enactment
23 of that section would result in a fee increase, the
24 increase does not apply to a district unless the board
25 by resolution authorizes payment of the higher fees.
26 It is unclear to what extent Section 3(e) may be in
27 conflict with Section 49.060. To preserve the
28 ambiguity, the revised law includes the substance of
29 Section 3(e) and adds provisions necessary to preserve
30 the effect of Section 49.060 to the extent of a
31 conflict with that language.

32 (2) Section 3(e), Chapter 141, Acts of the 54th
33 Legislature, Regular Session, 1955, provides for
34 reimbursement of a director's actual expenses. The
35 revised law omits the provision because it is
36 expressly superseded by Section 49.060, Water Code

1 (enacted in 1995). The omitted law reads:

2 (e) . . . [Each Director shall also
3 be entitled to receive Five Dollars (\$5) per
4 day devoted to the business of the District
5 and] to reimbursement for actual expenses
6 incurred in attending to District business
7 [provided that such service and] expense
8 [are expressly approved by the Board.]

9 Revisor's Note
10 (End of Subchapter)

11 (1) Section 3(a), Chapter 141, Acts of the 54th
12 Legislature, Regular Session, 1955, provides that a
13 director serves until the director's successor is
14 qualified. The revised law omits that provision
15 because it duplicates Section 17, Article XVI, Texas
16 Constitution, which provides that an officer in this
17 state is to continue to perform the officer's duties
18 until the successor has qualified. The omitted law
19 reads:

20 (a) . . . Each Director shall serve
21 for his term of office as herein provided,
22 and thereafter until his successor shall be
23 elected or appointed and qualified. . . .

24 (2) Section 3(a), Chapter 141, Acts of the 54th
25 Legislature, Regular Session, 1955, 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 an oath or affirmation before
30 assuming office. The omitted law reads:

31 (a) . . . [Such Directors] shall
32 subscribe the Constitutional oath of
33 office, and

34 (3) Section 3(a), Chapter 141, Acts of the 54th
35 Legislature, Regular Session, 1955, states that a
36 majority of the board members constitutes a quorum.
37 The revised law omits that provision because it
38 duplicates Section 49.053, Water Code. The omitted
39 law reads:

40 (a) . . . A majority shall constitute

1 a quorum.

2 (4) Section 3(b), Chapter 141, Acts of the 54th
3 Legislature, Regular Session, 1955, refers to the
4 election of the initial directors and their terms. The
5 revised law omits those provisions as executed. The
6 omitted law reads:

7 (b) Immediately after this Act
8 becomes effective, the County Judge of
9 Haskell County shall order the holding of an
10 election in the District for the purpose of
11 electing the Directors. . . . The election
12 order shall state the time, place and
13 purpose of the election, and the County
14 Judge shall appoint a presiding judge who
15 shall appoint an assistant judge and two (2)
16 clerks if needed, to assist in holding the
17 election. Only qualified voters residing
18 in the District who own taxable property
19 therein, and who have duly rendered the same
20 for taxation, shall be entitled to vote at
21 said election. The five (5) candidates
22 receiving the highest number of votes shall
23 be declared elected. The returns of the
24 election shall be made to and canvassed by
25 the County Judge, who shall enter an order
26 declaring the results of the election. Two
27 (2) of the Directors thus elected shall
28 serve until the first Tuesday in May, 1956,
29 and three (3) shall serve until the first
30 Tuesday in May, 1957. The Directors who
31 shall serve for the short term and those who
32 shall serve for the long term shall be
33 determined by lot.

34 (5) Section 3(d), Chapter 141, Acts of the 54th
35 Legislature, Regular Session, 1955, describes the
36 procedure for filling a board vacancy. The revised law
37 omits that provision because it duplicates in
38 substance Section 49.105, Water Code, which
39 establishes procedures for filling a board vacancy.
40 The omitted law reads:

41 (d) Vacancies occurring in the Board
42 of Directors shall be filled by majority
43 vote of the remaining Directors.

44 (6) Section 4, Chapter 141, Acts of the 54th
45 Legislature, Regular Session, 1955, requires the board
46 to appoint all necessary engineers, attorneys, and
47 other employees. The revised law omits that provision
48 because it duplicates in substance Section 49.057(a),

1 Water Code. The omitted law reads:

2 Sec. 4. . . . The Board shall appoint
3 all necessary engineers, attorneys and
4 other employees. . . .

5 (7) Section 4, Chapter 141, Acts of the 54th
6 Legislature, Regular Session, 1955, requires the board
7 to adopt a seal for the district. The revised law
8 omits that provision because it duplicates Section
9 49.061, Water Code. The omitted law reads:

10 Sec. 4. . . . The Board shall adopt a
11 seal for the District.

12 SUBCHAPTER D. POWERS AND DUTIES

13 Revised Law

14 Sec. 6913.151. ACQUISITION OF WATER OR WATER RIGHTS. (a)
15 The district may acquire a groundwater or surface water supply.

16 (b) The district may acquire water appropriation permits
17 directly from the Texas Commission on Environmental Quality or from
18 permit owners.

19 (c) The district may purchase water or a water supply from
20 any person. (Acts 54th Leg., R.S., Ch. 141, Secs. 6 (part); 16.)

21 Source Law

22 Sec. 6. The District is empowered to acquire an
23 underground or surface water supply,

24 Sec. 16. The District is authorized to acquire
25 water appropriation permits directly from the Board of
26 Water Engineers of the State of Texas; or from owners
27 of permits. The District is also authorized to
28 purchase water or a water supply from any person, firm,
29 corporation or public agency.

30 Revisor's Note

31 (1) Section 6, Chapter 141, Acts of the 54th
32 Legislature, Regular Session, 1955, refers to
33 "underground . . . water." Throughout this chapter,
34 the revised law substitutes "groundwater" for the
35 quoted language to conform to the term used in Chapter
36 36, Water Code.

37 (2) Section 16, Chapter 141, Acts of the 54th
38 Legislature, Regular Session, 1955, refers to the

1 "Board of Water Engineers." The Board of Water
2 Engineers, created by Chapter 171, General Laws, Acts
3 of the 33rd Legislature, Regular Session, 1913, became
4 the Texas Water Commission under Chapter 4, Acts of the
5 57th Legislature, 3rd Called Session, 1962. The name
6 of the agency was changed to the Texas Water Rights
7 Commission by Chapter 296, Acts of the 59th
8 Legislature, Regular Session, 1965. In 1977, Sections
9 1 and 9, Chapter 870, Acts of the 65th Legislature,
10 Regular Session, changed the name of the agency to the
11 Texas Water Commission. Subsequently, the name of the
12 Texas Water Commission was changed to the Texas
13 Natural Resource Conservation Commission by Section
14 1.085, Chapter 3, Acts of the 72nd Legislature, 1st
15 Called Session, 1991. The name of the Texas Natural
16 Resource Conservation Commission was changed to the
17 Texas Commission on Environmental Quality by Section
18 18.01, Chapter 965, Acts of the 77th Legislature,
19 Regular Session, 2001. The revised law is drafted
20 accordingly.

21 (3) Section 16, Chapter 141, Acts of the 54th
22 Legislature, Regular Session, 1955, refers to a
23 person, firm, corporation, or public agency. The
24 revised law omits the references to "firm,"
25 "corporation," and "public agency" because Section
26 311.005(2), Government Code (Code Construction Act),
27 defines "person" to include a corporation or any other
28 legal entity.

29 Revised Law

30 Sec. 6913.152. CONSTRUCTION OR ACQUISITION OF PROPERTY.
31 The district may construct or otherwise acquire all works, plants,
32 and other facilities necessary or useful for the purpose of
33 processing groundwater or surface water and transporting the water
34 to any person for municipal, domestic, and industrial purposes.

1 (Acts 54th Leg., R.S., Ch. 141, Sec. 6 (part).)

2 Source Law

3 Sec. 6. [The District is empowered to acquire an
4 underground or surface water supply,] to construct or
5 otherwise acquire all works, plants, and other
6 facilities necessary or useful for the purpose of
7 processing such water and transporting it to cities
8 and others for municipal, domestic and industrial
9 purposes.

10 Revisor's Note

11 Section 6, Chapter 141, Acts of the 54th
12 Legislature, Regular Session, 1955, refers to "cities
13 and others." Throughout this chapter, the revised law
14 substitutes "any person" for the quoted language
15 because Section 311.005(2), Government Code (Code
16 Construction Act), defines "person" to include a
17 government or any other legal entity.

18 Revised Law

19 Sec. 6913.153. EMINENT DOMAIN. (a) To carry out a power
20 provided by this chapter, the district may exercise the power of
21 eminent domain to acquire land and easements inside or outside the
22 district in Haskell County.

23 (b) The district must exercise the power of eminent domain
24 in the manner provided by Chapter 21, Property Code.

25 (c) The board shall determine the amount and the type of
26 interest in land and easements to be acquired under this section.

27 (d) The district's authority under this section to exercise
28 the power of eminent domain expired on September 1, 2013, unless the
29 district submitted a letter to the comptroller in accordance with
30 Section 2206.101(b), Government Code, not later than December 31,
31 2012. (Acts 54th Leg., R.S., Ch. 141, Sec. 7 (part); New.)

32 Source Law

33 Sec. 7. For the purpose of carrying out any
34 power or authority conferred by this Act the District
35 shall have the right to acquire land and easements
36 within and without the District in Haskell County by
37 condemnation in the manner provided by Title 52,
38 Revised Civil Statutes, as amended, relating to
39 eminent domain. The amount of and character of
40 interest in land and easements thus to be acquired
41 shall be determined by the Board of Directors. . . .

1 Revisor's Note

2 (1) Section 7, Chapter 141, Acts of the 54th
3 Legislature, Regular Session, 1955, refers to any
4 "power or authority" of the district. The revised law
5 omits "authority" in this context because "authority"
6 is included in the meaning of "power."

7 (2) Section 7, Chapter 141, Acts of the 54th
8 Legislature, Regular Session, 1955, provides that "the
9 District shall have the right to acquire [certain
10 property] by condemnation." The revised law
11 substitutes for the quoted language "the district may
12 exercise the power of eminent domain to acquire
13 [certain property]" because the phrases have the same
14 meaning and the latter is consistent with modern usage
15 in laws relating to eminent domain.

16 (3) Section 7, Chapter 141, Acts of the 54th
17 Legislature, Regular Session, 1955, refers to Title
18 52, Revised Civil Statutes of Texas, as amended. That
19 statute was codified as Chapter 21, Property Code. The
20 revised law is drafted accordingly. The revised law
21 omits the reference to "as amended" because under
22 Section 311.027, Government Code (Code Construction
23 Act), unless expressly provided otherwise, a reference
24 to a statute applies to all reenactments, revisions,
25 or amendments of the statute.

26 (4) Section 7, Chapter 141, Acts of the 54th
27 Legislature, Regular Session, 1955, provided the
28 district limited eminent domain authority. Section
29 2206.101, Government Code, required an entity with
30 eminent domain authority to submit a letter with
31 certain information to the comptroller not later than
32 December 31, 2012, to prevent the entity's eminent
33 domain authority from expiring on September 1, 2013.
34 To avoid the appearance that this revision recognizes

1 authority that the district may not possess at the time
2 of the revision, the revised law includes a provision
3 setting out the requirements of Section 2206.101,
4 Government Code.

5 Revised Law

6 Sec. 6913.154. COST OF RELOCATING OR ALTERING PROPERTY. If
7 the district's exercise of the power of eminent domain, the power of
8 relocation, or any other power granted by this chapter makes
9 necessary relocating, raising, rerouting, changing the grade of, or
10 altering the construction of a highway, railroad, electric
11 transmission line, telephone or telegraph property or facility, or
12 pipeline, the necessary action shall be accomplished at the sole
13 expense of the district. (Acts 54th Leg., R.S., Ch. 141, Sec. 7
14 (part).)

15 Source Law

16 Sec. 7. . . .
17 In the event that the District, in the exercise of
18 the power of eminent domain or power of relocation, or
19 any other power granted hereunder, makes necessary the
20 relocation, raising, rerouting or changing the grade
21 of, or altering the construction of any highway,
22 railroad, electric transmission line, telephone or
23 telegraph properties and facilities, or pipeline, all
24 such necessary relocation, raising, rerouting,
25 changing of grade or alteration of construction shall
26 be accomplished at the sole expense of the District.

27 Revised Law

28 Sec. 6913.155. CONSTRUCTION AND PURCHASING CONTRACTS. A
29 construction contract or contract for the purchase of materials,
30 equipment, or supplies is governed by Chapter 49 or 51, Water Code.
31 (Acts 54th Leg., R.S., Ch. 141, Sec. 8.)

32 Source Law

33 Sec. 8. Construction contracts or contracts for
34 the purchase of materials, equipment or supplies shall
35 be awarded in accordance with the law governing water
36 control and improvement districts as provided by
37 Chapter 3a, Title 128, Revised Civil Statutes of
38 Texas, as amended.

39 Revisor's Note

40 Section 8, Chapter 141, Acts of the 54th
41 Legislature, Regular Session, 1955, refers to "the law

1 governing water control and improvement districts as
2 provided by Chapter 3a, Title 128, Revised Civil
3 Statutes of Texas, as amended." Chapter 3a was revised
4 in 1971 as Chapter 51, Water Code. Chapter 715, Acts
5 of the 74th Legislature, Regular Session, 1995,
6 repealed many of the provisions of Chapter 51 and
7 enacted similar provisions in Chapter 49, Water Code.
8 To reflect those changes, the revised law substitutes
9 a reference to "Chapter 49 or 51, Water Code," for the
10 quoted language. The revised law omits "as amended"
11 for the reason stated in Revisor's Note (3) to Section
12 6913.153.

13 Revised Law

14 Sec. 6913.156. CONTRACTS RELATED TO WATER SUPPLY AND
15 FACILITIES. (a) The district may contract with any person to
16 supply water to the person.

17 (b) The district may contract with a municipality for the
18 rental or leasing of or for the operation of the municipality's
19 water production, supply, or distribution facilities.

20 (c) The contract may provide that the contract continues in
21 effect until bonds specified in the contract and refunding bonds
22 issued in lieu of the bonds are paid. (Acts 54th Leg., R.S., Ch.
23 141, Sec. 14.)

24 Source Law

25 Sec. 14. The District is authorized to enter
26 into contracts with cities and others for supplying
27 water to them. The District is also authorized to
28 contract with any city for the rental or leasing of, or
29 for the operation of the water production, water
30 supply, and water supply and distribution facilities
31 of such city upon such consideration as the District
32 and the city may agree. Any such contract may be upon
33 such terms and for such time as the parties may agree,
34 and it may provide that it shall continue in effect
35 until bonds specified therein and refunding bonds
36 issued in lieu of such bonds are paid.

37 Revisor's Note

38 Section 14, Chapter 141, Acts of the 54th
39 Legislature, Regular Session, 1955, provides that

1 certain district contracts may be of unlimited
2 duration and on the terms and for the time and
3 consideration agreed to by the parties. The revised
4 law omits that provision because the provision
5 duplicates in substance Section 49.213(c), Water Code.

6 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

7 Revised Law

8 Sec. 6913.201. DEPOSITORY. (a) Except as provided by
9 Subsection (i), the board shall designate one or more banks in
10 Haskell County to serve as depository for the district's money.

11 (b) District money shall be deposited with a designated
12 depository bank or banks, except that:

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

15 (2) money shall be remitted to the bank of payment for
16 the payment of principal of and interest on bonds.

17 (c) To the extent that money in a depository bank or a
18 trustee bank is not insured by the Federal Deposit Insurance
19 Corporation, the money must be secured in the manner provided by law
20 for the security of county funds.

21 (d) The board shall prescribe the terms of service for
22 depositories.

23 (e) Before designating a depository bank, the board shall
24 issue a notice to each bank in Haskell County that:

25 (1) states the time and place at which the board will
26 meet to designate a depository bank or banks; and

27 (2) invites the banks to submit an application to be
28 designated as a depository.

29 (f) The notice described by Subsection (e) must be mailed or
30 delivered not later than the 10th day before the date fixed for the
31 submission of applications.

32 (g) At the time stated in the notice, the board shall:

33 (1) consider the application and the management and
34 condition of each bank that applies; and

1 (2) designate as a depository the bank or banks that:
2 (A) offer the most favorable terms for handling
3 the money; and
4 (B) the board finds have proper management and
5 are in condition to handle the money.
6 (h) Membership on the board of an officer or director of a
7 bank does not disqualify the bank from being designated as a
8 depository.
9 (i) If the board does not receive any applications before
10 the time stated in the notice, or if the board rejects all
11 applications, the board shall designate one or more banks located
12 inside or outside the county on terms that the board finds
13 advantageous to the district. (Acts 54th Leg., R.S., Ch. 141, Sec.
14 15.)

15 Source Law

16 Sec. 15. (a) The Board of Directors shall
17 designate one (1) or more banks within Haskell County
18 to serve as depository for the funds of the District.
19 All funds of the District shall be deposited in such
20 Depository bank or banks except that funds pledged to
21 pay bonds may be deposited with the trustee bank named
22 in the trust agreement, and except that funds shall be
23 remitted to the bank of payment for the payment of
24 principal of and interest on bonds. To the extent that
25 funds in the depository banks and the trustee bank are
26 not insured by the F.D.I.C. they shall be secured in
27 the manner provided by law for the security of county
28 funds.

29 (b) Before designating a depository bank or
30 banks, the Board of Directors shall issue a notice
31 stating the time and place when and where the Board
32 will meet for such purpose and inviting the banks in
33 Haskell County to submit applications to be designated
34 depositories. The term of service for depositories
35 shall be prescribed by the Board. Such notice shall be
36 mailed or delivered to each bank in Haskell County at
37 least ten (10) days prior to the date fixed for the
38 submission of applications.

39 (c) At the time mentioned in the notice, the
40 Board shall consider the applications and the
41 management and condition of the banks filing them, and
42 shall designate as depositories the bank or banks
43 which offer the most favorable terms and conditions
44 for the handling of the funds of the District and which
45 the Board finds have proper management and are in
46 condition to warrant handling of District funds.
47 Membership on the Board of Directors of an officer or
48 director of a bank shall not disqualify such bank from
49 being designated as depository.

50 (d) If no applications are received by the time
51 stated in the notice or if no such application is
52 accepted, the Board shall designate some bank or banks

1 within or without the county upon such terms and
2 conditions as it may find advantageous to the
3 District.

4 Revisor's Note

5 (1) Section 15, Chapter 141, Acts of the 54th
6 Legislature, Regular Session, 1955, which provides for
7 the selection of a depository bank, refers several
8 times to monetary assets of the district as "funds."
9 Throughout this chapter, the revised law substitutes
10 "money" for "funds" (except where a specific type of
11 fund is indicated) because, in context, the meaning is
12 the same and "money" is the more commonly used term.

13 (2) Section 15(a), Chapter 141, Acts of the 54th
14 Legislature, Regular Session, 1955, refers to the
15 "F.D.I.C." The revised law substitutes a reference to
16 the "Federal Deposit Insurance Corporation" because
17 that is the full name of that entity.

18 (3) Sections 15(c) and (d), Chapter 141, Acts of
19 the 54th Legislature, Regular Session, 1955, refer to
20 proposed or agreed "terms and conditions" for serving
21 as the district's depository. The revised law omits
22 "conditions" because, in context, the meaning of
23 "conditions" is included in the meaning of "terms."

24 Revised Law

25 Sec. 6913.202. PROJECTS EXEMPT FROM ASSESSMENT OR TAXATION.
26 The district is not required to pay a tax or assessment on a project
27 or any part of a project. (Acts 54th Leg., R.S., Ch. 141, Sec. 19
28 (part).)

29 Source Law

30 Sec. 19. . . . [the District] . . . shall not be
31 required to pay any tax or assessment on the project or
32 any part thereof, and

33 Revised Law

34 Sec. 6913.203. TAX ASSESSOR AND COLLECTOR. Before the sale
35 and delivery of district bonds payable wholly or partly from ad
36 valorem taxes, the board shall appoint a tax assessor and

1 collector. (Acts 54th Leg., R.S., Ch. 141, Sec. 20(b) (part).)

2 Source Law

3 (b) Prior to the sale and delivery of District
4 bonds which are payable wholly or partially from ad
5 valorem taxes the Board of Directors shall appoint a
6 Tax Assessor and Collector and

7 Revisor's Note
8 (End of Subchapter)

9 (1) Section 20(a), Chapter 141, Acts of the 54th
10 Legislature, Regular Session, 1955, provides that
11 certain school district and county tax rolls serve as
12 the tax rolls of the district until the district makes
13 its tax rolls, and Section 20(b) of that chapter
14 provides that the district's board shall have tax rolls
15 prepared. The revised law omits those provisions
16 because they were repealed in 1979 and replaced by
17 Section 26.09, Tax Code.

18 Section 26.09(a), Tax Code, requires the assessor
19 for a taxing unit other than a county to calculate the
20 tax imposed on each property included on the appraisal
21 roll for the unit. Section 26.09(e), Tax Code,
22 requires the assessor for a taxing unit to enter on the
23 appraisal roll for the unit the amount of tax imposed
24 on each property included on the roll and submit it to
25 the governing body of the unit for approval and
26 provides that the appraisal roll with amounts of tax
27 entered as approved by the governing body constitutes
28 the unit's tax roll.

29 Section 26.09, Tax Code, is part of the Property
30 Tax Code (Title 1, Tax Code), which was enacted by
31 Chapter 841, Acts of the 66th Legislature, Regular
32 Session, 1979. Title 1, Tax Code, was intended as a
33 comprehensive, substantive codification of all
34 property tax law and its administration. Section 6(b)
35 of Chapter 841 repealed all "general, local, and
36 special laws" that conflicted with that chapter.

1 Throughout this chapter, the revised law omits law
2 that was repealed by the act enacting Title 1, Tax
3 Code, or that duplicates a provision in that title.
4 Title 1, Tax Code, applies to the district under
5 Section 1.02, Tax Code. The omitted law reads:

6 Sec. 20. (a) The tax rolls of the
7 Weinert Rural High School District, in so
8 far as they relate to the territory
9 described in Section 2 of this Act and the
10 tax rolls of the county or counties relating
11 to territory which hereafter shall be
12 annexed to the District, are hereby adopted
13 and shall constitute the tax rolls of the
14 District until assessments and tax rolls
15 shall be made by the District.

16 (b) . . . [the Board of Directors
17 shall] . . . cause . . . tax rolls to be
18 prepared. . . .

19 (2) Section 20(b), Chapter 141, Acts of the 54th
20 Legislature, Regular Session, 1955, provides that the
21 district's board shall appoint a board of equalization
22 and equalize valuations. The revised law omits those
23 provisions as repealed by Section 6(b), Chapter 841,
24 Acts of the 66th Legislature, Regular Session, 1979.
25 See Revisor's Note (1). Under Title 1, Tax Code,
26 boards of equalization were replaced by the appraisal
27 review board for each appraisal district. The omitted
28 law reads:

29 (b) . . . [the Board of Directors
30 shall appoint] . . . a Board of
31 Equalization and [cause] . . . valuations
32 to be equalized, and

33 (3) Section 20(b), Chapter 141, Acts of the 54th
34 Legislature, Regular Session, 1955, provides that the
35 district's board shall cause taxes to be assessed. The
36 revised law omits that provision as repealed by
37 Section 6(b), Chapter 841, Acts of the 66th
38 Legislature, Regular Session, 1979. See Revisor's
39 Note (1). Title 1, Tax Code, provides the exclusive
40 procedures for the assessment and collection of taxes
41 by a taxing unit, including the district. Section

1 6.23(b), Tax Code, provides that the assessor and
2 collector for a taxing unit other than a county shall
3 assess, collect, or assess and collect taxes, as
4 applicable, for the unit. The omitted law reads:

5 (b) . . . [the Board of Directors
6 shall . . . cause] taxes to be assessed,
7

8 (4) Section 20(b), Chapter 141, Acts of the 54th
9 Legislature, Regular Session, 1955, provides that
10 certain tax-related general laws relating to water
11 control and improvement districts apply to the
12 district. The revised law omits that provision as
13 unnecessary. To the extent those laws conflict with
14 Title 1, Tax Code, the provision is repealed by Section
15 6(b), Chapter 841, Acts of the 66th Legislature,
16 Regular Session, 1979. To the extent those laws
17 duplicate law contained in Title 1, Tax Code, the
18 provision may be omitted because that title applies to
19 the district under Section 1.02, Tax Code. See
20 Revisor's Note (1). The omitted law reads:

21 (b) . . . General Laws applicable to
22 Water Control and Improvement Districts
23 with reference to Tax Assessors and
24 Collectors, Boards of Equalization, tax
25 rolls and the levy and collection of taxes
26 and delinquent taxes shall be applicable to
27 this District.

28 SUBCHAPTER F. BONDS

29 Revised Law

30 Sec. 6913.251. AUTHORITY TO ISSUE BONDS. (a) The district
31 may issue bonds to carry out any power conferred by this chapter,
32 including the power to provide a source of water supply for any
33 person for municipal, domestic, or industrial purposes.

34 (b) The bonds must be authorized by a board resolution.
35 (Acts 54th Leg., R.S., Ch. 141, Secs. 9(a) (part), (b) (part), (e)
36 (part).)

37 Source Law

38 Sec. 9. (a) For the purpose of providing a

1 source of water supply for cities and other users for
2 municipal, domestic and industrial purposes, as
3 authorized by this Act, and for the purpose of carrying
4 out any other power or authority conferred by this Act,
5 the District is empowered to issue its negotiable
6 bonds

7 (b) Such bonds shall be authorized by resolution
8 of the Board of Directors and

9 (e) For the purposes stated in Section 9(a)
10 hereof, the District is also empowered to issue
11 bonds

12 Revisor's Note

13 (1) Section 9(a), Chapter 141, Acts of the 54th
14 Legislature, Regular Session, 1955, refers to a "power
15 or authority" conferred by that act. The revised law
16 omits the reference to "authority" for the reason
17 stated in Revisor's Note (1) to Section 6913.153.

18 (2) Section 9(a), Chapter 141, Acts of the 54th
19 Legislature, Regular Session, 1955, authorizes the
20 district to issue "negotiable" bonds. The revised law
21 omits "negotiable" because under Section 1201.041,
22 Government Code, a public security, which is a term
23 defined by Section 1201.002, Government Code, to
24 include district bonds, is a negotiable instrument.
25 Chapter 1201, Government Code, applies to the district
26 under Sections 1201.002 and 1201.003 of that chapter.
27 Throughout this chapter, the revised law omits law
28 that is superseded by Chapter 1201, Government Code,
29 or duplicates law contained in that chapter.

30 (3) Section 9(c), Chapter 141, Acts of the 54th
31 Legislature, Regular Session, 1955, states that bonds
32 may be issued in "more than one (1) series and from
33 time to time as required for carrying out the purposes
34 of this Act." The revised law omits "more than one (1)
35 series" because it duplicates in substance a provision
36 of Section 1201.022, Government Code. The revised law
37 omits "from time to time" because the power to issue
38 bonds implies the power to do so at any time. The
39 revised law omits "as required for carrying out the

1 purposes of this Act" because Section 9(a), Chapter
2 141, Acts of the 54th Legislature, Regular Session,
3 1955, revised in pertinent part in this section,
4 authorizes the district to issue bonds for the
5 purposes of the act. The omitted law reads:

6 (c) Bonds may be issued in more than
7 one (1) series and from time to time as
8 required for carrying out the purposes of
9 this Act.

10 Revised Law

11 Sec. 6913.252. FORM OF BONDS. District bonds must be:

12 (1) issued in the district's name;

13 (2) signed by the president or vice president; and

14 (3) attested by the secretary. (Acts 54th Leg., R.S.,
15 Ch. 141, Sec. 9(b) (part).)

16 Source Law

17 (b) [Such bonds] . . . shall be issued in the
18 name of the District, signed by the President or
19 Vice-President, attested by the Secretary, and . . .

20 Revisor's Note

21 Section 9(b), Chapter 141, Acts of the 54th
22 Legislature, Regular Session, 1955, provides that
23 bonds must have the seal of the district impressed on
24 them. The revised law omits that provision because it
25 was impliedly repealed by Section 3, Bond Procedures
26 Act of 1981 (Article 717k-6, Vernon's Texas Civil
27 Statutes (revised in pertinent part as Section
28 1201.026(a), Government Code)), which provides that
29 bonds may be signed with or without a seal. The
30 omitted law reads:

31 (b) [Such bonds shall] . . . have the
32 seal of the District impressed
33 thereon. . . .

34 Revised Law

35 Sec. 6913.253. MATURITY. District bonds must mature not
36 later than 40 years after the date of their issuance. (Acts 54th
37 Leg., R.S., Ch. 141, Sec. 9(b) (part).)

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Source Law

(b) . . . They shall mature serially or otherwise in not to exceed forty (40) years and . . .

Revisor's Note

Section 9(b), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that district bonds shall mature "serially or otherwise." The revised law omits the quoted language because it is superseded by Section 1201.021, Government Code (enacted as Section 3, Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil Statutes)), which provides that the governing body of an issuer may determine the time of payment of public securities it issues, and by Section 1201.022, Government Code (enacted as Section 5(a), Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil Statutes)), which provides that a public security may be issued with specified characteristics, on specified terms, or in a specified manner.

Revised Law

Sec. 6913.254. BONDS PAYABLE FROM REVENUE. (a) In this section, "net revenue" means the district's gross revenue, other than taxation, minus the amount necessary to pay the cost of maintaining and operating the district and its property.

(b) District bonds may be secured as described by a board resolution by a pledge of:

- (1) all or part of the district's net revenue;
- (2) the net revenue of a contract made at any time; or
- (3) other revenue specified by board resolution.

(c) The pledge may reserve the right to issue additional bonds on a parity with or subordinate to the bonds being issued, subject to conditions specified by the pledge.

(d) District bonds not payable wholly or partly from ad valorem taxes may be issued without an election. (Acts 54th Leg.,

1 R.S., Ch. 141, Secs. 9(a) (part), (d), 12(a) (part).)

2 Source Law

3 Sec. 9. (a) . . . [the District is empowered to
4 issue its . . . bonds] to be payable from such revenues
5 of the District as are pledged by resolution of the
6 Board of Directors.

7 (d) The bonds may be secured by a pledge of all
8 or part of the net revenues of the District, or by the
9 net revenues of any one (1) or more contracts
10 theretofore or thereafter made or other revenues
11 specified by resolution of the Board of Directors. Any
12 such pledge may reserve the right, under conditions
13 therein specified, to issue additional bonds which
14 will be on a parity with or subordinate to the bonds
15 then being issued. The term "net revenues" as used in
16 this Section shall mean the gross revenues of the
17 District, other than taxation, after deduction of the
18 amount necessary to pay the cost of maintaining and
19 operating the District and its properties.

20 Sec. 12. (a) . . . Bonds not payable wholly or
21 partially from ad valorem taxes may be issued without
22 an election.

23 Revisor's Note

24 Section 9(d), Chapter 141, Acts of the 54th
25 Legislature, Regular Session, 1955, provides that
26 district bonds may be secured by the net revenue of
27 "any one (1) or more contracts." The revised law
28 substitutes "a contract" for the quoted language
29 because Section 311.012(b), Government Code (Code
30 Construction Act), provides that a reference to the
31 singular includes the plural and vice versa.

32 Revised Law

33 Sec. 6913.255. BONDS PAYABLE FROM AD VALOREM TAXES. The
34 district may issue bonds:

35 (1) payable from ad valorem taxes imposed on taxable
36 property in the district; or

37 (2) secured by and payable from:

38 (A) taxes described by Subdivision (1); and

39 (B) revenue of the district. (Acts 54th Leg.,

40 R.S., Ch. 141, Sec. 9(e) (part).)

41 Source Law

42 (e) . . . [the District is also empowered to
43 issue bonds] payable from ad valorem taxes to be levied

1 on all taxable property therein, or to issue bonds
2 secured both by and payable from such taxes and the
3 revenues of the District. . . .

4 Revised Law

5 Sec. 6913.256. ELECTION FOR BONDS PAYABLE FROM AD VALOREM
6 TAXES. (a) District bonds, other than refunding bonds, payable
7 wholly or partly from ad valorem taxes may not be issued unless
8 authorized by a district election at which a majority of the votes
9 cast favor the bond issuance.

10 (b) The board may order an election under this section
11 without a petition. The order must specify:

12 (1) the time and places at which the election will be
13 held;

14 (2) the purpose for which the bonds will be issued;

15 (3) the maximum amount of the bonds;

16 (4) the maximum maturity of the bonds;

17 (5) the form of the ballot; and

18 (6) the presiding judge for each voting place.

19 (c) Notice of the election must be given by publishing a
20 substantial copy of the order calling the election in a newspaper
21 published in Haskell County that is circulated in the district for
22 two consecutive weeks. The first publication must be not later than
23 the 15th day before the date of the election. (Acts 54th Leg.,
24 R.S., Ch. 141, Secs. 12(a) (part), (b).)

25 Source Law

26 Sec. 12. (a) No bonds payable wholly or
27 partially from ad valorem taxes (except refunding
28 bonds) shall be issued unless authorized by an
29 election at which . . . a majority of the votes cast in
30 such election is in favor of the issuance of the bonds.
31 . . .

32 (b) Such election may be called by the Board of
33 Directors without a petition. The resolution calling
34 the election shall specify the time and places of
35 holding the same, the purpose for which the bonds are
36 to be issued, the maximum amount thereof, the maximum
37 maturity thereof, the form of the ballot, and the
38 presiding judge for each voting place. The presiding
39 judge serving at each voting place shall appoint one
40 (1) assistant judge and two (2) clerks to assist in
41 holding such election. Notice of the election shall be
42 given by publishing a substantial copy of such
43 resolution in a newspaper published in Haskell County
44 and having circulation in the District for two (2)
45 consecutive weeks. The first publication shall be at

1 least fifteen (15) days prior to the election.

2 Revisor's Note

3 (1) Section 12(a), Chapter 141, Acts of the 54th
4 Legislature, Regular Session, 1955, provides that the
5 district may not issue bonds payable from ad valorem
6 taxes unless authorized by qualified voters who reside
7 in the district, own taxable property in the district,
8 and have rendered the property for taxation. The
9 revised law omits those requirements for the reasons
10 stated in Revisor's Note (1) at the end of Subchapter
11 B. The omitted law reads:

12 (a) [No bonds payable . . . from ad
13 valorem taxes . . . shall be issued unless
14 authorized by an election at which] only the
15 qualified voters who reside in the District
16 and who own taxable property therein and who
17 have duly rendered the same for taxation and
18 unless

19 (2) Section 12(b), Chapter 141, Acts of the 54th
20 Legislature, Regular Session, 1955, provides that an
21 election may be called by the board and refers to the
22 "resolution calling the election." The revised law
23 substitutes "order" for the quoted language for the
24 reason stated in the revisor's note to Section
25 6913.060.

26 (3) Section 12(b), Chapter 141, Acts of the 54th
27 Legislature, Regular Session, 1955, provides that
28 "[t]he presiding judge serving at each voting place
29 shall appoint one (1) assistant judge and two (2)
30 clerks to assist in holding such election." The
31 revised law omits the quoted language for the reason
32 stated in Revisor's Note (1) to Section 6913.057.

33 (4) Section 12(c), Chapter 141, Acts of the 54th
34 Legislature, Regular Session, 1955, provides that the
35 returns of a bond election shall be made to and
36 canvassed by the board. The revised law omits that
37 provision for the reason stated in Revisor's Note (2)

1 at the end of Subchapter B. The omitted law reads:

2 (c) The returns of the election shall
3 be made to and canvassed by the Board of
4 Directors of the District.

5 (5) Section 12(d), Chapter 141, Acts of the 54th
6 Legislature, Regular Session, 1955, provides that the
7 general laws relating to elections apply to an
8 election under that section except as otherwise
9 provided by that act. The revised law omits that
10 provision because Section 1.002, Election Code,
11 provides that the Election Code applies to all
12 elections held in this state. An exception to the
13 application of the Election Code would apply by its own
14 terms. The omitted law reads:

15 (d) The General Laws relating to
16 elections shall be applicable to elections
17 held under this Section of this law except
18 as otherwise provided in this law.

19 Revised Law

20 Sec. 6913.257. TAX AND COMPENSATION RATES. (a) If the
21 district issues bonds payable wholly or partly from ad valorem
22 taxes, the district shall impose a tax sufficient to pay the bonds
23 and the interest on the bonds as the bonds and interest become due.
24 The board may adopt the rate of the tax for any year after
25 considering the money received from pledged revenue available for
26 payment of principal and interest to the extent and in the manner
27 permitted by the resolution authorizing the issuance of the bonds.

28 (b) If the district issues bonds payable wholly or partly
29 from revenue, the board shall set and revise the rates of
30 compensation for water sold and services rendered by the district.

31 (c) For bonds payable wholly from revenue, the rates of
32 compensation must be sufficient to:

33 (1) pay the expense of operating and maintaining the
34 facilities of the district;

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

1 (3) maintain the reserve and other funds as provided
2 by the resolution authorizing the issuance of the bonds.

3 (d) For bonds payable partly from revenue, the rates of
4 compensation must be sufficient to assure compliance with the
5 resolution authorizing the issuance of the bonds. (Acts 54th Leg.,
6 R.S., Ch. 141, Secs. 9(e) (part), (f).)

7 Source Law

8 (e) . . . Where bonds are issued payable wholly
9 or partially from ad valorem taxes, it shall be the
10 duty of the Board of Directors to levy a tax sufficient
11 to pay the bonds and the interest thereon as such bonds
12 and interest become due, but the rate of the tax for
13 any year may be fixed after giving consideration to the
14 money received from the pledged revenues which may be
15 available for payment of principal and interest to the
16 extent and in the manner permitted by the resolution
17 authorizing the issuance of the bonds.

18 (f) Where bonds payable wholly from revenues are
19 issued, it shall be the duty of the Board of Directors
20 to fix, and from time to time to revise, the rates of
21 compensation for water sold and services rendered by
22 the District which will be sufficient to pay the
23 expense of operating and maintaining the facilities of
24 the District and to pay the bonds as they mature and
25 the interest as it accrues and to maintain the reserve
26 and other funds as provided in the resolution
27 authorizing the bonds. Where bonds payable partially
28 from revenues are issued, it shall be the duty of the
29 Board to fix, and from time to time to revise, the rate
30 of compensation for water sold and services rendered
31 by the District which will be sufficient to assure
32 compliance with the resolution authorizing the bonds.

33 Revisor's Note

34 (1) Section 9(e), Chapter 141, Acts of the 54th
35 Legislature, Regular Session, 1955, provides that the
36 rate of the ad valorem tax for any year may be "fixed"
37 by the board. The revised law substitutes "adopt" for
38 "fixed" to conform to the terminology used in Section
39 26.05, Tax Code.

40 (2) Section 9(f), Chapter 141, Acts of the 54th
41 Legislature, Regular Session, 1955, provides that it
42 shall be the duty of the board to fix, and from "time to
43 time" to revise, the rates of compensation for water
44 sold and services rendered by the district. The
45 revised law omits the quoted language because the duty
46 to set and revise the rates of compensation includes

1 the duty to revise them from time to time.

2 Revised Law

3 Sec. 6913.258. ADDITIONAL SECURITY. (a) District bonds,
4 including refunding bonds, that are not payable wholly from ad
5 valorem taxes may be additionally secured by a deed of trust lien on
6 physical property of the district and all franchises, easements,
7 water rights and appropriation permits, leases, contracts, and all
8 rights appurtenant to the property, vesting in the trustee power
9 to:

- 10 (1) sell the property for payment of the debt;
11 (2) operate the property; and
12 (3) take other action to further secure the bonds.

13 (b) The deed of trust may:

- 14 (1) contain any provision the board prescribes to
15 secure the bonds and preserve the trust estate;
16 (2) provide for amendment or modification of the deed
17 of trust; and
18 (3) provide for the issuance of bonds to replace lost
19 or mutilated bonds.

20 (c) A purchaser under a sale under the deed of trust is:

- 21 (1) the owner of the dam or dams and the other property
22 and facilities purchased; and
23 (2) entitled to maintain and operate the property and
24 facilities. (Acts 54th Leg., R.S., Ch. 141, Sec. 11.)

25 Source Law

26 Sec. 11. Any bonds (including refunding bonds)
27 authorized by this law, not payable wholly from ad
28 valorem taxes, may be additionally secured by a deed of
29 trust lien upon physical properties of the District
30 and all franchises, easements, water rights and
31 appropriation permits, leases, and contracts and all
32 rights appurtenant to such properties, vesting in the
33 trustee power to sell the properties for payment of the
34 indebtedness, power to operate the properties and all
35 other powers and authority for the further security of
36 the bonds. Such deed of trust may contain any
37 provisions prescribed by the Board of Directors for
38 the security of the bonds and the preservation of the
39 trust estate, and may make provision for amendments or
40 modification thereof and the issuance of bonds to
41 replace lost or mutilated bonds. Any purchaser under a
42 sale under such deed of trust shall be the owner of the

1 dam or dams and the other properties and facilities so
2 purchased and shall have the right to maintain and
3 operate the same.

4 Revised Law

5 Sec. 6913.259. USE OF BOND PROCEEDS. (a) The district may
6 set aside an amount of proceeds from the sale of district bonds for
7 the payment of interest expected to accrue during construction and
8 for one year after construction in a reserve interest and sinking
9 fund. The resolution authorizing the bonds may provide for setting
10 aside and using the proceeds as provided by this subsection.

11 (b) The district may use proceeds from the sale of the bonds
12 to pay any expense necessarily incurred in accomplishing the
13 purposes of the district. (Acts 54th Leg., R.S., Ch. 141, Sec.
14 9(g).)

15 Source Law

16 (g) From the proceeds of the sale of the bonds,
17 the District may set aside an amount for the payment of
18 interest expected to accrue during construction and
19 for one (1) year thereafter in a reserve interest and
20 sinking fund, and such provision may be made in the
21 resolution authorizing the bonds. Proceeds received
22 from the sale of the bonds may also be used for the
23 payment of all expenses necessarily incurred in
24 accomplishing the purposes for which this District is
25 created.

26 Revised Law

27 Sec. 6913.260. APPOINTMENT OF RECEIVER. (a) On default or
28 threatened default in the payment of principal of or interest on
29 district bonds that are payable wholly or partly from revenue, a
30 court may appoint a receiver for the district on petition of the
31 holders of 25 percent of the outstanding bonds of the issue in
32 default or threatened with default.

33 (b) The receiver may collect and receive all district income
34 except taxes, employ and discharge district agents and employees,
35 take charge of money on hand, except money received from taxes
36 unless commingled, and manage the district's proprietary affairs
37 without the consent of or hindrance by the board.

38 (c) The receiver may be authorized to sell or contract for
39 the sale of water or to renew those contracts with the approval of
40 the court that appointed the receiver.

1 (d) The court may vest the receiver with any other power or
2 duty the court finds necessary to protect the bondholders. (Acts
3 54th Leg., R.S., Ch. 141, Sec. 9(h).)

4 Source Law

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

24 Revisor's Note

25 Section 9(h), Chapter 141, Acts of the 54th
26 Legislature, Regular Session, 1955, 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. 6913.261. REFUNDING BONDS. (a) The district may issue
33 refunding bonds to refund outstanding district bonds and interest
34 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
43 refunding bonds.

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

3 (e) Instead of issuing bonds to be registered on the
4 surrender and cancellation of the bonds to be refunded, the
5 district, in the resolution authorizing the issuance of the
6 refunding bonds, may provide for the sale of the refunding bonds and
7 the deposit of the proceeds in a bank at which the bonds to be
8 refunded are payable. In that case, the refunding bonds may be
9 issued in an amount sufficient to pay the interest on the bonds to
10 be refunded to their option date or maturity date, and the
11 comptroller shall register the refunding bonds without the
12 surrender and cancellation of the bonds to be refunded. (Acts 54th
13 Leg., R.S., Ch. 141, Sec. 10.)

14 Source Law

15 Sec. 10. The District is authorized to issue
16 refunding bonds for the purpose of refunding any
17 outstanding bonds authorized by this Act and interest
18 thereon. Such refunding bonds may be issued to refund
19 more than one (1) series of outstanding bonds and
20 combine the pledges for the outstanding bonds for the
21 security of the refunding bonds, and may be secured by
22 other or additional revenues. The provisions of this
23 law with reference to the issuance of other bonds and
24 their approval by the Attorney General and the
25 remedies of the holders shall be applicable to
26 refunding bonds. Refunding bonds shall be registered
27 by the Comptroller upon surrender and cancellation of
28 the bonds to be refunded, but in lieu thereof, the
29 resolution authorizing their issuance may provide that
30 they shall be sold and the proceeds thereof deposited
31 in the bank where the original bonds are payable, in
32 which case the refunding bonds may be issued in an
33 amount sufficient to pay the interest on the original
34 bonds to their option date or maturity date, and the
35 Comptroller shall register them without concurrent
36 surrender and cancellation of the original bonds.

37 Revisor's Note

38 Section 10, Chapter 141, Acts of the 54th
39 Legislature, Regular Session, 1955, refers to
40 provisions of Chapter 141 referencing "approval [of
41 bonds] by the Attorney General" and applies them to
42 refunding bonds. The revised law omits the quoted
43 language because that language and the provisions of
44 the chapter it refers to are superseded by Section

1 1202.003, Government Code, enacted in 1987 as Section
2 3.002(a), Chapter 53, Acts of the 70th Legislature,
3 2nd Called Session (Article 717k-8, Vernon's Texas
4 Civil Statutes), which provides for approval of public
5 securities by the attorney general. That section
6 applies to bonds issued by the district, including
7 refunding bonds, under Section 1202.001, Government
8 Code. See Revisor's Note (4) at the end of this
9 subchapter, which explains the omission of the
10 relevant portions of Section 13 of Chapter 141.
11 Chapter 1202, Government Code, applies to the district
12 under Sections 1202.001 and 1202.003(c) of that
13 chapter. Throughout this chapter, the revised law
14 omits law that is superseded by Chapter 1202,
15 Government Code, or that duplicates law contained in
16 that chapter.

17 Revised Law

18 Sec. 6913.262. BONDS EXEMPT FROM TAXATION. District bonds,
19 the transfer of district bonds, and income from district bonds,
20 including profits made on the sale of district bonds, are exempt
21 from taxation in this state. (Acts 54th Leg., R.S., Ch. 141, Sec.
22 19 (part).)

23 Source Law

24 Sec. 19. . . . the bonds issued hereunder and
25 their transfer and the income therefrom, including the
26 profits made on the sale thereof, shall at all times be
27 free from taxation within this State.

28 Revisor's Note
29 (End of Subchapter)

30 (1) Section 9(b), Chapter 141, Acts of the 54th
31 Legislature, Regular Session, 1955, provides that
32 district bonds may be sold at a price and under terms
33 that the board determines to be the most advantageous
34 reasonably obtainable. The revised law omits that
35 provision because it duplicates or is superseded by
36 provisions of general law. Section 1204.006,

1 Government Code, provides that an issuer may sell
2 public securities at any price. Section 1204.006
3 applies to district bonds under Sections 1204.001 and
4 1204.002, Government Code. Section 1201.022,
5 Government Code, provides that an issuer may sell
6 public securities "under the terms determined by the
7 governing body of the issuer to be in the issuer's best
8 interests." The omitted law reads:

9 (b) . . . [bonds] . . . may be sold
10 at a price and under terms determined by the
11 Board of Directors to be the most
12 advantageous reasonably obtainable,
13

14 (2) Section 9(b), Chapter 141, Acts of the 54th
15 Legislature, Regular Session, 1955, provides that
16 district bonds may bear interest at a rate not to
17 exceed six percent. The revised law omits that
18 provision because it is superseded by other law.
19 Section 9(b) was enacted in 1955 and was impliedly
20 amended by the subsequent enactment of Chapter 3, Acts
21 of the 61st Legislature, Regular Session, 1969
22 (Article 717k-2, Vernon's Texas Civil Statutes), now
23 Chapter 1204, Government Code. Section 1204.006,
24 Government Code, reflecting the 1981 amendment of
25 Article 717k-2 by Section 1, Chapter 61, Acts of the
26 67th Legislature, Regular Session, permits a public
27 agency to issue public securities at any net effective
28 interest rate of 15 percent or less. Section 1204.006,
29 Government Code, applies to district bonds under
30 Section 1204.001, Government Code. The omitted law
31 reads:

32 (b) . . . [bonds . . . may be sold
33 . . . under terms determined by the Board of
34 Directors] . . . provided that the interest
35 cost to the District, calculated by use of
36 standard bond interest tables currently in
37 use by insurance companies and investment
38 houses does not exceed six per cent (6%) per
39 annum, and

1 (3) Section 9(b), Chapter 141, Acts of the 54th
2 Legislature, Regular Session, 1955, provides that
3 district bonds may be called, or redeemed, before
4 maturity at the time and price specified in the
5 resolution authorizing the bonds. The revised law
6 omits that provision because it duplicates in
7 substance Sections 1201.021 and 1201.022, Government
8 Code, which provide that a public security may be
9 redeemed before maturity and be payable in specified
10 amounts and at specified times. The omitted law reads:

11 (b) . . . [bonds] . . . within the
12 discretion of the Board, may be made
13 callable prior to maturity at such times and
14 prices as may be prescribed in the
15 resolution authorizing the bonds.

16 (4) Section 13, Chapter 141, Acts of the 54th
17 Legislature, Regular Session, 1955, requires the
18 district to submit bonds it issues to the attorney
19 general for examination and approval. Section 13 also
20 requires the attorney general to approve district
21 bonds if the bonds were authorized under law. In
22 addition, Section 13 provides that after approval the
23 bonds must be registered with the comptroller and that
24 after approval and registration the bonds are
25 incontestable. The revised law omits those provisions
26 as superseded by Chapter 1202, Government Code
27 (enacted as Article 3, Chapter 53, Acts of the 70th
28 Legislature, 2nd Called Session, 1987). Section
29 1202.003, Government Code, provides for approval of
30 the bonds by the attorney general and requires the
31 attorney general to submit the approved bonds to the
32 comptroller for registration. Section 1202.005,
33 Government Code, requires registration of the bonds by
34 the comptroller. Section 1202.006, Government Code,
35 provides that after approval and registration the
36 bonds are incontestable and binding obligations. The

1 omitted law reads:

2 Sec. 13. After any bonds are
3 authorized by the District, such bonds and
4 the record relating to their issuance shall
5 be submitted to the Attorney General for his
6 examination as to the validity
7 thereof. . . . If such bonds have been
8 authorized and . . . in accordance with the
9 Constitution and laws of the State of Texas,
10 he shall approve the bonds and . . . the
11 bonds then shall be registered by the
12 Comptroller of Public Accounts.
13 Thereafter, the bonds, and . . . shall be
14 valid and binding and shall be
15 incontestable for any cause.

16 (5) Section 13, Chapter 141, Acts of the 54th
17 Legislature, Regular Session, 1955, details various
18 procedures regarding approval of bond contracts and
19 proceedings by the attorney general. The revised law
20 omits the portion of Section 13 regarding the validity
21 and incontestability of a contract the proceeds of
22 which are pledged to the payment of a bond as
23 superseded by Section 1202.006, Government Code
24 (enacted as Section 3.002(d), Chapter 53, Acts of the
25 70th Legislature, 2nd Called Session, 1987). Section
26 1202.006, Government Code, provides that after
27 approval and registration of the bond, the bond and
28 contract are not contestable for any reason. The
29 omitted law reads:

30 Sec. 13. . . . Where such bonds
31 recite that they are secured by a pledge of
32 the proceeds of a contract theretofore made
33 between the District and any city or other
34 governmental agency or District, a copy of
35 such contract and the proceedings of the
36 city or other governmental agency or
37 District authorizing such contract shall
38 also be submitted to the Attorney
39 General. . . . if such contracts have been
40 made [in accordance with the Constitution
41 and laws of the State of Texas, he shall
42 approve] . . . such contracts and . . .
43 [Thereafter,] . . . the contracts, if any,
44 [shall be valid and . . . shall be
45 incontestable for any cause.]

46 (6) Section 18, Chapter 141, Acts of the 54th
47 Legislature, Regular Session, 1955, lists the entities
48 for which district bonds are legal investments and

1 provides that district bonds may secure deposits of
2 public funds of the state or political subdivisions.
3 The revised law omits the provision relating to the
4 eligibility of district bonds to be considered as
5 investments for various entities because it duplicates
6 Section 49.186, Water Code. While Section 18 lists
7 "guardians" and Section 49.186, Water Code, does not,
8 Section 49.186 includes "fiduciaries," and a guardian
9 is a fiduciary. The revised law omits the provision
10 relating to deposits of state funds as impliedly
11 repealed by Section 404.0221, Government Code, which
12 lists eligible collateral for deposits of state funds
13 by the comptroller. As to deposits of other funds, the
14 provision is impliedly repealed by Chapter 2257,
15 Government Code (enacted as Chapter 627, Acts of the
16 71st Legislature, Regular Session, 1989), which
17 governs eligible collateral for deposits of funds of
18 other public agencies, including political
19 subdivisions, and permits those deposits to be secured
20 by obligations issued by conservation and reclamation
21 districts. The omitted law reads:

22 Sec. 18. All bonds of the District
23 shall be and are hereby declared to be legal
24 and authorized investments for banks,
25 savings banks, trust companies, building
26 and loan associations, savings and loan
27 associations, insurance companies,
28 fiduciaries, trustees, guardians, and for
29 the sinking funds of cities, towns,
30 villages, counties, school districts, or
31 other political corporations or
32 subdivisions of the State of Texas. Such
33 bonds shall be eligible to secure the
34 deposit of any and all public funds of the
35 State of Texas, and any and all public funds
36 of cities, towns, villages, counties,
37 school districts, or other political
38 corporations or subdivisions of the State
39 of Texas; and such bonds shall be lawful and
40 sufficient security for said deposits to
41 the extent of their value, when accompanied
42 by all unmatured coupons appurtenant
43 thereto.

1 Revisor's Note
2 (End of Chapter)

3 (1) Section 17, Chapter 141, Acts of the 54th
4 Legislature, Regular Session, 1955, provides that
5 water control and improvement district law that is not
6 expressly made applicable to the district by Chapter
7 141 does not apply to the district. The revised law
8 omits that provision as unnecessary because, as a
9 fresh water supply district under Subtitle B, Title 6,
10 Special District Local Laws Code, the district would
11 not be subject to water control and improvement
12 district laws unless Chapter 141 or other law
13 explicitly made those laws applicable. The omitted
14 law reads:

15 Sec. 17. Only those provisions of the
16 laws relating to Water Control and
17 Improvement Districts which are expressly
18 made applicable to this District by this Act
19 shall be applicable to this District.

20 (2) Section 21, Chapter 141, Acts of the 54th
21 Legislature, Regular Session, 1955, provides that the
22 act is severable. The revised law omits the provision
23 because the same result is produced by application of
24 Section 311.032, Government Code (Code Construction
25 Act), which provides that a provision of a statute is
26 severable from each other provision of the statute
27 that can be given effect. The omitted law reads:

28 Sec. 21. If any provision of this Act
29 or the application thereof to any person or
30 circumstances shall be held to be invalid or
31 unconstitutional, the remainder of the Act,
32 and the application of such provision to
33 other persons or circumstances shall not be
34 affected thereby.

35 (3) Section 22, Chapter 141, Acts of the 54th
36 Legislature, Regular Session, 1955, states that notice
37 of the intention to apply for the passage of that act
38 was published in the manner provided by law. The
39 revised law omits that provision as executed. The
40 omitted law reads:

1 Sec. 22. It is hereby found that
 2 notice of intention to apply for the passage
 3 of this Act has been published in the
 4 locality where the matter and things to be
 5 affected hereby are situated, which notice
 6 stated the substance of this law, and was
 7 published at least thirty (30) days prior to
 8 the introduction into the Legislature of
 9 this bill and the time, form and manner of
 10 giving said notice is hereby approved,
 11 validated and ratified. The evidence of the
 12 foregoing was exhibited in the Legislature
 13 before the passage of this Act.

14 SUBTITLE E. LEVEE IMPROVEMENT DISTRICTS

15 CHAPTER 7811. DALLAS COUNTY FLOOD CONTROL DISTRICT NO. 1

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1 CHAPTER 7811. DALLAS COUNTY FLOOD CONTROL DISTRICT NO. 1

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Revised Law

4 Sec. 7811.001. DEFINITIONS. In this chapter:

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

6 (2) "Constituent municipality" means the City of Grand
7 Prairie or the City of Irving.

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

9 (4) "District" means the Dallas County Flood Control
10 District No. 1. (Acts 68th Leg., R.S., Ch. 1081, Secs. 1(b) (part),
11 (c), 2(a) (part); New.)

12 Source Law

13 [Sec. 1]

14 (b) The Dallas County Municipal Utility
15 District No. 2 is renamed "Dallas County Flood Control
16 District No. 1" and

17 (c) In this Act, "district" means the Dallas
18 County Flood Control District No. 1.

19 Sec. 2. (a) On and after the effective date of
20 this Act the district shall be designated as the Dallas
21 County Flood Control District No. 1 of Dallas County,
22 Texas. . . .

23 Revisor's Note

24 The definitions of "board," "constituent
25 municipality," and "director" are added to the revised
26 law for drafting convenience and to eliminate
27 frequent, unnecessary repetition of the substance of
28 the definitions.

29 Revised Law

30 Sec. 7811.002. NATURE OF DISTRICT. The district is a
31 conservation and reclamation district established under Section
32 59, Article XVI, Texas Constitution. (Acts 68th Leg., R.S., Ch.
33 1081, Secs. 1(a), (b) (part).)

34 Source Law

35 Sec. 1. (a) Pursuant to Article XVI, Section
36 59, of the Texas Constitution, a conservation and
37 reclamation district designated as Dallas County Levee
38 Improvement District No. 17 was established by the
39 Commissioners Court of Dallas County and was converted
40 to Dallas County Municipal Utility District No. 2 by
41 order of the Texas Water Commission.

1 (b) [The . . . District] . . . is declared to be
2 a validly existing conservation and reclamation
3 district.

4 Revisor's Note

5 (1) Sections 1(a) and (b), Chapter 1081, Acts of
6 the 68th Legislature, Regular Session, 1983, state
7 that the district was "established by the
8 Commissioners Court of Dallas County and was converted
9 to Dallas County Municipal Utility District No. 2 by
10 order of the Texas Water Commission" and that the
11 district "is declared to be a validly existing"
12 conservation and reclamation district. The name of
13 the district was changed by Sections 1(b) and 2(a) of
14 Chapter 1081 to the "Dallas County Flood Control
15 District No. 1." The revised law omits the language
16 regarding the establishment and validation of the
17 district because it served its purpose on the day it
18 took effect and is executed law. Section
19 311.031(a)(2), Government Code (Code Construction
20 Act), provides that the repeal of a statute does not
21 affect any validation previously made under the
22 statute. Therefore, the omission of the executed
23 validation provision does not affect the validation.

24 (2) Section 1(d), Chapter 1081, Acts of the 68th
25 Legislature, Regular Session, 1983, provides that the
26 district is a governmental agency and a body politic
27 and corporate. The revised law omits the provision
28 because it duplicates a portion of Section 59(b),
29 Article XVI, Texas Constitution, which provides that a
30 conservation and reclamation district is a
31 governmental agency and a body politic and corporate.
32 The omitted law reads:

33 (d) The district is declared to be a
34 governmental agency and body politic and
35 corporate and

1 Revised Law

2 Sec. 7811.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
3 The district is created to serve a public use and benefit.

4 (b) The land and other property included in the district
5 will benefit from the works and projects accomplished by the
6 district and by the powers conferred by Section 59, Article XVI,
7 Texas Constitution.

8 (c) The creation and operation of the district is essential
9 to accomplish the purpose of Section 59, Article XVI, Texas
10 Constitution. (Acts 68th Leg., R.S., Ch. 1081, Secs. 8, 14.)

11 Source Law

12 Sec. 8. The legislature finds that the land and
13 other property included within the boundaries of the
14 district will be benefited by the works and projects
15 that are to be accomplished by the district and by the
16 powers granted pursuant to Article XVI, Section 59, of
17 the Texas Constitution, and that the district was
18 created to serve a public use and benefit.

19 Sec. 14. The legislature declares the creation
20 and operation of the district to be essential to
21 accomplish the purpose of Article XVI, Section 59(d),
22 of the Texas Constitution.

23 Revisor's Note

24 Section 14, Chapter 1081, Acts of the 68th
25 Legislature, Regular Session, 1983, states that "the
26 creation and operation of the district" is "essential
27 to accomplish the purpose of Article XVI, Section
28 59(d), of the Texas Constitution." The revised law
29 omits the reference to Subsection (d) of Section 59
30 because it is clear from the context that "Section
31 59(d)" is a typographical error and the legislature
32 intended to refer to Section 59, Article XVI, Texas
33 Constitution.

34 Revised Law

35 Sec. 7811.004. DISTRICT TERRITORY. (a) The district is
36 composed of the territory located within the redefined boundaries
37 of the district as filed in the deed records of Dallas County,
38 Texas, on August 29, 1983, as amended by Sections 2(b) and (d),

1 Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983,
2 as that territory may have been modified under:

3 (1) Section 7811.005 of this chapter or its
4 predecessor statute, former Section 13, Chapter 1081, Acts of the
5 68th Legislature, Regular Session, 1983;

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

7 (3) other law.

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

11 (1) the district's organization, existence, or
12 validity;

13 (2) the district's right to issue any type of bond for
14 a purpose for which the district is created or to pay the principal
15 of and interest on the bond;

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

17 (4) the legal operation of the district or its
18 governing body. (Acts 68th Leg., R.S., Ch. 1081, Secs. 2(a) (part),
19 (b), (c), (d); New.)

20 Source Law

21 (a) . . . The district includes all property
22 located within the redefined boundaries of the
23 district as filed in the deed records of Dallas County,
24 Texas, on the effective date of this Act. . . .

25 (b) Subject to the requirements of Subsection
26 (d) of this section, the following real property is
27 excluded from the district: Towne Lake Phase II
28 Addition to the City of Irving Block 1, Lots 1 through
29 19; Block 2, Lots 1 through 6 and 9 through 69; Block 3,
30 Lots 1 through 28; Towne Lake Phase III Addition to the
31 City of Irving Block 1, Lots 1 through 8; Block 2, Lots
32 1 through 68; Block 3, Lots 1 through 38; Block 4, Lots
33 1 through 17; and Towne Lake Place Addition to the City
34 of Irving, Block A, Lots 1 and 2. Effective July 1,
35 1987, the excluded property may not be subject to the
36 levy of ad valorem taxes by the district and it shall
37 be removed from the tax rolls of the district at that
38 time.

39 (c) The legislature finds that the boundaries
40 and field notes of the district form a closure. If any
41 mistake is made in copying the field notes in the
42 legislative process, or otherwise a mistake is made in
43 the field notes, it in no way affects the organization,
44 existence, and validity of the district; the right of
45 the district to issue any type of bonds or refunding
46 bonds for the purposes for which the district is
47 created, or to pay the principal of and interest on the

1 bonds; the right of the district to assess, levy, and
2 collect taxes; or the legal operation of the district
3 or its governing body.

4 (d) Before the territory described in
5 Subsection (b) of this section is disannexed from the
6 district, the district must give written notice of the
7 proposed disannexation by certified mail, return
8 receipt requested, to the city manager of the city of
9 Irving and the city manager of the city of Grand
10 Prairie, and each city must approve the disannexation
11 as provided by this subsection. Each city has a period
12 of 30 days from the date notice is received by that
13 city to either approve or disapprove the disannexation
14 of the territory, and each city shall express its
15 approval or disapproval through a resolution adopted
16 by the city council of that city. If a city fails to
17 adopt a resolution within the 30-day period as
18 provided by this subsection, the disannexation is
19 deemed approved by that city. If either of the cities
20 disapproves the disannexation of the territory, the
21 territory is not disannexed, but subsequent attempts
22 to disannex the territory may be made and the territory
23 may be disannexed in the manner provided by this
24 subsection.

25 Revisor's Note

26 (1) Section 2(a), Chapter 1081, Acts of the 68th
27 Legislature, Regular Session, 1983, refers to
28 "property" located within the boundaries of the
29 district. The revised law substitutes "territory" for
30 "property" because, in context, the terms are
31 synonymous and "territory" is more commonly used.

32 (2) Section 2(a), Chapter 1081, Acts of the 68th
33 Legislature, Regular Session, 1983, refers to the
34 boundaries of the district filed in the deed records of
35 Dallas County, Texas, "on the effective date of this
36 Act." Chapter 1081 took effect on August 29, 1983, and
37 the revised law is drafted accordingly.

38 (3) Section 2(a), Chapter 1081, Acts of the 68th
39 Legislature, Regular Session, 1983, validates the
40 district boundaries. The revised law omits the
41 language regarding the validation for the reason
42 stated in Revisor's Note (1) to Section 7811.002. The
43 omitted law reads:

44 (a) . . . Those boundaries are
45 validated.

46 (4) Sections 2(b) and (d), Chapter 1081, Acts of

1 the 68th Legislature, Regular Session, 1983, describe
2 certain properties in the constituent municipalities
3 that are to be excluded from the district, the notice
4 that must be given to the constituent municipalities
5 before those properties are disannexed from the
6 district, and the approval process by each constituent
7 municipality for disannexation. The tax records
8 available from the Dallas Central Appraisal District
9 indicate that the district is not collecting taxes
10 from the properties described in Section 2(b),
11 indicating that the properties have already been
12 disannexed in accordance with the process described in
13 Section 2(d). The revised law omits Sections 2(b) and
14 (d) as executed but, for the reader's convenience, adds
15 a reference to Sections 2(b) and (d) to indicate that
16 the district's territory has been changed under those
17 sections.

18 (5) For the reader's convenience, the revised
19 law adds a reference to the district's authority to
20 change the district's territory under Subchapter J,
21 Chapter 49, Water Code, applicable to the district
22 under Sections 49.001 and 49.002 of that chapter, and
23 Section 7811.005 of this chapter or Section 13,
24 Chapter 1081, Acts of the 68th Legislature, Regular
25 Session, 1983, from which Section 7811.005 is derived.
26 The revised law also includes a reference to the
27 general authority of the legislature to enact other
28 laws to change the district's territory.

29 (6) Section 2(c), Chapter 1081, Acts of the 68th
30 Legislature, Regular Session, 1983, provides that a
31 mistake in the description of the district boundaries
32 does not affect the right of the district to issue "any
33 type of bonds or refunding bonds." The revised law
34 omits the reference to "refunding bonds" because

1 refunding bonds are included in the meaning of "any
2 type of bonds."

3 (7) Section 2(c), Chapter 1081, Acts of the 68th
4 Legislature, Regular Session, 1983, refers to the
5 district's authority to "assess, levy, and collect"
6 taxes. Throughout this chapter, the revised law
7 substitutes "impose" for "assess, levy, and collect"
8 because "impose" is the term generally used in Title 1,
9 Tax Code, and includes the assessment, levy, and
10 collection of a tax.

11 Revised Law

12 Sec. 7811.005. ANNEXATION OF LAND. Before the annexation
13 of land within the corporate limits of a constituent municipality,
14 the district must obtain the approval of the municipality. (Acts
15 68th Leg., R.S., Ch. 1081, Sec. 13 (part).)

16 Source Law

17 Sec. 13. . . . Before the annexation of land to
18 the district, the district must obtain the approval of
19 the city of Grand Prairie if the land to be annexed is
20 within the city limits of Grand Prairie, or the city of
21 Irving if the land to be annexed is within the city
22 limits of Irving.

23 Revisor's Note

24 (1) Throughout this chapter, the revised law
25 substitutes the phrase "corporate limits" for "city
26 limits" because the terms are synonymous and
27 "corporate limits" is more commonly used.

28 (2) Section 13, Chapter 1081, Acts of the 68th
29 Legislature, Regular Session, 1983, provides that the
30 district may annex property in the manner provided by
31 Sections 54.711 through 54.727, Water Code. The
32 revised law omits that provision as unnecessary.
33 Chapter 715, Acts of the 74th Legislature, Regular
34 Session, 1995, repealed Sections 54.711 through
35 54.727, Water Code, and enacted Subchapter J, Chapter
36 49, Water Code, to govern the addition of land to

1 certain districts. Subchapter J, Chapter 49, Water
2 Code, applies to the district under Sections 49.001
3 and 49.002 of that code. The omitted law reads:

4 Sec. 13. The district may annex
5 property to the district in the manner
6 provided by Sections 54.711 through 54.727,
7 Water Code. . . .

8 SUBCHAPTER B. BOARD OF DIRECTORS

9 Revised Law

10 Sec. 7811.051. COMPOSITION OF BOARD; TERMS. (a) The
11 district is governed by a board consisting of five appointed
12 directors. The City of Irving appoints three directors and the City
13 of Grand Prairie appoints two directors.

14 (b) Directors serve two-year terms. (Acts 68th Leg., R.S.,
15 Ch. 1081, Sec. 3(a).)

16 Source Law

17 Sec. 3. (a) The powers of the district are
18 exercised by a board of five directors. Each director
19 serves for a term of two years, and until a successor
20 is appointed and qualified. The city of Irving shall
21 appoint three directors and the city of Grand Prairie
22 shall appoint two directors.

23 Revisor's Note

24 (1) Section 3(a), Chapter 1081, Acts of the 68th
25 Legislature, Regular Session, 1983, provides that
26 "[t]he powers of the district are exercised by" the
27 board. The revised law substitutes "The district is
28 governed by" for the quoted language to conform to the
29 terminology used in Chapter 49, Water Code.

30 (2) Section 3(a), Chapter 1081, Acts of the 68th
31 Legislature, Regular Session, 1983, provides that a
32 director serves "until a successor is appointed and
33 qualified." The revised law omits the provision
34 because it duplicates Section 17, Article XVI, Texas
35 Constitution, which provides that an officer in this
36 state continues to perform the officer's official
37 duties until a successor has qualified.

1 Revised Law

2 Sec. 7811.052. ELIGIBILITY FOR OFFICE. A director must own
3 land in the district subject to taxation at the time the director
4 qualifies for office. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(c)
5 (part).)

6 Source Law

7 (c) A director must own land within the district
8 subject to taxation at the time of his qualification as
9 a director,

10 Revised Law

11 Sec. 7811.053. DIRECTOR'S BOND. (a) A director shall
12 execute a bond in the amount of \$5,000 for the faithful performance
13 of the director's duties.

14 (b) The bond must be filed in the office of the county clerk
15 of Dallas County. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(c)
16 (part).)

17 Source Law

18 (c) [A director] . . . shall execute a bond in
19 the amount of \$5,000 for the faithful performance of
20 his duties. . . . The bond shall be . . . filed in the
21 office of the county clerk of Dallas County.

22 Revisor's Note

23 (1) Section 3(c), Chapter 1081, Acts of the 68th
24 Legislature, Regular Session, 1983, provides that each
25 director must take the constitutional oath of office.
26 The revised law omits that provision because Section
27 1, Article XVI, Texas Constitution, requires all
28 officers to take the oath (or affirmation) before
29 assuming office. The omitted law reads:

30 (c) [A director] . . . must take the
31 constitutional oath of office, and

32 (2) Section 3(c), Chapter 1081, Acts of the 68th
33 Legislature, Regular Session, 1983, requires the
34 district to pay the cost of a director's bond and
35 provides that the bond be approved by the board. The
36 revised law omits that provision because it duplicates
37 in substance part of Section 49.055(c), Water Code.

1 Throughout this chapter, the revised law omits law
2 that is superseded by Chapter 49, Water Code, or that
3 duplicates law contained in that chapter. Chapter 49,
4 Water Code, applies to the district under Sections
5 49.001 and 49.002 of that code. The omitted law reads:

6 (c) . . . The cost of the bond shall
7 be paid by the district. [The bond shall be]
8 approved by the board of directors and
9

10 Revised Law

11 Sec. 7811.054. BOARD VACANCY. (a) If a director dies,
12 resigns, or ceases to possess the qualifications required for
13 office, the board shall declare the person's office vacant.

14 (b) The constituent municipality that appointed the
15 director whose position is vacant shall appoint a successor to fill
16 the unexpired term. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(b).)

17 Source Law

18 (b) If a director dies, resigns, or ceases to
19 possess the qualifications required for office, the
20 board of directors shall declare the office vacant and
21 the city that appointed the director whose position
22 became vacant shall appoint a successor to fill the
23 unexpired term.

24 Revised Law

25 Sec. 7811.055. BOARD PRESIDENT; ABSENCE OF BOARD PRESIDENT.

26 (a) The board may authorize the board's president to sign all orders
27 or take other action.

28 (b) Any order adopted or action taken at a board meeting at
29 which the board's president is absent may be signed by the board's
30 vice president, or the board may authorize the president to sign the
31 order or action at a later time. (Acts 68th Leg., R.S., Ch. 1081,
32 Secs. 3(f) (part), (g).)

33 Source Law

34 (f) . . . The board may authorize the president
35 to sign all orders or take other action.

36 (g) An order adopted or action taken at a
37 meeting of the board of directors at which the
38 president is absent may be signed by the
39 vice-president, or the board may authorize the
40 president to sign the order or action at a later time.

1 Revised Law

2 Sec. 7811.056. SECRETARY'S DUTIES. The board secretary
3 shall keep accurate minutes and shall certify any action taken by
4 the board. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(h).)

5 Source Law

6 (h) The secretary of the board of directors is
7 responsible for keeping accurate minutes and
8 certifying any action taken by the board.

9 Revised Law

10 Sec. 7811.057. TREASURER. (a) The board may appoint a
11 district treasurer.

12 (b) The district treasurer shall execute a bond in an amount
13 determined by the board payable to the district and conditioned on
14 the faithful performance of the treasurer's duties. (Acts 68th
15 Leg., R.S., Ch. 1081, Sec. 11(d).)

16 Source Law

17 (d) The board of directors may appoint a
18 district treasurer. The person appointed as treasurer
19 shall execute a bond in an amount determined by the
20 board, payable to the district conditioned on the
21 faithful performance of the treasurer's duties.

22 Revised Law

23 Sec. 7811.058. COMPENSATION OF DIRECTORS. (a) A director
24 is entitled to receive \$25 for each day spent performing district
25 work, not to exceed \$200 per month.

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

28 (c) A director's compensation may be increased as
29 authorized by Section 49.060, Water Code, by resolution adopted by
30 the board in accordance with Subsection (e) of that section on or
31 after September 1, 1995. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(i)
32 (part); New.)

33 Source Law

34 (i) Each member of the board of directors is
35 entitled to receive \$25 for each day he spends on
36 district work but may not receive an amount that
37 exceeds \$200 in any calendar month. . . .

1 Revisor's Note

2 (1) Section 3(i), Chapter 1081, Acts of the 68th
3 Legislature, Regular Session, 1983, provides that
4 "[e]ach member of the board of directors is entitled to
5 receive \$25 for each day he spends on district work but
6 may not receive an amount that exceeds \$200 in any
7 calendar month." Section 49.060, Water Code, enacted
8 in 1995 and applicable by its own terms to the
9 district, also provides for a director's fees of
10 office, computed on a rate per day of certain service,
11 and, under Subsection (a-1) of that section, enacted
12 in 2003, requires the board of each district to adopt a
13 resolution limiting a director's total annual fees of
14 office. Section 49.060(e) provides that, in all areas
15 of conflict, Section 49.060 takes precedence over all
16 prior statutory enactments and that, if the enactment
17 of that section would result in a fee increase, the
18 increase does not apply to a district unless the board
19 by resolution authorizes payment of the higher fees.
20 It is unclear to what extent the quoted language may be
21 in conflict with Section 49.060. To preserve the
22 ambiguity, the revised law includes the substance of
23 the quoted language and adds provisions necessary to
24 preserve the effect of Section 49.060 to the extent of
25 a conflict with that language.

26 (2) Section 3(i), Chapter 1081, Acts of the 68th
27 Legislature, Regular Session, 1983, provides for
28 reimbursement of a director's actual expenses. The
29 revised law omits the provision because it is
30 expressly superseded by Section 49.060, Water Code
31 (enacted in 1995). The omitted law reads:

32 (i) . . . A director shall be
33 reimbursed for actual expenses approved by
34 the board.

1 Revised Law

2 Sec. 7811.059. VOTE REQUIRED FOR OFFICIAL BOARD ACTION. An
3 official action of the board is not valid without the affirmative
4 vote of a majority of the directors. (Acts 68th Leg., R.S., Ch.
5 1081, Sec. 3(d) (part).)

6 Source Law

7 (d) . . . no official action of the board is
8 valid without the affirmative vote of a majority of the
9 members of the board.

10 Revisor's Note

11 Section 3(d), Chapter 1081, Acts of the 68th
12 Legislature, Regular Session, 1983, provides that a
13 majority of the directors constitutes a quorum for the
14 transaction of district business. The revised law
15 omits the provision because it duplicates in substance
16 Section 49.053, Water Code. The omitted law reads:

17 (d) A majority of the members of the
18 board of directors constitute a quorum for
19 the transaction of business of the
20 district, but

21 Revised Law

22 Sec. 7811.060. DESIGNATION OF DIRECTOR TO ACT ON DISTRICT'S
23 BEHALF. The board may designate one or more directors to execute on
24 behalf of the district all contracts, including a construction
25 contract, sign checks, or handle any other matter entered into by
26 the board as shown in the district's official minutes. (Acts 68th
27 Leg., R.S., Ch. 1081, Sec. 3(e).)

28 Source Law

29 (e) The board of directors may designate one or
30 more directors to execute on behalf of the district all
31 contracts, construction or otherwise, sign checks, or
32 handle any other matter entered into by the board as
33 shown in the official minutes of the district.

34 Revised Law

35 Sec. 7811.061. DISTRICT OFFICE. (a) The board shall
36 establish and maintain a district office inside the district.

37 (b) The board may establish a second district office outside
38 the district.

1 (c) A district office may be a private residence or office
2 and that residence or office is a public place for matters relating
3 to the district's business. (Acts 68th Leg., R.S., Ch. 1081, Sec.
4 12.)

5 Source Law

6 Sec. 12. The board of directors shall establish
7 and maintain a district office in the district. The
8 district may establish a second district office
9 outside the district. Either or both district offices
10 may be a private residence, office, or dwelling, and
11 the private residence, office, or dwelling is declared
12 a public place for matters pertaining to the district's
13 business.

14 Revisor's Note

15 Section 12, Chapter 1081, Acts of the 68th
16 Legislature, Regular Session, 1983, refers to a
17 "private residence" or "dwelling" used as a district
18 office. The revised law omits the reference to
19 "dwelling" because, in context, the meaning of that
20 term is included in the meaning of "private
21 residence."

22 Revised Law

23 Sec. 7811.062. RECORDS. The board shall keep the
24 district's records open to public inspection at reasonable times at
25 the district's principal office. (Acts 68th Leg., R.S., Ch. 1081,
26 Sec. 3(k).)

27 Source Law

28 (k) The board of directors shall keep and
29 maintain complete and accurate accounts and records.
30 The board shall keep the records at the district's
31 principal office and the records shall be open to
32 public inspection at reasonable times.

33 Revisor's Note

34 Section 3(k), Chapter 1081, Acts of the 68th
35 Legislature, Regular Session, 1983, states that "[t]he
36 board of directors shall keep and maintain complete
37 and accurate accounts and records." The revised law
38 omits the quoted language because it duplicates in
39 substance Section 49.065(a), Water Code.

1 Revisor's Note
2 (End of Subchapter)

3 (1) Section 3(f), Chapter 1081, Acts of the 68th
4 Legislature, Regular Session, 1983, provides for the
5 election of a board president, vice president, and
6 secretary. The revised law omits that provision
7 because it duplicates in substance part of Section
8 49.054(a), Water Code. The omitted law reads:

9 (f) The board of directors shall
10 organize and elect a president,
11 vice-president, and secretary. . . .

12 (2) Section 3(j), Chapter 1081, Acts of the 68th
13 Legislature, Regular Session, 1983, requires the board
14 to hold regular and special meetings "at the times and
15 on the dates the board determines." The revised law
16 omits that provision because it duplicates in
17 substance Section 49.064, Water Code, which requires
18 the board to hold regular and special meetings as
19 necessary for the proper conduct of the district's
20 business. The omitted law reads:

21 (j) The board of directors shall hold
22 regular and special meetings at the times
23 and on the dates the board determines.

24 (3) Section 4, Chapter 600, Acts of the 70th
25 Legislature, Regular Session, 1987, provides the terms
26 of office of the directors serving on the effective
27 date of Chapter 600 and for the appointment of the
28 successors to those directors. The revised law omits
29 those provisions as executed. The omitted law reads:

30 Sec. 4. (a) The two directors of the
31 Dallas County Flood Control District No. 1
32 elected on April 4, 1987, serve until two
33 directors are appointed to and have
34 qualified for those positions. One director
35 shall be appointed by the city of Grand
36 Prairie and one director shall be appointed
37 by the city of Irving. The appointments may
38 not be made before the date the United
39 States Department of Justice indicates that
40 no objections will be interposed under the
41 federal Voting Rights Act (42 U.S.C.
42 Sections 1971 et seq., 1973), but must be
43 made within 15 days after that date.

44 (b) The three directors serving on

1 the effective date of this Act who have
2 terms of office that expire in April 1988
3 shall continue in office and serve for the
4 terms for which they were elected and until
5 their successors are appointed and have
6 qualified for office. The successors to
7 those directors shall be appointed to take
8 office on April 3, 1988, with one director
9 being appointed by the city of Grand Prairie
10 and two directors being appointed by the
11 city of Irving.

12 SUBCHAPTER C. POWERS AND DUTIES

13 Revised Law

14 Sec. 7811.101. GENERAL POWERS AND DUTIES. (a) The district
15 may exercise the rights, powers, privileges, and functions provided
16 by Section 59, Article XVI, Texas Constitution, Chapters 49 and 57,
17 Water Code, and this chapter.

18 (b) The district may construct and maintain levees and other
19 improvements on, along, and contiguous to rivers, creeks, streams,
20 and drainage courses for the purposes of:

- 21 (1) reclaiming land from overflow from that water;
22 (2) controlling and distributing the water of rivers
23 and streams by straightening and improving the rivers and streams;
24 (3) draining and improving the land; and
25 (4) preventing the pollution of the water. (Acts 68th
26 Leg., R.S., Ch. 1081, Secs. 1(d) (part), (e); New.)

27 Source Law

28 (d) [The district] . . . may exercise the
29 powers, rights, privileges, and functions as provided
30 by Article XVI, Section 59, of the Texas Constitution;
31 Chapter 57, Water Code; and this Act. . . .

32 (e) The district may construct and maintain
33 levees and other improvements on, along, and
34 contiguous to rivers, creeks, streams, and drainage
35 courses for the purposes of:

- 36 (1) reclaiming land from overflow from
37 that water;
38 (2) controlling and distributing the water
39 of rivers and streams by straightening and improving
40 the rivers and streams;
41 (3) draining and improving the land; and
42 (4) preventing pollution of the water.

43 Revisor's Note

44 (1) Section 1(d), Chapter 1081, Acts of the 68th
45 Legislature, Regular Session, 1983, refers to certain
46 laws applicable to the district. For the reader's

1 convenience, the revised law adds a reference to
2 Chapter 49, Water Code, generally applicable under
3 Sections 49.001 and 49.002 of that chapter to
4 districts created under Section 59, Article XVI, Texas
5 Constitution.

6 (2) Section 1(d), Chapter 1081, Acts of the 68th
7 Legislature, Regular Session, 1983, provides that the
8 act prevails over general law in case of a conflict or
9 other inconsistency. The revised law omits that
10 provision because it duplicates in substance Section
11 311.026(b), Government Code (Code Construction Act).
12 The omitted law reads:

13 (d) . . . If any provision of the
14 general law is in conflict or inconsistent
15 with this Act, this Act prevails.

16 (3) Section 1(f), Chapter 1081, Acts of the 68th
17 Legislature, Regular Session, 1983, provides that the
18 district may build and carry out certain works and
19 improvements and may enter into contracts, employ
20 persons, and take any actions necessary to accomplish
21 those purposes. The revised law omits the provision
22 because it duplicates in substance Section 57.092,
23 Water Code, which applies to the district under
24 Section 7811.101 of this chapter. The omitted law
25 reads:

26 (f) The district may build,
27 construct, complete, carry out, maintain,
28 protect, and, in case of necessity, add to
29 and rebuild all works and improvements
30 within its boundaries to accomplish any
31 plan of reclamation adopted for or on behalf
32 of the district. The district may enter
33 into necessary contracts, employ necessary
34 persons, and take any actions necessary to
35 carry out this subsection.

36 Revised Law

37 Sec. 7811.102. EMINENT DOMAIN. (a) The district may
38 exercise the power of eminent domain in Dallas County to acquire the
39 fee simple title to or an easement or right-of-way to, over, or

1 through any land, water, or land under water inside or outside the
2 district that has a direct effect on the accomplishment of the
3 purposes for which the district is created and is necessary for
4 constructing and maintaining all levees and other improvements for
5 the improvement of rivers, creeks, streams, or drainage courses in
6 the district or bordering the district and to prevent overflows.

7 (b) The district may not exercise the power of eminent
8 domain under Subsection (a) to acquire land or other property that
9 is used for cemetery purposes.

10 (c) The district must exercise the power of eminent domain
11 in the manner provided by Chapter 21, Property Code.

12 (d) The district may not exercise the power of eminent
13 domain within the corporate limits of a constituent municipality
14 without the prior approval by resolution of the governing body of
15 the municipality.

16 (e) The district's authority under this section to exercise
17 the power of eminent domain expired on September 1, 2013, unless the
18 district submitted a letter to the comptroller in accordance with
19 Section 2206.101(b), Government Code, not later than December 31,
20 2012. (Acts 68th Leg., R.S., Ch. 1081, Secs. 9(a), (b) (part), (d);
21 New.)

22 Source Law

23 Sec. 9. (a) The district may exercise the
24 power of eminent domain within Dallas County, Texas,
25 to enable it to acquire the fee simple title, easement,
26 or right-of-way to, over, and through any and all land,
27 water, or land under water, except land and property
28 used for cemetery purposes, inside, bordering on,
29 adjacent or opposite to, or outside the district that
30 has a direct effect on the accomplishment of the
31 purposes for which the district is created and that is
32 necessary for making, constructing, and maintaining
33 all levees and other improvements for the improvement
34 of rivers, creeks, streams, or drainage courses inside
35 or bordering on the district and to prevent overflows.

36 (b) The power of eminent domain must be
37 exercised by the district in the manner provided by
38 Chapter 21, Property Code,

39 (d) In addition to any other requirements, the
40 district may not exercise the power of eminent domain
41 without the prior approval by resolution of the city
42 council of Grand Prairie if the property to be
43 condemned is within the city limits of Grand Prairie or
44 the city council of Irving if the property to be

1 condemned is within the city limits of Irving.

2 Revisor's Note

3 (1) Section 9(a), Chapter 1081, Acts of the 68th
4 Legislature, Regular Session, 1983, states that the
5 district may exercise the power of eminent domain to
6 acquire property "inside, bordering on, adjacent or
7 opposite to, or outside" the district. The revised law
8 omits "bordering on" and "adjacent or opposite to"
9 because those terms are included in the meaning of
10 "inside or outside."

11 (2) Section 9(a), Chapter 1081, Acts of the 68th
12 Legislature, Regular Session, 1983, states that the
13 district may acquire property if that property is
14 necessary for "making, constructing, and maintaining
15 all levees and other improvements." The revised law
16 omits "making" because "making" is included in the
17 meaning of "constructing."

18 (3) Section 9(b), Chapter 1081, Acts of the 68th
19 Legislature, Regular Session, 1983, states that the
20 district is not required to give bond for appeal or
21 bond for costs in a condemnation suit to which it is a
22 party and is not required to deposit double the amount
23 of any award in any suit. The revised law omits those
24 provisions because they duplicate in substance Section
25 49.066(f), Water Code. The omitted law reads:

26 (b) . . . except that the district is
27 not required to give bond for appeal or bond
28 for costs in a condemnation suit to which it
29 is a party and is not required to deposit
30 double the amount of any award in any suit.

31 (4) Section 9(d), Chapter 1081, Acts of the 68th
32 Legislature, Regular Session, 1983, states that the
33 district must receive approval from the city council
34 of either Grand Prairie or Irving before the district
35 may exercise the power of eminent domain. Throughout
36 this chapter, the revised law substitutes "governing

1 body" for "city council" to conform to the terminology
2 used in the Local Government Code.

3 (5) Section 9, Chapter 1081, Acts of the 68th
4 Legislature, Regular Session, 1983, provided the
5 district limited eminent domain authority. Section
6 2206.101, Government Code, required an entity with
7 eminent domain authority to submit a letter with
8 certain information to the comptroller not later than
9 December 31, 2012, to prevent the entity's eminent
10 domain authority from expiring on September 1, 2013.
11 To avoid the appearance that this revision recognizes
12 authority that the district may not possess at the time
13 of the revision, the revised law includes a provision
14 setting out the requirements of Section 2206.101,
15 Government Code.

16 Revised Law

17 Sec. 7811.103. COST OF RELOCATING OR ALTERING PROPERTY.

18 (a) In this section, "sole expense" means the actual cost of
19 relocating, raising, lowering, rerouting, changing the grade of, or
20 altering the construction of a facility described by Subsection (b)
21 to provide comparable replacement without enhancement of the
22 facility, after deducting the net salvage value of the old
23 facility.

24 (b) If the district's exercise of its power of eminent
25 domain makes necessary relocating, raising, lowering, rerouting,
26 changing the grade of, or altering the construction of a highway,
27 railroad, electric transmission or distribution line, telephone or
28 telegraph property or facility, or pipeline, the necessary action
29 shall be accomplished at the sole expense of the district unless the
30 owner of the relocated or altered facility has a legal obligation to
31 pay those expenses. (Acts 68th Leg., R.S., Ch. 1081, Sec. 9(c).)

32 Source Law

33 (c) If the district, in the exercise of the
34 power of eminent domain, makes necessary the
35 relocation, raising, lowering, rerouting, change in

1 grade, or alteration of the construction of any
2 highway, railroad, electric transmission or
3 distribution line, telephone or telegraph properties
4 and facilities, or pipeline, all necessary
5 relocations, raising, lowering, rerouting, change in
6 grade, or alteration of construction shall be
7 accomplished at the sole expense of the district,
8 unless the owner of the facility relocated or altered
9 has an existing legal obligation to pay the expenses.
10 The term "sole expense" means the actual cost of
11 relocation, raising, lowering, rerouting, change in
12 grade, or alteration of construction, to provide
13 comparable replacement without enhancement of
14 facilities, after deducting the net salvage value
15 derived from the old facility.

16 Revised Law

17 Sec. 7811.104. CONTRACTS FOR FACILITIES AND IMPROVEMENTS;
18 ELECTION NOT REQUIRED. (a) The district may enter into a contract
19 with a person for the maintenance or construction of any facility or
20 improvement authorized by this chapter.

21 (b) The district may enter into a contract under Subsection
22 (a) without:

- 23 (1) voting for the issuance of bonds; or
24 (2) holding an election to approve the contract. (Acts
25 68th Leg., R.S., Ch. 1081, Sec. 10.)

26 Source Law

27 Sec. 10. The district may enter into contracts
28 with the United States or any of its agencies, with the
29 city of Grand Prairie, with the city of Irving, or with
30 individuals, corporations, public bodies, or any other
31 entity for the maintenance of or construction of any
32 facility or improvement authorized by this Act without
33 the necessity of bonds being voted, and an election is
34 not required of the district to approve the contracts.

35 Revisor's Note

36 Section 10, Chapter 1081, Acts of the 68th
37 Legislature, Regular Session, 1983, refers to the
38 power of the district to enter into contracts with "the
39 United States or any of its agencies, with the city of
40 Grand Prairie, with the city of Irving, or with
41 individuals, corporations, public bodies, or any other
42 entity." The revised law substitutes "person" for the
43 quoted language because under Section 311.005(2),
44 Government Code (Code Construction Act), "person" is
45 defined to include any legal entity.

1 Revised Law

2 Sec. 7811.105. PROHIBITED FUNCTIONS. The district may not:

3 (1) engage in any park, water service, wastewater
4 service, police, or firefighting function; or

5 (2) spend any district money or issue bonds for any
6 function described by Subdivision (1). (Acts 68th Leg., R.S., Ch.
7 1081, Sec. 7.)

8 Source Law

9 Sec. 7. The district is expressly prohibited
10 from engaging in any park, water service, wastewater
11 service, police, or fire-fighting functions or
12 spending any district funds or issuing bonds for those
13 purposes.

14 Revisor's Note

15 Section 7, Chapter 1081, Acts of the 68th
16 Legislature, Regular Session, 1983, refers to the
17 district's "funds." Throughout this chapter, the
18 revised law substitutes "money" for "funds" when used
19 in the context of district funds because the meaning
20 is the same and "money" is the more commonly used term.

21 Revised Law

22 Sec. 7811.106. STANDARDS FOR ROAD, STREET, OR UTILITY
23 CONSTRUCTION. Any road, street, or utility construction by the
24 district begun on or after August 31, 1987, within the corporate
25 limits of a constituent municipality must comply with the standards
26 for construction adopted by the municipality. (Acts 68th Leg.,
27 R.S., Ch. 1081, Sec. 15.)

28 Source Law

29 Sec. 15. Any road, street, or utility
30 construction of the district begun on or after the
31 effective date of this section within the city limits
32 of the city of Grand Prairie or within the city limits
33 of the city of Irving must comply with standards for
34 construction adopted by that city.

35 Revisor's Note

36 Section 15, Chapter 1081, Acts of the 68th
37 Legislature, Regular Session, 1983, refers to certain
38 construction by the district begun on or after "the

1 effective date of this section." For the reader's
2 convenience, the revised law substitutes August 31,
3 1987, for the quoted language because that is the date
4 Section 15 took effect.

5 Revised Law

6 Sec. 7811.107. APPROVAL OF RECLAMATION PLAN, AMENDMENT, OR
7 PROJECT. In addition to any other requirements in this chapter, a
8 reclamation plan adopted by the district, an amendment to a
9 reclamation plan, or a project of the district that is not included
10 in a reclamation plan must be approved by both constituent
11 municipalities before the plan, amendment, or project takes effect.
12 (Acts 68th Leg., R.S., Ch. 1081, Sec. 1(g).)

13 Source Law

14 (g) In addition to any other requirements, a
15 reclamation plan adopted by the district after June 1,
16 1987, an amendment to a district reclamation plan
17 adopted before or after June 1, 1987, or a project of
18 the district that is not included in the district's
19 reclamation plan must be approved by the city of Grand
20 Prairie and the city of Irving before the plan of
21 reclamation, amendment, or project takes effect.

22 Revisor's Note

23 Section 1(g), Chapter 1081, Acts of the 68th
24 Legislature, Regular Session, 1983, requires that a
25 reclamation plan adopted by the district after June 1,
26 1987, be approved by the city of Grand Prairie and the
27 city of Irving. The revised law omits that date as
28 unnecessary because the revised law can be implemented
29 prospectively without reference to a specific date.

30 Section 1(g) also refers to an amendment to a
31 district reclamation plan "adopted before or after
32 June 1, 1987." That language was meant to clarify that
33 the requirement for the cities to approve an amendment
34 applied to any amendment adopted after the effective
35 date of Section 1(g). The revised law omits the quoted
36 language as unnecessary because it does not provide a
37 limitation as all amendments are adopted either before

1 or after that date.

2 SUBCHAPTER D. TAX ABATEMENT IN REINVESTMENT ZONE

3 Revised Law

4 Sec. 7811.151. DESIGNATION OF REINVESTMENT ZONE. (a) The
5 district by resolution may designate as a reinvestment zone an area
6 or real or personal property in the taxing jurisdiction of the
7 district that the board finds satisfies the requirements of Section
8 7811.152. The board must find that the proposed
9 commercial-industrial or residential project or projects meet the
10 criteria prescribed by Section 7811.152.

11 (b) The resolution must describe the boundaries of the zone
12 and the eligibility of the zone for commercial-industrial or
13 residential tax abatement.

14 (c) The area of a reinvestment zone designated for
15 commercial-industrial or residential tax abatement may be included
16 in an overlapping or coincidental commercial-industrial or
17 residential zone established under Chapter 312, Tax Code.

18 (d) The district may not adopt a resolution designating an
19 area as a reinvestment zone until the district has held a public
20 hearing on the designation and has found that the improvements
21 sought are feasible and practical and would be a benefit to the land
22 to be included in the zone and to the district after the expiration
23 of an agreement entered into under Section 7811.154 or 7811.155. At
24 the hearing, interested persons are entitled to speak and present
25 evidence for or against the designation. Not later than the seventh
26 day before the date of the hearing, notice of the hearing must be:

27 (1) published in a newspaper having general
28 circulation in the district; and

29 (2) delivered in writing to the presiding officer of
30 the governing body of each taxing unit that includes in its
31 boundaries real property that is to be included in the proposed
32 reinvestment zone.

33 (e) A notice made under Subsection (d)(2) is presumed
34 delivered when placed in the mail postage paid and properly

1 addressed to the appropriate presiding officer. A notice properly
2 addressed and sent by registered or certified mail for which a
3 return receipt is received by the sender is considered to have been
4 delivered to the addressee. (Acts 68th Leg., R.S., Ch. 1081, Secs.
5 16A (part), 16C.)

6 Source Law

7 Sec. 16A. The district . . . may designate an
8 area as a reinvestment zone on a finding by the board
9 of directors that the proposed commercial-industrial
10 or residential project or projects meet the criteria
11 prescribed by Section 16D of this Act. . . .

12 Sec. 16C. (a) The district by resolution may
13 designate as a reinvestment zone an area or real or
14 personal property in the taxing jurisdiction of the
15 district that the board of directors finds satisfies
16 the requirements of Section 16D of this Act.

17 (b) The resolution must describe the boundaries
18 of the zone and the eligibility of the zone for
19 commercial-industrial or residential tax abatement.

20 (c) Area of a reinvestment zone designated for
21 commercial-industrial or residential tax abatement
22 may be included in an overlapping or coincidental
23 commercial-industrial or residential zone established
24 under Chapter 312, Tax Code.

25 (d) The board of directors may not adopt a
26 resolution designating an area as a reinvestment zone
27 until the board of directors has held a public hearing
28 on the designation and has found that the improvements
29 sought are feasible and practical and would be a
30 benefit to the land to be included in the zone and to
31 the district after the expiration of an agreement
32 entered into under Section 16E of this Act. At the
33 hearing, interested persons are entitled to speak and
34 present evidence for or against the designation. Not
35 later than the seventh day before the date of the
36 hearing, notice of the hearing must be:

37 (1) published in a newspaper having
38 general circulation in the district; and

39 (2) delivered in writing to the presiding
40 officer of the governing body of each taxing unit that
41 includes in its boundaries real property that is to be
42 included in the proposed reinvestment zone.

43 (e) A notice made under Subsection (d)(2) of
44 this section is presumed delivered when placed in the
45 mail postage paid and properly addressed to the
46 appropriate presiding officer. A notice properly
47 addressed and sent by registered or certified mail for
48 which a return receipt is received by the sender is
49 considered to have been delivered to the addressee.

50 Revised Law

51 Sec. 7811.152. CRITERIA FOR REINVESTMENT ZONE. To be
52 designated as a reinvestment zone under this subchapter, an area
53 must be reasonably likely as a result of the designation to
54 contribute to the retention or expansion of primary employment or

1 to attract major investment in the zone that would be a benefit to
2 the property and that would contribute to the economic development
3 of the district. (Acts 68th Leg., R.S., Ch. 1081, Sec. 16D(a).)

4 Source Law

5 Sec. 16D. (a) To be designated as a
6 reinvestment zone under Sections 16A-16G of this Act,
7 an area must be reasonably likely as a result of the
8 designation to contribute to the retention or
9 expansion of primary employment or to attract major
10 investment in the zone that would be a benefit to the
11 property and that would contribute to the economic
12 development of the district.

13 Revised Law

14 Sec. 7811.153. EXPIRATION OF REINVESTMENT ZONE. The
15 designation of a reinvestment zone for commercial-industrial or
16 residential tax abatement expires five years after the date of the
17 designation and may be renewed for periods not to exceed five years.
18 The expiration of the designation does not affect an existing tax
19 abatement agreement governed by this subchapter. (Acts 68th Leg.,
20 R.S., Ch. 1081, Sec. 16D(b).)

21 Source Law

22 (b) The designation of a reinvestment zone for
23 commercial-industrial or residential tax abatement
24 expires five years after the date of the designation
25 and may be renewed for periods not to exceed five
26 years. The expiration of the designation does not
27 affect an existing tax abatement agreement made under
28 this Act.

29 Revisor's Note

30 Section 16D(b), Chapter 1081, Acts of the 68th
31 Legislature, Regular Session, 1983, states that the
32 expiration of a reinvestment zone designation does not
33 affect an existing tax abatement agreement "made
34 under this Act." Throughout this subchapter, the
35 revised law substitutes "governed by" for "made under"
36 to ensure that the revised law continues to apply to
37 tax abatement agreements made under the relevant
38 predecessor statutes.

39 Revised Law

40 Sec. 7811.154. TAX ABATEMENT AGREEMENT. (a) The district

1 may enter into a tax abatement agreement by agreeing, in writing,
2 with the owner of taxable real property that is located in a
3 reinvestment zone to exempt from taxation a portion of the value of
4 the real property or of tangible personal property located on the
5 real property, or both, for a period not to exceed 30 years, on the
6 condition that the owner of the property make specific improvements
7 or repairs to the property.

8 (b) The real property covered by the agreement may not be
9 located in an improvement project financed by tax increment bonds.

10 (c) The agreement is subject to the rights of holders of
11 outstanding bonds of the district.

12 (d) The agreement may:

13 (1) provide for the exemption of the real property in
14 each year covered by the agreement only to the extent its value for
15 that year exceeds its value for the year in which the agreement is
16 executed;

17 (2) provide for the exemption of tangible personal
18 property located on the real property in each year covered by the
19 agreement other than tangible personal property that was located on
20 the real property at any time before the period covered by the
21 agreement with the district; and

22 (3) cover more than one commercial-industrial or
23 residential project. (Acts 68th Leg., R.S., Ch. 1081, Secs. 16A
24 (part), 16E(a).)

25 Source Law

26 Sec. 16A. The district may enter into a tax
27 abatement agreement and

28 Sec. 16E. (a) The district may agree in
29 writing with the owner of taxable real property that is
30 located in a reinvestment zone, but that is not in an
31 improvement project financed by tax increment bonds,
32 to exempt from taxation a portion of the value of the
33 real property or of tangible personal property located
34 on the real property, or both, for a period not to
35 exceed 30 years, subject to the rights of holders of
36 outstanding bonds of the district, on the condition
37 that the owner of the property make specific
38 improvements or repairs to the property. An agreement
39 may provide for the exemption of the real property in
40 each year covered by the agreement only to the extent
41 its value for that year exceeds its value for the year

1 in which the agreement is executed. An agreement may
2 provide for the exemption of tangible personal
3 property located on the real property in each year
4 covered by the agreement other than tangible personal
5 property that was located on the real property at any
6 time before the period covered by the agreement with
7 the district. An agreement may cover more than one
8 commercial-industrial or residential project.

9 Revised Law

10 Sec. 7811.155. TAX ABATEMENT AGREEMENT: CERTIFICATED AIR
11 CARRIER. (a) The district may enter into a tax abatement
12 agreement by agreeing, in writing, with the owner or lessee of real
13 property that is located in a reinvestment zone to exempt from
14 taxation for a period not to exceed 30 years a portion of the value
15 of the real property or of personal property, or both, located in
16 the zone and owned or leased by a certificated air carrier on the
17 condition that the certificated air carrier:

18 (1) make specific real property improvements; or

19 (2) lease, for a term of 30 years or more, real
20 property improvements located in the reinvestment zone.

21 (b) The agreement may provide for the exemption of the:

22 (1) real property in each year covered by the
23 agreement to the extent its value for that year exceeds its value
24 for the year in which the agreement is executed; and

25 (2) personal property owned or leased by a
26 certificated air carrier located in the reinvestment zone in each
27 year covered by the agreement other than specific personal property
28 that was located in the reinvestment zone at any time before the
29 period covered by the agreement with the district. (Acts 68th Leg.,
30 R.S., Ch. 1081, Secs. 16A (part), 16E(d).)

31 Source Law

32 Sec. 16A. The district may enter into a tax
33 abatement agreement and

34 [Sec. 16E]

35 (d) The board of directors may agree in writing
36 with the owner or lessee of real property that is
37 located in a reinvestment zone to exempt from taxation
38 for a period not to exceed 30 years a portion of the
39 value of the real property or of personal property, or
40 both, located within the zone and owned or leased by a
41 certificated air carrier, on the condition that the
42 certificated air carrier make specific real property
43 improvements or lease for a term of 30 years or more

1 real property improvements located within the
2 reinvestment zone. An agreement may provide for the
3 exemption of the real property in each year covered by
4 the agreement to the extent its value for that year
5 exceeds its value for the year in which the agreement
6 is executed. An agreement may provide for the
7 exemption of the personal property owned or leased by a
8 certificated air carrier located within the
9 reinvestment zone in each year covered by the
10 agreement other than specific personal property that
11 was located within the reinvestment zone at any time
12 before the period covered by the agreement with the
13 district.

14 Revised Law

15 Sec. 7811.156. TAX ABATEMENT AGREEMENT REQUIREMENTS. (a)

16 This section applies to an agreement made under Section 7811.154 or
17 7811.155.

18 (b) The agreement must:

19 (1) list the kind, number, and location of all
20 proposed improvements of the property; and

21 (2) provide for:

22 (A) the availability of tax abatement for both
23 new facilities and structures and for the expansion or
24 modernization of existing facilities and structures; and

25 (B) recapturing property tax revenue lost as a
26 result of the agreement if the owner of the property fails to make
27 the improvements or repairs as provided by the agreement.

28 (c) A tax abatement agreement is not required to contain
29 terms identical to another tax abatement agreement that covers the
30 same exempted property or a portion of that property.

31 (d) Property that is in a reinvestment zone and that is
32 owned or leased by a director is excluded from property tax
33 abatement.

34 (e) The agreement may include, at the option of the
35 district, provisions for maps showing existing uses and conditions
36 and proposed improvements and uses of real property in the
37 reinvestment zone.

38 (f) On approval by the district, the agreement may be
39 executed in the same manner as other contracts made by the district.

40 (g) The agreement applies only to taxes levied by the

1 district and does not affect other taxing units that levy taxes on
2 property in the district. (Acts 68th Leg., R.S., Ch. 1081, Secs. 16A
3 (part), 16E(b), (c), (e), (f), (g) (part), (h).)

4 Source Law

5 Sec. 16A. . . . The agreement must provide for
6 the availability of tax abatement for both new
7 facilities and structures and for the expansion or
8 modernization of existing facilities and structures.

9 [Sec. 16E]

10 (b) A tax abatement agreement entered into by
11 the district is not required to contain terms
12 identical to another tax abatement agreement that
13 covers the same exempted property or a portion of that
14 property.

15 (c) Property that is in a reinvestment zone and
16 that is owned or leased by a member of the board of
17 directors is excluded from property tax abatement.

18 (e) An agreement made under this section must:

19 (1) list the kind, number, and location of
20 all proposed improvements of the property; and

21 (2) provide for recapturing property tax
22 revenue lost as a result of the agreement if the owner
23 of the property fails to make the improvements or
24 repairs as provided by the agreement.

25 (f) An agreement made under this section may
26 include, at the option of the board of directors,
27 provisions for maps showing existing uses and
28 conditions and proposed improvements and uses of real
29 property in the reinvestment zone.

30 (g) . . . On approval by the board of
31 directors, an agreement may be executed in the same
32 manner as other contracts made by the district.

33 (h) An agreement applies only to taxes levied by
34 the district and does not affect other taxing units
35 that levy taxes on property within the district.

36 Revisor's Note

37 Section 16E(g), Chapter 1081, Acts of the 68th
38 Legislature, Regular Session, 1983, provides that a
39 tax abatement agreement must be approved by a majority
40 of the board. The revised law omits that provision as
41 unnecessary because approval of the agreement is an
42 official action of the board and Section 3(d), Chapter
43 1081, revised in this chapter as Section 7811.059,
44 requires that each official action be approved by a
45 majority of the board. The omitted law reads:

46 (g) To be effective, an agreement
47 made under this section must be approved by
48 the affirmative vote of a majority of the
49 members of the board of directors. . . .

1 Revised Law

2 Sec. 7811.157. NOTICE OF TAX ABATEMENT AGREEMENT TO OTHER
3 TAXING UNITS. (a) Not later than the seventh day before the date on
4 which the district enters into an agreement under Section 7811.154
5 or 7811.155, the board or a designated officer or employee of the
6 district shall deliver a written notice that the district intends
7 to enter into the agreement to the Texas Commission on
8 Environmental Quality and to the presiding officer of the governing
9 body of each other taxing unit in which the property to be subject
10 to the agreement is located. The notice must include a copy of the
11 proposed agreement.

12 (b) A notice is presumed delivered when placed in the mail
13 postage paid and properly addressed to the appropriate presiding
14 officer. A notice properly addressed and sent by registered or
15 certified mail for which a return receipt is received by the sender
16 is considered to have been delivered to the addressee.

17 (c) Failure to deliver the notice does not affect the
18 validity of the agreement. (Acts 68th Leg., R.S., Ch. 1081, Sec.
19 16F.)

20 Source Law

21 Sec. 16F. (a) Not later than the seventh day
22 before the date on which the district enters into an
23 agreement under Section 16E of this Act, the board of
24 directors or a designated officer or employee of the
25 district shall deliver to the Texas Water Commission
26 and to the presiding officer of the governing body of
27 each other taxing unit in which the property to be
28 subject to the agreement is located a written notice
29 that the district intends to enter into the agreement.
30 The notice must include a copy of the proposed
31 agreement.

32 (b) A notice is presumed delivered when placed
33 in the mail postage paid and properly addressed to the
34 appropriate presiding officer. A notice properly
35 addressed and sent by registered or certified mail for
36 which a return receipt is received by the sender is
37 considered to have been delivered to the addressee.

38 (c) Failure to deliver the notice does not
39 affect the validity of the agreement.

40 Revisor's Note

41 Section 16F(a), Chapter 1081, Acts of the 68th
42 Legislature, Regular Session, 1983, refers to the
43 "Texas Water Commission." The revised law substitutes

1 "Texas Commission on Environmental Quality" for "Texas
2 Water Commission" to reflect a change in the agency's
3 name. The name of the Texas Water Commission was
4 changed to the Texas Natural Resource Conservation
5 Commission by Section 1.085, Chapter 3, Acts of the
6 72nd Legislature, 1st Called Session, 1991. The name
7 of the Texas Natural Resource Conservation Commission
8 was changed to the Texas Commission on Environmental
9 Quality by Section 18.01, Chapter 965, Acts of the 77th
10 Legislature, Regular Session, 2001. The revised law
11 is drafted accordingly.

12 Revised Law

13 Sec. 7811.158. MODIFICATION OR TERMINATION OF TAX ABATEMENT
14 AGREEMENT. (a) At any time before the expiration of an agreement
15 governed by this subchapter, the agreement may be modified by the
16 parties to the agreement to include other provisions that could
17 have been included in the original agreement or to delete
18 provisions that were not necessary to the original agreement. The
19 modification must be made by the same procedure by which the
20 original agreement was approved and executed. The original
21 agreement may not be modified to extend beyond 30 years from the
22 date of the original agreement.

23 (b) An agreement governed by this subchapter may be
24 terminated by the mutual consent of the parties in the same manner
25 that the agreement was approved and executed. (Acts 68th Leg.,
26 R.S., Ch. 1081, Sec. 16G.)

27 Source Law

28 Sec. 16G. (a) At any time before the
29 expiration of an agreement made under this Act, the
30 agreement may be modified by the parties to the
31 agreement to include other provisions that could have
32 been included in the original agreement or to delete
33 provisions that were not necessary to the original
34 agreement. The modification must be made by the same
35 procedure by which the original agreement was approved
36 and executed. The original agreement may not be
37 modified to extend beyond 30 years from the date of the
38 original agreement.

39 (b) An agreement made under this Act may be
40 terminated by the mutual consent of the parties in the

1 same manner that the agreement was approved and
2 executed.

3 Revised Law

4 Sec. 7811.159. REGISTRY OF REINVESTMENT ZONES AND TAX
5 ABATEMENT AGREEMENTS; ASSISTANCE TO DISTRICT. (a) The Texas
6 Economic Development and Tourism Office shall maintain a central
7 registry of reinvestment zones governed by this subchapter and of
8 ad valorem tax abatement agreements executed under this subchapter.
9 Before April 1 of the year following the year in which the zone is
10 designated or the agreement is executed, the district shall deliver
11 to the office, the comptroller, and the Texas Commission on
12 Environmental Quality a report that provides:

13 (1) for a reinvestment zone, a general description of
14 the zone, including its size, the types of property located in it,
15 and its duration; and

16 (2) for a tax abatement agreement, the parties to the
17 agreement, a general description of the property and the
18 improvements or repairs to be made under the agreement, the portion
19 of the property to be exempted, and the duration of the agreement.

20 (b) On the request of the board or the board's president,
21 the office may provide assistance to the district relating to the
22 administration of this subchapter, including the designation of
23 reinvestment zones and the adoption of tax abatement agreements.

24 (Acts 68th Leg., R.S., Ch. 1081, Sec. 16B.)

25 Source Law

26 Sec. 16B. (a) The Texas Department of Commerce
27 shall maintain a central registry of reinvestment
28 zones designated under this Act and of ad valorem tax
29 abatement agreements executed under this Act. The
30 district shall deliver to the department, the Texas
31 Water Commission, and to the State Property Tax Board
32 before April 1 of the year following the year in which
33 the zone is designated or the agreement is executed a
34 report providing the following information:

35 (1) for a reinvestment zone, a general
36 description of the zone, including its size, the types
37 of property located in it, and its duration; and

38 (2) for a tax abatement agreement, the
39 parties to the agreement, a general description of the
40 property and the improvements or repairs to be made
41 under the agreement, the portion of the property to be
42 exempted, and duration of the agreement.

43 (b) The department may provide assistance to the
44 district on request of the board of directors or the

1 president of the board relating to the administration
2 of Sections 16A-16G of this Act, including the
3 designation of reinvestment zones and the adoption of
4 tax abatement agreements.

5 Revisor's Note

6 (1) Section 16B, Chapter 1081, Acts of the 68th
7 Legislature, Regular Session, 1983, refers to the
8 "Texas Department of Commerce." Section 52, Chapter
9 1041, Acts of the 75th Legislature, Regular Session,
10 1997, abolished the Texas Department of Commerce and
11 transferred its powers and duties to the Texas
12 Department of Economic Development. That section
13 provides that a reference in law to the Texas
14 Department of Commerce means the Texas Department of
15 Economic Development. Sections 1.65 and 1.68, Chapter
16 814, Acts of the 78th Legislature, Regular Session,
17 2003, abolished the Texas Department of Economic
18 Development and transferred its functions and
19 activities to the Texas Economic Development and
20 Tourism Office. Section 1.66 of that chapter provides
21 that a reference in law to the Texas Department of
22 Economic Development means the Texas Economic
23 Development and Tourism Office. The revised law is
24 drafted accordingly.

25 (2) Section 16B(a), Chapter 1081, Acts of the
26 68th Legislature, Regular Session, 1983, refers to the
27 "Texas Water Commission." The revised law substitutes
28 "Texas Commission on Environmental Quality" for "Texas
29 Water Commission" for the reason stated in the
30 revisor's note to Section 7811.157.

31 (3) Section 16B(a), Chapter 1081, Acts of the
32 68th Legislature, Regular Session, 1983, refers to the
33 "State Property Tax Board." Chapter 843, Acts of the
34 72nd Legislature, Regular Session, 1991, transferred
35 the duties of the State Property Tax Board relating to
36 ad valorem taxation to the comptroller of public

1 accounts. The revised law is drafted accordingly.

2 Revised Law

3 Sec. 7811.160. PROPERTIES THAT MAY BE INCLUDED IN TAX
4 ABATEMENT AGREEMENT. (a) The district may include in a tax
5 abatement agreement:

6 (1) facilities and structures for which construction
7 began on or after October 1, 1990, but before June 10, 1991;

8 (2) existing facilities and structures for which
9 expansion or modernization construction began on or after October
10 1, 1990, but before June 10, 1991; and

11 (3) tangible personal property located on property
12 described by Subdivision (1) or (2) in each year covered by the
13 agreement, other than tangible personal property that was located
14 on the property at any time before the time period covered by the
15 agreement.

16 (b) A tax abatement agreement made under this section may be
17 based on the value of the property on January 1 of the year in which
18 the construction, expansion, or modernization of the property
19 began. (Acts 72nd Leg., R.S., Ch. 318, Sec. 2.)

20 Source Law

21 Sec. 2. (a) The Dallas County Flood Control
22 District No. 1 may include in a tax abatement
23 agreement:

24 (1) facilities and structures for which
25 construction began on or after October 1, 1990, but
26 before the effective date of this Act;

27 (2) existing facilities and structures for
28 which expansion or modernization construction began on
29 or after October 1, 1990, but before the effective date
30 of this Act; and

31 (3) tangible personal property located on
32 property described by Subdivisions (1) and (2) of this
33 subsection in each year covered by the agreement other
34 than tangible personal property that was located on
35 the property at any time before the period covered by
36 the agreement.

37 (b) A tax abatement agreement under this section
38 may be based on the value of the property on January 1
39 of the year in which the construction, expansion, or
40 modernization began.

41 Revisor's Note

42 Section 2, Chapter 318, Acts of the 72nd
43 Legislature, Regular Session, 1991, refers to certain

1 facilities and structures for which construction,
2 modification, or expansion began "on or after October
3 1, 1990, but before the effective date of this Act."
4 For the reader's convenience, the revised law
5 substitutes June 10, 1991, for "the effective date of
6 this Act" because that is the date Chapter 318 took
7 effect.

8 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

9 Revised Law

10 Sec. 7811.201. DEPOSITORY. (a) The board shall designate
11 one or more banks to serve as the depository for district money.

12 (b) District money shall be deposited as received in a
13 depository bank, other than money transmitted to a bank for payment
14 of bonds issued by the district.

15 (c) If district money is deposited in a depository that is
16 not insured by the Federal Deposit Insurance Corporation, the money
17 must be secured in the manner provided by law for the security of
18 county funds. (Acts 68th Leg., R.S., Ch. 1081, Secs. 11(a), (b),
19 (c).)

20 Source Law

21 Sec. 11. (a) The board of directors shall
22 designate one or more banks to serve as depository for
23 district funds.

24 (b) District funds, other than those
25 transmitted to a bank of payment for bonds issued by
26 the district, shall be deposited as received in the
27 depository.

28 (c) If district funds are deposited in a
29 depository not insured by the Federal Deposit
30 Insurance Corporation, the funds must be secured in
31 the manner provided by law for the security of county
32 funds.

33 Revised Law

34 Sec. 7811.202. AUTHORITY TO ISSUE BONDS AND INCUR
35 INDEBTEDNESS. (a) The district may issue bonds and incur other
36 indebtedness in the manner provided by Section 7803.113 and
37 Subchapter E, Chapter 7803.

38 (b) The district shall file with both constituent
39 municipalities a notice of intent to issue bonds or other

1 indebtedness not later than the 20th day before the date of
2 issuance. The notice must state the purpose for which the bonds or
3 other indebtedness are issued and the approximate principal amount
4 of the bonds or indebtedness.

5 (c) Before the district issues bonds or other indebtedness
6 in an amount of more than \$500,000, the district must obtain the
7 approval by resolution of the governing bodies of both constituent
8 municipalities.

9 (d) Bonds or other indebtedness may not be sold at discount
10 from the principal amount without the prior approval of both
11 constituent municipalities. (Acts 68th Leg., R.S., Ch. 1081, Secs.
12 4(c), (d), (e).)

13 Source Law

14 (c) The district may issue bonds and incur other
15 indebtedness in the manner provided by Section 10,
16 Chapter 135, Acts of the 62nd Legislature, Regular
17 Session, 1971.

18 (d) The district shall file with the city of
19 Grand Prairie and the city of Irving notice of intent
20 to issue bonds or other indebtedness not later than the
21 20th day before the date of issuance. The notice must
22 state the purpose for which the bonds or other
23 indebtedness are issued and the approximate principal
24 amount of the bonds or indebtedness. Before the
25 district issues bonds or other indebtedness in an
26 amount of more than \$500,000, the district must obtain
27 the approval of the city council of the city of Grand
28 Prairie and the approval of the city council of the
29 city of Irving. A city council may give its approval by
30 resolution.

31 (e) Bonds or other indebtedness may not be sold
32 at discount from the principal amount without the
33 prior approval of the city of Grand Prairie and the
34 city of Irving.

35 Revisor's Note

36 Section 4(c), Chapter 1081, Acts of the 68th
37 Legislature, Regular Session, 1983, provides that the
38 district may issue bonds and incur indebtedness in the
39 manner provided by Section 10, Chapter 135, Acts of the
40 62nd Legislature, Regular Session, 1971. Chapter 112,
41 Acts of the 83rd Legislature, Regular Session, 2013,
42 revised Section 10 as Section 7803.113 and Subchapter
43 E, Chapter 7803, of this code. The revised law is
44 drafted accordingly.

1 Revised Law

2 Sec. 7811.203. CONSTITUENT MUNICIPALITIES NOT OBLIGATED TO
3 PAY DISTRICT OBLIGATIONS. This chapter does not authorize the
4 lending or pledge of the credit of either constituent municipality
5 to the bonds and other indebtedness of the district. The
6 constituent municipalities are not obligated to pay any bonds,
7 indebtedness, or other debt of the district. (Acts 68th Leg., R.S.,
8 Ch. 1081, Sec. 4(f).)

9 Source Law

10 (f) This Act may not be construed as a lending or
11 pledge of the credit of the city of Grand Prairie or
12 the city of Irving to the bonds and other indebtedness
13 of the district, and the city of Grand Prairie and the
14 city of Irving are in no way obligated to pay any
15 bonds, indebtedness, or other debt of the district.

16 Revised Law

17 Sec. 7811.204. BOND ANTICIPATION NOTES. (a) In addition to
18 all other methods of acquiring money for district purposes, the
19 district may issue bond anticipation notes for any purpose for
20 which district bonds have been voted or may be issued to refund
21 outstanding bond anticipation notes and the interest on the notes
22 being refunded.

23 (b) The notes may bear interest at any rate not to exceed the
24 maximum interest rate applicable to the district's authorized
25 bonds.

26 (c) The maximum amount of the notes outstanding at any one
27 time may not exceed \$500,000 without the prior consent of both
28 constituent municipalities.

29 (d) The district shall pay the notes only from the proceeds
30 of the sale of bonds by the district. (Acts 68th Leg., R.S., Ch.
31 1081, Secs. 6(a), (b) (part), (c), (d).)

32 Source Law

33 Sec. 6. (a) In addition to all other methods of
34 acquiring funds for district purposes, the district
35 may issue bond anticipation notes for any purpose for
36 which bonds have been voted or may be issued to refund
37 outstanding bond anticipation notes and the interest
38 on the notes being refunded.

39 (b) Notes issued under this section may bear
40 interest at any rate not to exceed the maximum interest

1 rate applicable to the district's authorized bonds,
2 and

3 (c) The maximum amount of notes issued under
4 this section outstanding at any one time may not exceed
5 \$500,000 unless the district obtains the prior consent
6 of the cities of Grand Prairie and Irving.

7 (d) Notes issued under this section shall be
8 paid only from the proceeds of the sale of bonds by the
9 district.

10 Revisor's Note

11 Section 6(b), Chapter 1081, Acts of the 68th
12 Legislature, Regular Session, 1983, provides that
13 district bond anticipation notes must mature within
14 one year of their date of issuance. The revised law
15 omits that provision because it duplicates Section
16 49.154(a), Water Code. The omitted law reads:

17 (b) [Notes issued under this section]
18 . . . shall mature within one year of the
19 date they are issued.

20 Revised Law

21 Sec. 7811.205. PREVIOUSLY AUTHORIZED MAINTENANCE TAXES.
22 The district may impose a maintenance tax that has been previously
23 authorized at an election held in the district. (Acts 68th Leg.,
24 R.S., Ch. 1081, Sec. 4(b) (part).)

25 Source Law

26 (b) [The district] . . . may continue to levy
27 and collect maintenance taxes previously authorized at
28 an election held in the district.

29 Revisor's Note
30 (End of Subchapter)

31 (1) Section 4(a), Chapter 1081, Acts of the 68th
32 Legislature, Regular Session, 1983, authorized the
33 district to issue and sell any unissued bonds that were
34 authorized at an election held on June 12, 1982, and
35 impose an ad valorem tax to pay the principal of and
36 interest on the bonds. The revised law omits that
37 provision as executed. The omitted law reads:

38 Sec. 4. (a) The district may issue
39 and sell all unissued bonds and may levy and
40 collect an ad valorem tax on all taxable
41 property in the district to pay the
42 principal of and interest on the bonds, as
43 authorized at an election held in the
44 district on June 12, 1982.

1 (2) Section 4(b), Chapter 1081, Acts of the 68th
2 Legislature, Regular Session, 1983, provides that the
3 district assumes all outstanding indebtedness and
4 existing contracts of its predecessor districts. The
5 revised law omits that provision as executed. The
6 omitted law reads:

7 (b) The district shall assume and be
8 responsible for all outstanding
9 indebtedness and existing contracts of its
10 predecessor districts and

11 (3) Section 5, Chapter 1081, Acts of the 68th
12 Legislature, Regular Session, 1983, provides that the
13 Property Tax Code applies to the district. The revised
14 law omits the section because the Property Tax Code
15 (Title 1, Tax Code) applies to the district under
16 Section 1.02, Tax Code. The omitted law reads:

17 Sec. 5. The Property Tax Code applies
18 to the district.

19 Revisor's Note
20 (End of Chapter)

21 (1) Section 5, Chapter 600, Acts of the 70th
22 Legislature, Regular Session, 1987, requires the
23 district to mail a notice of proposed disannexation
24 not later than the 10th day after the effective date of
25 that Act. The revised law omits that provision as
26 executed. The omitted law reads:

27 Sec. 5. Not later than the 10th day
28 after the effective date of this Act, the
29 Dallas County Flood Control District No. 1
30 shall mail the notice of proposed
31 disannexation in accordance with Section
32 2(d), Chapter 1081, Acts of the 68th
33 Legislature, Regular Session, 1983.

34 (2) Section 6, Chapter 600, Acts of the 70th
35 Legislature, Regular Session, 1987, validates all
36 actions of the district taken before August 31, 1987,
37 and provides that the section does not apply to pending
38 litigation. The revised law omits that section for the
39 reason stated in Revisor's Note (1) to Section

1 7811.002. The omitted law reads:

2 Sec. 6. (a) All resolutions, orders,
3 and other acts or attempted acts of the
4 board of directors of the Dallas County
5 Flood Control District No. 1, together with
6 all annexations by the district and
7 annexation elections, and all proceedings
8 of the district, authorizing the issuance
9 of bonds of the district, including voted
10 but unissued bonds of the district, bond
11 elections, and the bond taxes voted for
12 those bonds, and all contracts, including
13 contracts entered into by the district,
14 passed or made before the effective date of
15 this Act are validated in all respects. All
16 the resolutions, orders, and other acts or
17 attempted acts of the board of directors of
18 the district, annexations, all proceedings
19 of the district, the district's bonds, bond
20 elections, bond taxes, pledged revenues,
21 and contracts shall be valid as though they
22 had originally been duly and legally
23 authorized or accomplished.

24 (b) This section does not apply to or
25 affect litigation now pending in any court
26 of competent jurisdiction in this state to
27 which the district is a party.

28 (3) Section 5, Chapter 350, Acts of the 81st
29 Legislature, Regular Session, 2009, provides
30 transition language regarding changes to the
31 district's authority to enter into a tax abatement
32 agreement and designate a reinvestment zone. The
33 revised law omits that provision as unnecessary
34 because the substantive changes made by that act did
35 not affect existing agreements or zones and because
36 Section 16, Article I, Texas Constitution, prohibits
37 any law impairing the obligation of contracts. The
38 omitted law reads:

39 Sec. 5. The changes in law made by
40 this Act apply only to a tax abatement
41 agreement entered into or a designation of a
42 reinvestment zone made by the Dallas County
43 Flood Control District No. 1 on or after the
44 effective date of this Act. A tax abatement
45 agreement entered into or a designation of a
46 reinvestment zone made by the district
47 before the effective date of this Act is
48 governed by the law in effect when the
49 contract was entered into or the
50 designation was made, and that law is
51 continued in effect for that purpose.

1 SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER

2 CHAPTER 8877. CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT

3 SUBCHAPTER A. GENERAL PROVISIONS

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18 CHAPTER 8877. CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT

19 SUBCHAPTER A. GENERAL PROVISIONS

20 Revised Law

21 Sec. 8877.001. DEFINITIONS. In this chapter:

- 22 (1) "Board" means the district's board of directors.
23 (2) "Director" means a board member.
24 (3) "District" means the Clearwater Underground Water

25 Conservation District. (Acts 71st Leg., R.S., Ch. 524, Secs. 1(a)
26 (part), 2; New.)

27 Source Law

28 Sec. 1. (a) to be known as the
29 Clearwater Underground Water Conservation District,
30

31 Sec. 2. In this Act, "district" means the
32 Clearwater Underground Water Conservation District.

33 Revisor's Note

34 The definitions of "board" and "director" are
35 added to the revised law for drafting convenience and
36 to eliminate frequent, unnecessary repetition of the

1 substance of the definitions.

2 Revised Law

3 Sec. 8877.002. NATURE OF DISTRICT. The district is a
4 groundwater conservation district in Bell County created under and
5 essential to accomplish the purposes of Section 59, Article XVI,
6 Texas Constitution. (Acts 71st Leg., R.S., Ch. 524, Secs. 1(a)
7 (part), (b), 3 (part).)

8 Source Law

9 Sec. 1. (a) [The Commissioners Court of Bell
10 County may authorize creation of] an underground water
11 conservation district,

12 (b) The district is created under and is
13 essential to accomplish the purposes of Article XVI,
14 Section 59, of the Texas Constitution.

15 Sec. 3. [The district includes all the
16 territory] located within Bell County.

17 Revisor's Note

18 (1) Section 1(a), Chapter 524, Acts of the 71st
19 Legislature, Regular Session, 1989, refers to the
20 district as an "underground water conservation
21 district." The revised law substitutes "groundwater
22 conservation district" for the quoted language to
23 conform to the term used in Chapter 36, Water Code.

24 (2) Section 1(a), Chapter 524, Acts of the 71st
25 Legislature, Regular Session, 1989, refers to a
26 confirmation election. Because the confirmation
27 election has already been held, the revised law omits
28 the provision as executed. The omitted law reads:

29 (a) . . . subject to approval at a
30 confirmation election under Section 9 of
31 this Act. . . .

32 (3) Section 1(a), Chapter 524, Acts of the 71st
33 Legislature, Regular Session, 1989, provides that the
34 district is a governmental agency and a body politic
35 and corporate. The revised law omits the provision
36 because it duplicates a portion of Section 59(b),
37 Article XVI, Texas Constitution, which provides that a
38 conservation and reclamation district is a

1 governmental agency and a body politic and corporate.

2 The omitted law reads:

3 (a) . . . The district is a
4 governmental agency and a body politic and
5 corporate.

6 Revised Law

7 Sec. 8877.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
8 district is created to serve a public use and benefit.

9 (b) All land and other property included in the district
10 will benefit from the works and projects accomplished by the
11 district under the powers conferred by Section 59, Article XVI,
12 Texas Constitution. (Acts 71st Leg., R.S., Ch. 524, Sec. 5.)

13 Source Law

14 Sec. 5. All of the land and other property
15 included within the boundaries of the district will be
16 benefited by the works and projects that are to be
17 accomplished by the district under powers conferred by
18 Article XVI, Section 59, of the Texas Constitution.
19 The district is created to serve a public use and
20 benefit.

21 Revised Law

22 Sec. 8877.004. DISTRICT TERRITORY. The district includes
23 the territory located in Bell County unless the district's
24 territory has been modified under:

- 25 (1) Subchapter J or K, Chapter 36, Water Code; or
26 (2) other law. (Acts 71st Leg., R.S., Ch. 524, Sec. 3;
27 New.)

28 Source Law

29 Sec. 3. The district includes all the territory
30 located within Bell County.

31 Revisor's Note

32 (1) Section 3, Chapter 524, Acts of the 71st
33 Legislature, Regular Session, 1989, provides that the
34 district includes all of the territory located within
35 Bell County. That description may not be accurate on
36 the effective date of the revised law or at the time of
37 a later reading because the district's boundaries are
38 subject to change. For the reader's convenience, the

1 revised law adds references to the authority to change
2 the district's territory under Subchapter J or K,
3 Chapter 36, Water Code, applicable to groundwater
4 conservation districts, and to the general authority
5 of the legislature to enact other laws under which the
6 district's territory may change.

7 (2) Section 4, Chapter 524, Acts of the 71st
8 Legislature, Regular Session, 1989, states that the
9 boundaries of the district form a closure. Many
10 enactments creating special districts contain field
11 notes with an extensive metes and bounds description
12 of the district to which a statement about the
13 boundaries forming a closure would be applicable.
14 Chapter 524, however, contains no field notes of a
15 metes and bounds description, but instead refers to
16 the boundaries of an existing political subdivision.
17 As such the statement about the boundaries forming a
18 closure in Section 4 may be omitted from the revision
19 as unnecessary. The omitted law reads:

20 Sec. 4. The legislature finds that
21 the boundaries of the district form a
22 closure.

23 Revised Law

24 Sec. 8877.005. CONFLICTS OF LAW. This chapter prevails
25 over any provision of general law that is in conflict or
26 inconsistent with this chapter. (Acts 71st Leg., R.S., Ch. 524,
27 Sec. 6(a) (part).)

28 Source Law

29 (a) . . . This Act prevails over any provision
30 of general law that is in conflict or inconsistent with
31 this Act.

32 SUBCHAPTER B. BOARD OF DIRECTORS

33 Revised Law

34 Sec. 8877.051. COMPOSITION OF BOARD; TERMS. (a) The
35 district is governed by a board of five elected directors.

36 (b) Except as provided by Section 8877.052(d), directors

1 serve staggered four-year terms. (Acts 71st Leg., R.S., Ch. 524,
2 Secs. 7(a), (d), 10(e) (part).)

3 Source Law

4 Sec. 7. (a) The district is governed by a board
5 of five directors.

6 (d) Permanent directors other than initial
7 permanent directors serve staggered four-year terms.

8 [Sec. 10]

9 (e) After the initial election of directors, all
10 directors shall be elected to serve four-year terms,
11 except as provided by Subsection (f). The terms of
12 directors are staggered. . . .

13 Revisor's Note

14 (1) Section 7(d), Chapter 524, Acts of the 71st
15 Legislature, Regular Session, 1989, refers to
16 "[p]ermanent" directors "other than initial permanent
17 directors." Section 10(e), Chapter 524, Acts of the
18 71st Legislature, Regular Session, 1989, refers to
19 terms of directors elected "[a]fter the initial
20 election of directors." The revised law omits the
21 quoted language because the terms of the initial
22 permanent directors have expired, and it is no longer
23 necessary to distinguish between "initial permanent"
24 and "permanent" directors.

25 (2) Section 7(e), Chapter 524, Acts of the 71st
26 Legislature, Regular Session, 1989, provides that a
27 director must qualify to serve in the manner provided
28 by Sections 51.078 and 51.079, Water Code. The revised
29 law omits the reference to Sections 51.078 and 51.079,
30 Water Code, because those sections were repealed by
31 Chapter 715, Acts of the 74th Legislature, Regular
32 Session, 1995. Chapter 933, Acts of the 74th
33 Legislature, Regular Session, 1995, enacted Section
34 36.055, Water Code, which contains the qualification
35 procedures for a director of a groundwater
36 conservation district. A reference to Section 36.055,
37 Water Code, is unnecessary because that section

1 applies to the district under Section 8877.101 of this
2 chapter and Section 36.001(1), Water Code. The
3 omitted law reads:

4 (e) Each director must qualify to
5 serve as director in the manner provided by
6 Sections 51.078 and 51.079, Water Code.

7 (3) Section 7(f), Chapter 524, Acts of the 71st
8 Legislature, Regular Session, 1989, provides that a
9 director serves until a successor has qualified. The
10 revised law omits the provision because it duplicates
11 Section 17, Article XVI, Texas Constitution, which
12 provides that an officer in this state continues to
13 perform the officer's official duties until a
14 successor has qualified. The omitted law reads:

15 (f) A director serves until the
16 director's successor has qualified.

17 Revised Law

18 Sec. 8877.052. ELECTION OF DIRECTORS. (a) Directors are
19 elected according to the commissioners precinct method as provided
20 by this section.

21 (b) One director is elected by the voters of the entire
22 district. One director is elected from each county commissioners
23 precinct by the voters of that precinct.

24 (c) A person shall indicate on the application for a place
25 on the ballot:

26 (1) the precinct that the person seeks to represent;
27 or

28 (2) that the person seeks to represent the district at
29 large.

30 (d) At the first election after the county commissioners
31 precincts are redrawn under Section 18, Article V, Texas
32 Constitution, four new directors shall be elected to represent the
33 newly redrawn precincts. The directors from precincts one and three
34 shall be elected for two-year terms. The directors from precincts
35 two and four shall be elected for four-year terms. When the

1 directors elected from the new precincts take office, the terms of
2 the directors elected from the previous precincts expire. (Acts
3 71st Leg., R.S., Ch. 524, Secs. 10(a), (b), (d), (f).)

4 Source Law

5 Sec. 10. (a) The directors of the district
6 shall be elected according to the commissioners
7 precinct method as provided by this section.

8 (b) One director shall be elected by the
9 electors of the entire district and one director shall
10 be elected from each county commissioners precinct by
11 the electors of that precinct.

12 (d) A person shall indicate on the application
13 for a place on the ballot:

14 (1) the precinct that the person seeks to
15 represent; or

16 (2) that the person seeks to represent the
17 district at large.

18 (f) At the first election after the county
19 commissioners precincts are redrawn under Section 18,
20 Article V, Texas Constitution, four new directors
21 shall be elected to represent the newly redrawn
22 precincts. The directors from precincts one and three
23 shall be elected for two-year terms. The directors
24 from precincts two and four shall be elected for
25 four-year terms. When the directors elected from the
26 new precincts take office, the terms of the directors
27 elected from the previous precincts expire.

28 Revisor's Note

29 Section 10(b), Chapter 524, Acts of the 71st
30 Legislature, Regular Session, 1989, refers to
31 "electors" of the district and of each precinct of the
32 district. The revised law substitutes "voters" for
33 "electors" because the terms are synonymous and
34 "voters" is the term used in the Election Code.

35 Revised Law

36 Sec. 8877.053. ELECTION DATE. The district shall hold an
37 election to elect the appropriate number of directors on the
38 uniform election date in November of each even-numbered year.
39 (Acts 71st Leg., R.S., Ch. 524, Sec. 10(e) (part).)

40 Source Law

41 (e) . . . On the uniform election date in
42 November of even-numbered years, the appropriate
43 number of directors shall be elected.

44 Revisor's Note

45 (1) Section 2, Chapter 22, Acts of the 77th

1 Legislature, Regular Session, 2001, provides for a
2 directors' election in May 2002 if the act takes effect
3 before May 5, 2001. Section 2, Chapter 64, Acts of the
4 81st Legislature, Regular Session, 2009, provides for
5 the expiration of the terms of directors in November
6 2010 and November 2012. The revised law omits those
7 provisions as executed. The omitted law reads:

8 [Acts 77th Leg., R.S., Ch. 22]

9 Sec. 2. If this Act takes effect
10 before May 5, 2001:

11 (1) the Clearwater Underground
12 Water Conservation District:

13 (A) by order of the board
14 of directors of the district shall cancel
15 any scheduled election of directors; and

16 (B) may not hold an
17 election of directors before May, 2002;

18 (2) on the first Saturday in
19 May, 2002, the Clearwater Underground Water
20 Conservation District shall hold an
21 election of:

22 (A) one director from the
23 district at large, to serve a term of four
24 years;

25 (B) one director from Bell
26 County Commissioners Court Precinct Number
27 One, to serve a term of two years;

28 (C) one director from Bell
29 County Commissioners Court Precinct Number
30 Two, to serve a term of four years;

31 (D) one director from Bell
32 County Commissioners Court Precinct Number
33 Three, to serve a term of two years; and

34 (E) one director from Bell
35 County Commissioners Court Precinct Number
36 Four, to serve a term of four years;

37 (3) directors of the Clearwater
38 Underground Water Conservation District
39 serving on the effective date of this Act
40 shall continue to serve until their
41 successors take office following the
42 election under this section; and

43 (4) the secretary of state
44 shall assist and advise the appropriate
45 election authorities regarding the
46 cancellation of the scheduled election.

47 [Acts 81st Leg., R.S., Ch. 64]

48 Sec. 2. A director of the board of
49 the Clearwater Underground Water
50 Conservation District who is serving on the
51 day before the effective date of this Act
52 shall serve until the director's term
53 expires. A director whose term expires in
54 May 2010 shall serve until the director's
55 successor has qualified following the
56 directors' election held on the uniform
57 election date in November 2010 in
58 accordance with Subsection (e), Section 10,
59 Chapter 524, Acts of the 71st Legislature,

1 Regular Session, 1989, as amended by this
2 Act. A director whose term expires in May
3 2012 shall serve until the director's
4 successor has qualified following the
5 directors' election held on the uniform
6 election date in November 2012.

7 (2) Section 3, Chapter 22, Acts of the 77th
8 Legislature, Regular Session, 2001, provides for a
9 directors' election in May 2002 and May 2004 if the act
10 takes effect on or after May 5, 2001. The revised law
11 omits the provision as inapplicable because that act
12 took effect before that date. The omitted law reads:

13 Sec. 3. Notwithstanding Subsection
14 (f), Section 10, Chapter 524, Acts of the
15 71st Legislature, Regular Session, 1989, as
16 amended by this Act, if this Act takes
17 effect on or after May 5, 2001:

18 (1) on the first Saturday in
19 May, 2002, the Clearwater Underground Water
20 Conservation District shall hold an
21 election of:

22 (A) one director from Bell
23 County Commissioners Court Precinct Number
24 One, to serve a term of four years; and

25 (B) one director from Bell
26 County Commissioners Court Precinct Number
27 Three, to serve a term of four years; and

28 (2) on the first Saturday in
29 May, 2004, the Clearwater Underground Water
30 Conservation District shall hold an
31 election of:

32 (A) one director from the
33 district at large, to serve a term of four
34 years;

35 (B) one director from Bell
36 County Commissioners Court Precinct Number
37 Two, to serve a term of four years; and

38 (C) one director from Bell
39 County Commissioners Court Precinct Number
40 Four, to serve a term of four years.

41 Revised Law

42 Sec. 8877.054. QUALIFICATIONS FOR OFFICE. (a) To be
43 qualified to be a candidate for or to serve as director at large, a
44 person must be a registered voter in the district.

45 (b) To be a candidate for or to serve as director from a
46 county commissioners precinct, a person must be a registered voter
47 of that precinct. (Acts 71st Leg., R.S., Ch. 524, Sec. 10(c).)

48 Source Law

49 (c) To be qualified to be a candidate for or to
50 serve as director at large, a person must be a
51 registered voter in the district. To be a candidate for
52 or to serve as director from a county commissioners

1 precinct, a person must be a registered voter of that
2 precinct.

3 Revisor's Note
4 (End of Subchapter)

5 (1) Sections 7(b) and (c), Chapter 524, Acts of
6 the 71st Legislature, Regular Session, 1989, provide
7 for the terms of office of "temporary" and "initial
8 permanent" directors of the district. The revised law
9 omits Sections 7(b) and (c) as executed because the
10 terms of the temporary and initial permanent directors
11 have expired. The omitted law reads:

12 (b) Temporary directors serve until
13 initial permanent directors are elected
14 under Section 9.

15 (c) Initial permanent directors
16 serve until permanent directors are elected
17 under Section 10.

18 (2) Section 1(a), Chapter 524, Acts of the 71st
19 Legislature, Regular Session, 1989, provides for
20 authorizing the creation of the district by the
21 commissioners court of Bell County. Section 8,
22 Chapter 524, Acts of the 71st Legislature, Regular
23 Session, 1989, provides for authorizing the creation
24 of the district by the commissioners court of Bell
25 County, appointing temporary directors, and filling
26 vacancies on the temporary board. Because the district
27 has been created, the temporary directors were
28 appointed, and the terms of the temporary directors
29 have expired, the revised law omits those provisions
30 as executed. The omitted law reads:

31 Sec. 1. (a) The Commissioners Court
32 of Bell County may authorize creation of
33 . . . [the Clearwater Underground Water
34 Conservation District]

35 Sec. 8. (a) The Commissioners Court
36 of Bell County by formal resolution may
37 authorize creation of the district on
38 confirmation of the creation by the voters
39 at an election called and held as provided
40 by Section 9 of this Act.

41 (b) In the resolution, the
42 commissioners court shall appoint a
43 temporary board of five directors.

44 (c) If a temporary director fails to

1 qualify for office or if a vacancy occurs on
2 the temporary board, the Commissioners
3 Court of Bell County shall appoint a person
4 to fill the vacancy.

5 (3) Section 9, Chapter 524, Acts of the 71st
6 Legislature, Regular Session, 1989, provides
7 procedures for holding an election to confirm the
8 district's creation and to elect the district's initial
9 board. The revised law omits those provisions as
10 executed because the district has been confirmed and
11 its initial board has been elected. The omitted law
12 reads:

13 Sec. 9. (a) The temporary board of
14 directors shall call and hold an election to
15 confirm establishment of the district and
16 to elect five initial directors.

17 (b) A person who desires to be a
18 candidate for the office of initial
19 director may file an application with the
20 temporary board to have the candidate's name
21 printed on the ballot as provided by Section
22 51.075, Water Code.

23 (c) At the confirmation and initial
24 directors' election, the temporary board of
25 directors shall have the names of the five
26 persons serving as temporary directors
27 placed on the ballot together with the name
28 of any candidate filing for the office of
29 director as provided by Subsection (b) of
30 this section and blank spaces to write in
31 the names of other persons. If the district
32 is created at the election, the temporary
33 directors, at the time the vote is
34 canvassed, shall declare the five persons
35 who receive the most votes to be elected as
36 the initial directors and shall include the
37 results of the directors' election in its
38 election report to the Texas Water
39 Commission.

40 (d) Section 41.001(a), Election
41 Code, does not apply to a confirmation and
42 initial directors' election held as
43 provided by this section.

44 (e) Except as provided by this
45 section, a confirmation and initial
46 directors' election must be conducted as
47 provided by Sections 52.058(b)-(g), Water
48 Code, and the Election Code.

49 SUBCHAPTER C. POWERS AND DUTIES

50 Revised Law

51 Sec. 8877.101. GENERAL POWERS AND DUTIES. The district has
52 all of the rights, powers, privileges, functions, and duties
53 provided by the general law of this state, including Chapter 36,

1 Water Code, applicable to groundwater conservation districts
2 created under Section 59, Article XVI, Texas Constitution. (Acts
3 71st Leg., R.S., Ch. 524, Sec. 6(a) (part).)

4 Source Law

5 Sec. 6. (a) The district has all of the rights,
6 powers, privileges, authority, functions, and duties
7 provided by the general law of this state, including
8 Chapter 36, Water Code, applicable to groundwater
9 conservation districts created under Article XVI,
10 Section 59, of the Texas Constitution. . . .

11 Revisor's Note

12 (1) Section 6(a), Chapter 524, Acts of the 71st
13 Legislature, Regular Session, 1989, refers to the
14 "rights, powers, privileges, [and] authority" of the
15 district. The revised law omits "authority" because,
16 in context, "authority" is included in the meaning of
17 "rights, powers, [and] privileges."

18 (2) Section 6(b), Chapter 524, Acts of the 71st
19 Legislature, Regular Session, 1989, refers to the
20 continuing right of the state to supervise the
21 district through the Texas Water Commission. The
22 revised law omits the provision because the provision
23 duplicates in substance part of Section 12.081, Water
24 Code, which subjects certain districts, including
25 groundwater conservation districts, to the continuing
26 right of supervision of the Texas Water Commission's
27 successor agency, the Texas Commission on
28 Environmental Quality. The omitted law reads:

29 (b) The rights, powers, privileges,
30 authority, functions, and duties of the
31 district are subject to the continuing
32 right of supervision of the state to be
33 exercised by and through the Texas Water
34 Commission.

35 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

36 Revised Law

37 Sec. 8877.151. MAINTENANCE AND OPERATION TAX. (a) Except
38 as provided by Subsection (b), the district may impose an ad valorem
39 tax at a rate not to exceed five cents on each \$100 of valuation of

1 property in the district to pay for the maintenance and operation of
2 the district on approval of a majority of the voters of the district
3 at an election held for that purpose.

4 (b) The board may increase the maximum amount of ad valorem
5 taxes that may be imposed in the district:

6 (1) if the board determines that the maximum tax
7 authorized by Subsection (a) is not sufficient to pay the
8 maintenance and operating expenses of the district; and

9 (2) on approval of a majority of the voters of the
10 district voting at an election held for that purpose.

11 (c) The maximum amount of taxes that may be authorized under
12 this section may not exceed 25 cents on each \$100 of valuation of
13 property in the district. (Acts 71st Leg., R.S., Ch. 524, Secs.
14 11(a), (b).)

15 Source Law

16 Sec. 11. (a) Except as provided by Subsection
17 (b) of this section, on approval of a majority of the
18 qualified voters of the district at an election called
19 and held for that purpose, the district may levy and
20 collect a property tax in an amount not to exceed five
21 cents on each \$100 of valuation of property in the
22 district to pay for the maintenance and operation of
23 the district.

24 (b) If the district's board of directors
25 determines that the maximum tax authorized by
26 Subsection (a) of this section is not sufficient to pay
27 the maintenance and operating expenses of the district
28 and on approval of a majority of the qualified voters
29 of the district voting at an election called and held
30 for that purpose, the board of directors may increase
31 the maximum amount of property taxes that may be levied
32 and collected in the district. The maximum amount of
33 taxes that may be authorized under this subsection may
34 not exceed 25 cents on each \$100 of valuation of
35 property in the district.

36 Revisor's Note

37 (1) Sections 11(a) and (b), Chapter 524, Acts of
38 the 71st Legislature, Regular Session, 1989, provide
39 that an election to authorize or increase a property
40 tax for maintenance and operations must be "called and
41 held." The revised law omits "called" because, in
42 context, "called" is included in the meaning of
43 "held." Under Chapter 3, Election Code, all elections

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

2 (2) Sections 11(a) and (b), Chapter 524, Acts of
3 the 71st Legislature, Regular Session, 1989, refer to
4 the district's authority to "levy and collect a
5 property tax" and to "property taxes that may be levied
6 and collected." The revised law substitutes "impose"
7 and "imposed" for "levy and collect" and "levied and
8 collected," respectively, because "impose" is the term
9 generally used in Title 1, Tax Code, and includes the
10 levying and collection of a tax. The revised law also
11 substitutes "ad valorem tax" and "ad valorem taxes"
12 for "property tax" and "property taxes," respectively,
13 because "ad valorem tax" is the term most commonly used
14 in Texas law to refer to a tax on property.

15 (3) Sections 11(a) and (b), Chapter 524, Acts of
16 the 71st Legislature, Regular Session, 1989, refer to
17 an election by the "qualified" voters of the district.
18 The revised law omits "qualified" as unnecessary in
19 this context because Chapter 11, Election Code,
20 governs eligibility to vote in an election in this
21 state and allows only "qualified" voters who are
22 residents of the territory covered by the election to
23 vote in an election.

24 (4) Section 11(c), Chapter 524, Acts of the 71st
25 Legislature, Regular Session, 1989, provides that
26 except as provided by Section 11, ad valorem taxes
27 imposed by the district and elections for authorizing
28 those taxes are governed by Chapter 52, Water Code,
29 Title 1, Tax Code, and the Election Code. The revised
30 law omits that provision as unnecessary because those
31 laws or their successors (Chapter 933, Acts of the 74th
32 Legislature, Regular Session, 1995, repealed Chapter
33 52, Water Code, which governed groundwater
34 conservation districts, and enacted Chapter 36, Water

1 Code, to govern those districts) are already
2 applicable on their own terms to the district's ad
3 valorem taxes and elections authorizing those taxes
4 unless Chapter 524 provides otherwise. The omitted
5 law reads:

6 (c) Except as provided by this
7 section, ad valorem taxes levied and
8 collected by the district and elections
9 authorizing those taxes are governed by
10 Chapter 52 of the Water Code, Title 1 of the
11 Tax Code, and the Election Code.

12 Revisor's Note
13 (End of Chapter)

14 (1) Section 12, Chapter 524, Acts of the 71st
15 Legislature, Regular Session, 1989, Section 4, Chapter
16 64, Acts of the 81st Legislature, Regular Session,
17 2009, and Section 14, Chapter 1196, Acts of the 84th
18 Legislature, Regular Session, 2015, recite
19 legislative findings regarding procedural
20 requirements for legislation affecting the district
21 under the constitution and other laws and rules,
22 including proper legal notice and the filing of
23 recommendations. The revised law omits those
24 provisions as executed. The omitted law reads:

25 [Acts 71st Leg., R.S., Ch. 524]

26 Sec. 12. (a) The proper and legal
27 notice of the intention to introduce this
28 Act, setting forth the general substance of
29 this Act, has been published as provided by
30 law, and the notice and a copy of this Act
31 have been furnished to all persons,
32 agencies, officials, or entities to which
33 they are required to be furnished by the
34 constitution and other laws of this state,
35 including the governor, who has submitted
36 the notice and Act to the Texas Water
37 Commission.

38 (b) The Texas Water Commission has
39 filed its recommendations relating to this
40 Act with the governor, lieutenant governor,
41 and speaker of the house of representatives
42 within the required time.

43 (c) All requirements of the
44 constitution and laws of this state and the
45 rules and procedures of the legislature
46 with respect to the notice, introduction,
47 and passage of this Act are fulfilled and
48 accomplished.

1 [Acts 81st Leg., R.S., Ch. 64]

2 Sec. 4. (a) The legal notice of the
3 intention to introduce this Act, setting
4 forth the general substance of this Act, has
5 been published as provided by law, and the
6 notice and a copy of this Act have been
7 furnished to all persons, agencies,
8 officials, or entities to which they are
9 required to be furnished under Section 59,
10 Article XVI, Texas Constitution, and
11 Chapter 313, Government Code.

12 (b) The governor, one of the required
13 recipients, has submitted the notice and
14 Act to the Texas Commission on
15 Environmental Quality.

16 (c) The Texas Commission on
17 Environmental Quality has filed its
18 recommendations relating to this Act with
19 the governor, the lieutenant governor, and
20 the speaker of the house of representatives
21 within the required time.

22 (d) All requirements of the
23 constitution and laws of this state and the
24 rules and procedures of the legislature
25 with respect to the notice, introduction,
26 and passage of this Act are fulfilled and
27 accomplished.

28 [Acts 84th Leg., R.S., Ch. 1196]

29 Sec. 14. (a) The legal notice of the
30 intention to introduce this Act, setting
31 forth the general substance of this Act, has
32 been published as provided by law, and the
33 notice and a copy of this Act have been
34 furnished to all persons, agencies,
35 officials, or entities to which they are
36 required to be furnished under Section 59,
37 Article XVI, Texas Constitution, and
38 Chapter 313, Government Code.

39 (b) The governor, one of the required
40 recipients, has submitted the notice and
41 Act to the Texas Commission on
42 Environmental Quality.

43 (c) The Texas Commission on
44 Environmental Quality has filed its
45 recommendations relating to this Act with
46 the governor, the lieutenant governor, and
47 the speaker of the house of representatives
48 within the required time.

49 (d) All requirements of the
50 constitution and laws of this state and the
51 rules and procedures of the legislature
52 with respect to the notice, introduction,
53 and passage of this Act are fulfilled and
54 accomplished.

55 (2) Section 3, Chapter 64, Acts of the 81st
56 Legislature, Regular Session, 2009, validates certain
57 actions of the district taken before the effective
58 date of that act. The revised law omits that provision
59 because it served its purpose on the date it took
60 effect and is executed law. Section 311.031(a)(2),

1 Government Code (Code Construction Act), provides that
 2 the repeal of a statute does not affect any validation
 3 previously made under the statute. Therefore, the
 4 omission of the executed provision does not affect the
 5 validation. The omitted law reads:

6 Sec. 3. (a) All governmental acts
 7 and proceedings of the Clearwater
 8 Underground Water Conservation District
 9 relating to the election of members of the
 10 board of directors of the district that were
 11 taken before the effective date of this Act
 12 are validated, ratified, and confirmed in
 13 all respects as if they had been taken as
 14 authorized by law.

15 (b) This section does not apply to
 16 any matter that on the effective date of
 17 this Act:

18 (1) is involved in litigation
 19 if the litigation ultimately results in the
 20 matter being held invalid by a final court
 21 judgment; or

22 (2) has been held invalid by a
 23 final court judgment.

24 CHAPTER 8879. CROCKETT COUNTY GROUNDWATER CONSERVATION DISTRICT

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1 CHAPTER 8879. CROCKETT COUNTY GROUNDWATER CONSERVATION DISTRICT

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Revised Law

4 Sec. 8879.001. DEFINITIONS. In this chapter:

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

6 (2) "Director" means a board member.

7 (3) "District" means the Crockett County Groundwater
8 Conservation District. (Acts 71st Leg., R.S., Ch. 712, Sec. 2;
9 New.)

10 Source Law

11 Sec. 2. In this Act, "district" means the
12 Crockett County Groundwater Conservation District.

13 Revisor's Note

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

18 Revised Law

19 Sec. 8879.002. NATURE OF DISTRICT. The district is a
20 groundwater conservation district in Crockett County created under
21 and essential to accomplish the purposes of Section 59, Article
22 XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 712, Secs. 1(a)
23 (part), (b).)

24 Source Law

25 Sec. 1. (a) An underground water conservation
26 district, to be known as Emerald Underground Water
27 Conservation District, is created in Crockett
28 County,

29 (b) The district is created under and is
30 essential to accomplish the purposes of Article XVI,
31 Section 59, of the Texas Constitution.

32 Revisor's Note

33 (1) Section 1(a), Chapter 712, Acts of the 71st
34 Legislature, Regular Session, 1989, refers to the
35 "Emerald Underground Water Conservation District."
36 The revised law substitutes "Crockett County
37 Groundwater Conservation District" or "district" for

1 the quoted phrase in this section and throughout this
2 chapter because under Section 1A, Chapter 712, Acts of
3 the 71st Legislature, Regular Session, 1989, the name
4 of the Emerald Underground Water Conservation District
5 was changed to the Crockett County Groundwater
6 Conservation District. The revised law omits the
7 provision changing the district's name as executed.
8 The omitted law reads:

9 Sec. 1A. The name of the Emerald
10 Underground Water Conservation District is
11 changed to the Crockett County Groundwater
12 Conservation District.

13 (2) Section 1(a), Chapter 712, Acts of the 71st
14 Legislature, Regular Session, 1989, refers to the
15 district as an "underground water conservation
16 district." The revised law substitutes "groundwater
17 conservation district" for the quoted language to
18 conform to the term used in Chapter 36, Water Code.

19 (3) Section 1(a), Chapter 712, Acts of the 71st
20 Legislature, Regular Session, 1989, refers to a
21 confirmation election. Because the confirmation
22 election has already been held, the revised law omits
23 the provision as executed. The omitted law reads:

24 (a) . . . subject to approval at a
25 confirmation election under Section 9 of
26 this Act. . . .

27 (4) Section 1(a), Chapter 712, Acts of the 71st
28 Legislature, Regular Session, 1989, provides that the
29 district is a governmental agency and a body politic
30 and corporate. The revised law omits the provision
31 because it duplicates a portion of Section 59(b),
32 Article XVI, Texas Constitution, which provides that a
33 conservation and reclamation district is a
34 governmental agency and a body politic and corporate.
35 The omitted law reads:

36 (a) . . . The district is a
37 governmental agency and a body politic and

1 corporate.

2 Revised Law

3 Sec. 8879.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
4 district is created to serve a public use and benefit.

5 (b) All land and other property included in the district
6 will benefit from the works and projects accomplished by the
7 district under the powers conferred by Section 59, Article XVI,
8 Texas Constitution. (Acts 71st Leg., R.S., Ch. 712, Sec. 5.)

9 Source Law

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

17 Revised Law

18 Sec. 8879.004. DISTRICT TERRITORY. (a) The district is
19 composed of the territory in Crockett County other than the tract of
20 land described by metes and bounds in Section 3, Chapter 712, Acts
21 of the 71st Legislature, Regular Session, 1989, as that territory
22 may have been modified under:

- 23 (1) Subchapter J or K, Chapter 36, Water Code; or
- 24 (2) other law.

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

- 28 (1) the district's organization, existence, or
- 29 validity;
- 30 (2) the district's right to impose taxes; or
- 31 (3) the legality or operation of the district or its
- 32 governing body. (Acts 71st Leg., R.S., Ch. 712, Secs. 3 (part), 4;
- 33 New.)

34 Source Law

35 Sec. 3. The district is composed of all of the
36 territory contained in Crockett County SAVE AND EXCEPT
37 the following described tract of land situated in
38 Crockett County, Texas, and being described by metes
39 and bounds as follows, to wit:
40 Sec. 4. The legislature finds that the

1 boundaries and field notes of the district form a
2 closure. A mistake in the field notes or in copying
3 the field notes in the legislative process does not
4 affect the organization, existence, or validity of the
5 district, the right of the district to levy and collect
6 taxes, or the legality or operation of the district or
7 its governing body.

8 Revisor's Note

9 (1) The revision of the law governing the
10 district does not revise all of the statutory language
11 describing the territory of the district to avoid the
12 lengthy recitation of the description and because that
13 description may not be accurate on the effective date
14 of the revision or at the time of a later reading. For
15 the reader's convenience, the revised law includes
16 references to the statutory description of the
17 district's territory and to the authority to change the
18 district's territory under Subchapter J or K, Chapter
19 36, Water Code, applicable to groundwater conservation
20 districts. The revised law also includes a reference
21 to the general authority of the legislature to enact a
22 law to change the district's territory.

23 (2) Section 4, Chapter 712, Acts of the 71st
24 Legislature, Regular Session, 1989, refers to the
25 district's authority to "levy and collect" taxes. The
26 revised law substitutes "impose" for "levy and
27 collect" because "impose" is the term generally used
28 in Title 1, Tax Code, and includes the levy and
29 collection of a tax.

30 Revised Law

31 Sec. 8879.005. LOCATION OF DISTRICT ELECTIONS. A district
32 election may be held at any location in Crockett County. (Acts 71st
33 Leg., R.S., Ch. 712, Sec. 10B.)

34 Source Law

35 Sec. 10B. A district election may be held at any
36 location in Crockett County.

37 Revised Law

38 Sec. 8879.006. CONFLICTS OF LAW. This chapter prevails

1 over any provision of general law that is in conflict or
2 inconsistent with this chapter. (Acts 71st Leg., R.S., Ch. 712,
3 Sec. 6(a) (part).)

4 Source Law

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

8 Revisor's Note
9 (End of Subchapter)

10 Section 9, Chapter 712, Acts of the 71st
11 Legislature, Regular Session, 1989, provides for the
12 temporary board of directors to hold an election to
13 confirm the district's establishment and to elect
14 initial directors. The revised law omits those
15 provisions as executed. The omitted law reads:

16 Sec. 9. (a) The temporary board of
17 directors shall call and hold an election to
18 confirm establishment of the district and
19 to elect five initial directors.

20 (b) A person who desires to be a
21 candidate for the office of initial
22 director may file an application with the
23 temporary board to have the candidate's name
24 printed on the ballot as provided by Section
25 51.075, Water Code.

26 (c) At the confirmation and initial
27 directors' election, the temporary board of
28 directors shall have the names of the five
29 persons serving as temporary directors
30 placed on the ballot together with the name
31 of any candidate filing for the office of
32 director as provided by Subsection (b) of
33 this section and blank spaces to write in
34 the names of other persons. If the district
35 is created at the election, the temporary
36 directors, at the time the vote is
37 canvassed, shall declare the five persons
38 who receive the most votes to be elected as
39 the initial directors and shall include the
40 results of the directors' election in its
41 election report to the Texas Water
42 Commission.

43 (d) Subsection (a), Section 41.001,
44 Election Code, does not apply to a
45 confirmation and initial directors'
46 election held as provided by this section.

47 (e) Except as provided by this
48 section, a confirmation and initial
49 directors' election must be conducted as
50 provided by Subsections (b) through (g),
51 Section 52.058, Water Code, and the
52 Election Code.

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Revised Law

3 Sec. 8879.051. COMPOSITION OF BOARD; TERMS. (a) The
4 district is governed by a board of five elected directors.

5 (b) Directors serve staggered four-year terms, with the
6 terms of two or three directors expiring December 1 of each
7 even-numbered year. (Acts 71st Leg., R.S., Ch. 712, Secs. 7(a),
8 (d), 10A (part).)

9 Source Law

10 Sec. 7. (a) The district is governed by a board
11 of five directors.

12 (d) Directors serve staggered four-year terms,
13 with the terms of two or three directors expiring
14 December 1 of each even-numbered year.

15 Sec. 10A. . . . the appropriate number of
16 directors shall be elected.

17 Revisor's Note

18 (1) Section 7(e), Chapter 712, Acts of the 71st
19 Legislature, Regular Session, 1989, provides that a
20 director must qualify to serve in the manner provided
21 by Section 36.055, Water Code. The revised law omits
22 the provision because Section 36.055, Water Code,
23 applies to the district under Section 8879.101 of this
24 chapter and Section 36.001(1), Water Code. The
25 omitted law reads:

26 (e) Each director must qualify to
27 serve as director in the manner provided by
28 Section 36.055, Water Code.

29 (2) Section 7(f), Chapter 712, Acts of the 71st
30 Legislature, Regular Session, 1989, provides that a
31 director serves until a successor has qualified. The
32 revised law omits the provision because it duplicates
33 Section 17, Article XVI, Texas Constitution, which
34 provides that an officer in this state continues to
35 perform the officer's official duties until a
36 successor has qualified. The omitted law reads:

37 (f) A director serves until the

1 director's successor has qualified.

2 Revised Law

3 Sec. 8879.052. ELECTION DATE. The district shall hold an
4 election to elect the appropriate number of directors on the
5 uniform election date in November of each even-numbered year.
6 (Acts 71st Leg., R.S., Ch. 712, Sec. 10A.)

7 Source Law

8 Sec. 10A. On the uniform election date in
9 November of each even-numbered year, the appropriate
10 number of directors shall be elected.

11 Revisor's Note

12 Section 6, Chapter 1123, Acts of the 80th
13 Legislature, Regular Session, 2007, refers to
14 transition procedures regarding the terms of certain
15 elected directors. The revised law omits those
16 provisions as executed. The omitted law reads:

17 Sec. 6. Notwithstanding Section
18 7(d), Chapter 712, Acts of the 71st
19 Legislature, Regular Session, 1989, as
20 amended by this Act:

21 (1) the terms of the directors
22 of the Emerald Underground Water
23 Conservation District who were elected in
24 May 2005 expire December 1, 2008; and

25 (2) the terms of the directors
26 of the Emerald Underground Water
27 Conservation District who are elected in
28 May 2007 expire December 1, 2010.

29 Revised Law

30 Sec. 8879.053. DISQUALIFICATION OF DIRECTORS.
31 Notwithstanding Sections 49.001 and 49.002(b), Water Code, Section
32 49.052, Water Code, applies to a director. (Acts 71st Leg., R.S.,
33 Ch. 712, Sec. 7(a-1).)

34 Source Law

35 (a-1) Notwithstanding Sections 49.001 and
36 49.002(b), Water Code, Section 49.052, Water Code,
37 applies to a director of the district.

38 Revisor's Note
39 (End of Subchapter)

40 Section 8, Chapter 712, Acts of the 71st
41 Legislature, Regular Session, 1989, provides for the
42 appointment of "temporary" directors and for filling

1 vacancies on the temporary board. The revised law
2 omits that section as executed. The omitted law reads:

3 Sec. 8. (a) The temporary board of
4 directors is composed of:

- 5 (1) Wade Richardson
- 6 (2) Larry Williams
- 7 (3) George Bunger
- 8 (4) Reid Homsley
- 9 (5) Johnny Jones

10 (b) If a temporary director fails to
11 qualify for office, the temporary directors
12 who have qualified shall appoint a person to
13 fill the vacancy. If at any time there are
14 fewer than three qualified temporary
15 directors, the Texas Water Commission shall
16 appoint the necessary number of persons to
17 fill all vacancies on the board.

18 SUBCHAPTER C. POWERS AND DUTIES

19 Revised Law

20 Sec. 8879.101. GENERAL POWERS AND DUTIES. The district has
21 the rights, powers, privileges, functions, and duties provided by
22 the general law of this state, including Chapter 36 and Subchapters
23 H and I, Chapter 49, Water Code, applicable to groundwater
24 conservation districts created under Section 59, Article XVI, Texas
25 Constitution. (Acts 71st Leg., R.S., Ch. 712, Sec. 6(a) (part).)

26 Source Law

27 Sec. 6. (a) The district has all of the rights,
28 powers, privileges, authority, functions, and duties
29 provided by the general law of this state, including
30 Chapter 36 and Subchapters H and I, Chapter 49, Water
31 Code, applicable to groundwater conservation
32 districts created under Article XVI, Section 59, of
33 the Texas Constitution. . . .

34 Revisor's Note

35 (1) Section 6(a), Chapter 712, Acts of the 71st
36 Legislature, Regular Session, 1989, refers to the
37 "rights, powers, privileges, [and] authority" of the
38 district. The revised law omits the reference to
39 "authority" because, in context, "authority" is
40 included in the meaning of "rights, powers, [and]
41 privileges."

42 (2) Section 6(b), Chapter 712, Acts of the 71st
43 Legislature, Regular Session, 1989, refers to the
44 continuing right of the state to supervise the

1 district through the Texas Water Commission. The
2 revised law omits the provision because the provision
3 duplicates in substance part of Section 12.081, Water
4 Code, which subjects certain districts, including
5 groundwater conservation districts, to the continuing
6 right of supervision of the Texas Water Commission's
7 successor agency, the Texas Commission on
8 Environmental Quality. The omitted law reads:

9 (b) The rights, powers, privileges,
10 authority, functions, and duties of the
11 district are subject to the continuing
12 right of supervision of the state to be
13 exercised by and through the Texas Water
14 Commission.

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Revised Law

17 Sec. 8879.151. LIMITATION ON AD VALOREM TAX RATE. Except as
18 provided by Section 8879.152, the rate of an ad valorem tax imposed
19 by the district under Chapter 36, Water Code, may not exceed five
20 cents on each \$100 of assessed valuation. (Acts 71st Leg., R.S.,
21 Ch. 712, Sec. 11(a); New.)

22 Source Law

23 Sec. 11. (a) A property tax authorized for the
24 district under Chapter 52, Water Code, may not exceed
25 five cents on each \$100 of assessed valuation.

26 Revisor's Note

27 Section 11(a), Chapter 712, Acts of the 71st
28 Legislature, Regular Session, 1989, imposes a
29 limitation on the district's "property tax" rate
30 "under Chapter 52, Water Code." The revised law
31 substitutes "ad valorem tax" for "property tax"
32 because "ad valorem tax" is the term most commonly used
33 in Texas law to refer to a tax on property and
34 substitutes a reference to "Chapter 36, Water Code"
35 for the reference to "Chapter 52, Water Code" because
36 Chapter 933, Acts of the 74th Legislature, Regular
37 Session, 1995, repealed Chapter 52, Water Code, and

1 enacted Chapter 36, Water Code. For the convenience of
2 the reader, the revised law adds a cross-reference to
3 Section 8879.152 because that section provides an
4 exception to the limitation imposed by this section.

5 Revised Law

6 Sec. 8879.152. ELECTION TO INCREASE AD VALOREM TAX RATE.

7 (a) If at a regular meeting of the board, the board determines that
8 the district ad valorem tax is no longer sufficient, the board may
9 hold an election to approve an increase in the district's tax rate
10 not to exceed an additional five cents on each \$100 of assessed
11 valuation above the rate specified by Section 8879.151.

12 (b) If a majority of the voters favor the increase in the
13 district's tax rate, the district may impose an ad valorem tax at
14 the increased rate. (Acts 71st Leg., R.S., Ch. 712, Sec. 11(b).)

15 Source Law

16 (b) At a regular meeting of the board of
17 directors, if the board determines that the tax levied
18 and collected under Subsection (a) of this section is
19 no longer sufficient for the purposes stated in that
20 subsection, the board may call and hold an election to
21 approve an increase in property taxes not to exceed an
22 additional five cents on each \$100 of assessed
23 valuation in excess of the limitation provided by
24 Subsection (a) of this section. If a majority of the
25 qualified voters approve an increase in the amount of
26 taxes in excess of the limitation provided by
27 Subsection (a) of this section, the district may levy
28 and collect additional taxes in the amount as limited
29 in this subsection approved by the voters at the
30 election called and held for that purpose.

31 Revisor's Note

32 (1) Section 11(b), Chapter 712, Acts of the 71st
33 Legislature, Regular Session, 1989, refers to the
34 district's authority to "levy and collect" additional
35 taxes. The revised law substitutes "impose" for the
36 quoted language for the reason stated in Revisor's Note
37 (2) to Section 8879.004.

38 (2) Section 11(b), Chapter 712, Acts of the 71st
39 Legislature, Regular Session, 1989, authorizes the
40 district's board to "call and hold" an election to
41 approve an increase in the district's "property

1 taxes." The revised law omits the reference to
2 "calling" an election because, in this context,
3 "calling" an election is included in the meaning of
4 "holding" an election. Under Chapter 3, Election
5 Code, all elections must be ordered (called) before
6 they may be held. The revised law substitutes a
7 reference to the district's "ad valorem tax" for the
8 reference to the district's "property taxes" for the
9 reason stated in the revisor's note to Section
10 8879.151.

11 (3) Section 11(b), Chapter 712, Acts of the 71st
12 Legislature, Regular Session, 1989, refers to an
13 election by the "qualified" voters of the district.
14 The revised law omits "qualified" as unnecessary in
15 this context because Chapter 11, Election Code,
16 governs eligibility to vote in an election in this
17 state and allows only "qualified" voters who are
18 residents of the territory covered by the election to
19 vote in an election.

20 Revisor's Note
21 (End of Chapter)

22 Section 12, Chapter 712, Acts of the 71st
23 Legislature, Regular Session, 1989; Section 7, Chapter
24 1123, Acts of the 80th Legislature, Regular Session,
25 2007; and Section 14, Chapter 1196, Acts of the 84th
26 Legislature, Regular Session, 2015, recite
27 legislative findings regarding procedural
28 requirements for the creation of the district under
29 the constitution and other laws and rules, including
30 proper legal notice and the filing of recommendations.
31 The revised law omits those provisions as executed.
32 The omitted law reads:

33 [Acts 71st Leg., R.S., Ch. 712]
34 Sec. 12. (a) The proper and legal
35 notice of the intention to introduce this
36 Act, setting forth the general substance of

1 this Act, has been published as provided by
2 law, and the notice and a copy of this Act
3 have been furnished to all persons,
4 agencies, officials, or entities to which
5 they are required to be furnished by the
6 constitution and other laws of this state,
7 including the governor, who has submitted
8 the notice and Act to the Texas Water
9 Commission.

10 (b) The Texas Water Commission has
11 filed its recommendations relating to this
12 Act with the governor, lieutenant governor,
13 and speaker of the house of representatives
14 within the required time.

15 (c) All requirements of the
16 constitution and laws of this state and the
17 rules and procedures of the legislature
18 with respect to the notice, introduction,
19 and passage of this Act are fulfilled and
20 accomplished.

21 [Acts 80th Leg., R.S., Ch. 1123]

22 Sec. 7. (a) The legal notice of the
23 intention to introduce this Act, setting
24 forth the general substance of this Act, has
25 been published as provided by law, and the
26 notice and a copy of this Act have been
27 furnished to all persons, agencies,
28 officials, or entities to which they are
29 required to be furnished under Section 59,
30 Article XVI, Texas Constitution, and
31 Chapter 313, Government Code.

32 (b) The governor has submitted the
33 notice and Act to the Texas Commission on
34 Environmental Quality.

35 (c) The Texas Commission on
36 Environmental Quality has filed its
37 recommendations relating to this Act with
38 the governor, lieutenant governor, and
39 speaker of the house of representatives
40 within the required time.

41 (d) All requirements of the
42 constitution and laws of this state and the
43 rules and procedures of the legislature
44 with respect to the notice, introduction,
45 and passage of this Act are fulfilled and
46 accomplished.

47 [Acts 84th Leg., R.S., Ch. 1196]

48 Sec. 14. (a) The legal notice of the
49 intention to introduce this Act, setting
50 forth the general substance of this Act, has
51 been published as provided by law, and the
52 notice and a copy of this Act have been
53 furnished to all persons, agencies,
54 officials, or entities to which they are
55 required to be furnished under Section 59,
56 Article XVI, Texas Constitution, and
57 Chapter 313, Government Code.

58 (b) The governor, one of the required
59 recipients, has submitted the notice and
60 Act to the Texas Commission on
61 Environmental Quality.

62 (c) The Texas Commission on
63 Environmental Quality has filed its
64 recommendations relating to this Act with
65 the governor, the lieutenant governor, and
66 the speaker of the house of representatives

1 within the required time.
2 (d) All requirements of the
3 constitution and laws of this state and the
4 rules and procedures of the legislature
5 with respect to the notice, introduction,
6 and passage of this Act are fulfilled and
7 accomplished.

8 CHAPTER 8880. GONZALES COUNTY UNDERGROUND WATER CONSERVATION

9 DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8880.001. DEFINITIONS 136

12 SUBCHAPTER B. BOARD OF DIRECTORS

13 Sec. 8880.051. SINGLE-MEMBER DIRECTOR PRECINCTS 136

14 CHAPTER 8880. GONZALES COUNTY UNDERGROUND WATER CONSERVATION

15 DISTRICT

16 SUBCHAPTER A. GENERAL PROVISIONS

17 Revised Law

18 Sec. 8880.001. DEFINITIONS. In this chapter:

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

20 (2) "Director" means a board member.

21 (3) "District" means the Gonzales County Underground
22 Water Conservation District. (Acts 74th Leg., R.S., Ch. 368, Sec.
23 1; New.)

24 Source Law

25 Sec. 1. In this Act:

26 (1) "Board" means the board of directors
27 of the Gonzales County Underground Water Conservation
28 District.

29 (2) "District" means the Gonzales County
30 Underground Water Conservation District.

31 Revisor's Note

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

36 SUBCHAPTER B. BOARD OF DIRECTORS

37 Revised Law

38 Sec. 8880.051. SINGLE-MEMBER DIRECTOR PRECINCTS. (a) The
39 board may divide the district into five single-member director
40 precincts of substantially equal population for the purpose of

1 electing directors.

2 (b) Notwithstanding Section 36.059(b), Water Code, the
3 board may divide territory contained in a municipal corporation in
4 the district into as many precincts as necessary to obtain
5 precincts of substantially equal population. (Acts 74th Leg.,
6 R.S., Ch. 368, Sec. 2.)

7 Source Law

8 Sec. 2. The board may from time to time divide
9 the district into five precincts of substantially
10 equal population for the purpose of electing
11 directors. Notwithstanding Section 52.102, Water
12 Code, the board may divide territory contained in a
13 municipal corporation within the district into as many
14 precincts as necessary to obtain precincts of
15 substantially equal population.

16 Revisor's Note

17 (1) Section 2, Chapter 368, Acts of the 74th
18 Legislature, Regular Session, 1995, provides that the
19 board of directors may "from time to time" divide the
20 district. The revised law omits the reference to "from
21 time to time" because the power to take an action
22 implies the power to do so at any time.

23 (2) Section 2, Chapter 368, Acts of the 74th
24 Legislature, Regular Session, 1995, provides that
25 "[n]otwithstanding Section 52.102, Water Code," the
26 board of directors may divide territory contained in a
27 municipal corporation. Section 52.102, Water Code,
28 was repealed by Chapter 933, Acts of the 74th
29 Legislature, Regular Session, 1995. However, the
30 substance of that provision is included in Section
31 36.059(b), Water Code, which the legislature enacted
32 in the same act that repealed Section 52.102, Water
33 Code, and which applies to the district under Section
34 36.001(1), Water Code. For that reason, the revised
35 law substitutes a reference to Section 36.059(b),
36 Water Code, for the reference to Section 52.102, Water
37 Code.

1 Revisor's Note
2 (End of Subchapter)

3 (1) Section 3, Chapter 368, Acts of the 74th
4 Legislature, Regular Session, 1995, refers to the
5 temporary board of directors and that board's
6 authority to make expenditures on behalf of the
7 district. The revised law omits the language as
8 executed. The omitted law reads:

9 Sec. 3. Temporary directors serving
10 on the board on the effective date of this
11 Act may authorize and make, through board
12 action, all expenditures necessary to
13 conduct district business until permanent
14 directors are elected and qualify for
15 office.

16 (2) Section 4, Chapter 368, Acts of the 74th
17 Legislature, Regular Session, 1995, validates the
18 creation of the district and all resolutions, orders,
19 and other acts or attempted acts of the board before
20 June 8, 1995, the date on which Section 4 became
21 effective. The revised law omits this provision as
22 executed. The omitted law reads:

23 Sec. 4. The creation of the district
24 and all resolutions, orders, and other acts
25 or attempted acts of the board, including
26 the board composed of temporary directors,
27 are validated in all respects. The creation
28 of the district and all resolutions,
29 orders, and other acts or attempted acts of
30 the board, including the board composed of
31 temporary directors, are valid as though
32 they originally had been legally authorized
33 or accomplished.

34 Revisor's Note
35 (End of Chapter)

36 Section 1, Chapter 658, Acts of the 82nd
37 Legislature, Regular Session, 2011, required the
38 disannexation of certain land from either the Gonzales
39 County Underground Water Conservation District or the
40 Plum Creek Conservation District as soon as
41 practicable after December 31, 2011. Because the
42 district reports that the disannexation occurred
43 according to the procedure set out in Section 1, the

1 revised law omits the provision as executed. The
2 omitted law reads:

3 Sec. 1. (a) Not later than the 30th
4 day after the effective date of this Act,
5 the board of the Gonzales County
6 Underground Water Conservation District and
7 the board of the Plum Creek Conservation
8 District shall jointly prepare a form that
9 requests disannexation of land located in
10 Caldwell County from the territory of the
11 Gonzales County Underground Water
12 Conservation District or the Plum Creek
13 Conservation District.

14 (b) Not later than the 10th day after
15 the form is prepared, the board of the
16 Gonzales County Underground Water District
17 shall mail the form to each owner of land
18 that on the effective date of this Act is
19 included in the territory of both the
20 Gonzales County Underground Water District
21 and the Plum Creek Conservation District.

22 (c) On receipt of the form, each
23 owner must clearly mark and sign the form to
24 indicate from which district the owner
25 wants the applicable land to be disannexed.
26 An owner may not elect to have land be
27 disannexed by both districts.

28 (d) The signed forms must be returned
29 to the board of the Gonzales County
30 Underground Water District on or before
31 December 31, 2011. That board shall send a
32 copy of each form received before the
33 deadline to the board of the Plum Creek
34 Conservation District.

35 (e) If the owner of land does not
36 comply with Subsection (c) of this section
37 before the deadline, the applicable land
38 will be disannexed by the Gonzales County
39 Underground Water District.

40 (f) As soon as practicable after
41 December 31, 2011, the land specified for
42 disannexation by the owners under
43 Subsection (c) of this section or subject to
44 disannexation under Subsection (e) of this
45 section shall be disannexed by resolution
46 of the board of the Gonzales County
47 Underground Water District or the Plum
48 Creek Conservation District, as
49 appropriate.

50 (g) The board of each district shall
51 file a copy of that district's disannexation
52 resolution in the office of the county clerk
53 of Caldwell County. The county clerk shall
54 record the resolution in the county
55 records. On the date the disannexation
56 resolution is recorded, the excluded
57 territory is no longer part of the district
58 that filed the resolution.

59 CHAPTER 8881. MESA UNDERGROUND WATER CONSERVATION DISTRICT

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13 CHAPTER 8881. MESA UNDERGROUND WATER CONSERVATION DISTRICT

14 SUBCHAPTER A. GENERAL PROVISIONS

15 Revised Law

16 Sec. 8881.001. DEFINITIONS. In this chapter:

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

18 (2) "Director" means a board member.

19 (3) "District" means the Mesa Underground Water
 20 Conservation District. (Acts 71st Leg., R.S., Ch. 669, Secs. 1(a)
 21 (part), 2; New.)

22 Source Law

23 Sec. 1. (a) [An underground water conservation
 24 district,] to be known as Mesa Underground Water
 25 Conservation District,

26 Sec. 2. In this Act, "district" means Mesa
 27 Underground Water Conservation District.

28 Revisor's Note

29 The definitions of "board" and "director" are
 30 added to the revised law for drafting convenience and
 31 to eliminate frequent, unnecessary repetition of the
 32 substance of the definitions.

33 Revised Law

34 Sec. 8881.002. NATURE OF DISTRICT. The district is a
 35 groundwater conservation district in Dawson County created under

1 and essential to accomplish the purposes of Section 59, Article
2 XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 669, Secs. 1(a)
3 (part), (b).)

4 Source Law

5 (a) An underground water conservation district,
6 . . . is created in Dawson County,
7 (b) The district is created under and is
8 essential to accomplish the purposes of Article XVI,
9 Section 59, of the Texas Constitution.

10 Revisor's Note

11 (1) Section 1(a), Chapter 669, Acts of the 71st
12 Legislature, Regular Session, 1989, refers to the
13 district as an "underground water conservation
14 district." The revised law substitutes "groundwater
15 conservation district" for the quoted language to
16 conform to the term used in Chapter 36, Water Code.

17 (2) Section 1(a), Chapter 669, Acts of the 71st
18 Legislature, Regular Session, 1989, refers to a
19 confirmation election. Because the confirmation
20 election has already been held, the revised law omits
21 the provision as executed. The omitted law reads:

22 (a) . . . subject to approval at a
23 confirmation election under Section 9 of
24 this Act. . . .

25 (3) Section 1(a), Chapter 669, Acts of the 71st
26 Legislature, Regular Session, 1989, provides that the
27 district is a governmental agency and a body politic
28 and corporate. The revised law omits that provision
29 because it duplicates a portion of Section 59(b),
30 Article XVI, Texas Constitution, which provides that a
31 conservation and reclamation district is a
32 governmental agency and a body politic and corporate.
33 The omitted law reads:

34 (a) . . . The district is a
35 governmental agency and a body politic and
36 corporate.

37 Revised Law

38 Sec. 8881.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The

1 district is created to serve a public use and benefit.

2 (b) All land and other property included in the district
3 will benefit from the works and projects accomplished by the
4 district under the powers conferred by Section 59, Article XVI,
5 Texas Constitution. (Acts 71st Leg., R.S., Ch. 669, Sec. 5.)

6 Source Law

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

14 Revised Law

15 Sec. 8881.004. DISTRICT TERRITORY. The district includes
16 the territory located in Dawson County, unless the district's
17 territory has been modified under:

18 (1) Section 8881.103 of this chapter or its
19 predecessor statute, former Section 11(c), Chapter 669, Acts of the
20 71st Legislature, Regular Session, 1989; or

21 (2) other law. (Acts 71st Leg., R.S., Ch. 669, Sec. 3;
22 New.)

23 Source Law

24 Sec. 3. The district includes all of the
25 territory located in Dawson County.

26 Revisor's Note

27 (1) Section 3, Chapter 669, Acts of the 71st
28 Legislature, Regular Session, 1989, contains a
29 description of the territory of the district. That
30 description may not be accurate on the effective date
31 of the revised law or at the time of a later reading
32 because the district's boundaries are subject to
33 change. For the reader's convenience, the revised law
34 adds a reference to the authority to change the
35 district's territory under Section 8881.103 of this
36 chapter or Section 11(c), Chapter 669, Acts of the 71st
37 Legislature, Regular Session, 1989, from which Section

1 8881.103 is derived. The revised law also includes a
2 reference to the general authority of the legislature
3 to enact other laws under which the district's
4 territory may change.

5 (2) Section 4, Chapter 669, Acts of the 71st
6 Legislature, Regular Session, 1989, recites
7 legislative findings relating to mistakes in the field
8 notes of the boundaries of the district. Many
9 enactments creating special districts contain field
10 notes with an extensive metes and bounds description
11 of the district. Typically a provision such as Section
12 4 is added to account for an error in the description.
13 Chapter 669, however, contains no field notes of a
14 metes and bounds description, but instead refers to
15 the boundaries of an existing political subdivision.
16 As such the findings relating to mistakes in the field
17 notes in Section 4 may be omitted from the revision as
18 unnecessary. The omitted law reads:

19 Sec. 4. The legislature finds that
20 the boundaries and field notes of the
21 district form a closure. A mistake in the
22 field notes or in copying the field notes in
23 the legislative process does not affect the
24 organization, existence, or validity of the
25 district, the right of the district to levy
26 and collect taxes, or the legality or
27 operation of the district or its governing
28 body.

29 SUBCHAPTER B. BOARD OF DIRECTORS

30 Revised Law

31 Sec. 8881.051. COMPOSITION OF BOARD; TERMS. (a) The
32 district is governed by a board of five elected directors.

33 (b) Directors serve staggered four-year terms. (Acts 71st
34 Leg., R.S., Ch. 669, Secs. 7(a) (part), (b) (part), (e).)

35 Source Law

36 Sec. 7. (a) The district is governed by a board
37 of five directors. . . .

38 (b) [One director] shall be elected . . . [and
39 one] shall be elected

40 (e) Permanent directors other than initial

1 permanent directors serve staggered four-year terms.

2 Revisor's Note

3 (1) Section 7(e), Chapter 669, Acts of the 71st
4 Legislature, Regular Session, 1989, refers to
5 "[p]ermanent" directors. The revised law omits
6 "[p]ermanent." Sections 7(c), (d), and (e) refer to
7 "temporary," "initial," and "permanent" directors to
8 distinguish between the original "temporary"
9 directors, the "initial" directors who immediately
10 succeeded the "temporary" directors after the first
11 election of directors, and subsequently serving
12 "permanent" directors. For the reasons stated in the
13 revisor's notes at the end of this subchapter, the
14 revised law omits provisions regarding "temporary,"
15 "initial," and "permanent" directors, and the revised
16 law is drafted accordingly.

17 (2) Section 7(f), Chapter 669, Acts of the 71st
18 Legislature, Regular Session, 1989, provides that a
19 director must qualify to serve in the manner provided
20 by Sections 51.078 and 51.079, Water Code. The revised
21 law omits the reference to Sections 51.078 and 51.079,
22 Water Code, because those sections were repealed by
23 Chapter 715, Acts of the 74th Legislature, Regular
24 Session, 1995. Chapter 933, Acts of the 74th
25 Legislature, Regular Session, 1995, enacted Section
26 36.055, Water Code, which contains the qualification
27 procedures for a director of a groundwater
28 conservation district. A reference to Section 36.055,
29 Water Code, is unnecessary because that section
30 applies to the district under Section 8881.101 of this
31 chapter and Section 36.001(1), Water Code. The
32 omitted law reads:

33 (f) Each director must qualify to
34 serve as director in the manner provided by
35 Sections 51.078 and 51.079, Water Code.

1 (3) Section 7(g), Chapter 669, Acts of the 71st
2 Legislature, Regular Session, 1989, provides that a
3 director serves until a successor has qualified. The
4 revised law omits that provision because it duplicates
5 Section 17, Article XVI, Texas Constitution, which
6 provides that an officer in this state continues to
7 perform the officer's official duties until a
8 successor has qualified. The omitted law reads:

9 (g) A director serves until the
10 director's successor has qualified.

11 Revised Law

12 Sec. 8881.052. ELECTION OF DIRECTORS. One director is
13 elected from each county commissioners precinct in Dawson County
14 and one director is elected from the district at large. (Acts 71st
15 Leg., R.S., Ch. 669, Sec. 7(b) (part).)

16 Source Law

17 (b) One director [shall be elected] from each
18 commissioners precinct in Dawson County and one [shall
19 be elected] from the district at large. . . .

20 Revised Law

21 Sec. 8881.053. ELECTION DATE. The district shall hold an
22 election to elect the appropriate number of directors on the
23 uniform election date in May of each even-numbered year or another
24 date authorized by law. (Acts 71st Leg., R.S., Ch. 669, Sec. 10;
25 New.)

26 Source Law

27 Sec. 10. On the uniform election date in May of
28 each even-numbered year, an election shall be held in
29 the district to elect the appropriate number of
30 directors.

31 Revisor's Note

32 (1) Section 10, Chapter 669, Acts of the 71st
33 Legislature, Regular Session, 1989, provides that the
34 appropriate number of directors shall be elected on
35 the uniform election date in May of each even-numbered
36 year. The revised law adds "or another date authorized
37 by law" to acknowledge other legislative enactments

1 such as Section 41.0052, Election Code, as amended by
2 Chapter 1235, Acts of the 84th Legislature, Regular
3 Session, 2015, that would result in the election being
4 held on a date other than the date provided by the
5 source law.

6 (2) Section 6, Chapter 1196, Acts of the 84th
7 Legislature, Regular Session, 2015, amended Section
8 10, Chapter 669, Acts of the 71st Legislature, Regular
9 Session, 1989, to change the date for electing
10 directors. Section 13 of Chapter 1196 provided
11 transition procedures requiring the adjustment of
12 terms of certain directors to conform to the new
13 election date, if applicable. The revised law omits
14 the transition procedures regarding the terms as
15 executed. The omitted law reads:

16 Sec. 13. The governing body of a
17 groundwater conservation district for which
18 the election date has changed under the laws
19 amended by this Act shall adjust the terms
20 of office to conform to the new election
21 date, if applicable.

22 Revised Law

23 Sec. 8881.054. QUALIFICATIONS FOR OFFICE. (a) A director
24 must be 18 years of age or older.

25 (b) To represent a county commissioners precinct, the
26 director must be a resident of that precinct. (Acts 71st Leg., R.S.,
27 Ch. 669, Secs. 7(a) (part), (b) (part).)

28 Source Law

29 (a) . . . A director must be 18 years of age or
30 older.

31 (b) . . . To represent a commissioners
32 precinct, the director must be a resident of that
33 precinct.

34 Revisor's Note
35 (End of Subchapter)

36 (1) Sections 7(c) and (d), Chapter 669, Acts of
37 the 71st Legislature, Regular Session, 1989, provide
38 that temporary directors serve until initial directors
39 are elected and that initial directors serve until

1 permanent directors are elected. Because the terms of
2 the temporary and initial directors have expired, the
3 revised law omits those provisions as executed. The
4 omitted law reads:

5 (c) Temporary directors serve until
6 initial permanent directors are elected
7 under Section 9 of this Act.

8 (d) Initial permanent directors
9 serve until permanent directors are elected
10 under Section 10 of this Act.

11 (2) Section 8, Chapter 669, Acts of the 71st
12 Legislature, Regular Session, 1989, names the
13 temporary directors and provides for filling vacancies
14 on the board. Because the temporary directors were
15 appointed and the terms of the temporary directors
16 have expired, the revised law omits those provisions
17 as executed. The omitted law reads:

18 Sec. 8. (a) The temporary board of
19 directors is composed of:

- 20 (1) Norris Barron
- 21 (2) Fred Bell
- 22 (3) Dan Harp
- 23 (4) Kent Nix
- 24 (5) Lloyd Cline

25 (b) If a temporary director fails to
26 qualify for office, the Commissioners Court
27 of Dawson County shall appoint a person to
28 fill the vacancy.

29 (3) Section 9, Chapter 669, Acts of the 71st
30 Legislature, Regular Session, 1989, provides
31 procedures for holding an election to confirm the
32 district's creation and to elect the district's initial
33 board. Because the district has been confirmed and its
34 initial directors have been elected, the revised law
35 omits those provisions as executed. The omitted law
36 reads:

37 Sec. 9. (a) The temporary board of
38 directors shall call and hold an election to
39 confirm establishment of the district and
40 to elect five initial directors.

41 (b) A person who desires to be a
42 candidate for the office of initial
43 director may file an application with the
44 temporary board to have the candidate's name
45 printed on the ballot as provided by Section
46 51.075, Water Code.

1 (c) At the confirmation and initial
2 directors' election, the temporary board of
3 directors shall have the names of the five
4 persons serving as temporary directors
5 placed on the ballot together with the name
6 of any candidate filing for the office of
7 director as provided by Subsection (b) of
8 this section and blank spaces to write in
9 the names of other persons. If the district
10 is created at the election, the temporary
11 directors, at the time the vote is
12 canvassed, shall declare the person who
13 receives the most votes for each position to
14 be elected as an initial director and shall
15 include the results of the directors'
16 election in its election report to the Texas
17 Water Commission.

18 (d) Subsection (a), Section 41.001,
19 Election Code, does not apply to a
20 confirmation and initial directors'
21 election held as provided by this section.

22 (e) Except as provided by this
23 section, a confirmation and initial
24 directors' election must be conducted as
25 provided by Subsections (b) through (g),
26 Section 52.058, Water Code, and the
27 Election Code.

28 SUBCHAPTER C. POWERS AND DUTIES

29 Revised Law

30 Sec. 8881.101. GENERAL POWERS AND DUTIES. The district has
31 all of the rights, powers, privileges, functions, and duties
32 provided by the general law of this state, including Chapter 36,
33 Water Code, applicable to groundwater conservation districts
34 created under Section 59, Article XVI, Texas Constitution. (Acts
35 71st Leg., R.S., Ch. 669, Sec. 6(a) (part).)

36 Source Law

37 Sec. 6. (a) The district has all of the rights,
38 powers, privileges, authority, functions, and duties
39 provided by the general law of this state, including
40 Chapter 36, Water Code, applicable to groundwater
41 conservation districts created under Article XVI,
42 Section 59, of the Texas Constitution. . . .

43 Revisor's Note

44 (1) Section 6(a), Chapter 669, Acts of the 71st
45 Legislature, Regular Session, 1989, as amended by
46 Chapter 1196, Acts of the 84th Legislature, Regular
47 Session, 2015, refers to the "rights, powers,
48 privileges, [and] authority" of the district. The
49 revised law omits the reference to "authority"
50 because, in context, "authority" is included in the

1 meaning of "rights, powers, [and] privileges."

2 (2) Section 6(a), Chapter 669, Acts of the 71st
3 Legislature, Regular Session, 1989, provides that the
4 act prevails over general law in case of a conflict or
5 other inconsistency. The revised law omits the
6 provision because it duplicates in substance Section
7 311.026, Government Code (Code Construction Act). The
8 omitted law reads:

9 (a) . . . This Act prevails over any
10 provision of general law that is in conflict
11 or inconsistent with this Act.

12 Revised Law

13 Sec. 8881.102. CONTRACT AUTHORITY OF DISTRICT. (a) The
14 district may contract for, sell, and distribute water from a water
15 import authority or other agency.

16 (b) The district may contract with other districts that have
17 powers similar to those of the district to achieve common goals.
18 (Acts 71st Leg., R.S., Ch. 669, Secs. 11(a), (b).)

19 Source Law

20 Sec. 11. (a) The district may contract for,
21 sell, and distribute water from a water import
22 authority or other agency.

23 (b) The district may contract with other
24 districts that have powers similar to those of the
25 district to achieve common goals.

26 Revised Law

27 Sec. 8881.103. ANNEXATION OF TERRITORY. (a) Territory may
28 be added to the district under:

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

30 (2) Subchapter O, Chapter 51, Water Code.

31 (b) If the district annexes territory, the board shall
32 determine the precincts to which annexed territory is added for the
33 purpose of electing directors. (Acts 71st Leg., R.S., Ch. 669, Sec.
34 11(c); New.)

35 Source Law

36 (c) Additional territory may be added to the
37 district as provided for annexation of territory under
38 Chapter 51, Water Code. The board shall determine to
39 which precinct annexed territory will be added for

1 purposes of election of directors.

2 Revisor's Note

3 Section 11(c), Chapter 669, Acts of the 71st
4 Legislature, Regular Session, 1989, authorizes the
5 district to add territory under "Chapter 51, Water
6 Code." The relevant provisions of Chapter 51, Water
7 Code, were contained in Subchapter O of that chapter.
8 Chapter 715, Acts of the 74th Legislature, Regular
9 Session, 1995, repealed some of the relevant
10 provisions of Subchapter O, Chapter 51, Water Code,
11 and enacted Subchapter J, Chapter 49, Water Code, to
12 govern the annexation of land by water control and
13 improvement districts and certain other districts.
14 Accordingly, the revised law substitutes references to
15 Subchapter J, Chapter 49, and Subchapter O, Chapter
16 51, Water Code, for the reference to Chapter 51 of that
17 code.

18 Revisor's Note

19 (End of Subchapter)

20 Section 6(b), Chapter 669, Acts of the 71st
21 Legislature, Regular Session, 1989, refers to the
22 continuing right of the state to supervise the
23 district through the Texas Water Commission. The
24 revised law omits the provision because the provision
25 duplicates in substance part of Section 12.081, Water
26 Code, which subjects certain districts, including
27 groundwater conservation districts, to the continuing
28 right of supervision of the Texas Water Commission's
29 successor agency, the Texas Commission on
30 Environmental Quality. The omitted law reads:

31 (b) The rights, powers, privileges,
32 authority, functions, and duties of the
33 district are subject to the continuing
34 right of supervision of the state to be
35 exercised by and through the Texas Water
36 Commission.

1 Revisor's Note
2 (End of Chapter)

3 Section 12, Chapter 669, Acts of the 71st
4 Legislature, Regular Session, 1989, and Section 14,
5 Chapter 1196, Acts of the 84th Legislature, Regular
6 Session, 2015, recite legislative findings regarding
7 procedural requirements for legislation affecting the
8 district under the constitution and other laws and
9 rules, including proper legal notice and the filing of
10 recommendations. The revised law omits those
11 provisions as executed. The omitted law reads:

12 [Acts 71st Leg., R.S., Ch. 669]

13 Sec. 12. (a) The proper and legal
14 notice of the intention to introduce this
15 Act, setting forth the general substance of
16 this Act, has been published as provided by
17 law, and the notice and a copy of this Act
18 have been furnished to all persons,
19 agencies, officials, or entities to which
20 they are required to be furnished by the
21 constitution and other laws of this state,
22 including the governor, who has submitted
23 the notice and Act to the Texas Water
24 Commission.

25 (b) The Texas Water Commission has
26 filed its recommendations relating to this
27 Act with the governor, lieutenant governor,
28 and speaker of the house of representatives
29 within the required time.

30 (c) All requirements of the
31 constitution and laws of this state and the
32 rules and procedures of the legislature
33 with respect to the notice, introduction,
34 and passage of this Act are fulfilled and
35 accomplished.

36 [Acts 84th Leg., R.S., Ch. 1196]

37 Sec. 14. (a) The legal notice of the
38 intention to introduce this Act, setting
39 forth the general substance of this Act, has
40 been published as provided by law, and the
41 notice and a copy of this Act have been
42 furnished to all persons, agencies,
43 officials, or entities to which they are
44 required to be furnished under Section 59,
45 Article XVI, Texas Constitution, and
46 Chapter 313, Government Code.

47 (b) The governor, one of the required
48 recipients, has submitted the notice and
49 Act to the Texas Commission on
50 Environmental Quality.

51 (c) The Texas Commission on
52 Environmental Quality has filed its
53 recommendations relating to this Act with
54 the governor, the lieutenant governor, and
55 the speaker of the house of representatives
56 within the required time.

1 (d) All requirements of the
2 constitution and laws of this state and the
3 rules and procedures of the legislature
4 with respect to the notice, introduction,
5 and passage of this Act are fulfilled and
6 accomplished.

7 CHAPTER 8882. SANDY LAND UNDERGROUND WATER CONSERVATION DISTRICT

8 SUBCHAPTER A. GENERAL PROVISIONS

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18 CHAPTER 8882. SANDY LAND UNDERGROUND WATER CONSERVATION DISTRICT

19 SUBCHAPTER A. GENERAL PROVISIONS

20 Revised Law

21 Sec. 8882.001. DEFINITIONS. In this chapter:

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

23 (2) "Director" means a board member.

24 (3) "District" means the Sandy Land Underground Water
25 Conservation District. (Acts 71st Leg., R.S., Ch. 673, Secs. 1(a)
26 (part), 2; New.)

27 Source Law

28 Sec. 1. (a) [An underground water conservation
29 district,] to be known as Sandy Land Underground Water
30 Conservation District,

31 Sec. 2. In this Act, "district" means the Sandy
32 Land Underground Water Conservation District.

33 Revisor's Note

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

1 Revised Law

2 Sec. 8882.002. NATURE OF DISTRICT. The district is a
3 groundwater conservation district in Yoakum County created under
4 and essential to accomplish the purposes of Section 59, Article
5 XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 673, Secs. 1(a)
6 (part), (b).)

7 Source Law

8 Sec. 1. (a) An underground water conservation
9 district, [to be known as Sandy Land Underground Water
10 Conservation District,] is created in Yoakum County,
11
12 (b) The district is created under and is
13 essential to accomplish the purposes of Article XVI,
14 Section 59, of the Texas Constitution.

15 Revisor's Note

16 (1) Section 1(a), Chapter 673, Acts of the 71st
17 Legislature, Regular Session, 1989, refers to the
18 district as an "underground water conservation
19 district." Throughout this chapter, the revised law
20 substitutes "groundwater conservation district" for
21 the quoted language to conform to the term used in
22 Chapter 36, Water Code.

23 (2) Section 1(a), Chapter 673, Acts of the 71st
24 Legislature, Regular Session, 1989, refers to a
25 confirmation election. Because the confirmation
26 election has already been held, the revised law omits
27 the provision as executed. The omitted law reads:

28 (a) . . . subject to approval at a
29 confirmation election under Section 9 of
30 this Act. . . .

31 (3) Section 1(a), Chapter 673, Acts of the 71st
32 Legislature, Regular Session, 1989, provides that the
33 district is a governmental agency and a body politic
34 and corporate. The revised law omits the provision
35 because it duplicates a portion of Section 59(b),
36 Article XVI, Texas Constitution, which provides that a
37 conservation and reclamation district is a
38 governmental agency and a body politic and corporate.

1 The omitted law reads:

2 (a) . . . The district is a
3 governmental agency and a body politic and
4 corporate.

5 Revised Law

6 Sec. 8882.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
7 district is created to serve a public use and benefit.

8 (b) All land and other property included in the district
9 will benefit from the works and projects accomplished by the
10 district under the powers conferred by Section 59, Article XVI,
11 Texas Constitution. (Acts 71st Leg., R.S., Ch. 673, Sec. 5.)

12 Source Law

13 Sec. 5. All of the land and other property
14 included within the boundaries of the district will be
15 benefited by the works and projects that are to be
16 accomplished by the district under powers conferred by
17 Article XVI, Section 59, of the Texas Constitution.
18 The district is created to serve a public use and
19 benefit.

20 Revised Law

21 Sec. 8882.004. DISTRICT TERRITORY. The district includes
22 the territory located in Yoakum County unless the district's
23 territory has been modified under:

- 24 (1) Subchapter J or K, Chapter 36, Water Code; or
25 (2) other law. (Acts 71st Leg., R.S., Ch. 673, Sec. 3;
26 New.)

27 Source Law

28 Sec. 3. The district includes all the territory
29 located within Yoakum County.

30 Revisor's Note

31 (1) Section 3, Chapter 673, Acts of the 71st
32 Legislature, Regular Session, 1989, contains a
33 description of the territory of the district. That
34 description may not be accurate on the effective date
35 of the revised law or at the time of a later reading
36 because the district's boundaries are subject to
37 change. For the reader's convenience, the revised law
38 adds references to the authority to change the

1 district's territory under Subchapter J or K, Chapter
2 36, Water Code, applicable to groundwater conservation
3 districts, and to the general authority of the
4 legislature to enact other laws under which the
5 district's territory may change.

6 (2) Section 4, Chapter 673, Acts of the 71st
7 Legislature, Regular Session, 1989, recites
8 legislative findings relating to mistakes in the field
9 notes of the boundaries of the district. Many
10 enactments creating special districts contain field
11 notes with an extensive metes and bounds description
12 of the district. Typically a provision such as Section
13 4 is added to account for an error in the description.
14 Chapter 673, however, contains no field notes of a
15 metes and bounds description, but instead refers to
16 the boundaries of an existing political subdivision.
17 As such the findings relating to mistakes in the field
18 notes in Section 4 may be omitted from the revision as
19 unnecessary. The omitted law reads:

20 Sec. 4. The legislature finds that
21 the boundaries and field notes of the
22 district form a closure. A mistake in the
23 field notes or in copying the field notes in
24 the legislative process does not affect the
25 organization, existence, or validity of the
26 district, the right of the district to levy
27 and collect taxes, or the legality or
28 operation of the district or its governing
29 body.

30 Revisor's Note
31 (End of Subchapter)

32 Section 6(a), Chapter 673, Acts of the 71st
33 Legislature, Regular Session, 1989, provides that the
34 act prevails over general law in case of a conflict or
35 other inconsistency. The revised law omits the
36 provision because it duplicates in substance Section
37 311.026, Government Code (Code Construction Act). The
38 omitted law reads:

39 (a) . . . This Act prevails over any

1 provision of general law that is in conflict
2 or inconsistent with this Act.

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Revised Law

5 Sec. 8882.051. COMPOSITION OF BOARD; TERMS. (a) The
6 district is governed by a board of five directors.

7 (b) Directors serve staggered four-year terms. (Acts 71st
8 Leg., R.S., Ch. 673, Secs. 7(a), (d).)

9 Source Law

10 Sec. 7. (a) The district is governed by a board
11 of five directors.

12 (d) Permanent directors other than initial
13 permanent directors serve staggered four-year terms.

14 Revisor's Note

15 (1) Section 7(d), Chapter 673, Acts of the 71st
16 Legislature, Regular Session, 1989, refers to
17 "[p]ermanent" directors "other than initial permanent
18 directors." The revised law omits the quoted language
19 because the terms of the initial permanent directors
20 have expired, and it is no longer necessary to
21 distinguish between "initial permanent" and
22 "permanent" directors.

23 (2) Section 7(e), Chapter 673, Acts of the 71st
24 Legislature, Regular Session, 1989, provides that a
25 director must qualify to serve in the manner provided
26 by Sections 51.078 and 51.079, Water Code. The revised
27 law omits the reference to Sections 51.078 and 51.079,
28 Water Code, because those sections were repealed by
29 Chapter 715, Acts of the 74th Legislature, Regular
30 Session, 1995. Chapter 933, Acts of the 74th
31 Legislature, Regular Session, 1995, enacted Section
32 36.055, Water Code, which contains the qualification
33 procedures for a director of a groundwater
34 conservation district. A reference to Section 36.055,
35 Water Code, is unnecessary because that section
36 applies to the district under Section 8882.101 of this

1 chapter and Section 36.001(1), Water Code. The
2 omitted law reads:

3 (e) Each director must qualify to
4 serve as director in the manner provided by
5 Sections 51.078 and 51.079, Water Code.

6 (3) Section 7(f), Chapter 673, Acts of the 71st
7 Legislature, Regular Session, 1989, provides that a
8 director serves until a successor has qualified. The
9 revised law omits the provision because it duplicates
10 Section 17, Article XVI, Texas Constitution, which
11 provides that an officer in this state continues to
12 perform the officer's official duties until a
13 successor has qualified. The omitted law reads:

14 (f) A director serves until the
15 director's successor has qualified.

16 Revised Law

17 Sec. 8882.052. ELECTION DATE. The district shall hold an
18 election to elect the appropriate number of directors on the
19 uniform election date in May of every other year or another date
20 authorized by law. (Acts 71st Leg., R.S., Ch. 673, Sec. 10; New.)

21 Source Law

22 Sec. 10. On the uniform election date in May of
23 every other year, the appropriate number of directors
24 shall be elected to the board.

25 Revisor's Note

26 (1) Section 10, Chapter 673, Acts of the 71st
27 Legislature, Regular Session, 1989, provides that the
28 appropriate number of directors shall be elected on
29 the uniform election date in May of every other year.
30 The revised law adds "or another date authorized by
31 law" to acknowledge other legislative enactments such
32 as Section 41.0052, Election Code, as amended by
33 Chapter 1235, Acts of the 84th Legislature, Regular
34 Session, 2015, that would result in the election being
35 held on a date other than the date provided by the
36 source law.

1 (2) Section 7, Chapter 1196, Acts of the 84th
2 Legislature, Regular Session, 2015, amended Section
3 10, Chapter 673, Acts of the 71st Legislature, Regular
4 Session, 1989, to change the date for electing
5 directors. Section 13 of Chapter 1196 provided
6 transition procedures requiring the adjustment of
7 terms of certain directors to conform to the new
8 election date, if applicable. The revised law omits
9 the transition procedures regarding the terms as
10 executed. The omitted law reads:

11 Sec. 13. The governing body of a
12 groundwater conservation district for which
13 the election date has changed under the laws
14 amended by this Act shall adjust the terms
15 of office to conform to the new election
16 date, if applicable.

17 Revisor's Note
18 (End of Subchapter)

19 (1) Sections 7(b) and (c), Chapter 673, Acts of
20 the 71st Legislature, Regular Session, 1989, provide
21 for the terms of office of "temporary" and "initial
22 permanent" directors of the district. The revised law
23 omits Sections 7(b) and (c) as executed because the
24 terms of the temporary and initial permanent directors
25 have expired. The omitted law reads:

26 (b) Temporary directors serve until
27 initial permanent directors are elected
28 under Section 9 of this Act.

29 (c) Initial permanent directors
30 serve until permanent directors are elected
31 under Section 10 of this Act.

32 (2) Section 8, Chapter 673, Acts of the 71st
33 Legislature, Regular Session, 1989, names the
34 temporary directors and provides for filling vacancies
35 on the temporary board. Because the temporary
36 directors were appointed and the terms of the
37 temporary directors have expired, the revised law
38 omits those provisions as executed. The omitted law
39 reads:

1 Sec. 8. (a) The temporary board of
2 directors is composed of:

- 3 (1) David Turnbough
- 4 (2) Ray Hohstadt
- 5 (3) L. J. Sanders
- 6 (4) T. J. Miller
- 7 (5) Johnnie L. Fitzgerald

8 (b) If a temporary director fails to
9 qualify for office, the temporary directors
10 who have qualified shall appoint a person to
11 fill the vacancy. If at any time there are
12 fewer than three qualified temporary
13 directors, the Texas Water Commission shall
14 appoint the necessary number of persons to
15 fill all vacancies on the board.

16 (3) Section 9, Chapter 673, Acts of the 71st
17 Legislature, Regular Session, 1989, provides
18 procedures for holding an election to confirm the
19 district's creation and to elect the district's initial
20 board. The revised law omits those provisions as
21 executed because the district has been confirmed and
22 its initial board has been elected. The omitted law
23 reads:

24 Sec. 9. (a) The temporary board of
25 directors shall call and hold an election to
26 confirm establishment of the district and
27 to elect five initial directors.

28 (b) A person who desires to be a
29 candidate for the office of initial
30 director may file an application with the
31 temporary board to have the candidate's name
32 printed on the ballot as provided by Section
33 51.075, Water Code.

34 (c) At the confirmation and initial
35 directors' election, the temporary board of
36 directors shall have the names of the five
37 persons serving as temporary directors
38 placed on the ballot together with the name
39 of any candidate filing for the office of
40 director as provided by Subsection (b) of
41 this section and blank spaces to write in
42 the names of other persons. If the district
43 is created at the election, the temporary
44 directors, at the time the vote is
45 canvassed, shall declare the five persons
46 who receive the most votes to be elected as
47 the initial directors and shall include the
48 results of the directors' election in its
49 election report to the Texas Water
50 Commission.

51 (d) Subsection (a), Section 41.001,
52 Election Code, does not apply to a
53 confirmation and initial directors'
54 election held as provided by this section.

55 (e) Except as provided by this
56 section, a confirmation and initial
57 directors' election must be conducted as
58 provided by Sections 52.058(b) through (g),
59 Water Code, and the Election Code.

1 SUBCHAPTER C. POWERS AND DUTIES

2 Revised Law

3 Sec. 8882.101. GENERAL POWERS AND DUTIES. The district has
4 the rights, powers, privileges, functions, and duties provided by
5 the general law of this state, including Chapters 36 and 50, Water
6 Code, applicable to groundwater conservation districts created
7 under Section 59, Article XVI, Texas Constitution. (Acts 71st
8 Leg., R.S., Ch. 673, Sec. 6(a) (part).)

9 Source Law

10 Sec. 6. (a) The district has all of the rights,
11 powers, privileges, authority, functions, and duties
12 provided by the general law of this state, including
13 Chapters 50 and 52, Water Code, applicable to
14 underground water conservation districts created
15 under Article XVI, Section 59, of the Texas
16 Constitution. . . .

17 Revisor's Note

18 (1) Section 6(a), Chapter 673, Acts of the 71st
19 Legislature, Regular Session, 1989, refers to the
20 "rights, powers, privileges, [and] authority" of the
21 district. The revised law omits the reference to
22 "authority" because, in context, "authority" is
23 included in the meaning of "rights, powers, [and]
24 privileges."

25 (2) Section 6(a), Chapter 673, Acts of the 71st
26 Legislature, Regular Session, 1989, provides that the
27 district has the rights, powers, privileges,
28 authority, functions, and duties provided by the
29 general law of this state, "including Chapters 50 and
30 52, Water Code," applicable to underground water
31 conservation districts (now called groundwater
32 conservation districts as explained by Revisor's Note
33 (1) to Section 8882.002) created under Section 59,
34 Article XVI, Texas Constitution. The quoted phrase is
35 updated in the revised law to read "including Chapters
36 36 and 50, Water Code," as explained below.

37 Chapter 715, Acts of the 74th Legislature,

1 Regular Session, 1995, repealed Chapter 50, Water
2 Code, and enacted Chapter 49 of that code. Section
3 49.001(a)(1) of that code originally defined
4 "district" to mean any district created by authority
5 of either Sections 52(b)(1) and (2), Article III, or
6 Section 59, Article XVI, Texas Constitution,
7 regardless of how created (subject to certain
8 inapplicable exceptions). Furthermore, Section
9 49.002, Water Code, originally provided that Chapter
10 49 applied to all general and special law districts to
11 the extent that the provisions of that chapter did not
12 directly conflict with a provision in any other
13 chapter of the Water Code or any act creating or
14 affecting a special district. Accordingly, Chapter
15 49, Water Code, by its original terms, appeared to
16 apply to groundwater conservation districts.

17 Chapter 933, Acts of the 74th Legislature,
18 Regular Session, 1995, repealed Chapter 52, Water
19 Code, which governed underground water conservation
20 districts, and enacted Chapter 36, Water Code,
21 governing groundwater conservation districts.
22 Section 36.052, Water Code, provides that other laws
23 governing the administration or operations of
24 districts created under Section 52, Article III, or
25 Section 59, Article XVI, Texas Constitution, do not
26 apply to any district governed by Chapter 36. Section
27 36.052, Water Code, appears to conflict with Sections
28 49.001(a)(1) and 49.002 of that code as those sections
29 were originally enacted regarding the applicability of
30 Chapter 49, Water Code, to groundwater conservation
31 districts.

32 Chapter 1354 (H.B. 846), Acts of the 76th
33 Legislature, Regular Session, 1999, amended Chapter
34 49, Water Code, by amending the definition of

1 "district" in Section 49.001(a)(1) to exclude a
2 conservation and reclamation district governed by
3 Chapter 36 of that code unless a special law creating
4 the district or amending the law creating the district
5 states that Chapter 49 applies to the district. H.B.
6 846 also amended Chapter 49, Water Code, by adding
7 Section 49.002(b), which provides that Chapter 49 does
8 not apply to a district governed by Chapter 36 unless a
9 special law creating the district or amending the law
10 creating the district states that Chapter 49 applies
11 to the district. According to the Senate Research
12 Center's analysis of H.B. 846, Chapter 36, Water Code,
13 was enacted as a "stand-alone" chapter governing
14 groundwater conservation districts. Chapter 49 of
15 that code was enacted concurrently with the enactment
16 of Chapter 36 to provide administrative provisions for
17 most water districts other than groundwater
18 conservation districts. The amendments to Chapter 49
19 made by H.B. 846 were intended to provide "further
20 clarification" that Chapter 49 does not apply to
21 districts governed by Chapter 36. The staff of the
22 Texas Commission on Environmental Quality has also
23 expressed the opinion that Chapter 49, Water Code,
24 does not apply to districts that are governed by
25 Chapter 36.

26 The district is governed by Chapter 36, Water
27 Code, under this section and Section 36.001(1), Water
28 Code. Because the district is governed by Chapter 36,
29 Water Code, and the special law creating the district
30 does not state that Chapter 49 of that code applies to
31 the district, Chapter 49 does not apply to the
32 district. Section 6(c) of Chapter 673 provides that
33 "[if] there is a conflict between Chapters 36 and 49,
34 Water Code, Chapter 36 prevails." Although the

1 purpose of that provision is not clear, it does not
2 specifically apply Chapter 49, Water Code, to the
3 district; instead, it merely confirms that Chapter 36
4 of that code applies to the district. Accordingly, the
5 revised law substitutes a reference to Chapter 36,
6 Water Code, for the reference to Chapter 52 of that
7 code and does not substitute a reference to Chapter 49,
8 Water Code, for the reference to Chapter 50 of that
9 code.

10 In the same legislative session in which Chapter
11 50, Water Code, was repealed, two provisions of that
12 chapter were amended. Section 50.004, Water Code, was
13 amended by Chapter 667, Acts of the 74th Legislature,
14 Regular Session, 1995, and Section 50.107, Water Code,
15 was amended by Chapter 81, Acts of the 74th
16 Legislature, Regular Session, 1995. Because it is not
17 clear whether those provisions remain in effect, the
18 revised law retains the reference to Chapter 50, Water
19 Code, to preserve any ambiguity.

20 Similarly, in the same legislative session in
21 which Chapter 52, Water Code, was repealed, one
22 provision of that chapter was amended. Chapter 715,
23 Acts of the 74th Legislature, Regular Session, 1995,
24 amended Section 52.005, Water Code, to provide that
25 certain provisions of Chapter 49 of that code do not
26 apply to districts governed by Chapter 52. Although it
27 is not clear whether that provision remains in effect,
28 the revised law does not retain the reference to
29 Chapter 52, Water Code, because, as explained above,
30 no provision of Chapter 49 of that code applies to the
31 district.

32 (3) Section 6(b), Chapter 673, Acts of the 71st
33 Legislature, Regular Session, 1989, refers to the
34 continuing right of the state to supervise the

1 district through the Texas Water Commission. The
2 revised law omits the provision because the provision
3 duplicates in substance part of Section 12.081, Water
4 Code, which subjects certain districts, including
5 groundwater conservation districts, to the continuing
6 right of supervision of the Texas Water Commission's
7 successor agency, the Texas Commission on
8 Environmental Quality. The omitted law reads:

9 (b) The rights, powers, privileges,
10 authority, functions, and duties of the
11 district are subject to the continuing
12 right of supervision of the state to be
13 exercised by and through the Texas Water
14 Commission.

15 (4) Section 6(c), Chapter 673, Acts of the 71st
16 Legislature, Regular Session, 1989, provides that if
17 there is a conflict between Chapters 36 and 49, Water
18 Code, Chapter 36 prevails. The revised law omits that
19 provision because it duplicates in substance Section
20 36.052(a), Water Code, which provides in part that
21 Chapter 36, Water Code, prevails over any other law in
22 conflict or inconsistent with that chapter. The
23 omitted law reads:

24 (c) If there is a conflict between
25 Chapters 36 and 49, Water Code, Chapter 36
26 prevails.

27 Revisor's Note
28 (End of Chapter)

29 Section 11, Chapter 673, Acts of the 71st
30 Legislature, Regular Session, 1989, and Section 14,
31 Chapter 1196, Acts of the 84th Legislature, Regular
32 Session, 2015, recite legislative findings regarding
33 procedural requirements for legislation affecting the
34 district, including proper legal notice and the filing
35 of recommendations. The revised law omits those
36 provisions as executed. The omitted law reads:

37 [Acts 71st Leg., R.S., Ch. 673]
38 Sec. 11. (a) The proper and legal
39 notice of the intention to introduce this

1 Act, setting forth the general substance of
2 this Act, has been published as provided by
3 law, and the notice and a copy of this Act
4 have been furnished to all persons,
5 agencies, officials, or entities to which
6 they are required to be furnished by the
7 constitution and other laws of this state,
8 including the governor, who has submitted
9 the notice and Act to the Texas Water
10 Commission.

11 (b) The Texas Water Commission has
12 filed its recommendations relating to this
13 Act with the governor, lieutenant governor,
14 and speaker of the house of representatives
15 within the required time.

16 (c) All requirements of the
17 constitution and laws of this state and the
18 rules and procedures of the legislature
19 with respect to the notice, introduction,
20 and passage of this Act are fulfilled and
21 accomplished.

22 [Acts 84th Leg., R.S., Ch. 1196]

23 Sec. 14. (a) The legal notice of the
24 intention to introduce this Act, setting
25 forth the general substance of this Act, has
26 been published as provided by law, and the
27 notice and a copy of this Act have been
28 furnished to all persons, agencies,
29 officials, or entities to which they are
30 required to be furnished under Section 59,
31 Article XVI, Texas Constitution, and
32 Chapter 313, Government Code.

33 (b) The governor, one of the required
34 recipients, has submitted the notice and
35 Act to the Texas Commission on
36 Environmental Quality.

37 (c) The Texas Commission on
38 Environmental Quality has filed its
39 recommendations relating to this Act with
40 the governor, the lieutenant governor, and
41 the speaker of the house of representatives
42 within the required time.

43 (d) All requirements of the
44 constitution and laws of this state and the
45 rules and procedures of the legislature
46 with respect to the notice, introduction,
47 and passage of this Act are fulfilled and
48 accomplished.

49 CHAPTER 8883. SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT

50 SUBCHAPTER A. GENERAL PROVISIONS

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11 CHAPTER 8883. SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Revised Law

14 Sec. 8883.001. DEFINITIONS. In this chapter:

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

16 (2) "Director" means a board member.

17 (3) "District" means the Santa Rita Underground Water

18 Conservation District. (Acts 71st Leg., R.S., Ch. 653, Secs. 1(a)

19 (part), 2; New.)

20 Source Law

21 Sec. 1. (a) . . . to be known as the Santa Rita

22 Underground Water Conservation District,

23 Sec. 2. In this Act, "district" means the Santa

24 Rita Underground Water Conservation District.

25 Revisor's Note

26 The definitions of "board" and "director" are

27 added to the revised law for drafting convenience and

28 to eliminate frequent, unnecessary repetition of the

29 substance of the definitions.

30 Revised Law

31 Sec. 8883.002. NATURE OF DISTRICT. The district is a

32 groundwater conservation district in Reagan County created under

33 and essential to accomplish the purposes of Section 59, Article

34 XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 653, Secs. 1(a)

35 (part), (b).)

1 Source Law

2 Sec. 1. (a) An underground water conservation
3 district, . . . is created in Reagan County,

4 (b) The district is created under and is
5 essential to accomplish the purposes of Article XVI,
6 Section 59, of the Texas Constitution.

7 Revisor's Note

8 (1) Section 1(a), Chapter 653, Acts of the 71st
9 Legislature, Regular Session, 1989, refers to the
10 district as an "underground water" conservation
11 district. Throughout this chapter, except when that
12 phrase is used as part of the district's name, the
13 revised law substitutes "groundwater" for
14 "underground water" to conform to the term used in
15 Chapter 36, Water Code.

16 (2) Section 1(a), Chapter 653, Acts of the 71st
17 Legislature, Regular Session, 1989, refers to a
18 confirmation election. Because the confirmation
19 election has already been held, the revised law omits
20 the provision as executed. The omitted law reads:

21 (a) . . . subject to approval at a
22 confirmation election under Section 9 of
23 this Act. . . .

24 (3) Section 1(a), Chapter 653, Acts of the 71st
25 Legislature, Regular Session, 1989, provides that the
26 district is a governmental agency and a body politic
27 and corporate. The revised law omits the provision
28 because it duplicates a portion of Section 59(b),
29 Article XVI, Texas Constitution, which provides that a
30 conservation and reclamation district is a
31 governmental agency and a body politic and corporate.
32 The omitted law reads:

33 (a) . . . The district is a
34 governmental agency and a body politic and
35 corporate.

36 Revised Law

37 Sec. 8883.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
38 district is created to serve a public use and benefit.

1 (b) All land and other property included in the district
2 will benefit from the works and projects accomplished by the
3 district under the powers conferred by Section 59, Article XVI,
4 Texas Constitution. (Acts 71st Leg., R.S., Ch. 653, Sec. 5.)

5 Source Law

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

13 Revised Law

14 Sec. 8883.004. DISTRICT TERRITORY. (a) Except as provided
15 by Subsection (b), the district includes the territory in Reagan
16 County unless the district's territory has been modified under:

- 17 (1) Subchapter J or K, Chapter 36, Water Code; or
18 (2) other law.

19 (b) The district does not include any territory that was
20 annexed into the Glasscock County Underground Water Conservation
21 District under the then applicable annexation provisions of Chapter
22 51, Water Code, before June 14, 1989. (Acts 71st Leg., R.S., Ch.
23 653, Secs. 3, 14(a); New.)

24 Source Law

25 Sec. 3. The district includes all of the
26 territory located within Reagan County.

27 Sec. 14. (a) This Act shall not apply to any
28 lands which have been annexed into the Glasscock
29 County Underground Water Conservation District
30 pursuant to Section 51.714 et seq., Water Code, prior
31 to the effective date of this Act.

32 Revisor's Note

33 (1) Section 3, Chapter 653, Acts of the 71st
34 Legislature, Regular Session, 1989, contains a
35 description of the territory of the district. That
36 description may not be accurate on the effective date
37 of the revised law or at the time of a later reading
38 because the district's boundaries are subject to
39 change. For the reader's convenience, the revised law

1 adds references to the authority to change the
2 district's territory under Subchapter J or K, Chapter
3 36, Water Code, applicable to groundwater conservation
4 districts, and to the general authority of the
5 legislature to enact other laws under which the
6 district's territory may change.

7 (2) Section 4, Chapter 653, Acts of the 71st
8 Legislature, Regular Session, 1989, recites
9 legislative findings relating to mistakes in the field
10 notes of the boundaries of the district. Many
11 enactments creating special districts contain field
12 notes with an extensive metes and bounds description
13 of the district. Typically a provision such as Section
14 4 is added to account for an error in the description.
15 Chapter 653, however, contains no field notes of a
16 metes and bounds description, but instead refers to
17 the boundaries of certain existing political
18 subdivisions. As such the findings relating to
19 mistakes in the field notes in Section 4 may be omitted
20 from the revision as unnecessary. The omitted law
21 reads:

22 Sec. 4. The legislature finds that
23 the boundaries and field notes of the
24 district form a closure. A mistake in the
25 field notes or in copying the field notes in
26 the legislative process does not affect the
27 organization, existence, or validity of the
28 district, the right of the district to levy
29 and collect taxes, or the legality or
30 operation of the district or its governing
31 body.

32 (3) Section 14(a), Chapter 653, Acts of the 71st
33 Legislature, Regular Session, 1989, limits the
34 applicability of that act by excluding from the act's
35 application "lands which have been annexed into the
36 Glasscock County Underground Water Conservation
37 District pursuant to Section 51.714 et seq., Water
38 Code, prior to [1989]." That limitation on the

1 applicability of the act has the effect of excluding
2 territory from the district. For simplicity, the
3 revised law is drafted accordingly. Furthermore, the
4 provisions referred to as "Section 51.714 et seq."
5 were amended and repealed after 1989 by conflicting
6 acts. For the reader's convenience, the revised law
7 substitutes for the reference to "Section 51.714 et
8 seq., Water Code," a reference to the annexation
9 provisions of Chapter 51, Water Code, that applied to
10 the district before the effective date of the
11 legislation creating the district in 1989.

12 Revised Law

13 Sec. 8883.005. OWNERSHIP OF GROUNDWATER AND SURFACE WATER
14 RIGHTS. The ownership and rights of the owner of land, the owner's
15 lessees, and assigns in groundwater and any surface water rights
16 are recognized, and this chapter does not deprive or divest the
17 owner, the owner's lessees, or assigns of those ownership rights.
18 (Acts 71st Leg., R.S., Ch. 653, Sec. 11(c).)

19 Source Law

20 (c) The ownership and rights of the owner of
21 land, the owner's lessees, and assigns in underground
22 and any surface water rights are recognized, and this
23 Act does not deprive or divest the owner, the owner's
24 lessees, and assigns of those ownership rights.

25 Revisor's Note
26 (End of Subchapter)

27 (1) Section 6(a), Chapter 653, Acts of the 71st
28 Legislature, Regular Session, 1989, provides that the
29 act prevails over general law in case of a conflict or
30 other inconsistency. The revised law omits the
31 provision because it duplicates in substance Section
32 311.026, Government Code (Code Construction Act). The
33 omitted law reads:

34 (a) . . . This Act prevails over any
35 provision of general law that is in conflict
36 or inconsistent with this Act.

37 (2) Section 14(b), Chapter 653, Acts of the 71st

1 Legislature, Regular Session, 1989, provides for a
2 process by which a landowner may petition for
3 exclusion of lands from the district within a certain
4 period. The revised law omits those provisions
5 because that period has expired. The omitted law
6 reads:

7 (b) Within one year of the effective
8 date of this Act, a landowner who owns land
9 within a delineated critical area pursuant
10 to Section 52.053, Water Code, may petition
11 for exclusion of lands from the district and
12 such petition shall be granted if the
13 following requirements are met:

14 (1) Within one calendar year
15 from the effective date of this Act, the
16 owner of land who owns land with a
17 delineated critical area pursuant to
18 Section 52.053, Water Code, and whose lands
19 are within the district may file with the
20 board a petition requesting that the owner's
21 land be excluded from the district. The
22 petition must describe the land by legal
23 description or by metes and bounds or by lot
24 and block number if there is a recorded plat
25 of the area to be excluded from the
26 district. This petition must be signed and
27 notarized by the owner of the land.

28 (2) The board shall accept the
29 petition immediately and shall grant
30 exclusion of the land described in the
31 petition, the only requirement for review
32 by the board being that of conformity to
33 Subdivision (1) of this subsection.

34 (3) A petition that is granted
35 excluding land from the district shall be
36 filed of record in the office of the county
37 clerk of Reagan County, Texas.

38 (4) During the one-year period,
39 the district shall not incur any
40 indebtedness nor have any bonds, notes, or
41 other obligations outstanding or payable in
42 whole or in part, issued or unissued, for
43 which the excluded lands shall be liable.

44 SUBCHAPTER B. BOARD OF DIRECTORS

45 Revised Law

46 Sec. 8883.051. COMPOSITION OF BOARD; TERMS. (a) The
47 district is governed by a board of five directors.

48 (b) Directors serve staggered four-year terms. (Acts 71st
49 Leg., R.S., Ch. 653, Secs. 7(a) (part), (c).)

50 Source Law

51 Sec. 7. (a) The district is governed by a board
52 of five directors. . . .

1 (c) Permanent directors other than
2 first-elected permanent directors serve staggered
3 four-year terms.

4 Revisor's Note

5 (1) Section 7(c), Chapter 653, Acts of the 71st
6 Legislature, Regular Session, 1989, refers to
7 "[p]ermanent" directors "other than first-elected
8 permanent directors." The revised law omits the
9 quoted language because the terms of the first-elected
10 permanent directors have expired, and it is no longer
11 necessary to distinguish between "first-elected
12 permanent" and "permanent" directors.

13 (2) Section 7(d), Chapter 653, Acts of the 71st
14 Legislature, Regular Session, 1989, provides that a
15 director must qualify to serve in the manner provided
16 by Sections 51.078 and 51.079, Water Code. The revised
17 law omits the reference to Sections 51.078 and 51.079,
18 Water Code, because those sections were repealed by
19 Chapter 715, Acts of the 74th Legislature, Regular
20 Session, 1995. Chapter 933, Acts of the 74th
21 Legislature, Regular Session, 1995, enacted Section
22 36.055, Water Code, which contains the qualification
23 procedures for a director of a groundwater
24 conservation district. A reference to Section 36.055,
25 Water Code, is unnecessary because that section
26 applies to the district under Section 8883.101 of this
27 chapter and Section 36.001(1), Water Code. The
28 omitted law reads:

29 (d) Each director must qualify to
30 serve as director in the manner provided by
31 Sections 51.078 and 51.079, Water Code.

32 (3) Section 7(e), Chapter 653, Acts of the 71st
33 Legislature, Regular Session, 1989, provides that a
34 director serves until a successor has qualified. The
35 revised law omits the provision because it duplicates
36 Section 17, Article XVI, Texas Constitution, which

1 provides that an officer in this state continues to
2 perform the officer's official duties until a
3 successor has qualified. The omitted law reads:

4 (e) A director serves until the
5 director's successor has qualified.

6 Revised Law

7 Sec. 8883.052. ELIGIBILITY AND ELECTION OF DIRECTORS. (a)

8 A director must be:

9 (1) 18 years of age or older; and

10 (2) a resident of the district.

11 (b) One director is elected from each county commissioner
12 precinct. One director is elected at large.

13 (c) Section 141.001(a)(5), Election Code, and Section
14 36.059(b), Water Code, do not apply to the district. (Acts 71st
15 Leg., R.S., Ch. 653, Secs. 7(a) (part), (f), 10(a).)

16 Source Law

17 Sec. 7. (a) . . . A director must be 18 years of
18 age or older and must be a resident of the district.

19 (f) Section 141.001(a)(5), Election Code, and
20 Section 36.059(b), Water Code, do not apply to the
21 district.

22 Sec. 10. (a) One director shall be elected
23 from each county commissioner precinct and one
24 director shall be elected at large.

25 Revised Law

26 Sec. 8883.053. ELECTION DATE. The district shall hold an
27 election to elect the appropriate number of directors on the
28 uniform election date in May of each odd-numbered year or another
29 date authorized by law. (Acts 71st Leg., R.S., Ch. 653, Sec. 10(b);
30 New.)

31 Source Law

32 (b) On the uniform election date in May of each
33 odd-numbered year, an election shall be held in the
34 district for the election of the appropriate number of
35 directors.

36 Revisor's Note

37 Section 10(b), Chapter 653, Acts of the 71st
38 Legislature, Regular Session, 1989, provides that the

1 appropriate number of directors shall be elected on
2 the uniform election date in May of each odd-numbered
3 year. The revised law adds "or another date authorized
4 by law" to acknowledge other legislative enactments
5 such as Section 41.0052, Election Code, as amended by
6 Chapter 1235, Acts of the 84th Legislature, Regular
7 Session, 2015, that would result in the election being
8 held on a date other than the date provided by the
9 source law.

10 Revised Law

11 Sec. 8883.054. COMPENSATION; EXPENSES. (a) Unless the
12 board by resolution increases the fees of office to an amount
13 authorized by Section 36.060(a), Water Code, each director is
14 entitled to receive for the director's services \$25 a month in
15 compensation.

16 (b) Each director may be reimbursed for actual expenses
17 incurred in the performance of official duties.

18 (c) The expenses described by Subsection (b) must be:

19 (1) reported in the district's records; and

20 (2) approved by the board. (Acts 71st Leg., R.S., Ch.
21 653, Sec. 11(a); New.)

22 Source Law

23 Sec. 11. (a) Each director is entitled to
24 receive for his services \$25 a month in compensation
25 and may be reimbursed for actual expenses incurred in
26 the performance of official duties. Those expenses
27 must be reported in the district's minute book or
28 district records and must be approved by the board.

29 Revisor's Note

30 (1) Section 11(a), Chapter 653, Acts of the 71st
31 Legislature, Regular Session, 1989, provides for a
32 director's fee of \$25 a month. Section 36.060, Water
33 Code, enacted in 1995 and applicable to the district,
34 authorizes higher fees. Section 36.060(d), however,
35 provides that if the amount of the fee set by Section
36 36.060(a) would result in a fee increase, the increase

1 does not apply to a district unless the board by
2 resolution adopts a higher fee. Accordingly, the
3 revised law adds a reference to the board's authority
4 to increase the fee under Section 36.060, Water Code.

5 (2) Section 11(a), Chapter 653, Acts of the 71st
6 Legislature, Regular Session, 1989, requires that
7 approved expenses be reported in the "district's
8 minute book or district records." The revised law
9 omits the reference to the "district's minute book"
10 because the district's minute book is a district
11 record.

12 Revisor's Note
13 (End of Subchapter)

14 (1) Section 7(b), Chapter 653, Acts of the 71st
15 Legislature, Regular Session, 1989, provides for the
16 terms of office of "temporary directors who become the
17 initial permanent directors" of the district. The
18 revised law omits Section 7(b) as executed because the
19 terms of the initial permanent directors have expired.
20 The omitted law reads:

21 (b) The temporary directors who
22 become the initial permanent directors
23 serve until permanent directors are elected
24 under Section 10 of this Act.

25 (2) Section 8, Chapter 653, Acts of the 71st
26 Legislature, Regular Session, 1989, names the
27 temporary directors and provides for filling vacancies
28 on the temporary board. Because the temporary
29 directors were appointed and their terms have expired,
30 the revised law omits those provisions as executed.
31 The omitted law reads:

32 Sec. 8. (a) The temporary board of
33 directors is composed of:
34 (1) Precinct 1-Joe Dean
35 Weatherby
36 (2) Precinct 2-Norman Guess
37 (3) Precinct 3-Mark Henderson
38 (4) Precinct 4-James Walter
39 Mathews II
40 (5) At large-John Agee

1 (b) If a temporary director fails to
2 qualify for office, the temporary directors
3 who have qualified shall appoint a person to
4 fill the vacancy. If at any time there are
5 fewer than three qualified temporary
6 directors, the Texas Water Commission shall
7 appoint the necessary number of persons to
8 fill all vacancies on the board.

9 (3) Section 9, Chapter 653, Acts of the 71st
10 Legislature, Regular Session, 1989, provides
11 procedures for holding an election to confirm the
12 district's creation. The revised law omits those
13 provisions as executed because the district has been
14 confirmed. The omitted law reads:

15 Sec. 9. (a) The temporary board of
16 directors shall call and hold an election to
17 confirm establishment of the district.

18 (b) If the district is created at the
19 confirmation election, the temporary
20 directors, at the time the vote is
21 canvassed, become the initial permanent
22 directors of the district.

23 (c) Subsection (a), Section 41.001,
24 Election Code, does not apply to a
25 confirmation election held as provided by
26 this section.

27 (d) Except as provided by this
28 section, a confirmation election must be
29 conducted as provided by Subsections (b)
30 through (g), Section 52.058, Water Code,
31 and the Election Code.

32 SUBCHAPTER C. POWERS AND DUTIES

33 Revised Law

34 Sec. 8883.101. GENERAL POWERS AND DUTIES. The district has
35 the rights, powers, privileges, functions, and duties provided by
36 the general law of this state, including Chapter 36, Water Code,
37 applicable to groundwater conservation districts created under
38 Section 59, Article XVI, Texas Constitution. (Acts 71st Leg.,
39 R.S., Ch. 653, Sec. 6(a) (part).)

40 Source Law

41 Sec. 6. (a) The district has all of the rights,
42 powers, privileges, authority, functions, and duties
43 provided by the general law of this state, including
44 Chapter 36, Water Code, applicable to groundwater
45 conservation districts created under Article XVI,
46 Section 59, of the Texas Constitution. . . .

47 Revisor's Note

48 Section 6(a), Chapter 653, Acts of the 71st

1 Legislature, Regular Session, 1989, refers to the
2 "rights, powers, privileges, [and] authority" of the
3 district. The revised law omits the reference to
4 "authority" because, in context, "authority" is
5 included in the meaning of "rights, powers, [and]
6 privileges."

7 Revised Law

8 Sec. 8883.102. PAYMENT OF CERTAIN EXPENSES. (a) The board
9 may pay:

10 (1) all costs and expenses necessarily incurred in the
11 creation and organization of the district;

12 (2) legal fees; and

13 (3) other incidental expenses.

14 (b) The board may reimburse a person for money advanced for
15 a purpose described by Subsection (a). (Acts 71st Leg., R.S., Ch.
16 653, Sec. 11(d).)

17 Source Law

18 (d) The district's directors may pay all costs
19 and expenses necessarily incurred in the creation and
20 organization of the district, legal fees, and other
21 incidental expenses and may reimburse any person for
22 money advanced for those purposes.

23 Revisor's Note

24 Section 11(d), Chapter 653, Acts of the 71st
25 Legislature, Regular Session, 1989, provides that the
26 directors may pay "all costs and expenses necessarily
27 incurred in the creation and organization of the
28 district, legal fees, and other incidental expenses."
29 Section 36.157(a), Water Code, includes similar
30 language that allows payments of organizational
31 expenses, "*including* legal fees and other incidental
32 expenses" (emphasis added). Normally, the revised law
33 would omit language that so nearly duplicates an
34 applicable section of general law. However, because it
35 is not clear from the placement or wording of Section
36 11(d) whether the provision was intended to allow the

1 directors to make payments of legal fees and other
2 incidental expenses only at the time of the district's
3 organization or whether it was intended to continue to
4 apply as an ongoing right of the board, the revised law
5 retains the provision to preserve the ambiguity.

6 Revised Law

7 Sec. 8883.103. APPEARANCE BEFORE RAILROAD COMMISSION. The
8 district, through the directors or the district's general manager,
9 may appear before the Railroad Commission of Texas and present
10 evidence and information relating to a pending permit application
11 for an injection well to be located in the district. (Acts 71st
12 Leg., R.S., Ch. 653, Sec. 11(b).)

13 Source Law

14 (b) The district, through the members of its
15 board or its general manager, may appear before the
16 Railroad Commission of Texas and present evidence and
17 information relating to any pending permit application
18 for an injection well to be located within the
19 district.

20 Revised Law

21 Sec. 8883.104. PROHIBITION: SUPPLY OF WATER. The district
22 may not contract to or take an action to supply groundwater inside
23 or outside the district. (Acts 71st Leg., R.S., Ch. 653, Sec.
24 11(e).)

25 Source Law

26 (e) The district may not enter into any contract
27 or engage in any action to supply underground water
28 inside or outside the district.

29 Revisor's Note
30 (End of Subchapter)

31 Section 6(b), Chapter 653, Acts of the 71st
32 Legislature, Regular Session, 1989, refers to the
33 continuing right of the state to supervise the
34 district through the Texas Water Commission. The
35 revised law omits the provision because the provision
36 duplicates in substance part of Section 12.081, Water
37 Code, which subjects certain districts, including
38 groundwater conservation districts, to the continuing

1 right of supervision of the Texas Water Commission's
2 successor agency, the Texas Commission on
3 Environmental Quality. The omitted law reads:

4 (b) The rights, powers, privileges,
5 authority, functions, and duties of the
6 district are subject to the continuing
7 right of supervision of the state to be
8 exercised by and through the Texas Water
9 Commission.

10 Revisor's Note
11 (End of Chapter)

12 (1) Section 12, Chapter 653, Acts of the 71st
13 Legislature, Regular Session, 1989; Section 4, Chapter
14 879, Acts of the 81st Legislature, Regular Session,
15 2009; and Section 14, Chapter 1196, Acts of the 84th
16 Legislature, Regular Session, 2015, recite
17 legislative findings regarding procedural
18 requirements for legislation affecting the district
19 under the constitution and other laws and rules,
20 including proper legal notice and the filing of
21 recommendations. The revised law omits those
22 provisions as executed. The omitted law reads:

23 [Acts 71st Leg., R.S., Ch. 653]

24 Sec. 12. (a) The proper and legal
25 notice of the intention to introduce this
26 Act, setting forth the general substance of
27 this Act, has been published as provided by
28 law, and the notice and a copy of this Act
29 have been furnished to all persons,
30 agencies, officials, or entities to which
31 they are required to be furnished by the
32 constitution and other laws of this state,
33 including the governor, who has submitted
34 the notice and Act to the Texas Water
35 Commission.

36 (b) The Texas Water Commission has
37 filed its recommendations relating to this
38 Act with the governor, lieutenant governor,
39 and speaker of the house of representatives
40 within the required time.

41 (c) All requirements of the
42 constitution and laws of this state and the
43 rules and procedures of the legislature
44 with respect to the notice, introduction,
45 and passage of this Act are fulfilled and
46 accomplished.

47 [Acts 81st Leg., R.S., Ch. 879]

48 Sec. 4. (a) The legal notice of the
49 intention to introduce this Act, setting
50 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 [Acts 84th Leg., R.S., Ch. 1196]

25 Sec. 14. (a) The legal notice of the
26 intention to introduce this Act, setting
27 forth the general substance of this Act, has
28 been published as provided by law, and the
29 notice and a copy of this Act have been
30 furnished to all persons, agencies,
31 officials, or entities to which they are
32 required to be furnished under Section 59,
33 Article XVI, Texas Constitution, and
34 Chapter 313, Government Code.

35 (b) The governor, one of the required
36 recipients, has submitted the notice and
37 Act to the Texas Commission on
38 Environmental Quality.

39 (c) The Texas Commission on
40 Environmental Quality has filed its
41 recommendations relating to this Act with
42 the governor, the lieutenant governor, and
43 the speaker of the house of representatives
44 within the required time.

45 (d) All requirements of the
46 constitution and laws of this state and the
47 rules and procedures of the legislature
48 with respect to the notice, introduction,
49 and passage of this Act are fulfilled and
50 accomplished.

51 (2) Section 13, Chapter 653, Acts of the 71st
52 Legislature, Regular Session, 1989, provides for the
53 expiration of the act if the district is not confirmed.
54 The revised law omits the provision as executed
55 because the district has been confirmed. The omitted
56 law reads:

57 Sec. 13. If creation of the district
58 is not confirmed before the fifth
59 anniversary of the effective date of this
60 Act, this Act expires.

1 CHAPTER 8884. SARATOGA UNDERGROUND WATER CONSERVATION DISTRICT

2 SUBCHAPTER A. GENERAL PROVISIONS

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14 CHAPTER 8884. SARATOGA UNDERGROUND WATER CONSERVATION DISTRICT

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Revised Law

17 Sec. 8884.001. DEFINITIONS. In this chapter:

- 18 (1) "Board" means the district's board of directors.
- 19 (2) "Director" means a board member.
- 20 (3) "District" means the Saratoga Underground Water

21 Conservation District. (Acts 71st Leg., R.S., Ch. 519, Secs. 1(a)
22 (part), 2; New.)

23 Source Law

24 Sec. 1. (a) . . . to be known as the Saratoga
25 Underground Water Conservation District,

26 Sec. 2. In this Act, "district" means the
27 Saratoga Underground Water Conservation District.

28 Revisor's Note

29 The definitions of "board" and "director" are
30 added to the revised law for drafting convenience and
31 to eliminate frequent, unnecessary repetition of the
32 substance of the definitions.

33 Revised Law

34 Sec. 8884.002. NATURE OF DISTRICT. The district is a
35 groundwater conservation district in Lampasas County created under

1 and essential to accomplish the purposes of Section 59, Article
2 XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 519, Secs. 1(a)
3 (part), (b).)

4 Source Law

5 Sec. 1. (a) An underground water conservation
6 district, [to be known as the Saratoga Underground
7 Water Conservation District,] is created in Lampasas
8 County,

9 (b) The district is created under and is
10 essential to accomplish the purposes of Article XVI,
11 Section 59, of the Texas Constitution.

12 Revisor's Note

13 (1) Section 1(a), Chapter 519, Acts of the 71st
14 Legislature, Regular Session, 1989, refers to the
15 district as an "underground water conservation
16 district." Throughout this chapter, the revised law
17 substitutes "groundwater conservation district" for
18 the quoted language to conform to the term used in
19 Chapter 36, Water Code.

20 (2) Section 1(a), Chapter 519, Acts of the 71st
21 Legislature, Regular Session, 1989, refers to a
22 confirmation election. Because the confirmation
23 election has already been held, the revised law omits
24 the provision as executed. The omitted law reads:

25 (a) . . . subject to approval at a
26 confirmation election under Section 9 of
27 this Act. . . .

28 (3) Section 1(a), Chapter 519, Acts of the 71st
29 Legislature, Regular Session, 1989, provides that the
30 district is a governmental agency and a body politic
31 and corporate. The revised law omits the provision
32 because it duplicates a portion of Section 59(b),
33 Article XVI, Texas Constitution, which provides that a
34 conservation and reclamation district is a
35 governmental agency and a body politic and corporate.
36 The omitted law reads:

37 (a) . . . The district is a
38 governmental agency and a body politic and
39 corporate.

1 Revised Law

2 Sec. 8884.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
3 district is created to serve a public use and benefit.

4 (b) All land and other property included in the district
5 will benefit from the works and projects accomplished by the
6 district under the powers conferred by Section 59, Article XVI,
7 Texas Constitution. (Acts 71st Leg., R.S., Ch. 519, Sec. 5.)

8 Source Law

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

16 Revised Law

17 Sec. 8884.004. DISTRICT TERRITORY. The district includes
18 the territory located in Lampasas County, unless the district's
19 territory has been modified under:

- 20 (1) Subchapter J or K, Chapter 36, Water Code; or
21 (2) other law. (Acts 71st Leg., R.S., Ch. 519, Sec. 3;
22 New.)

23 Source Law

24 Sec. 3. The district includes all the territory
25 located within Lampasas County.

26 Revisor's Note

27 (1) Section 3, Chapter 519, Acts of the 71st
28 Legislature, Regular Session, 1989, contains a
29 description of the territory of the district. That
30 description may not be accurate on the effective date
31 of the revised law or at the time of a later reading
32 because the district's boundaries are subject to
33 change. For the reader's convenience, the revised law
34 adds references to the authority to change the
35 district's territory under Subchapter J or K, Chapter
36 36, Water Code, applicable to groundwater conservation
37 districts, and to the general authority of the

1 legislature to enact other laws under which the
2 district's territory may change.

3 (2) Section 4, Chapter 519, Acts of the 71st
4 Legislature, Regular Session, 1989, states that the
5 boundaries of the district form a closure. Many
6 enactments creating special districts contain field
7 notes with an extensive metes and bounds description
8 of the district to which a statement about the
9 boundaries forming a closure would be applicable.
10 Chapter 519, however, contains no field notes of a
11 metes and bounds description, but instead refers to
12 the boundaries of an existing political subdivision.
13 As such the statement about the boundaries forming a
14 closure in Section 4 may be omitted from the revision
15 as unnecessary. The omitted law reads:

16 Sec. 4. The legislature finds that
17 the boundaries of the district form a
18 closure.

19 Revisor's Note
20 (End of Subchapter)

21 (1) Section 6(a), Chapter 519, Acts of the 71st
22 Legislature, Regular Session, 1989, provides that the
23 act prevails over general law in case of a conflict or
24 other inconsistency. The revised law omits the
25 provision because it duplicates in substance Section
26 311.026, Government Code (Code Construction Act). The
27 omitted law reads:

28 (a) . . . This Act prevails over any
29 provision of general law that is in conflict
30 or inconsistent with this Act.

31 (2) Sections 8 and 9, Chapter 519, Acts of the
32 71st Legislature, Regular Session, 1989, provide for
33 the membership of the temporary board of directors and
34 provide procedures for holding an election to confirm
35 the district's creation and make the temporary members
36 of the board of directors permanent. The revised law

1 omits those provisions as executed because the terms
2 of the temporary directors have expired and the
3 creation of the district and the membership of the
4 initial board have been confirmed. The omitted law
5 reads:

6 Sec. 8. The county judge and the
7 county commissioners of Lampasas County
8 shall serve as the temporary board of
9 directors.

10 Sec. 9. (a) The temporary board of
11 directors shall call and hold an election to
12 confirm establishment of the district.

13 (b) At the confirmation election, the
14 temporary board of directors may not
15 include a proposition on the ballot to levy
16 and collect a property tax in the district.

17 (c) If the district is created at the
18 election, the temporary directors, at the
19 time the vote is canvassed, shall become the
20 regular directors of the district.

21 (d) Section 41.001(a), Election
22 Code, does not apply to a confirmation
23 election held as provided by this section.

24 (e) Except as provided by this
25 section, a confirmation election must be
26 conducted as provided by Sections
27 52.058(b)-(g), Water Code, and the Election
28 Code.

29 SUBCHAPTER B. BOARD OF DIRECTORS

30 Revised Law

31 Sec. 8884.051. COMPOSITION OF BOARD; TERMS. (a) The
32 district is governed by a board of five elected directors.

33 (b) Directors serve staggered four-year terms. (Acts 71st
34 Leg., R.S., Ch. 519, Secs. 7(a) (part), (b).)

35 Source Law

36 Sec. 7. (a) The district is governed by a board
37 of five directors to be elected

38 (b) Directors serve staggered four-year terms.

39 Revised Law

40 Sec. 8884.052. ELECTION OF DIRECTORS. (a) Directors are
41 elected according to the commissioners precinct method as provided
42 by this section.

43 (b) One director is elected by the voters of the entire
44 district. One director is elected from each county commissioners
45 precinct by the voters of that precinct.

46 (c) A person shall indicate on the application for a place

1 on the ballot:

2 (1) the precinct that the person seeks to represent;

3 or

4 (2) that the person seeks to represent the district at
5 large.

6 (d) When the boundaries of the county commissioners
7 precincts are redrawn under Section 18, Article V, Texas
8 Constitution, a director in office on the effective date of the
9 change, or elected or appointed before the effective date of the
10 change to a term of office beginning on or after the effective date
11 of the change, shall serve the term or the remainder of the term
12 representing the precinct from which the person was elected or
13 appointed even though the change in boundaries places the person's
14 residence outside that precinct. (Acts 71st Leg., R.S., Ch. 519,
15 Secs. 7(a) (part), (d), (f), (g).)

16 Source Law

17 Sec. 7. (a) . . . to be elected according to
18 the commissioners precinct method as provided by this
19 section.

20 (d) One director shall be elected by the voters
21 of the entire district, and one director shall be
22 elected from each county commissioners precinct by the
23 voters of that precinct.

24 (f) A person shall indicate on the application
25 for a place on the ballot:

26 (1) the precinct that the person seeks to
27 represent; or

28 (2) that the person seeks to represent the
29 district at large.

30 (g) When the boundaries of the county
31 commissioners precincts are redrawn under Section 18,
32 Article V, Texas Constitution, a director in office on
33 the effective date of the change, or elected or
34 appointed before the effective date of the change to a
35 term of office beginning on or after the effective date
36 of the change, shall serve the term or the remainder of
37 the term in the precinct to which elected or appointed
38 even though the change in boundaries places the
39 person's residence outside the precinct for which the
40 person was elected or appointed.

41 Revised Law

42 Sec. 8884.053. ELECTION DATE. The district shall hold an
43 election to elect the appropriate number of directors on the
44 uniform election date in November of each even-numbered year. (Acts

1 71st Leg., R.S., Ch. 519, Sec. 7(c).)

2 Source Law

3 (c) On the uniform election date in November of
4 each even-numbered year, the appropriate number of
5 directors shall be elected.

6 Revised Law

7 Sec. 8884.054. QUALIFICATIONS FOR OFFICE. (a) Except as
8 provided by Section 8884.052(d), to be eligible to be a candidate
9 for or to serve as director at large, a person must be a registered
10 voter of the district.

11 (b) To be a candidate for or to serve as director from a
12 county commissioners precinct, a person must be a registered voter
13 of that precinct. (Acts 71st Leg., R.S., Ch. 519, Sec. 7(e).)

14 Source Law

15 (e) Except as provided by Subsection (g) of this
16 section, to be eligible to be a candidate for or to
17 serve as director at large, a person must be a
18 registered voter in the district. To be a candidate for
19 or to serve as director from a county commissioners
20 precinct, a person must be a registered voter of that
21 precinct.

22 Revisor's Note
23 (End of Subchapter)

24 Section 2, Chapter 1173, Acts of the 79th
25 Legislature, Regular Session, 2005, requires the
26 commissioners court of Lampasas County to appoint
27 temporary directors to replace any directors serving
28 at the time of the act's passage, describes the
29 qualifications required for service as a temporary
30 director, and establishes terms of office for the
31 temporary directors. Because the terms of the
32 temporary directors have expired, the revised law
33 omits those provisions as executed. The omitted law
34 reads:

35 Sec. 2. (a) As soon as practicable
36 after the effective date of this Act, the
37 Lampasas County Commissioners Court shall
38 appoint five temporary directors to the
39 board of directors of the Saratoga
40 Underground Water Conservation District.
41 The temporary directors appointed under
42 this section replace the persons serving as

1 directors immediately before the effective
2 date of this Act.

3 (b) The commissioners court shall
4 appoint one person to represent the
5 district at large and one person from each
6 county commissioners precinct. To be
7 eligible to be appointed as director at
8 large, a person must be a registered voter
9 in the district. To be eligible to be
10 appointed from a county commissioners
11 precinct, a person must be a registered
12 voter of that precinct.

13 (c) The director appointed to
14 represent the district at large and the
15 directors appointed from precincts two and
16 four shall serve until the November uniform
17 election date in 2006. The directors
18 appointed from precincts one and three
19 shall serve until the November uniform
20 election date in 2008.

21 SUBCHAPTER C. POWERS AND DUTIES

22 Revised Law

23 Sec. 8884.101. GENERAL POWERS AND DUTIES. The district has
24 the rights, powers, privileges, functions, and duties provided by
25 the general law of this state, including Chapters 36 and 50, Water
26 Code, applicable to groundwater conservation districts created
27 under Section 59, Article XVI, Texas Constitution. (Acts 71st Leg.,
28 R.S., Ch. 519, Sec. 6(a) (part).)

29 Source Law

30 Sec. 6. (a) The district has all of the rights,
31 powers, privileges, authority, functions, and duties
32 provided by the general law of this state, including
33 Chapters 50 and 52, Water Code, applicable to
34 underground water conservation districts created
35 under Article XVI, Section 59, of the Texas
36 Constitution. . . .

37 Revisor's Note

38 (1) Section 6(a), Chapter 519, Acts of the 71st
39 Legislature, Regular Session, 1989, refers to the
40 "rights, powers, privileges, [and] authority" of the
41 district. The revised law omits the reference to
42 "authority" because, in context, "authority" is
43 included in the meaning of "rights, powers, [and]
44 privileges."

45 (2) Section 6(a), Chapter 519, Acts of the 71st
46 Legislature, Regular Session, 1989, provides that the
47 district has the rights, powers, privileges,

1 authority, functions, and duties provided by the
2 general law of this state, "including Chapters 50 and
3 52, Water Code," applicable to underground water
4 conservation districts (now called groundwater
5 conservation districts as explained by Revisor's Note
6 (1) to Section 8884.002) created under Section 59,
7 Article XVI, Texas Constitution. The quoted phrase is
8 updated in the revised law to read "including Chapters
9 36 and 50, Water Code," as explained below.

10 Chapter 715, Acts of the 74th Legislature,
11 Regular Session, 1995, repealed Chapter 50, Water
12 Code, and enacted Chapter 49 of that code. Section
13 49.001(a)(1) of that code originally defined
14 "district" to mean any district created by authority
15 of either Sections 52(b)(1) and (2), Article III, or
16 Section 59, Article XVI, Texas Constitution,
17 regardless of how created (subject to certain
18 inapplicable exceptions). Furthermore, Section
19 49.002, Water Code, originally provided that Chapter
20 49 applied to all general and special law districts to
21 the extent that the provisions of that chapter did not
22 directly conflict with a provision in any other
23 chapter of the Water Code or any act creating or
24 affecting a special district. Accordingly, Chapter
25 49, Water Code, by its original terms, appeared to
26 apply to groundwater conservation districts.

27 Chapter 933, Acts of the 74th Legislature,
28 Regular Session, 1995, repealed Chapter 52, Water
29 Code, which governed underground water conservation
30 districts, and enacted Chapter 36, Water Code,
31 governing groundwater conservation districts.
32 Section 36.052, Water Code, provides that other laws
33 governing the administration or operations of
34 districts created under Section 52, Article III, or

1 Section 59, Article XVI, Texas Constitution, do not
2 apply to any district governed by Chapter 36. Section
3 36.052, Water Code, appears to conflict with Sections
4 49.001(a)(1) and 49.002 of that code as those sections
5 were originally enacted regarding the applicability of
6 Chapter 49, Water Code, to groundwater conservation
7 districts.

8 Chapter 1354 (H.B. 846), Acts of the 76th
9 Legislature, Regular Session, 1999, amended Chapter
10 49, Water Code, by amending the definition of
11 "district" in Section 49.001(a)(1) to exclude a
12 conservation and reclamation district governed by
13 Chapter 36 of that code unless a special law creating
14 the district or amending the law creating the district
15 states that Chapter 49 applies to the district. H.B.
16 846 also amended Chapter 49, Water Code, by adding
17 Section 49.002(b), which provides that Chapter 49 does
18 not apply to a district governed by Chapter 36 unless a
19 special law creating the district or amending the law
20 creating the district states that Chapter 49 applies
21 to the district. According to the Senate Research
22 Center's analysis of H.B. 846, Chapter 36, Water Code,
23 was enacted as a "stand-alone" chapter governing
24 groundwater conservation districts. Chapter 49 of
25 that code was enacted concurrently with the enactment
26 of Chapter 36 to provide administrative provisions for
27 most water districts other than groundwater
28 conservation districts. The amendments to Chapter 49
29 made by H.B. 846 were intended to provide "further
30 clarification" that Chapter 49 does not apply to
31 districts governed by Chapter 36. The staff of the
32 Texas Commission on Environmental Quality has also
33 expressed the opinion that Chapter 49, Water Code,
34 does not apply to districts that are governed by

1 Chapter 36.

2 The district is governed by Chapter 36, Water
3 Code, under this section and Section 36.001(1), Water
4 Code. Because the district is governed by Chapter 36,
5 Water Code, and the special law creating the district
6 does not state that Chapter 49 of that code applies to
7 the district, Chapter 49 does not apply to the
8 district. Section 6(c) of Chapter 519, which is
9 omitted for the reason stated in Revisor's Note (4) to
10 this section, provides that "[if] there is a conflict
11 between Chapters 36 and 49, Water Code, Chapter 36
12 prevails." Although the purpose of that provision is
13 not clear, it does not specifically apply Chapter 49,
14 Water Code, to the district; instead, it merely
15 confirms that Chapter 36 of that code applies to the
16 district. Accordingly, the revised law substitutes a
17 reference to Chapter 36, Water Code, for the reference
18 to Chapter 52 of that code and does not substitute a
19 reference to Chapter 49, Water Code, for the reference
20 to Chapter 50 of that code.

21 In the same legislative session in which Chapter
22 50, Water Code, was repealed, two provisions of that
23 chapter were amended. Section 50.004, Water Code, was
24 amended by Chapter 667, Acts of the 74th Legislature,
25 Regular Session, 1995, and Section 50.107, Water Code,
26 was amended by Chapter 81, Acts of the 74th
27 Legislature, Regular Session, 1995. Because it is not
28 clear whether those provisions remain in effect, the
29 revised law retains the reference to Chapter 50, Water
30 Code, to preserve any ambiguity.

31 Similarly, in the same legislative session in
32 which Chapter 52, Water Code, was repealed, one
33 provision of that chapter was amended. Chapter 715,
34 Acts of the 74th Legislature, Regular Session, 1995,

1 amended Section 52.005, Water Code, to provide that
2 certain provisions of Chapter 49 of that code do not
3 apply to districts governed by Chapter 52. Although it
4 is not clear whether that provision remains in effect,
5 the revised law does not retain the reference to
6 Chapter 52, Water Code, because, as explained above,
7 no provision of Chapter 49 of that code applies to the
8 district.

9 (3) Section 6(b), Chapter 519, Acts of the 71st
10 Legislature, Regular Session, 1989, refers to the
11 continuing right of the state to supervise the
12 district through the Texas Water Commission. The
13 revised law omits the provision because the provision
14 duplicates in substance part of Section 12.081, Water
15 Code, which subjects certain districts, including
16 groundwater conservation districts, to the continuing
17 right of supervision of the Texas Water Commission's
18 successor agency, the Texas Commission on
19 Environmental Quality. The omitted law reads:

20 (b) The rights, powers, privileges,
21 authority, functions, and duties of the
22 district are subject to the continuing
23 right of supervision of the state to be
24 exercised by and through the Texas Water
25 Commission.

26 (4) Section 6(c), Chapter 519, Acts of the 71st
27 Legislature, Regular Session, 1989, provides that if
28 there is a conflict between Chapters 36 and 49, Water
29 Code, Chapter 36 prevails. The revised law omits that
30 provision because it duplicates in substance Section
31 36.052(a), Water Code, which provides in part that
32 Chapter 36, Water Code, prevails over any other law in
33 conflict or inconsistent with that chapter. The
34 omitted law reads:

35 (c) If there is a conflict between
36 Chapters 36 and 49, Water Code, Chapter 36
37 prevails.

1 Revisor's Note
2 (End of Chapter)

3 Section 10, Chapter 519, Acts of the 71st
4 Legislature, Regular Session, 1989, and Section 14,
5 Chapter 1196, Acts of the 84th Legislature, Regular
6 Session, 2015, recite legislative findings regarding
7 procedural requirements for legislation affecting the
8 district under the constitution and other laws and
9 rules, including proper legal notice and the filing of
10 recommendations. The revised law omits those
11 provisions as executed. The omitted law reads:

12 [Acts 71st Leg., R.S., Ch. 519]

13 Sec. 10. (a) The proper and legal
14 notice of the intention to introduce this
15 Act, setting forth the general substance of
16 this Act, has been published as provided by
17 law, and the notice and a copy of this Act
18 have been furnished to all persons,
19 agencies, officials, or entities to which
20 they are required to be furnished by the
21 constitution and other laws of this state,
22 including the governor, who has submitted
23 the notice and Act to the Texas Water
24 Commission.

25 (b) The Texas Water Commission has
26 filed its recommendations relating to this
27 Act with the governor, lieutenant governor,
28 and speaker of the house of representatives
29 within the required time.

30 (c) All requirements of the
31 constitution and laws of this state and the
32 rules and procedures of the legislature
33 with respect to the notice, introduction,
34 and passage of this Act are fulfilled and
35 accomplished.

36 [Acts 84th Leg., R.S., Ch. 1196]

37 Sec. 14. (a) The legal notice of the
38 intention to introduce this Act, setting
39 forth the general substance of this Act, has
40 been published as provided by law, and the
41 notice and a copy of this Act have been
42 furnished to all persons, agencies,
43 officials, or entities to which they are
44 required to be furnished under Section 59,
45 Article XVI, Texas Constitution, and
46 Chapter 313, Government Code.

47 (b) The governor, one of the required
48 recipients, has submitted the notice and
49 Act to the Texas Commission on
50 Environmental Quality.

51 (c) The Texas Commission on
52 Environmental Quality has filed its
53 recommendations relating to this Act with
54 the governor, the lieutenant governor, and
55 the speaker of the house of representatives
56 within the required time.

57 (d) All requirements of the

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

6 CHAPTER 8885. SOUTH PLAINS UNDERGROUND WATER CONSERVATION DISTRICT

7 SUBCHAPTER A. GENERAL PROVISIONS

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20 CHAPTER 8885. SOUTH PLAINS UNDERGROUND WATER CONSERVATION DISTRICT

21 SUBCHAPTER A. GENERAL PROVISIONS

22 Revised Law

23 Sec. 8885.001. DEFINITIONS. In this chapter:
24 (1) "Board" means the district's board of directors.
25 (2) "Director" means a board member.
26 (3) "District" means the South Plains Underground
27 Water Conservation District. (Acts 72nd Leg., R.S., Ch. 46,
28 Secs. 1(a) (part), 2; New.)

29 Source Law

30 Sec. 1. (a) . . . to be known as the South
31 Plains Underground Water Conservation District,
32

33 Sec. 2. In this Act, "district" means the South
34 Plains Underground Water Conservation District.

35 Revisor's Note

36 The definitions of "board" and "director" are
37 added to the revised law for drafting convenience and
38 to eliminate frequent, unnecessary repetition of the

1 substance of the definitions.

2 Revised Law

3 Sec. 8885.002. NATURE OF DISTRICT. The district is a
4 groundwater conservation district in Terry County created under and
5 essential to accomplish the purposes of Section 59, Article XVI,
6 Texas Constitution. (Acts 72nd Leg., R.S., Ch. 46, Secs. 1(a)
7 (part), (b).)

8 Source Law

9 Sec. 1. (a) An underground water conservation
10 district, [to be known as the South Plains Underground
11 Water Conservation District,] is created in Terry
12 County,

13 (b) The district is created under and is
14 essential to accomplish the purposes of Article XVI,
15 Section 59, of the Texas Constitution.

16 Revisor's Note

17 (1) Section 1(a), Chapter 46, Acts of the 72nd
18 Legislature, Regular Session, 1991, refers to the
19 district as an "underground water conservation
20 district." The revised law substitutes "groundwater
21 conservation district" for the quoted language to
22 conform to the term used in Chapter 36, Water Code.

23 (2) Section 1(a), Chapter 46, Acts of the 72nd
24 Legislature, Regular Session, 1991, refers to a
25 confirmation election. Because the confirmation
26 election has already been held, the revised law omits
27 the provision as executed. The omitted law reads:

28 (a) . . . subject to approval at a
29 confirmation election under Section 10 of
30 this Act. . . .

31 (3) Section 1(a), Chapter 46, Acts of the 72nd
32 Legislature, Regular Session, 1991, provides that the
33 district is a governmental agency and a body politic
34 and corporate. The revised law omits the provision
35 because it duplicates a portion of Section 59(b),
36 Article XVI, Texas Constitution, which provides that a
37 conservation and reclamation district is a
38 governmental agency and a body politic and corporate.

1 The omitted law reads:

2 (a) . . . The district is a
3 governmental agency and a body politic and
4 corporate.

5 Revised Law

6 Sec. 8885.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
7 district is created to serve a public use and benefit.

8 (b) All land and other property included in the district
9 will benefit from the works and projects accomplished by the
10 district under the powers conferred by Section 59, Article XVI,
11 Texas Constitution. (Acts 72nd Leg., R.S., Ch. 46, Sec. 4.)

12 Source Law

13 Sec. 4. All of the land and other property
14 included within the boundaries of the district will be
15 benefited by the works and projects that are to be
16 accomplished by the district under powers conferred by
17 Article XVI, Section 59, of the Texas Constitution.
18 The district is created to serve a public use and
19 benefit.

20 Revised Law

21 Sec. 8885.004. DISTRICT TERRITORY. The district's
22 boundaries are coextensive with the boundaries of Terry County,
23 unless the district's territory has been modified under:

- 24 (1) Subchapter J or K, Chapter 36, Water Code; or
25 (2) other law. (Acts 72nd Leg., R.S., Ch. 46, Sec. 3;
26 New.)

27 Source Law

28 Sec. 3. The boundaries of the district are
29 coextensive with the boundaries of Terry County,
30 Texas.

31 Revisor's Note

32 Section 3, Chapter 46, Acts of the 72nd
33 Legislature, Regular Session, 1991, contains a
34 description of the territory of the district. That
35 description may not be accurate on the effective date
36 of the revised law or at the time of a later reading
37 because the district's boundaries are subject to
38 change. For the reader's convenience, the revised law
39 adds references to the authority to change the

1 district's territory under Subchapter J or K, Chapter
2 36, Water Code, applicable to groundwater conservation
3 districts, and to the general authority of the
4 legislature to enact other laws under which the
5 district's territory may change.

6 Revisor's Note
7 (End of Subchapter)

8 Section 5(a), Chapter 46, Acts of the 72nd
9 Legislature, Regular Session, 1991, provides that the
10 act prevails over general law in case of a conflict or
11 other inconsistency. The revised law omits the
12 provision because it duplicates in substance Section
13 311.026, Government Code (Code Construction Act). The
14 omitted law reads:

15 (a) . . . This Act prevails over any
16 provision of general law that is in conflict
17 or inconsistent with this Act.

18 SUBCHAPTER B. BOARD OF DIRECTORS

19 Revised Law

20 Sec. 8885.051. COMPOSITION OF BOARD; TERMS. (a) The
21 district is governed by a board of five directors.

22 (b) Directors serve staggered four-year terms. (Acts 72nd
23 Leg., R.S., Ch. 46, Secs. 7(a), 8(c).)

24 Source Law

25 Sec. 7. (a) The district is governed by a board
26 of five directors.

27 [Sec. 8]

28 (c) Permanent directors serve staggered
29 four-year terms.

30 Revisor's Note

31 (1) Section 8(c), Chapter 46, Acts of the 72nd
32 Legislature, Regular Session, 1991, refers to
33 "[p]ermanent" directors. The revised law omits
34 "[p]ermanent." Sections 8(a), (b), and (c) refer to
35 "temporary," "initial," and "permanent" directors to
36 distinguish between the original "temporary"
37 directors, the "initial" directors who immediately

1 succeeded the "temporary" directors after the first
2 election of directors, and subsequently serving
3 "permanent" directors. For the reasons stated in the
4 revisor's notes at the end of this subchapter, the
5 revised law omits provisions regarding "temporary" and
6 "initial" directors. It is therefore no longer
7 necessary to distinguish between "temporary,"
8 "initial," and "permanent" directors, and the revised
9 law is drafted accordingly.

10 (2) Section 8(d), Chapter 46, Acts of the 72nd
11 Legislature, Regular Session, 1991, provides that a
12 director must qualify to serve in the manner provided
13 by Sections 51.078 and 51.079, Water Code. The revised
14 law omits the reference to Sections 51.078 and 51.079,
15 Water Code, because those sections were repealed by
16 Chapter 715, Acts of the 74th Legislature, Regular
17 Session, 1995. Chapter 933, Acts of the 74th
18 Legislature, Regular Session, 1995, enacted Section
19 36.055, Water Code, which contains the qualification
20 procedures for a director of a groundwater
21 conservation district. A reference to Section 36.055,
22 Water Code, is unnecessary because that section
23 applies to the district under Section 8885.101 of this
24 chapter and Section 36.001(1), Water Code. The
25 omitted law reads:

26 (d) Each director must qualify to
27 serve as director in the manner provided by
28 Sections 51.078 and 51.079, Water Code.

29 (3) Section 8(e), Chapter 46, Acts of the 72nd
30 Legislature, Regular Session, 1991, provides that a
31 director serves until a successor has qualified. The
32 revised law omits that provision because it duplicates
33 Section 17, Article XVI, Texas Constitution, which
34 provides that an officer in this state continues to
35 perform the officer's official duties until a

1 successor has qualified. The omitted law reads:

2 (e) A director serves until the
3 director's successor has qualified.

4 Revised Law

5 Sec. 8885.052. ELECTION OF DIRECTORS. (a) Directors are
6 elected according to the commissioners precinct method as provided
7 by this section.

8 (b) One director is elected by the voters of the entire
9 district. One director is elected from each county commissioners
10 precinct by the voters of that precinct.

11 (c) A person shall indicate on the application for a place
12 on the ballot:

13 (1) the precinct that the person seeks to represent;

14 or

15 (2) that the person seeks to represent the district at
16 large.

17 (d) At the first election after the county commissioners
18 precincts are redrawn under Section 18, Article V, Texas
19 Constitution, four new directors shall be elected to represent the
20 precincts. The directors shall draw lots to determine their terms.

21 (Acts 72nd Leg., R.S., Ch. 46, Sec. 6.)

22 Source Law

23 Sec. 6. (a) The directors of the district
24 shall be elected according to the commissioners
25 precinct method as provided by this Act.

26 (b) One director shall be elected by the
27 electors of the entire district, and one director
28 shall be elected from each county commissioners
29 precinct by the electors of that precinct.

30 (c) A person shall indicate on the application
31 for a place on the ballot the precinct that the person
32 seeks to represent or that the person seeks to
33 represent the district at large.

34 (d) At the first election after the county
35 commissioners precincts are redrawn under Article V,
36 Section 18, of the Texas Constitution, four new
37 directors shall be elected to represent the precincts.
38 The directors elected shall draw lots to determine
39 their terms.

40 Revisor's Note

41 Section 6(b), Chapter 46, Acts of the 72nd
42 Legislature, Regular Session, 1991, refers to

1 "electors" of the entire district and of each county
2 commissioners precinct in the district. The revised
3 law refers to "voters" rather than "electors" because
4 "voters" is the term used in the Election Code.

5 Revised Law

6 Sec. 8885.053. ELECTION DATE. The district shall hold an
7 election to elect the appropriate number of directors on the
8 uniform election date in May of each even-numbered year or another
9 date authorized by law. (Acts 72nd Leg., R.S., Ch. 46, Sec. 11;
10 New.)

11 Source Law

12 Sec. 11. On the uniform election date in May of
13 even-numbered years, an election shall be held in the
14 district to elect the appropriate number of directors.

15 Revisor's Note

16 (1) Section 11, Chapter 46, Acts of the 72nd
17 Legislature, Regular Session, 1991, provides that the
18 appropriate number of directors shall be elected on
19 the uniform election date in May of each even-numbered
20 year. The revised law adds "or another date authorized
21 by law" to acknowledge other legislative enactments
22 such as Section 41.0052, Election Code, as amended by
23 Chapter 1235, Acts of the 84th Legislature, Regular
24 Session, 2015, that would result in the election being
25 held on a date other than the date provided by the
26 source law.

27 (2) Section 10, Chapter 1196, Acts of the 84th
28 Legislature, Regular Session, 2015, amended Section
29 11, Chapter 46, Acts of the 72nd Legislature, Regular
30 Session, 1991, to change the date for electing
31 directors. Section 13 of Chapter 1196 provided
32 transition procedures requiring the adjustment of
33 terms of certain directors to conform to the new
34 election date, if applicable. The revised law omits
35 the transition procedures regarding the terms as

1 executed. The omitted law reads:

2 Sec. 13. The governing body of a
3 groundwater conservation district for which
4 the election date has changed under the laws
5 amended by this Act shall adjust the terms
6 of office to conform to the new election
7 date, if applicable.

8 Revised Law

9 Sec. 8885.054. QUALIFICATIONS FOR OFFICE. To be eligible
10 to serve as director, a person must be a registered voter in:

11 (1) the precinct from which the person is elected or
12 appointed if representing a precinct; or

13 (2) the district if representing the district at
14 large. (Acts 72nd Leg., R.S., Ch. 46, Sec. 7(c).)

15 Source Law

16 (c) To be eligible to serve as director, a
17 person must be a registered voter in the precinct from
18 which the person is elected or appointed if
19 representing a precinct or in the district if
20 representing the district at large.

21 Revised Law

22 Sec. 8885.055. BOARD VACANCY. (a) The board shall appoint a
23 replacement to fill a vacancy in the office of any director.

24 (b) The appointed replacement serves until the next
25 directors' election.

26 (c) If the position is not scheduled to be filled at the
27 election, the person elected to fill the position serves only for
28 the remainder of the unexpired term. (Acts 72nd Leg., R.S., Ch. 46,
29 Sec. 7(b).)

30 Source Law

31 (b) A vacancy in the office of director shall be
32 filled by appointment of the board until the next
33 election for directors. If the position is not
34 scheduled to be filled at the election, the person
35 elected to fill the position shall serve only for the
36 remainder of the unexpired term.

37 Revisor's Note
38 (End of Subchapter)

39 (1) Sections 8(a) and (b), Chapter 46, Acts of
40 the 72nd Legislature, Regular Session, 1991, provide
41 for the terms of office of "temporary" and "initial"

1 directors of the district. The revised law omits
2 Sections 8(a) and (b) as executed because the terms of
3 the temporary and initial directors have expired. The
4 omitted law reads:

5 Sec. 8. (a) Temporary directors
6 serve until initial directors are elected
7 under Section 10.

8 (b) Initial directors serve until
9 permanent directors are elected under
10 Section 11.

11 (2) Section 9, Chapter 46, Acts of the 72nd
12 Legislature, Regular Session, 1991, names the
13 temporary directors and provides for filling vacancies
14 on the temporary board. Because the temporary
15 directors were appointed and the terms of the
16 temporary directors have expired, the revised law
17 omits those provisions as executed. The omitted law
18 reads:

19 Sec. 9. (a) The temporary board of
20 directors is composed of:

- 21 (1) Lewis Waters--at large
22 (2) Doyle Moss--Precinct No. 1
23 (3) Ray Gober--Precinct No. 2
24 (4) Charles Ray Smith--Precinct
25 No. 3
26 (5) Lee Wayne Rowden--Precinct
27 No. 4

28 (b) If a temporary director fails to
29 qualify for office, the temporary directors
30 who have qualified shall appoint a person to
31 fill the vacancy. If at any time there are
32 fewer than three qualified temporary
33 directors, the Texas Water Commission shall
34 appoint the necessary number of persons to
35 fill all vacancies on the board.

36 (3) Section 10, Chapter 46, Acts of the 72nd
37 Legislature, Regular Session, 1991, provides
38 procedures for holding an election to confirm the
39 district's creation and to elect the district's initial
40 board. The revised law omits those provisions as
41 executed because the district has been confirmed and
42 its initial board has been elected. The omitted law
43 reads:

44 Sec. 10. (a) The temporary board of
45 directors shall call and hold an election to

1 confirm establishment of the district and
2 to elect five initial directors.

3 (b) A person, including a temporary
4 director, who desires to be a candidate for
5 the office of initial director may file an
6 application with the temporary board to
7 have the candidate's name printed on the
8 ballot as provided by Section 52.107, Water
9 Code.

10 (c) At the confirmation and initial
11 directors' election, the temporary board of
12 directors shall have the name of any
13 candidate filing for the office of director
14 as provided by Subsection (b) of this
15 section placed on the ballot and blank
16 spaces to write in the names of other
17 persons. If the district is created at the
18 election, the temporary directors, at the
19 time the vote is canvassed, shall declare
20 the person who receives the most votes in
21 each precinct to be elected as director for
22 that precinct and the person who receives
23 the most votes in the district to be elected
24 as director for the district at large. The
25 district shall include the results of the
26 directors' election in its election report
27 to the Texas Water Commission.

28 (d) Section 41.001(a), Election
29 Code, does not apply to a confirmation and
30 initial directors' election held as
31 provided by this section.

32 (e) Except as provided by this
33 section, a confirmation and initial
34 directors' election must be conducted as
35 provided by Sections 52.059(b)-(g), Water
36 Code, and by the Election Code.

37 SUBCHAPTER C. POWERS AND DUTIES

38 Revised Law

39 Sec. 8885.101. GENERAL POWERS AND DUTIES. The district has
40 the rights, powers, privileges, functions, and duties provided by
41 the general law of this state, including Chapter 36, Water Code,
42 applicable to groundwater conservation districts created under
43 Section 59, Article XVI, Texas Constitution. (Acts 72nd Leg.,
44 R.S., Ch. 46, Sec. 5(a) (part).)

45 Source Law

46 Sec. 5. (a) The district has all of the rights,
47 powers, privileges, authority, functions, and duties
48 provided by the general law of this state, including
49 Chapter 36, Water Code, applicable to groundwater
50 conservation districts created under Article XVI,
51 Section 59, of the Texas Constitution. . . .

52 Revisor's Note

53 (1) Section 5(a), Chapter 46, Acts of the 72nd
54 Legislature, Regular Session, 1991, refers to the

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

6 (2) Section 5(b), Chapter 46, Acts of the 72nd
7 Legislature, Regular Session, 1991, refers to the
8 continuing right of the state to supervise the
9 district through the Texas Water Commission. The
10 revised law omits the provision because the provision
11 duplicates in substance part of Section 12.081, Water
12 Code, which subjects certain districts, including
13 groundwater conservation districts, to the continuing
14 right of supervision of the Texas Water Commission's
15 successor agency, the Texas Commission on
16 Environmental Quality. The omitted law reads:

17 (b) The rights, powers, privileges,
18 authority, functions, and duties of the
19 district are subject to the continuing
20 right of supervision of the state to be
21 exercised by and through the Texas Water
22 Commission.

23 Revisor's Note
24 (End of Chapter)

25 Section 12, Chapter 46, Acts of the 72nd
26 Legislature, Regular Session, 1991, and Section 14,
27 Chapter 1196, Acts of the 84th Legislature, Regular
28 Session, 2015, recite legislative findings regarding
29 procedural requirements for legislation affecting the
30 district under the constitution and other laws and
31 rules, including proper legal notice and the filing of
32 recommendations. The revised law omits those
33 provisions as executed. The omitted law reads:

34 [Acts 72nd Leg., R.S., Ch. 46]

35 Sec. 12. (a) The proper and legal
36 notice of the intention to introduce this
37 Act, setting forth the general substance of
38 this Act, has been published as provided by
39 law, and the notice and a copy of this Act
40 have been furnished to all persons,

1 agencies, officials, or entities to which
2 they are required to be furnished by the
3 constitution and other laws of this state,
4 including the governor, who has submitted
5 the notice and Act to the Texas Water
6 Commission.

7 (b) The Texas Water Commission has
8 filed its recommendations relating to this
9 Act with the governor, lieutenant governor,
10 and speaker of the house of representatives
11 within the required time.

12 (c) All requirements of the
13 constitution and laws of this state and the
14 rules and procedures of the legislature
15 with respect to the notice, introduction,
16 and passage of this Act are fulfilled and
17 accomplished.

18 [Acts 84th Leg., R.S., Ch. 1196]

19 Sec. 14. (a) The legal notice of the
20 intention to introduce this Act, setting
21 forth the general substance of this Act, has
22 been published as provided by law, and the
23 notice and a copy of this Act have been
24 furnished to all persons, agencies,
25 officials, or entities to which they are
26 required to be furnished under Section 59,
27 Article XVI, Texas Constitution, and
28 Chapter 313, Government Code.

29 (b) The governor, one of the required
30 recipients, has submitted the notice and
31 Act to the Texas Commission on
32 Environmental Quality.

33 (c) The Texas Commission on
34 Environmental Quality has filed its
35 recommendations relating to this Act with
36 the governor, the lieutenant governor, and
37 the speaker of the house of representatives
38 within the required time.

39 (d) All requirements of the
40 constitution and laws of this state and the
41 rules and procedures of the legislature
42 with respect to the notice, introduction,
43 and passage of this Act are fulfilled and
44 accomplished.

45 CHAPTER 8886. SUTTON COUNTY UNDERGROUND WATER CONSERVATION

46 DISTRICT

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27		DISTRICT	
28		SUBCHAPTER A. GENERAL PROVISIONS	
29		<u>Revised Law</u>	
30	Sec. 8886.001.	DEFINITIONS. In this chapter:	
31	(1)	"Board" means the district's board of directors.	
32	(2)	"Director" means a board member.	
33	(3)	"District" means the Sutton County Underground	
34		Water Conservation District. (Acts 69th Leg., R.S., Ch. 377, Sec.	

1 3; New.)

2 Source Law

3 Sec. 3. In this Act, "district" means the Sutton
4 County Underground Water Conservation District.

5 Revisor's Note

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

10 Revised Law

11 Sec. 8886.002. NATURE OF DISTRICT. The district is created
12 under Section 59, Article XVI, Texas Constitution, to provide for
13 the conservation, preservation, protection, recharge, and
14 prevention of waste of the groundwater reservoirs located under
15 district land, consistent with the objectives of Section 59,
16 Article XVI, Texas Constitution, and Chapters 36 and 51, Water
17 Code. (Acts 69th Leg., R.S., Ch. 377, Secs. 1 (part), 6.)

18 Source Law

19 Sec. 1. Pursuant to Article XVI, Section 59, of
20 the Texas Constitution, and . . . the Sutton County
21 Underground Water Conservation District is created
22

23 Sec. 6. The district is created to provide for
24 the conservation, preservation, protection, recharge,
25 and prevention of waste of the underground water
26 reservoirs located under district land consistent with
27 the objectives of Article XVI, Section 59, of the Texas
28 Constitution and Chapters 51 and 52, Water Code.

29 Revisor's Note

30 (1) Section 1, Chapter 377, Acts of the 69th
31 Legislature, Regular Session, 1985, refers to a
32 confirmation election. Because the confirmation
33 election has already been held, the revised law omits
34 the provision as executed. The omitted law reads:

35 Sec. 1. . . . subject to approval at
36 a confirmation election called and held
37 under this Act,

38 (2) Section 1, Chapter 377, Acts of the 69th
39 Legislature, Regular Session, 1985, provides that the

1 district is a governmental agency and a body politic
2 and corporate. The revised law omits that provision
3 because it duplicates a portion of Section 59(b),
4 Article XVI, Texas Constitution, which provides that a
5 conservation and reclamation district is a
6 governmental agency and a body politic and corporate.
7 The omitted law reads:

8 Sec. 1. . . . [the . . . District is
9 created] as a governmental agency and body
10 politic and corporate.

11 (3) Section 6, Chapter 377, Acts of the 69th
12 Legislature, Regular Session, 1985, refers to Chapter
13 52, Water Code. Throughout this chapter, the revised
14 law substitutes for each reference to Chapter 52,
15 Water Code, a reference to Chapter 36, Water Code.
16 Chapter 933, Acts of the 74th Legislature, Regular
17 Session, 1995, repealed Chapter 52, Water Code, and
18 enacted Chapter 36, Water Code, to regulate
19 groundwater conservation districts. Chapter 36, Water
20 Code, applies to the district under Section 36.001(1),
21 Water Code, and Section 8886.151 of this chapter.

22 (4) Section 1, Chapter 377, Acts of the 69th
23 Legislature, Regular Session, 1985, refers to the
24 district as the "Sutton County Underground Water
25 Conservation District." Throughout this chapter,
26 except when that phrase is used as part of the
27 district's name, the revised law substitutes
28 "groundwater" for "underground water" to conform to
29 the term used in Chapter 36, Water Code.

30 Revised Law

31 Sec. 8886.003. FINDINGS OF PUBLIC USE AND BENEFIT. The
32 legislature finds that:

33 (1) the organization of the district is feasible and
34 practicable;

35 (2) the land to be included in and the residents of the

1 district will benefit from the creation of the district;

2 (3) there is a public necessity for the district; and

3 (4) the creation of the district will further the
4 public welfare. (Acts 69th Leg., R.S., Ch. 377, Sec. 4.)

5 Source Law

6 Sec. 4. The legislature finds that:

7 (1) the organization of the district is
8 feasible and practicable;

9 (2) the land to be included in and the
10 residents of the district will be benefited by the
11 creation of the district;

12 (3) there is a public necessity for the
13 district; and

14 (4) the creation of the district will
15 further the public welfare.

16 Revised Law

17 Sec. 8886.004. CONFLICTS OF LAW. (a) Except as otherwise
18 provided by this chapter, if there is a conflict between this
19 chapter and Chapter 49, 51, or 36, Water Code, this chapter
20 controls.

21 (b) If there is a conflict between Chapter 49 or 51, Water
22 Code, and Chapter 36, Water Code, Chapter 36 controls. (Acts 69th
23 Leg., R.S., Ch. 377, Sec. 17.)

24 Source Law

25 Sec. 17. Except as otherwise provided by this
26 Act, if there is a conflict between this Act and
27 Chapter 49, 51, or 36, Water Code, this Act controls.
28 If there is a conflict between Chapter 49 or 51, Water
29 Code, and Chapter 36, Water Code, Chapter 36 controls.

30 SUBCHAPTER B. TERRITORY

31 Revised Law

32 Sec. 8886.051. DISTRICT TERRITORY. The district is
33 composed of the territory in Sutton County, other than the
34 territory in Sections 60, 67, and 90, Block No. A, HE&WTRyCoSurvey,
35 Sutton County, unless the district's territory has been modified
36 under:

37 (1) Section 8886.052 or 8886.053 of this chapter or
38 their predecessor statutes, former Section 11 or 14, Chapter 377,
39 Acts of the 69th Legislature, Regular Session, 1985; or

40 (2) other law. (Acts 69th Leg., R.S., Ch. 377, Sec. 5;

1 New.)

2 Source Law

3 Sec. 5. The district is composed of all of the
4 territory located within Sutton County, Texas, except
5 Sections 60, 67, and 90, Block No. A, HE&WTRYCoSurvey,
6 Sutton County, Texas.

7 Revisor's Note

8 Section 5, Chapter 377, Acts of the 69th
9 Legislature, Regular Session, 1985, contains a
10 description of the territory of the district. That
11 description may not be accurate on the effective date
12 of the revised law or at the time of a later reading
13 because the district's boundaries are subject to
14 change. For the reader's convenience, the revised law
15 adds references to the authority to change the
16 district's territory under Sections 8886.052 and
17 8886.053 of this chapter or Sections 11 and 14, Chapter
18 377, Acts of the 69th Legislature, Regular Session,
19 1985, from which Sections 8886.052 and 8886.053 are
20 derived. The revised law also includes a reference to
21 the general authority of the legislature to enact
22 other laws under which the district's territory may
23 change.

24 Revised Law

25 Sec. 8886.052. LAND EXCLUSION. Land may be excluded from
26 the district in accordance with the procedures prescribed in
27 Sections 49.303-49.308, Water Code. (Acts 69th Leg., R.S., Ch.
28 377, Sec. 11.)

29 Source Law

30 Sec. 11. Land may be excluded within the
31 district in accordance with the procedures prescribed
32 in Sections 51.691-51.701 in Chapter 51, Water Code.

33 Revisor's Note

34 Section 11, Chapter 377, Acts of the 69th
35 Legislature, Regular Session, 1985, refers to the
36 exclusion of land from the district under Sections

1 51.691-51.701, Water Code. The revised law
2 substitutes a reference to Sections 49.303-49.308,
3 Water Code, because Chapter 715, Acts of the 74th
4 Legislature, Regular Session, 1995, repealed the
5 former sections and enacted the latter sections to
6 govern the exclusion of land from water control and
7 improvement districts and certain other districts.

8 Revised Law

9 Sec. 8886.053. ANNEXATION OF TERRITORY. (a) Territory may
10 be added to the district as provided by:

11 (1) Subchapter J, Chapter 49, Water Code; or

12 (2) Subchapter O, Chapter 51, Water Code.

13 (b) If the district annexes territory, the board shall
14 determine the precincts to which annexed territory is added for the
15 purpose of electing directors. (Acts 69th Leg., R.S., Ch. 377, Sec.
16 14; New.)

17 Source Law

18 Sec. 14. (a) Additional territory may be added
19 to the district as provided by Chapter 51, Water Code.

20 (b) The board of directors shall determine to
21 which director's precinct the annexed land will be
22 added for purposes of election of directors.

23 Revisor's Note

24 Section 14, Chapter 377, Acts of the 69th
25 Legislature, Regular Session, 1985, authorizes the
26 district to add territory in the manner provided by
27 "Chapter 51, Water Code." The relevant provisions of
28 Chapter 51, Water Code, were contained in Subchapter O
29 of that chapter. Chapter 715, Acts of the 74th
30 Legislature, Regular Session, 1995, repealed some of
31 the relevant provisions of Subchapter O, Chapter 51,
32 Water Code, and enacted Subchapter J, Chapter 49,
33 Water Code, to govern the annexation of land by water
34 control and improvement districts and certain other
35 districts. Accordingly, the revised law substitutes
36 references to Subchapter J, Chapter 49, and Subchapter

1 O, Chapter 51, Water Code, for the reference to Chapter
2 51 of that code.

3 SUBCHAPTER C. BOARD OF DIRECTORS

4 Revised Law

5 Sec. 8886.101. COMPOSITION OF BOARD; TERMS. (a) The
6 district is governed by a board of five directors.

7 (b) The directors serve staggered four-year terms. (Acts
8 69th Leg., R.S., Ch. 377, Secs. 15(a), (f); Acts 72nd Leg., R.S.,
9 Ch. 757, Sec. 3(b) (part).)

10 Source Law

11 [Acts 69th Leg., R.S., Ch. 377]

12 Sec. 15. (a) The district is governed by a
13 board of directors composed of five directors.

14 (f) The directors serve staggered four-year
15 terms.

16 [Acts 72nd Leg., R.S., Ch. 757, Sec. 3]

17 (b) The directors [elected at the election to be
18 held in 1993 and thereafter] serve four-year terms.

19 Revised Law

20 Sec. 8886.102. ELECTION OF DIRECTORS. One director is
21 elected from each county commissioners precinct in Sutton County.
22 One director is elected at large. (Acts 69th Leg., R.S., Ch. 377,
23 Sec. 15(c).)

24 Source Law

25 (c) One director shall be elected from each
26 county commissioners precinct in Sutton County and one
27 director shall be elected at large.

28 Revised Law

29 Sec. 8886.103. ELECTION DATE. The district shall hold an
30 election to elect directors on the uniform election date in May of
31 each odd-numbered year or another date authorized by law. (Acts
32 69th Leg., R.S., Ch. 377, Sec. 15(e); New.)

33 Source Law

34 (e) The district shall hold an election in the
35 district to elect directors on the uniform election
36 date in May of each odd-numbered year.

37 Revisor's Note

38 (1) Section 15(e), Chapter 377, Acts of the 69th

1 Legislature, Regular Session, 1985, provides that the
2 district shall hold an election to elect directors on
3 the uniform election date in May of each odd-numbered
4 year. The revised law adds "or another date authorized
5 by law" to acknowledge other legislative enactments
6 such as Section 41.0052, Election Code, as amended by
7 Chapter 1235, Acts of the 84th Legislature, Regular
8 Session, 2015, that would result in the election being
9 held on a date other than the date provided by the
10 source law.

11 (2) Sections 2 and 3, Chapter 757, Acts of the
12 72nd Legislature, Regular Session, 1991, establish
13 transition procedures regarding the terms of certain
14 elected directors. The revised law omits those
15 provisions as executed. The omitted law reads:

16 Sec. 2. The four-year term of office
17 provided by Section 15(f), Chapter 377,
18 Acts of the 69th Legislature, Regular
19 Session, 1985, as added by this Act, does
20 not affect the terms of office of directors
21 of the Sutton County Underground Water
22 Conservation District elected before the
23 effective date of this Act.

24 Sec. 3. (a) Notwithstanding Section
25 15(e), Chapter 377, Acts of the 69th
26 Legislature, Regular Session, 1985, as
27 amended by this Act, the Sutton County
28 Underground Water Conservation District
29 shall hold an election in the district on
30 the first Saturday in May, 1992, to elect
31 three directors for the terms beginning in
32 1992. Notwithstanding Section 15(f) of that
33 chapter, as added by this Act, the three
34 directors elected at that election serve
35 three-year terms.

36 (b) [The directors] elected at the
37 election to be held in 1993 and thereafter
38 [serve four-year terms].

39 (3) Section 11, Chapter 1196, Acts of the 84th
40 Legislature, Regular Session, 2015, amended Section
41 15, Chapter 377, Acts of the 69th Legislature, Regular
42 Session, 1985, to change the date for electing
43 directors. Section 13 of Chapter 1196 provided
44 transition procedures requiring the adjustment of
45 terms of certain directors to conform to the new

1 election date, if applicable. The revised law omits
2 the transition procedures regarding the terms as
3 executed. The omitted law reads:

4 Sec. 13. The governing body of a
5 groundwater conservation district for which
6 the election date has changed under the laws
7 amended by this Act shall adjust the terms
8 of office to conform to the new election
9 date, if applicable.

10 Revised Law

11 Sec. 8886.104. QUALIFICATIONS FOR OFFICE. (a) To be
12 qualified for election as a director, a person must be:

- 13 (1) a resident of the district; and
14 (2) at least 18 years of age.

15 (b) To be qualified for election as a director from a
16 precinct, a person must be a resident of the precinct from which the
17 person is elected. (Acts 69th Leg., R.S., Ch. 377, Secs. 15(b),
18 (d).)

19 Source Law

20 (b) To be qualified for election as a director,
21 a person must be a resident of the district and be at
22 least 18 years of age.

23 (d) To be qualified for election as a director
24 from a precinct, a person must be a resident of the
25 precinct from which he is elected.

26 Revisor's Note
27 (End of Subchapter)

28 (1) Section 9, Chapter 377, Acts of the 69th
29 Legislature, Regular Session, 1985, names the
30 district's initial directors and describes their terms
31 of office. Because the terms of office of the initial
32 directors have expired, the revised law omits the
33 provisions as executed. The omitted law reads:

34 Sec. 9. (a) The members of the
35 initial board of directors are:

- 36 (1) James T. Hunt
37 (2) Norman Rousselot
38 (3) Joe David Ross
39 (4) Albert C. Elliott
40 (5) Mark F. Shurley.

41 (b) The initial members of the board
42 shall take office on the effective date of
43 this Act and shall serve until their
44 successors have been elected and have

1 qualified.

2 (2) Section 10, Chapter 377, Acts of the 69th
3 Legislature, Regular Session, 1985, provides for the
4 initial directors to hold an election to confirm the
5 district's creation. Because the district's creation
6 has been confirmed, the revised law omits the
7 provision as executed. The omitted law reads:

8 Sec. 10. (a) Before the district is
9 officially created the initial board of
10 directors must call and hold a confirmation
11 election to confirm the creation of the
12 district. A majority of the qualified
13 voters must vote favorably for the
14 proposition to confirm the district.

15 (b) At the confirmation election, the
16 initial board of directors shall submit the
17 following propositions:

18 (1) whether the establishment
19 of the district is confirmed;

20 (2) the question of levying and
21 collecting a property tax in the district;
22 and

23 (3) any other propositions
24 required by this Act.

25 (c) At the election, the first
26 permanent board of directors shall be
27 elected.

28 (d) Only qualified voters who reside
29 in the district may vote in the election.

30 (e) Notice of the election shall be
31 published at least two times in a newspaper
32 with general circulation in the district,
33 the first publication to be at least 30
34 days, and the second publication to be at
35 least 10 days, before the date of the
36 election.

37 (f) Returns of the election shall be
38 made to the initial board of directors and
39 the initial board of directors shall
40 canvass those returns and declare the
41 results of the election.

42 SUBCHAPTER D. POWERS AND DUTIES

43 Revised Law

44 Sec. 8886.151. GENERAL POWERS AND DUTIES. Except as
45 otherwise provided by this chapter, the district may exercise:

46 (1) the powers essential to accomplish the purposes of
47 Section 59, Article XVI, Texas Constitution; and

48 (2) the rights, powers, and functions provided by this
49 chapter and Chapters 36 and 51, Water Code. (Acts 69th Leg., R.S.,
50 Ch. 377, Sec. 2.)

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Source Law

Sec. 2. Except as otherwise provided by this Act, the district may exercise the powers essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution and may exercise the rights, powers, and functions provided by this Act and Chapters 51 and 52, Water Code.

Revised Law

Sec. 8886.152. ADMINISTRATIVE PROCEDURES. Except as otherwise provided by this chapter, the administrative and procedural provisions of Chapters 36 and 51, Water Code, apply to the district. (Acts 69th Leg., R.S., Ch. 377, Sec. 8.)

Source Law

Sec. 8. Except as otherwise provided by this Act, the administrative and procedural provisions of Chapters 51 and 52, Water Code, apply to the district.

Revised Law

Sec. 8886.153. WELL PERMITS. (a) The board may:

- (1) require a permit for drilling, equipping, or completing a well in a groundwater reservoir in the district; and
- (2) issue a permit that imposes terms relating to drilling, equipping, or completing a well that are necessary to prevent waste or conserve, preserve, and protect groundwater.

(b) The board may not deny an owner of land, or the owner's heirs, assigns, and lessees, a permit to drill a well on that land or the right to produce groundwater from that well, subject to rules adopted under this chapter. (Acts 69th Leg., R.S., Ch. 377, Secs. 7(b), (c) (part).)

Source Law

(b) The board of directors may require permits for the drilling, equipping, and completion of wells in any underground water reservoir in the district and may issue permits subject to terms relating to the drilling, equipping, and completion of the wells that are necessary to prevent waste or conserve, preserve, and protect underground water.

(c) . . . The owner of the land or his heirs, assigns, and lessees may not be denied a permit to drill a well on his land and the right to produce underground water from that well subject to rules adopted under this Act.

Revised Law

Sec. 8886.154. WELL SPACING AND PRODUCTION. To minimize as

1 far as practicable the drawdown of the water table or the reduction
2 of the artesian pressure, the board may provide for spacing wells
3 that are producing water from a groundwater reservoir in the
4 district and may regulate the production from those wells. (Acts
5 69th Leg., R.S., Ch. 377, Sec. 7(c) (part).)

6 Source Law

7 (c) The board of directors may provide for
8 spacing wells that are producing water from an
9 underground water reservoir in the district and may
10 regulate the production from those wells to minimize
11 as far as practicable the drawdown of the water table
12 or the reduction of the artesian pressure. . . .

13 Revised Law

14 Sec. 8886.155. LOGS. The board may require that:

15 (1) accurate driller's logs be kept of wells in any
16 groundwater reservoir in the district; and

17 (2) a copy of driller's logs and of any electric logs
18 that are made of the wells be filed with the district. (Acts 69th
19 Leg., R.S., Ch. 377, Sec. 7(d) (part).)

20 Source Law

21 (d) . . . Also, the board may require accurate
22 driller's logs to be kept of those wells and may
23 require a copy of those logs and of any electric logs
24 that are made of the wells to be filed with the
25 district.

26 Revisor's Note

27 Section 7(d), Chapter 377, Acts of the 69th
28 Legislature, Regular Session, 1985, provides that the
29 district may require that certain records be kept and
30 reports be made regarding water wells and the use of
31 groundwater. Throughout this chapter, the revised law
32 omits law that is superseded by Chapter 36, Water Code,
33 or that duplicates law contained in that chapter.
34 Chapter 36, Water Code, applies to the district under
35 Section 36.001(1) of that code and Section 8886.151 of
36 this chapter. The omitted law reads:

37 (d) The board of directors may
38 require records to be kept and reports to be
39 made of the drilling, equipping, and
40 completion of wells in any underground

1 water reservoir in the district and of the
2 production and use of underground water
3 from any reservoir in the district. . . .

4 Revised Law

5 Sec. 8886.156. AVAILABLE GROUNDWATER. The board shall
6 determine the quantity of the groundwater available for production
7 and use and the improvements, developments, and recharges that will
8 be necessary for any groundwater reservoirs in the district. (Acts
9 69th Leg., R.S., Ch. 377, Sec. 7(f) (part).)

10 Source Law

11 (f) . . . The board of directors shall determine
12 the quantity of the underground water available for
13 production and use and the improvements, developments,
14 and recharges that will be necessary for those
15 underground water reservoirs.

16 Revised Law

17 Sec. 8886.157. SURVEYS. The board may have a licensed
18 engineer survey the groundwater of any groundwater reservoir in the
19 district and the facilities for the development, production, and
20 use of groundwater from any reservoir in the district. (Acts 69th
21 Leg., R.S., Ch. 377, Sec. 7(f) (part).)

22 Source Law

23 (f) The board of directors may have registered
24 professional engineers make surveys of the underground
25 water of any underground water reservoir in the
26 district and of the facilities for the development,
27 production, and use of underground water from any
28 reservoir in the district. . . .

29 Revisor's Note

30 Section 7(f), Chapter 377, Acts of the 69th
31 Legislature, Regular Session, 1985, refers to
32 "registered professional engineers." The revised law
33 substitutes "engineer" for "professional engineer"
34 because "engineer" is the term used by Chapter 1001,
35 Occupations Code, which regulates engineers. The
36 revised law also substitutes "licensed" for
37 "registered" because Chapter 1001, Occupations Code,
38 requires that a person hold a license to engage in the
39 practice of engineering.

1 Revised Law

2 Sec. 8886.158. RESEARCH AND DETERMINATIONS REGARDING
3 GROUNDWATER WITHDRAWAL. The district may carry out research
4 projects, develop information, and determine limitations, if any,
5 that should be placed on the withdrawal of groundwater. (Acts 69th
6 Leg., R.S., Ch. 377, Sec. 7(h).)

7 Source Law

8 (h) The district may carry out research
9 projects, develop information, and determine
10 limitations, if any, that should be placed on the
11 withdrawal of underground water.

12 Revised Law

13 Sec. 8886.159. COLLECTION AND PRESERVATION OF INFORMATION.
14 The district may collect and preserve information regarding the use
15 of the groundwater and the practicability of recharge of a
16 groundwater reservoir in the district. (Acts 69th Leg., R.S., Ch.
17 377, Sec. 7(i).)

18 Source Law

19 (i) The district may collect and preserve
20 information regarding the use of the underground water
21 and the practicability of recharge of an underground
22 water reservoir in the district.

23 Revised Law

24 Sec. 8886.160. CONTRACT FOR SALE AND DISTRIBUTION OF WATER.
25 The district may contract for, sell, and distribute water from a
26 water import authority or other agency. (Acts 69th Leg., R.S., Ch.
27 377, Sec. 7(k).)

28 Source Law

29 (k) The district may contract for, sell, and
30 distribute water from a water import authority or
31 other agency.

32 Revised Law

33 Sec. 8886.161. ACQUISITION OF LAND. The board may acquire
34 land to:

- 35 (1) erect a dam;
36 (2) drain a lake, draw, depression, or creek; and
37 (3) install pumps and other equipment necessary to
38 recharge a groundwater reservoir in the district. (Acts 69th Leg.,

1 R.S., Ch. 377, Sec. 7(e).)

2 Source Law

3 (e) The board of directors may acquire land:
4 (1) for the erection of dams;
5 (2) to drain lakes, draws, depressions,
6 and creeks, and construct dams; and
7 (3) to install pumps and other equipment
8 necessary to recharge an underground water reservoir
9 in the district.

10 Revised Law

11 Sec. 8886.162. ELECTIONS. The district shall conduct
12 elections in the manner provided by Chapter 51, Water Code. (Acts
13 69th Leg., R.S., Ch. 377, Sec. 16 (part).)

14 Source Law

15 Sec. 16. Elections held under this Act shall be
16 conducted as provided by Chapter 51, Water Code, and
17

18 Revisor's Note

19 Section 16, Chapter 377, Acts of the 69th
20 Legislature, Regular Session, 1985, requires that
21 district elections be conducted as provided by the
22 Texas Election Code. The revised law omits the
23 provision because Section 1.002, Election Code,
24 provides that the Election Code applies to all
25 elections held in this state. The omitted law reads:

26 Sec. 16. [Elections held under this
27 Act shall be conducted as provided by
28 Chapter 51, Water Code, and] the Texas
29 Election Code.

30 Revisor's Note
31 (End of Subchapter)

32 (1) Section 7(a), Chapter 377, Acts of the 69th
33 Legislature, Regular Session, 1985, states that the
34 board may make and enforce rules relating to
35 groundwater and that the board may enforce its rules in
36 court. The revised law omits those provisions because
37 they duplicate parts of Sections 36.101 and 36.102,
38 Water Code. The omitted law reads:

39 Sec. 7. (a) The board of directors
40 may adopt rules to provide for conserving,
41 preserving, protecting, recharging, and

1 preventing waste of the water from the
2 underground water reservoirs in the
3 district and may enforce those rules by
4 injunction or other appropriate remedies in
5 a court of competent jurisdiction.

6 (2) Section 7(g), Chapter 377, Acts of the 69th
7 Legislature, Regular Session, 1985, requires the
8 district to develop comprehensive plans for the most
9 efficient use of groundwater and for the control and
10 prevention of waste of that groundwater. The revised
11 law omits the provision as superseded by Section
12 36.1071, Water Code, which requires groundwater
13 conservation districts to develop a comprehensive
14 management plan with certain mandatory components.
15 Section 36.052(b), Water Code, added by Chapter 1010,
16 Acts of the 75th Legislature, Regular Session, 1997,
17 provides that certain sections of Chapter 36,
18 including Section 36.1071, prevail over a conflicting
19 or inconsistent provision of a special law that
20 governs a specific district. The omitted law reads:

21 (g) The district shall develop
22 comprehensive plans for the most efficient
23 use of the underground water of any
24 underground water reservoir in the district
25 and for the control and prevention of waste
26 of that underground water. The plans shall
27 specify in the amount of detail that may be
28 practicable the activities and procedures
29 that are necessary to carry out those plans.

30 (3) Section 7(j), Chapter 377, Acts of the 69th
31 Legislature, Regular Session, 1985, provides that the
32 district may publish and disseminate to certain
33 persons plans and information and encourage the
34 adoption and execution of the plans. The revised law
35 omits the provision because it duplicates in substance
36 Section 36.110, Water Code. The omitted law reads:

37 (j) The district may publish plans
38 and information, publicize the plans and
39 information to the users of the underground
40 water within the district, and encourage
41 adoption and execution of the plans and
42 other measures included in the information.

1 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

2 Revised Law

3 Sec. 8886.201. TAX AND BOND PROVISIONS. (a) Except as
4 otherwise provided by this chapter, the tax and bond provisions of
5 Chapters 36 and 51, Water Code, apply to the district.

6 (b) On approval of the majority of the voters in an election
7 called for that purpose, the district may impose an ad valorem tax
8 to pay the principal of and interest on bonds and to maintain the
9 district. The tax approved under this subsection may not exceed
10 five cents on each \$100 of assessed valuation.

11 (c) At a regular meeting of the board, if the board
12 determines that the tax imposed under Subsection (b) is no longer
13 sufficient for the purposes stated in that subsection, the board
14 may call an election to be held to approve the imposition of an ad
15 valorem tax in excess of the limitation provided by Subsection (b).
16 If a majority of the voters approve the imposition of taxes in
17 excess of the limitation provided by Subsection (b), the district
18 may impose taxes in the amount approved by the voters at the
19 election called and held under this subsection. (Acts 69th Leg.,
20 R.S., Ch. 377, Secs. 12(a), (b) (part), (c).)

21 Source Law

22 Sec. 12. (a) Except as otherwise provided in
23 this Act, the tax and bond provisions of Chapters 51
24 and 52, Water Code, apply to the district.

25 (b) On approval of a majority of the qualified
26 voters at the . . . election called for that purpose,
27 the district may levy and collect taxes to pay the
28 principal of and interest on bonds and to maintain the
29 district. The tax approved under this subsection may
30 not exceed five cents on each \$100 of assessed
31 valuation.

32 (c) At a regular meeting of the board of
33 directors, if the board determines that the tax levied
34 and collected under Subsection (b) of this section is
35 no longer sufficient for the purposes stated in that
36 subsection, the board may call and hold an election to
37 approve the levy and collection of property taxes in
38 excess of the limitation provided by Subsection (b) of
39 this section. If a majority of the qualified voters
40 approve the levy and collection of taxes in excess of
41 the limitation provided by Subsection (b) of this
42 section, the district may levy and collect taxes in the
43 amount approved by the voters at the election called
44 and held under this subsection.

1 Revisor's Note

2 (1) Section 12(b), Chapter 377, Acts of the 69th
3 Legislature, Regular Session, 1985, refers to a
4 confirmation election. Because the confirmation
5 election has already been held, the revised law omits
6 the provision as executed. The omitted law reads:

7 (b) [On approval of a majority of the
8 qualified voters at the] confirmation
9 election or a subsequent [election]

10 (2) Sections 12(b) and (c), Chapter 377, Acts of
11 the 69th Legislature, Regular Session, 1985, refer to
12 the district's authority to "levy and collect" taxes,
13 to a property tax "levied and collected," and to an
14 election to approve the "levy and collection" of
15 property taxes. The revised law substitutes "impose,"
16 "imposed," and "imposition," respectively, for those
17 terms because "impose" is the term generally used in
18 Title 1, Tax Code, and includes the levying and
19 collection of a tax. The revised law also substitutes
20 "ad valorem tax" for "property taxes" because "ad
21 valorem tax" is the term most commonly used in Texas
22 law to refer to a tax on property.

23 (3) Sections 12(b) and (c), Chapter 377, Acts of
24 the 69th Legislature, Regular Session, 1985, refer to
25 an election by the "qualified" voters of the district.
26 The revised law omits "qualified" as unnecessary in
27 this context because Chapter 11, Election Code,
28 governs eligibility to vote in an election in this
29 state and allows only "qualified" voters who are
30 residents of the territory covered by the election to
31 vote in an election.

32 SUBCHAPTER F. DISSOLUTION OF DISTRICT

33 Revised Law

34 Sec. 8886.251. DISSOLUTION OF DISTRICT. The district may
35 be dissolved as provided by Chapter 36, Water Code. (Acts 69th

1 Leg., R.S., Ch. 377, Sec. 13.)

2 Source Law

3 Sec. 13. The district may be dissolved as
4 provided by Chapter 52, Water Code.

5 Revisor's Note
6 (End of Chapter)

7 Section 14, Chapter 1196, Acts of the 84th
8 Legislature, Regular Session, 2015, recites
9 legislative findings regarding procedural
10 requirements for legislation affecting the district
11 under the constitution and other laws and rules,
12 including proper legal notice and the filing of
13 recommendations. The revised law omits the provision
14 as executed. The omitted law reads:

15 Sec. 14. (a) The legal notice of the
16 intention to introduce this Act, setting
17 forth the general substance of this Act, has
18 been published as provided by law, and the
19 notice and a copy of this Act have been
20 furnished to all persons, agencies,
21 officials, or entities to which they are
22 required to be furnished under Section 59,
23 Article XVI, Texas Constitution, and
24 Chapter 313, Government Code.

25 (b) The governor, one of the required
26 recipients, has submitted the notice and
27 Act to the Texas Commission on
28 Environmental Quality.

29 (c) The Texas Commission on
30 Environmental Quality has filed its
31 recommendations relating to this Act with
32 the governor, the lieutenant governor, and
33 the speaker of the house of representatives
34 within the required time.

35 (d) All requirements of the
36 constitution and laws of this state and the
37 rules and procedures of the legislature
38 with respect to the notice, introduction,
39 and passage of this Act are fulfilled and
40 accomplished.

41 CHAPTER 8887. NORTH PLAINS GROUNDWATER CONSERVATION DISTRICT

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21 CHAPTER 8887. NORTH PLAINS GROUNDWATER CONSERVATION DISTRICT

22 SUBCHAPTER A. GENERAL PROVISIONS

23 Revised Law

24 Sec. 8887.001. DEFINITIONS. In this chapter:

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

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

27 (3) "District" means the North Plains Groundwater

28 Conservation District. (Acts 54th Leg., R.S., Ch. 498, Sec. 2

29 (part); New.)

30 Source Law

31 Sec. 2. North Plains Groundwater Conservation

32 District, hereinafter sometimes referred to as the

33 District,

34 Revisor's Note

35 The definitions of "board" and "director" are

1 added to the revised law for drafting convenience and
2 to eliminate frequent, unnecessary repetition of the
3 substance of the definitions.

4 Revised Law

5 Sec. 8887.002. NATURE OF DISTRICT. The district is a
6 groundwater conservation district created under Section 59,
7 Article XVI, Texas Constitution. (Acts 54th Leg., R.S., Ch. 498,
8 Secs. 1 (part), 4 (part).)

9 Source Law

10 Sec. 1. The creation and establishment of North
11 Plains Groundwater Conservation District,

12 Sec. 4. Said district is hereby declared to be
13 established under the provisions of Section 59 of
14 Article 16 of the Constitution of Texas and

15 Revised Law

16 Sec. 8887.003. FINDING OF BENEFIT. (a) All land and other
17 property in the district benefit from the:

18 (1) creation of the district;

19 (2) carrying out of the purposes for which the
20 district was created; and

21 (3) acquisition and construction of improvements to
22 carry out those purposes.

23 (b) The district is necessary to carry out the purposes of
24 Section 59, Article XVI, Texas Constitution. (Acts 54th Leg.,
25 R.S., Ch. 498, Sec. 4 (part).)

26 Source Law

27 Sec. 4. . . . the adoption of this Act is hereby
28 declared to be necessary to carry out the provisions of
29 said Section of the Constitution, and it is hereby
30 found and determined that all land and other property
31 within the limits of the district is benefited by the
32 creation of this district and will be benefited
33 through the carrying out of the purposes for which the
34 District is created, and by the acquisition and
35 construction of the improvements to carry out such
36 purposes.

37 Revised Law

38 Sec. 8887.004. DISTRICT TERRITORY. The district is
39 composed of the territory described by Section 1, Chapter 498, Acts
40 of the 54th Legislature, Regular Session, 1955, as that territory

1 may have been modified under:

- 2 (1) Subchapter J or K, Chapter 36, Water Code; or
- 3 (2) other law. (Acts 54th Leg., R.S., Ch. 498, Sec. 1
- 4 (part); New.)

5 Source Law

6 Sec. 1. [The . . . District] . . . composed of
7 lands and territories situated within all or a portion
8 of the Texas Counties of Dallam, Hansford, Hartley,
9 Hutchinson, Lipscomb, Moore, Ochiltree and Sherman,
10 the boundaries of said District being described by
11 metes and bounds in order canvassing returns and
12 declaring results of confirmation election, dated
13 January 27, 1955, recorded in Volume 1, Page 53, of the
14 Ground Water Conservation Records of Ochiltree County,
15 Texas, and recorded in Volume 119, Page 21 of the Deed
16 Records of Ochiltree County, Texas, to which reference
17 is here made for a more complete description, and which
18 is incorporated herein by reference the same as if
19 copied herein in full,

20 Revisor's Note

21 The revision of the law governing the district
22 does not revise the statutory language describing the
23 territory of the district to avoid the lengthy
24 recitation of the description and because that
25 description may not be accurate on the effective date
26 of the revision or at the time of a later reading. For
27 the reader's convenience, the revised law adds
28 references to the authority to change the district's
29 territory under Subchapter J or K, Chapter 36, Water
30 Code, applicable to groundwater conservation
31 districts, and to the general authority of the
32 legislature to enact a law to change the district's
33 territory.

34 SUBCHAPTER B. BOARD OF DIRECTORS

35 Revised Law

36 Sec. 8887.051. TERMS. Directors serve staggered four-year
37 terms. (Acts 54th Leg., R.S., Ch. 498, Sec. 1A(a).)

38 Source Law

39 Sec. 1A. (a) Members of the Board of Directors
40 of the District serve for four-year terms.

1 Revisor's Note

2 (1) Section 3(a), Chapter 760, Acts of the 68th
3 Legislature, Regular Session, 1983, provides for the
4 initial terms for directors elected in 1984. The
5 revised law omits that provision as executed. The
6 omitted law reads:

7 Sec. 3. (a) The directors elected
8 to fill the positions for precincts 1 and 2
9 at the director's election in 1984 shall
10 serve for four-year terms.

11 (2) Section 3(b), Chapter 760, Acts of the 68th
12 Legislature, Regular Session, 1983, provides for the
13 initial terms for directors elected in 1985 and 1986.
14 The revised law omits that provision as executed but
15 codifies the concept that the directors serve
16 staggered terms. The omitted law reads:

17 (b) The directors' election
18 scheduled to be held in 1985 shall be held,
19 and directors elected to fill the positions
20 for precincts 3, 4, and 5 at that directors'
21 election shall serve until the election of
22 directors to fill those positions in 1986.
23 An election shall be held on the first
24 Saturday in April in 1986 to elect directors
25 to fill the positions for precincts 3, 4,
26 and 5. Directors elected at the election in
27 1986 shall serve for four-year terms.

28 Revised Law

29 Sec. 8887.052. ELECTION DATE. The district shall hold an
30 election to elect the appropriate number of directors on a uniform
31 election date in each even-numbered year. (Acts 54th Leg., R.S.,
32 Ch. 498, Sec. 1A(b).)

33 Source Law

34 (b) A Directors' election shall be held on a
35 uniform election date in each even-numbered year to
36 elect the appropriate number of Directors.

37 Revisor's Note

38 (1) Section 1A(c), Chapter 498, Acts of the 54th
39 Legislature, Regular Session, 1955, states that a
40 directors' election is held "as provided by Chapter 36,
41 Water Code, and the Election Code," as excepted by that

1 section. The revised law omits the phrase "[e]xcept as
2 provided by this Section" because an exception to the
3 application of Chapter 36, Water Code, or the Election
4 Code would apply by its own terms. The revised law
5 omits the reference to Chapter 36, Water Code, as
6 unnecessary because that chapter applies to the
7 district under Section 8887.101 of this chapter and
8 Section 36.001(1), Water Code. Additionally, the
9 revised law omits the reference to the Election Code
10 because Section 1.002, Election Code, provides that
11 the Election Code applies to all elections held in this
12 state. The omitted law reads:

13 (c) Except as provided by this
14 Section, a Directors' election is held as
15 provided by Chapter 36, Water Code, and the
16 Election Code.

17 (2) Section 1, Chapter 644, Acts of the 84th
18 Legislature, Regular Session, 2015, amended Section
19 1A(b), Chapter 498, Acts of the 54th Legislature,
20 Regular Session, 1955, to change the date for electing
21 directors. Section 2 of Chapter 644 provided
22 transition procedures requiring the adjustment of
23 terms of certain directors to conform to the new
24 election date and Section 30(c), Article XVI, Texas
25 Constitution, if applicable. The revised law omits
26 the transition procedures regarding the terms as
27 executed. The omitted law reads:

28 Sec. 2. If the board of directors of
29 the North Plains Groundwater Conservation
30 District changes the election date for the
31 district as provided by Section 1A(b),
32 Chapter 498, Acts of the 54th Legislature,
33 Regular Session, 1955, as amended by this
34 Act, the board shall adjust the terms of
35 office to conform to the new election date
36 and the requirements of Section 30(c),
37 Article XVI, Texas Constitution.

38 SUBCHAPTER C. POWERS AND DUTIES

39 Revised Law

40 Sec. 8887.101. GENERAL POWERS AND DUTIES. The district has

1 all of the rights, powers, privileges, and duties provided by
2 general law applicable to groundwater conservation districts
3 created under Section 59, Article XVI, Texas Constitution, and
4 Chapter 36, Water Code. (Acts 54th Leg., R.S., Ch. 498, Sec. 2
5 (part).)

6 Source Law

7 Sec. 2. . . . [the District] . . . shall have
8 and exercise and is hereby vested with all of the
9 rights, powers, privileges and duties conferred and
10 imposed by the general laws of this State now enforced
11 or hereafter enacted applicable to groundwater
12 conservation districts created under authority of
13 Article XVI, Section 59 of the Constitution of Texas,
14 and Chapter 36, Water Code, to:

15 Revisor's Note

16 (1) Section 2, Chapter 498, Acts of the 54th
17 Legislature, Regular Session, 1955, provides that the
18 district "shall have and exercise and is hereby vested
19 with" certain powers. The revised law substitutes
20 "has" for the quoted language because, in context, the
21 terms are synonymous and "has" is more commonly used.

22 (2) Section 2, Chapter 498, Acts of the 54th
23 Legislature, Regular Session, 1955, states that the
24 district has the rights, powers, privileges, and
25 duties "conferred and imposed" by general law. The
26 revised law substitutes "provided" for the quoted
27 language because regardless of whether a right, power,
28 privilege, or duty is "conferred" by general law or
29 "imposed" by general law, it is not necessary to
30 characterize in the revised law the nature of the
31 granting of that authority. In context, "provided" is
32 synonymous with "conferred and imposed" and "provided"
33 is more commonly used.

34 (3) Section 2, Chapter 498, Acts of the 54th
35 Legislature, Regular Session, 1955, states that the
36 district has the rights, powers, privileges, and
37 duties conferred by the general laws of this state "now

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

9 (4) Section 3, Chapter 498, Acts of the 54th
10 Legislature, Regular Session, 1955, provides that the
11 district is governed by the provisions of "Chapter 25,
12 Acts of the Thirty-ninth Legislature of Texas, Regular
13 Session, 1925, as now or hereafter amended (Chapter
14 3A, Title 128, Vernon's Texas Civil Statutes, as now or
15 hereafter amended, and particularly Section 3c of said
16 Chapter 3A)." As originally enacted, Chapter 25,
17 General Laws, Acts of the 39th Legislature, Regular
18 Session, 1925, pertained only to water control and
19 improvement districts. However, Section 3c of Chapter
20 25, which was added in 1949, pertained to underground
21 water conservation districts. In 1971, the provisions
22 of Chapter 25 pertaining to water control and
23 improvement districts were codified as Chapter 51,
24 Water Code, but Section 3c of Chapter 25 was codified
25 as Chapter 52, Water Code. Chapter 933, Acts of the
26 74th Legislature, Regular Session, 1995, repealed
27 Chapter 52 and enacted Chapter 36, Water Code, which
28 governs groundwater conservation districts. Although
29 the meaning of Section 3 of Chapter 498 is not entirely
30 clear, given that there is no other indication that the
31 legislature intended to make the general laws
32 applicable to water control and improvement districts
33 applicable to the district, it appears likely that the
34 legislature merely intended to make Section 3c of

1 Chapter 25 (now Chapter 36, Water Code) applicable to
2 the district. The revised law omits the reference
3 because Chapter 36, Water Code, applies to the
4 district under Section 36.001(1), Water Code, and
5 Section 8887.101 of this chapter. The omitted law
6 reads:

7 Sec. 3. Except as herein otherwise
8 provided, said district shall be governed
9 by the provisions of Chapter 25, Acts of the
10 Thirty-ninth Legislature of Texas, Regular
11 Session, 1925, as now or hereafter amended
12 (Chapter 3A, Title 128, Vernon's Texas Civil
13 Statutes, as now or hereafter amended, and
14 particularly Section 3c of said Chapter
15 3A).

16 Revised Law

17 Sec. 8887.102. WELL PERMITS. (a) The district may:

18 (1) require a permit for drilling, equipping, or
19 completing a well in a groundwater reservoir in the district; and

20 (2) issue a permit subject to terms relating to
21 drilling, equipping, or completing a well that are necessary to
22 prevent waste or contamination.

23 (b) The district may not deny an owner of land, or the
24 owner's heirs, assigns, and lessees, a permit to drill a well on
25 that land or to produce groundwater from that well subject to rules
26 adopted to prevent waste or contamination. (Acts 54th Leg., R.S.,
27 Ch. 498, Sec. 2 (part).)

28 Source Law

29 Sec. 2. . . . [the District . . . shall have and
30 exercise and is hereby vested with all of the rights,
31 powers, privileges and duties . . . to:]

32 . . .
33 (3) require permits for the drilling,
34 equipping and completion of wells in any groundwater
35 reservoir of a groundwater reservoir in the district
36 and to issue such permits subject to such terms and
37 provisions with reference to the drilling, equipping
38 and completion thereof as may be necessary to prevent
39 waste or contamination;

40 (4) . . . provided, however, the owner of
41 the land, his heirs, assigns and lessees, shall not be
42 denied a permit to drill a well on his land and produce
43 groundwater therefrom subject to rules and regulations
44 promulgated hereunder to prevent waste or
45 contamination;

46 . . .

1 Revisor's Note

2 (1) Section 2(3), Chapter 498, Acts of the 54th
3 Legislature, Regular Session, 1955, refers to "terms
4 and provisions." The revised law omits the reference
5 to "provisions" because "provisions" is included in
6 the meaning of "terms."

7 (2) Section 2(4), Chapter 498, Acts of the 54th
8 Legislature, Regular Session, 1955, requires that the
9 district issue a permit to drill a well subject to
10 certain rules and regulations "promulgated" by the
11 district. The revised law substitutes "adopted" for
12 "promulgated" because, in context, "promulgated" is
13 included in the meaning of "adopted" and "adopted" is
14 the more commonly used term.

15 (3) Section 2(4), Chapter 498, Acts of the 54th
16 Legislature, Regular Session, 1955, refers to "rules
17 and regulations." The revised law omits the reference
18 to "regulations" because, in context, the terms are
19 synonymous and under Section 311.005(5), Government
20 Code (Code Construction Act), a rule is defined to
21 include a regulation.

22 (4) Section 2(3), Chapter 498, Acts of the 54th
23 Legislature, Regular Session, 1955, provides that the
24 district may require a permit for a well in a
25 "groundwater reservoir of a groundwater reservoir" in
26 the district. The revised law omits the reference to
27 "of a groundwater reservoir" because it is clear from
28 the context that "of a groundwater reservoir" is a
29 typographical error.

30 Revised Law

31 Sec. 8887.103. WELL SPACING AND PRODUCTION. To minimize as
32 far as practicable the drawdown of the water table or the reduction
33 of the artesian pressure, the district may provide for the spacing
34 of wells producing from a groundwater reservoir or a subdivision of

1 a groundwater reservoir in the district and regulate the production
2 from those wells. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

3 Source Law

4 Sec. 2. . . . [the District . . . shall have
5 and exercise and is hereby vested with all of the
6 rights, powers, privileges and duties . . . to:]

7 . . .
8 (4) provide for the spacing of wells
9 producing from any groundwater reservoir or
10 subdivision of a groundwater reservoir in the district
11 and to regulate the production therefrom so as to
12 minimize as far as practicable the drawdown of the
13 water table or the reduction of the artesian pressure;
14

15 Revised Law

16 Sec. 8887.104. RECORDS AND REPORTS. The district may
17 require that records be kept and reports be made of the drilling,
18 equipping, and completion of a well in a groundwater reservoir or a
19 subdivision of a groundwater reservoir in the district and the
20 taking and use of groundwater from those reservoirs or subdivisions
21 of those reservoirs. (Acts 54th Leg., R.S., Ch. 498, Sec. 2
22 (part).)

23 Source Law

24 Sec. 2. . . . [the District . . . shall have and
25 exercise and is hereby vested with all of the rights,
26 powers, privileges and duties . . . to:]

27 . . .
28 (5) require records to be kept and reports
29 to be made of the drilling, equipping, and completion
30 of wells into the reservoirs or subdivisions of
31 groundwater reservoirs and the taking and use of
32 groundwater therefrom;

33 Revised Law

34 Sec. 8887.105. LOGS. The district may require that:

35 (1) accurate driller's logs be kept of the drilling,
36 equipping, and completion of a well in a groundwater reservoir or a
37 subdivision of a groundwater reservoir in the district; and

38 (2) a copy of a driller's log and of any electric log
39 that is made of the well be filed with the district. (Acts 54th
40 Leg., R.S., Ch. 498, Sec. 2 (part).)

41 Source Law

42 Sec. 2. . . . [the District . . . shall have and
43 exercise and is hereby vested with all of the rights,
44 powers, privileges and duties . . . :]

1 . . .
2 (5) . . . to require accurate drillers'
3 logs to be kept of such wells and a copy thereof and of
4 any electric logs which may be made of such wells to be
5 filed with the district;
6 . . .

7 Revised Law

8 Sec. 8887.106. SURVEYS. The district may have a licensed
9 engineer or qualified groundwater scientist survey the groundwater
10 of a groundwater reservoir or a subdivision of a groundwater
11 reservoir in the district and the facilities for the development,
12 production, and use of that groundwater to determine the:

13 (1) quantity of the groundwater available for
14 production and use; and

15 (2) improvements, developments, and recharges needed
16 for the groundwater reservoir or subdivision of a groundwater
17 reservoir. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

18 Source Law

19 Sec. 2. . . . [the District . . . shall have and
20 exercise and is hereby vested with all of the rights,
21 powers, privileges and duties . . . to:]

22 . . .
23 (7) cause to be made by a registered
24 professional engineer or qualified groundwater
25 scientist surveys of the underground water of all
26 groundwater reservoirs or subdivisions of groundwater
27 reservoirs in the district and of the facilities for
28 the development, production and use of such water, to
29 determine the quantity thereof available for
30 production and use and the improvements, developments,
31 and recharges needed for such groundwater reservoirs
32 or subdivisions of groundwater reservoirs in the
33 district;
34 . . .

35 Revisor's Note

36 (1) Section 2(7), Chapter 498, Acts of the 54th
37 Legislature, Regular Session, 1955, refers to a
38 "registered professional engineer." The revised law
39 substitutes "engineer" for "professional engineer"
40 because "engineer" is the term used by Chapter 1001,
41 Occupations Code, which regulates engineers. The
42 revised law also substitutes "licensed" for
43 "registered" because Chapter 1001, Occupations Code,
44 requires that a person hold a license to engage in the

1 practice of engineering.

2 (2) Section 2(7), Chapter 498, Acts of the 54th
3 Legislature, Regular Session, 1955, refers to
4 "underground water" and "water." Throughout this
5 chapter, the revised law substitutes a reference to
6 "groundwater," where appropriate, to conform to the
7 term used in Chapter 36, Water Code.

8 Revised Law

9 Sec. 8887.107. RESEARCH AND DETERMINATIONS REGARDING
10 GROUNDWATER WITHDRAWAL. The district may carry out research
11 projects, develop information, and determine limitations, if any,
12 that should be made on the withdrawal of water from a groundwater
13 reservoir or a subdivision of a groundwater reservoir in the
14 district. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

15 Source Law

16 Sec. 2. . . . [the District . . . shall have and
17 exercise and is hereby vested with all of the rights,
18 powers, privileges and duties . . . :]

19 . . .
20 (8) . . . to carry out research projects,
21 develop information and determine limitations, if any,
22 which should be made on the withdrawal of water from
23 the groundwater reservoirs or subdivisions of
24 groundwater reservoirs in the district;

25 Revised Law

26 Sec. 8887.108. COLLECTION AND PRESERVATION OF INFORMATION.
27 The district may collect and preserve information regarding the use
28 of groundwater and the practicability of recharge of a groundwater
29 reservoir or a subdivision of a groundwater reservoir in the
30 district. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

31 Source Law

32 Sec. 2. . . . [the District . . . shall have and
33 exercise and is hereby vested with all of the rights,
34 powers, privileges and duties . . . :]

35 . . .
36 (8) . . . to collect and preserve
37 information regarding the use of such water and the
38 practicability of recharge of the groundwater
39 reservoirs or subdivisions of groundwater reservoirs
40 in the district;

41 Revised Law

42 Sec. 8887.109. RULES: PREVENTION OF WASTE. (a) In this

1 section, "waste" has the meaning assigned by Section 36.001, Water
2 Code.

3 (b) The district may adopt and enforce rules to prevent the
4 waste of the groundwater of any groundwater reservoir or
5 subdivision of a groundwater reservoir in the district. (Acts 54th
6 Leg., R.S., Ch. 498, Sec. 2 (part).)

7 Source Law

8 Sec. 2. . . . [the District . . . shall have and
9 exercise and is hereby vested with all of the rights,
10 powers, privileges, and duties . . . to:]

11 . . .
12 (2) formulate, promulgate and enforce
13 rules and regulations to prevent the waste, as defined
14 in Chapter 36, Water Code, of the underground water of
15 any groundwater reservoir or subdivision of a
16 groundwater reservoir in the district;
17 . . .

18 Revisor's Note

19 (1) Section 2(2), Chapter 498, Acts of the 54th
20 Legislature, Regular Session, 1955, states that the
21 district may formulate and promulgate rules and
22 regulations to prevent waste. The revised law
23 substitutes "adopt" for "formulate" and "promulgate"
24 for the reason stated in Revisor's Note (2) to Section
25 8887.102 of this chapter.

26 (2) Section 2(2), Chapter 498, Acts of the 54th
27 Legislature, Regular Session, 1955, states that the
28 district may formulate and promulgate rules and
29 regulations to prevent waste. The revised law omits
30 the reference to "regulations" for the reason stated
31 in Revisor's Note (3) to Section 8887.102 of this
32 chapter.

33 Revisor's Note
34 (End of Subchapter)

35 (1) Sections 2(1) and (9), Chapter 498, Acts of
36 the 54th Legislature, Regular Session, 1955, state
37 that the district may make and enforce rules relating
38 to groundwater and that the district may enforce its
39 rules in court. The revised law omits those provisions

1 because they duplicate parts of Sections 36.101 and
2 36.102, Water Code. Throughout this chapter, the
3 revised law omits law that is superseded by Chapter 36,
4 Water Code, or that duplicates law contained in that
5 chapter. Chapter 36, Water Code, applies to the
6 district under Section 8887.101 of this chapter and
7 Section 36.001(1), Water Code. The omitted law reads:

8 Sec. 2. . . .

9 (1) formulate, promulgate and
10 enforce rules and regulations for the
11 purpose of conserving, preserving,
12 protecting and recharging the water of any
13 groundwater reservoir or subdivision of a
14 groundwater reservoir in the district;

15 . . .
16 (9) enforce, by injunction,
17 mandatory injunction or other appropriate
18 remedy, in courts of competent
19 jurisdiction, rules and regulations duly
20 adopted and promulgated by such district;
21 provided, that no rule or regulation shall
22 be effective until a brief resume thereof
23 has been published once a week for two (2)
24 consecutive weeks in one or more newspapers
25 to give circulation within the district,
26 and such rule or regulation is to be
27 effective not less than fourteen (14) days
28 after the date of the first publication;

29 . . .

30 (2) Section 2(6), Chapter 498, Acts of the 54th
31 Legislature, Regular Session, 1955, provides that the
32 district may acquire land for certain purposes and
33 perform certain actions necessary to recharge a
34 groundwater reservoir. The revised law omits the
35 provision because it duplicates in substance Section
36 36.103(b), Water Code. The omitted law reads:

37 Sec. 2. . . .

38 (6) acquire lands for the
39 erection of dams and for the purpose of
40 draining lakes, draws, and depressions, and
41 to construct dams, drain lakes,
42 depressions, draws, and creeks and to
43 install pumps and other equipment necessary
44 to recharge any groundwater reservoir or
45 subdivision of a groundwater reservoir in
46 the district;

47 . . .

48 (3) Section 2(8), Chapter 498, Acts of the 54th
49 Legislature, Regular Session, 1955, authorizes the

1 district to develop comprehensive plans for the most
2 efficient use of groundwater and for the control and
3 prevention of waste of that groundwater. The revised
4 law omits the provision as superseded by Section
5 36.1071, Water Code, which requires groundwater
6 conservation districts to develop a comprehensive
7 management plan with certain mandatory components.
8 Section 36.052(b), Water Code, added by Chapter 1010,
9 Acts of the 75th Legislature, Regular Session, 1997,
10 provides that certain sections of Chapter 36,
11 including Section 36.1071, prevail over a conflicting
12 or inconsistent provision of a special law that
13 governs a specific district. The omitted law reads:

14 Sec. 2. . . .

15 (8) develop comprehensive plans
16 for the most efficient use of the water of
17 the groundwater reservoirs or subdivisions
18 of groundwater reservoirs in the district
19 and for the control and prevention of waste
20 of such groundwater, which plans shall
21 specify in such detail as may be practicable
22 the acts, procedure, performance and
23 avoidance which are or may be necessary to
24 effect such plans, including specifications
25 therefor;

26 (4) Section 2(8), Chapter 498, Acts of the 54th
27 Legislature, Regular Session, 1955, provides that the
28 district may publish and disseminate to certain
29 persons plans and information and encourage the
30 adoption and execution of the plans. The revised law
31 omits the provision because it duplicates in substance
32 Section 36.110, Water Code. The omitted law reads:

33 Sec. 2. . . .

34 (8) . . . to publish such plans
35 and information, bring them to the notice
36 and attention of the users of such
37 groundwater within the district, and to
38 encourage their adoption and execution;
39

40 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

41 Revised Law

42 Sec. 8887.151. LIMITATION ON MAINTENANCE AND OPERATION TAX.

1 To pay the maintenance and operating expenses of the district,
2 including the maintenance of its installations and activities, the
3 district may impose ad valorem taxes annually at a rate not to
4 exceed five cents on each \$100 of assessed valuation on property in
5 the district subject to taxation. (Acts 54th Leg., R.S., Ch. 498,
6 Sec. 2 (part).)

7 Source Law

8 Sec. 2. . . . [the District . . . shall have and
9 exercise and is hereby vested with all of the rights,
10 powers, privileges and duties . . . :]

11 . . .
12 (10) . . . to levy and collect the ad
13 valorem tax authorized . . . for the maintenance of
14 such district, its installations and activities; . . .
15 provided further that the maintenance and operating
16 taxes may never in any one year exceed Five Cents (5¢)
17 on the One Hundred Dollar (\$100) assessed valuation on
18 property in the district subject to taxation; and
19

20 Revisor's Note

21 Section 2(10), Chapter 498, Acts of the 54th
22 Legislature, Regular Session, 1955, refers to the
23 district's authority to "levy and collect" taxes. The
24 revised law substitutes "impose" for those terms
25 because "impose" is the term generally used in Title 1,
26 Tax Code, and includes the levying, assessment, and
27 collection of a tax.

28 Revised Law

29 Sec. 8887.152. MAINTENANCE AND OPERATION TAX ELECTION. The
30 district may order an election to impose taxes for the maintenance
31 of the district and its installations and activities. The election
32 must be held as is provided for elections authorizing the issuance
33 of bonds. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

34 Source Law

35 Sec. 2. . . . [the District . . . shall have and
36 exercise and is hereby vested with all of the rights,
37 powers, privileges, and duties . . . :]

38 . . .
39 (10) . . . to hereafter order elections
40 for the purpose of authorizing the levy and collection
41 of taxes for the maintenance of the district, its
42 installations and activities, such elections to be
43 ordered and held as is provided for elections
44 authorizing the issuance of bonds;

1 Revisor's Note

2 Section 2(10), Chapter 498, Acts of the 54th
3 Legislature, Regular Session, 1955, refers to the
4 district's authority to levy and collect taxes. The
5 revised law substitutes "impose" for those terms for
6 the reason stated in the revisor's note to Section
7 8887.151 of this chapter.

8 Revised Law

9 Sec. 8887.153. DISTRICT DEBT. The district may incur all
10 indebtedness necessary to the achievement of the purposes for which
11 the district is created. (Acts 54th Leg., R.S., Ch. 498, Sec. 2
12 (part).)

13 Source Law

14 Sec. 2. . . . [the District . . . shall have and
15 exercise and is hereby vested with all of the rights,
16 powers, privileges, and duties . . . to:]

17 . . .
18 (10) incur all such indebtedness as may be
19 necessary and requisite to the achievement of the
20 purposes for which the district is created;

21 Revisor's Note

22 Section 2(10), Chapter 498, Acts of the 54th
23 Legislature, Regular Session, 1955, provides that the
24 district has the powers that are "necessary and
25 requisite" to take certain actions. The revised law
26 omits "requisite" because, in this context,
27 "requisite" is included in the meaning of "necessary."

28 Revisor's Note
29 (End of Subchapter)

30 (1) Section 2(10), Chapter 498, Acts of the 54th
31 Legislature, Regular Session, 1955, provides that the
32 district may issue bonds and notes and impose a tax for
33 the payment of the bonds in accordance with Chapter 36,
34 Water Code. The revised law omits those provisions
35 because the authorization for the issuance of bonds
36 and the imposition of taxes duplicates portions of
37 Subchapters F and G, Chapter 36, Water Code. The

1 omitted law reads:

2 Sec. 2. . . .
3 (10) . . . to issue negotiable
4 bonds and notes in the name of the district
5 for any lawful purpose of the district and
6 levy and collect such ad valorem taxes as
7 may be necessary for the payment of the
8 interest and the creation of a sinking fund
9 for the payment of such bonds, the issuance
10 of such bonds and the levy and collection of
11 taxes to be in accordance with Chapter 36,
12 Water Code;

13 (2) Section 2(10), Chapter 498, Acts of the 54th
14 Legislature, Regular Session, 1955, provides that the
15 district may impose a maintenance and operation tax if
16 the tax is approved at an election held on January 21,
17 1955. The revised law omits that provision as
18 executed. The omitted law reads:

19 Sec. 2. . . .
20 (10) . . . at the election held
21 January 21, 1955, . . . [to hereafter order
22 elections for the purpose of authorizing
23 the levy and collection of taxes for the
24 maintenance of the district, its
25 installations and activities, such
26 elections to be ordered and held as is
27 provided for elections authorizing the
28 issuance of bonds;]

29 (3) Section 2(10), Chapter 498, Acts of the 54th
30 Legislature, Regular Session, 1955, provides that all
31 resident voters in the district may vote in a bond or
32 tax election. The revised law omits that provision
33 because it duplicates in substance Section
34 11.001(a)(2), Election Code, which provides that to be
35 eligible to vote in an election, a person must be a
36 resident of the territory covered by the election. The
37 omitted law reads:

38 Sec. 2. . . .
39 (10) . . . provided that in all
40 bond elections and tax elections all
41 persons may vote who are resident voters of
42 such district;

43 (4) Section 2(10), Chapter 498, Acts of the 54th
44 Legislature, Regular Session, 1955, provides that the
45 district may have the district's taxes assessed and

1 collected by the respective county tax assessors and
2 collectors as provided by "Chapter 218, Page 348,
3 Acts, Fifty-second Legislature, Regular Session,
4 1951." The revised law omits the provision because
5 Chapter 218 is duplicative of or superseded by
6 provisions of Title 1, Tax Code.

7 Chapter 218 authorizes the board of directors of
8 a water control and improvement district to require
9 the county assessor-collector to assess and collect
10 the district's ad valorem taxes and specifies the fee
11 to which the county assessor-collector is entitled.
12 The provision of Chapter 218 authorizing the board of
13 directors of a district to require the county
14 assessor-collector to assess and collect the
15 district's ad valorem taxes duplicates Sections
16 6.22(c) and 6.23(a)(3), Tax Code. The provision of
17 Chapter 218 specifying the fee to which the county
18 assessor-collector is entitled conflicts with Section
19 6.27, Tax Code.

20 Sections 6.22(c), 6.23(a)(3), and 6.27, Tax Code,
21 are part of the Property Tax Code (Title 1, Tax Code),
22 which was enacted by Chapter 841, Acts of the 66th
23 Legislature, Regular Session, 1979. Title 1, Tax
24 Code, was intended as a comprehensive, substantive
25 codification of all laws governing the administration
26 of property taxes, including assessment and
27 collection. Section 6(b) of Chapter 841 repealed all
28 "general, local, and special laws" that conflicted
29 with that chapter. Because Chapter 218 is duplicative
30 of or superseded by provisions of Title 1, Tax Code,
31 the provision of Section 2(10) referencing that
32 chapter may be omitted. The omitted law reads:

33 Sec. 2. . . .
34 (10) . . . provided, further,
35 that the district may have its taxes

1 assessed and collected by the respective
2 county tax assessors and collectors as
3 provided in Chapter 218, Page 348, Acts,
4 Fifty-second Legislature, Regular Session,
5 1951.

6 Revisor's Note
7 (End of Chapter)

8 (1) Section 1, Chapter 498, Acts of the 54th
9 Legislature, Regular Session, 1955, Section 3, Chapter
10 63, Acts of the 69th Legislature, Regular Session,
11 1985, and Section 4, Chapter 1152, Acts of the 76th
12 Legislature, Regular Session, 1999, contain
13 provisions that ratify, confirm, or validate the
14 establishment, the purpose, or certain elections or
15 acts of the district. Section 4a, Chapter 498, Acts of
16 the 54th Legislature, Regular Session, 1955, and
17 Section 5, Chapter 1152, Acts of the 76th Legislature,
18 Regular Session, 1999, provide that the act does not
19 validate an act, proceeding, director, bond, or
20 obligation that is the subject of pending litigation.
21 Those provisions are omitted from the revised law
22 because they served their purpose on the day they took
23 effect and are executed law. Section 311.031(a)(2),
24 Government Code (Code Construction Act), provides that
25 the repeal of a statute does not affect any validation
26 previously made under the statute. Therefore, the
27 omission of the executed validation provisions does
28 not affect those validations. The omitted law reads:

29 [Acts 54th Leg., R.S., Ch. 498]
30 Sec. 1. [The creation of the
31 district] . . . is hereby ratified,
32 confirmed and validated. All acts of the
33 Board of Water Engineers of the State of
34 Texas in regard to the designation of
35 Subdivision Number Two, of the Groundwater
36 Reservoir in the Ogallala Formation, North
37 of the Canadian River in Texas, dated August
38 16, 1954, in regard to the creation and
39 establishing of said District, and the
40 appointment of seven (7) directors, and all
41 acts of the Board of Directors of said
42 District in regard to the creation and
43 establishment of said District and in
44 regard to levying and collecting ad valorem
45 taxes by said District are in all things

1 ratified, confirmed and validated, and said
2 District, composed of the land and
3 territory described above, is hereby
4 declared to have been fully and duly created
5 and established and authorized to collect
6 ad valorem taxes from and after the
7 confirmation and tax elections held within
8 said District on January 21, 1955.

9 Sec. 4a. This Act shall not be
10 construed as validating any district or
11 bond proceedings or bonds issued or to be
12 issued, the validity of which has become
13 contested or attacked in any litigation
14 pending at the time this Act becomes
15 effective.

16 [Acts 69th Leg., R.S., Ch. 63]

17 Sec. 3. The election of directors
18 held in April 1984 and all actions and
19 proceedings of the board of directors and
20 all expenditures of district funds by the
21 board of directors since that election are
22 validated, and the election of directors
23 and those actions, proceedings, and
24 expenditures may not be held invalid
25 because they were not held, taken, or done
26 in compliance with law at the time of the
27 action.

28 [Acts 76th Leg., R.S., Ch. 1152]

29 Sec. 4. The following acts of the
30 North Plains Ground Water Conservation
31 District No. Two are validated and
32 confirmed in all respects as if the actions
33 had been taken as authorized by law:

34 (1) all acts and governmental
35 proceedings of the district taken before
36 the effective date of this Act, including
37 the adoption of rules, the approval or
38 issuance of water well drilling permits,
39 annexations of land and land purchases, and
40 changes in the number and terms of the
41 directors of the district;

42 (2) all bonds and other
43 obligations of the district authorized or
44 issued before the effective date of this
45 Act, including all proceedings taken before
46 the effective date of this Act that are
47 related to those bonds or other
48 obligations; and

49 (3) all directors of the
50 district whether elected or appointed who
51 took office before the effective date of
52 this Act.

53 Sec. 5. Section 4 of this Act does
54 not apply to any act, proceeding, director,
55 bond, or obligation the validity of which or
56 of whom is the subject of litigation that is
57 pending on the effective date of this Act.

58 (2) Section 5, Chapter 498, Acts of the 54th
59 Legislature, Regular Session, 1955, provides that the
60 act is severable. The revised law omits that provision
61 because the same result is produced by application of

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

5 Sec. 5. If any section, sentence,
6 clause, or part of this Act shall, for any
7 reason, be held invalid, such decision
8 shall not affect the remaining portions of
9 this Act, and it is hereby declared to be
10 the intention of this Legislature to have
11 passed each sentence, section, clause or
12 part thereof irrespective of the fact that
13 any other sentence, section, clause or part
14 thereof may be declared invalid.

15 (3) Section 3, Chapter 644, Acts of the 84th
16 Legislature, Regular Session, 2015, recites
17 legislative findings regarding procedural
18 requirements for legislation affecting the district
19 under the constitution and other laws and rules,
20 including proper legal notice and the filing of
21 recommendations. The revised law omits those
22 provisions as executed. The omitted law reads:

23 Sec. 3. (a) The legal notice of the
24 intention to introduce this Act, setting
25 forth the general substance of this Act, has
26 been published as provided by law, and the
27 notice and a copy of this Act have been
28 furnished to all persons, agencies,
29 officials, or entities to which they are
30 required to be furnished under Section 59,
31 Article XVI, Texas Constitution, and
32 Chapter 313, Government Code.

33 (b) The governor, one of the required
34 recipients, has submitted the notice and
35 Act to the Texas Commission on
36 Environmental Quality.

37 (c) The Texas Commission on
38 Environmental Quality has filed its
39 recommendations relating to this Act with
40 the governor, the lieutenant governor, and
41 the speaker of the house of representatives
42 within the required time.

43 (d) All requirements of the
44 constitution and laws of this state and the
45 rules and procedures of the legislature
46 with respect to the notice, introduction,
47 and passage of this Act are fulfilled and
48 accomplished.

49 CHAPTER 8888. NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY

50 SUBCHAPTER A. GENERAL PROVISIONS

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29		SUBCHAPTER A. GENERAL PROVISIONS	
30		<u>Revised Law</u>	
31		Sec. 8888.001. DEFINITIONS. In this chapter:	
32		(1) "Agricultural crop" means:	
33		(A) a food or fiber commodity grown for resale or	
34		commercial purposes that provides food, clothing, or animal feed;	

1 or

2 (B) a nursery product or florist item that is in
3 the possession of a nursery grower.

4 (2) "Authority" means the North Harris County Regional
5 Water Authority.

6 (3) "Board" means the authority's board of directors.

7 (4) "Commission" means the Texas Commission on
8 Environmental Quality.

9 (5) "Director" means a member of the board.

10 (6) "Florist item" means a cut flower, potted plant,
11 blooming plant, inside foliage plant, bedding plant, corsage
12 flower, cut foliage, floral decoration, or live decorative
13 material.

14 (7) "Groundwater reduction plan" means a plan adopted
15 or implemented to supply water, reduce reliance on groundwater,
16 regulate groundwater pumping and water usage, or require and
17 allocate water usage among persons in order to comply with or exceed
18 the minimum requirements imposed by the subsidence district,
19 including any applicable groundwater reduction requirements.

20 (8) "Local government" means a municipality, county,
21 special district, or other political subdivision of this state or a
22 combination of two or more of those entities.

23 (9) "Nursery grower" means a person who grows, in any
24 medium, more than 50 percent of the nursery products or florist
25 items that the person sells or leases, regardless of the variety
26 sold, leased, or grown. For the purposes of this definition, "grow"
27 means the actual cultivation or propagation of the nursery product
28 or florist item beyond the mere holding or maintaining of the item
29 before sale or lease and typically includes activities associated
30 with the production or multiplying of stock such as the development
31 of new plants from cuttings, grafts, plugs, or seedlings.

32 (10) "Nursery product" includes a tree, shrub, vine,
33 cutting, graft, scion, grass, bulb, or bud that is grown for, kept
34 for, or capable of propagation and distribution for sale or lease.

1 (11) "Subsidence" means the lowering in elevation of
2 the surface of land by the withdrawal of groundwater.

3 (12) "Subsidence district" means the Harris-Galveston
4 Subsidence District.

5 (13) "System" means a network of pipelines, conduits,
6 canals, pumping stations, force mains, and treatment plants, and
7 any other construction, device, or related appurtenance, used to
8 treat or transport water.

9 (14) "Water" includes:

10 (A) groundwater, percolating or otherwise;

11 (B) any surface water, natural or artificial,
12 navigable or nonnavigable; and

13 (C) industrial and municipal wastewater. (Acts
14 76th Leg., R.S., Ch. 1029, Secs. 1.01(a) (part), 1.02(1), (2), (3),
15 (4), (5), (7), (8), (9), (10), (11), (12) as added Acts 77th Leg.,
16 R.S., Ch. 232, (12) as added Acts 77th Leg., R.S., Ch. 1296, (13),
17 (14).)

18 Source Law

19 Sec. 1.01. (a) . . . to be known as the North
20 Harris County Regional Water Authority,

21 Sec. 1.02. In this Act:

22 (1) "Authority" means the North Harris
23 County Regional Water Authority.

24 (2) "Board" means the board of directors
25 of the authority.

26 (3) "Commission" means the Texas Natural
27 Resource Conservation Commission.

28 (4) "Director" means a member of the
29 board.

30 (5) "Local government" means a
31 municipality, county, special district, or other
32 political subdivision of this state or a combination
33 of two or more of those entities.

34 (7) "Subsidence district" means the
35 Harris-Galveston Coastal Subsidence District.

36 (8) "System" means a network of pipelines,
37 conduits, canals, pumping stations, force mains,
38 treatment plants, and any other construction, device,
39 or related appurtenance used to treat or transport
40 water.

41 (9) "Water" includes:

42 (A) groundwater, percolating or
43 otherwise;

44 (B) any surface water, natural or
45 artificial, navigable or nonnavigable; and

46 (C) industrial and municipal
47 wastewater.

1 (10) "Subsidence" means the lowering in
2 elevation of the surface of land by the withdrawal of
3 groundwater.

4 (11) "Agricultural crop" means:

5 (A) a food or fiber commodity grown
6 for resale or commercial purposes that provides food,
7 clothing, or animal feed; or

8 (B) a nursery product or florist item
9 while in the hands of a nursery grower.

10 (12) [as added Acts 77th Leg., R.S., Ch.
11 232] "Florist item" means a cut flower, potted plant,
12 blooming plant, inside foliage plant, bedding plant,
13 corsage flower, cut foliage, floral decoration, or
14 live decorative material.

15 (12) [as added Acts 77th Leg., R.S., Ch.
16 1296] "Groundwater reduction plan" means a plan
17 adopted or implemented to supply water, reduce
18 reliance on groundwater, regulate groundwater pumping
19 and water usage, or require and allocate water usage
20 among persons in order to comply with or exceed the
21 minimum requirements imposed by the subsidence
22 district, including any applicable groundwater
23 reduction requirements.

24 (13) "Nursery grower" means a person who
25 grows, in any medium, more than 50 percent of the
26 nursery products or florist items that the person
27 either sells or leases, regardless of the variety
28 sold, leased, or grown. For the purposes of this
29 definition, "grow" means the actual cultivation or
30 propagation of the nursery product or florist item
31 beyond the mere holding or maintaining of the item
32 prior to sale or lease and typically includes
33 activities associated with the production or
34 multiplying of stock such as the development of new
35 plants from cuttings, grafts, plugs, or seedlings.

36 (14) "Nursery product" includes a tree,
37 shrub, vine, cutting, graft, scion, grass, bulb, or
38 bud that is grown for, kept for, or is capable of
39 propagation and distribution for sale or lease.

40 Revisor's Note

41 (1) Section 1.02(3), Chapter 1029, Acts of the
42 76th Legislature, Regular Session, 1999, refers to the
43 "Texas Natural Resource Conservation Commission." The
44 revised law substitutes "Texas Commission on
45 Environmental Quality" for "Texas Natural Resource
46 Conservation Commission" to reflect a change in the
47 agency's name. The name of the Texas Natural Resource
48 Conservation Commission was changed to the Texas
49 Commission on Environmental Quality by Section 18.01,
50 Chapter 965, Acts of the 77th Legislature, Regular
51 Session, 2001. The revised law is drafted
52 accordingly.

53 (2) Section 1.02(6), Chapter 1029, Acts of the

1 76th Legislature, Regular Session, 1999, provides that
2 "person" has the meaning assigned by Section 311.005,
3 Government Code (Code Construction Act). The revised
4 law omits that provision because Section 311.005,
5 Government Code, applies to the revised law by its own
6 terms. The omitted law reads:

7 (6) "Person" has the meaning
8 assigned by Section 311.005, Government
9 Code.

10 (3) Section 1.02(7), Chapter 1029, Acts of the
11 76th Legislature, Regular Session, 1999, refers to the
12 "Harris-Galveston Coastal Subsidence District." The
13 revised law substitutes "Harris-Galveston Subsidence
14 District" for "Harris-Galveston Coastal Subsidence
15 District" to reflect a change in the district's name.
16 The name of the Harris-Galveston Coastal Subsidence
17 District was changed to the Harris-Galveston
18 Subsidence District by Sections 1 and 2, Chapter 238,
19 Acts of the 79th Legislature, Regular Session, 2005.
20 The revised law is drafted accordingly.

21 Revised Law

22 Sec. 8888.002. NATURE OF AUTHORITY. The authority is a
23 regional water authority in Harris County created under and
24 essential to accomplish the purposes of Section 59, Article XVI,
25 Texas Constitution. (Acts 76th Leg., R.S., Ch. 1029, Secs. 1.01(a)
26 (part), (b).)

27 Source Law

28 (a) A regional water authority, [to be known as
29 the North Harris County Regional Water Authority,] is
30 created in Harris County,

31 (b) The authority is created under and is
32 essential to accomplish the purposes provided by
33 Section 59, Article XVI, Texas Constitution.

34 Revisor's Note

35 (1) Section 1.01(a), Chapter 1029, Acts of the
36 76th Legislature, Regular Session, 1999, refers to a
37 confirmation election to be held under Section 2.05 of

1 that chapter. Because the confirmation election has
2 already been held and because Section 2.05 of that
3 chapter was repealed by Chapter 321, Acts of the 82nd
4 Legislature, Regular Session, 2011, the revised law
5 omits that provision as executed. The omitted law
6 reads:

7 (a) [A regional water authority . . .
8 is created] . . . subject to a confirmation
9 election held under Section 2.05 of this
10 Act. . . .

11 (2) Section 1.01(a), Chapter 1029, Acts of the
12 76th Legislature, Regular Session, 1999, provides that
13 the authority is a governmental agency and a body
14 politic and corporate. The revised law omits that
15 provision because it duplicates a portion of Section
16 59(b), Article XVI, Texas Constitution, which provides
17 that a district created under Section 59(b) is a
18 governmental agency and a body politic and corporate.
19 The omitted law reads:

20 (a) . . . The authority is a
21 governmental agency and a body politic and
22 corporate.

23 Revised Law

24 Sec. 8888.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
25 authority is created to serve a public use and benefit.

26 (b) All land and other property included in the authority
27 will benefit from the works and projects accomplished by the
28 authority under the powers provided by this chapter. (Acts 76th
29 Leg., R.S., Ch. 1029, Sec. 1.06.)

30 Source Law

31 Sec. 1.06. All the land and other property
32 included within the boundaries of the authority will
33 be benefited by the works and projects that are to be
34 accomplished by the authority under powers conveyed by
35 this Act. The authority is created to serve a public
36 use and benefit.

37 Revised Law

38 Sec. 8888.004. DISTRICTS IN AUTHORITY'S BOUNDARIES. A
39 district in the authority's boundaries retains the district's

1 separate identity, powers, and duties. The district is subject to
2 the authority's powers and duties, including those powers and
3 duties necessary to develop, implement, and enforce a groundwater
4 reduction plan. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.14.)

5 Source Law

6 Sec. 4.14. A district inside of the authority's
7 boundaries retains its separate identity, powers, and
8 duties, except that the district is subject to the
9 powers and duties of the authority, including those
10 powers and duties of the authority necessary to
11 develop, implement, and enforce a groundwater
12 reduction plan.

13 Revised Law

14 Sec. 8888.005. APPLICABILITY OF OTHER LAW. (a) This
15 chapter prevails over any inconsistent provision of general law.

16 (b) This chapter does not prevail over or preempt a
17 provision of Chapter 8801 of this code or Chapter 36, Water Code,
18 that is being implemented by the subsidence district.

19 (c) The following laws do not apply to the authority:

- 20 (1) Chapter 36, Water Code;
- 21 (2) Section 49.052, Water Code; and
- 22 (3) Sections 49.451-49.455, Water Code. (Acts 76th
23 Leg., R.S., Ch. 1029, Sec. 1.05.)

24 Source Law

25 Sec. 1.05. (a) This Act prevails over any
26 inconsistent provision of general law.

27 (b) This Act does not prevail over or preempt a
28 provision of Chapter 151, Water Code, or Chapter 36,
29 Water Code, that is being implemented by the
30 subsidence district.

31 (c) The following laws do not apply to the
32 authority:

- 33 (1) Chapter 36, Water Code;
- 34 (2) Section 49.052, Water Code; and
- 35 (3) Sections 49.451-49.455, Water Code.

36 Revisor's Note

37 Section 1.05(b), Chapter 1029, Acts of the 76th
38 Legislature, Regular Session, 1999, refers to Chapter
39 151, Water Code. The revised law substitutes for the
40 reference to Chapter 151, Water Code, a reference to
41 Chapter 8801, Special District Local Laws Code.
42 Chapter 1277, Acts of the 78th Legislature, Regular

1 Session, 2003, repealed Chapter 151, Water Code, and
2 enacted Chapter 8801, Special District Local Laws
3 Code, to govern the Harris-Galveston Subsidence
4 District.

5 SUBCHAPTER B. TERRITORY

6 Revised Law

7 Sec. 8888.051. AUTHORITY TERRITORY. The authority is
8 composed of the territory described by Sections 1.03(a), (b),
9 (b-1), (b-2), (c), and (e), Chapter 1029, Acts of the 76th
10 Legislature, Regular Session, 1999, as that territory may have been
11 modified under:

12 (1) this subchapter or the following predecessor
13 statutes:

14 (A) Sections 1.03(f) and (g), Chapter 1029, Acts
15 of the 76th Legislature, Regular Session, 1999; or

16 (B) Section 1.045, Chapter 1029, Acts of the 76th
17 Legislature, Regular Session, 1999; or

18 (2) Subchapter J, Chapter 49, Water Code. (New.)

19 Revisor's Note

20 The revision of the law governing the authority
21 does not revise the statutory language describing the
22 territory of the authority to avoid the lengthy
23 recitation of the description and because that
24 description may not be accurate on the effective date
25 of the revision or at the time of a later reading. For
26 the reader's convenience, the revised law includes a
27 reference to the statutory description of the
28 authority's territory and references to statutory
29 authority to change the authority's territory under
30 this subchapter or its predecessor statutes, Sections
31 1.03(f) and (g) and 1.045, Chapter 1029, Acts of the
32 76th Legislature, Regular Session, 1999, and
33 Subchapter J, Chapter 49, Water Code, applicable to
34 the authority under Sections 49.001 and 49.002 of that

1 chapter.

2 Revised Law

3 Sec. 8888.052. LOCAL GOVERNMENT ANNEXATION. Territory
4 annexed by a local government located in the authority becomes
5 territory of the authority on the effective date of the annexation
6 unless the annexed territory is included in another local
7 government's approved groundwater reduction plan as of the
8 effective date of the annexation. The authority by rule may require
9 the local government to send the authority:

10 (1) written notice of the effective date of an
11 annexation; and

12 (2) copies of documents describing the annexed land
13 and the new boundaries of the local government. (Acts 76th Leg.,
14 R.S., Ch. 1029, Sec. 1.03(f).)

15 Source Law

16 (f) Territory annexed by a local government
17 located in the authority becomes territory of the
18 authority on the effective date of the annexation,
19 unless the annexed territory is included in another
20 local government's approved groundwater reduction plan
21 as of the effective date of the annexation. The
22 authority by rule may require the local government to
23 send to the authority:

24 (1) written notice of the effective date
25 of an annexation; and

26 (2) copies of documents describing the
27 annexed land and describing the new boundaries of the
28 local government.

29 Revised Law

30 Sec. 8888.053. ADDITION OF WATER SYSTEM SERVICE AREA. If
31 territory is added to the service area of a person owning a water
32 system located in the authority, the territory becomes territory of
33 the authority on the effective date of the territory's addition to
34 the service area unless the added territory is included in another
35 local government's approved groundwater reduction plan as of the
36 effective date of the addition. The authority by rule may require
37 the person to send the authority:

38 (1) written notice of the effective date of an
39 addition of territory; and

40 (2) copies of documents describing the added territory

1 and the new boundaries of the person's service area. (Acts 76th
2 Leg., R.S., Ch. 1029, Sec. 1.03(g).)

3 Source Law

4 (g) If territory is added to the service area of
5 a person owning a water system located in the
6 authority, the territory becomes territory of the
7 authority on the effective date of the territory's
8 addition to the service area, unless the added
9 territory is included in another local government's
10 approved groundwater reduction plan as of the
11 effective date of the addition. The authority by rule
12 may require the person to send to the authority:

13 (1) written notice of the effective date
14 of an addition of territory; and

15 (2) copies of documents describing the
16 added territory and describing the new boundaries of
17 the person's service area.

18 Revised Law

19 Sec. 8888.054. INCLUSION OF CERTAIN TERRITORY. (a) The
20 board of directors of a district organized under Section 52,
21 Article III, or Section 59, Article XVI, Texas Constitution, all or
22 part of which is not included in the authority, by petition may
23 request the district's territory to be included in the authority's
24 territory. The petition must:

25 (1) be filed with the authority; and

26 (2) include an accurate legal description of the
27 boundaries of the territory to be included.

28 (b) If the authority has bonds, notes, or other obligations
29 outstanding, the board shall require the petitioning district to
30 assume the district's share of the outstanding bonds, notes, or
31 other obligations.

32 (c) Before the 61st day after the date the authority
33 receives the petition, the board shall hold a hearing to consider
34 the petition. The board may grant the petition and order the
35 territory described in the petition to be included in the
36 authority's territory if:

37 (1) it is feasible, practicable, and to the advantage
38 of the authority; and

39 (2) the authority's system and other improvements of
40 the authority are sufficient or will be sufficient to supply the

1 added territory without injuring the territory already included in
2 the authority.

3 (d) If the board grants the petition, the board shall file
4 for recording in the office of the county clerk of Harris County:

5 (1) a copy of the order; and

6 (2) a description of the authority's boundaries as
7 they exist after the inclusion of the territory.

8 (e) The order including the territory is effective
9 immediately after the order and description are recorded.

10 (f) Except as provided by Subsection (g), a district that
11 petitions to be included in the authority's territory is subject to
12 the fees and reimbursements that are in effect at the time of the
13 district's petition and are applicable to such a petitioner.

14 (g) The authority may not require a district that petitioned
15 before January 1, 2002, to be included in the authority's territory
16 to pay a fee to the authority for admission or reimbursement for
17 activities the authority has undertaken since the authority's
18 creation in the furtherance of the authority's duties and
19 functions. (Acts 76th Leg., R.S., Ch. 1029, Sec. 1.045.)

20 Source Law

21 Sec. 1.045. (a) The board of directors of a
22 district organized under Section 52, Article III, or
23 Section 59, Article XVI, Texas Constitution, all or
24 part of which is not included within the boundaries of
25 the authority under Section 1.03 of this Act, may
26 request by petition the inclusion of its territory in
27 the authority's territory. The petition must:

28 (1) be filed with the authority; and

29 (2) include an accurate legal description
30 of the boundaries of the territory to be included.

31 (b) If the authority has bonds, notes, or other
32 obligations outstanding, the board shall require the
33 petitioning district to assume its share of the
34 outstanding bonds, notes, or other obligations.

35 (c) Before the 61st day after the date the
36 authority receives the petition, the board shall hold
37 a hearing to consider the petition. The board may
38 grant the petition and order the territory described
39 in the petition included in the authority's territory
40 if:

41 (1) it is feasible, practicable, and to
42 the advantage of the authority; and

43 (2) the authority's system and other
44 improvements of the authority are sufficient or will
45 be sufficient to supply the added territory without
46 injuring the territory already included in the
47 authority.

1 (d) If the board grants the petition, the board
2 shall file for recording in the office of the county
3 clerk of Harris County:

4 (1) a copy of the order; and
5 (2) a description of the authority's
6 boundaries as they exist after the inclusion of the
7 territory.

8 (e) The order including the territory is
9 effective immediately after the order and description
10 are recorded.

11 (f) A district that petitions before January 1,
12 2002, for inclusion within the territory of the
13 authority shall not be required to pay any fee to the
14 authority for admission or reimbursement for
15 activities the authority has undertaken since its
16 creation in the furtherance of its duties and
17 functions. A district that petitions for inclusion
18 within the territory of the authority on or after
19 January 1, 2002, shall be subject to such fees and
20 reimbursements as are in effect at the time of such
21 petition and are applicable to such petitioners.

22 Revisor's Note

23 Section 1.045(a), Chapter 1029, Acts of the 76th
24 Legislature, Regular Session, 1999, provides that the
25 board of directors of a district, all or part of which
26 is not included in the authority "under Section 1.03 of
27 this Act," may request that the district be included in
28 the authority's territory. The revised law omits the
29 quoted language because the reference to the
30 description of the authority's boundaries does not act
31 as a limitation on the authority of a district's board
32 to request that a district be included in the
33 authority's territory.

34 SUBCHAPTER C. AUTHORITY ADMINISTRATION

35 Revised Law

36 Sec. 8888.101. COMPOSITION OF BOARD. The authority is
37 governed by a board of five elected directors. (Acts 76th Leg.,
38 R.S., Ch. 1029, Secs. 2.01(a), 2.02(a) (part).)

39 Source Law

40 Sec. 2.01. (a) The authority is governed by a
41 board of five directors.

42 Sec. 2.02. (a) One director shall be elected
43 [from each of five single-member voting districts]
44

45 Revised Law

46 Sec. 8888.102. ELECTION OF DIRECTORS. (a) One director is

1 elected from each of five single-member voting districts by the
2 voters of the voting district.

3 (b) A person shall indicate on the application for a place
4 on the ballot the voting district the person seeks to represent.

5 (c) In the manner described by Section 49.103(d), Water
6 Code, the board shall redraw the single-member voting districts as
7 soon as practicable after each federal decennial census and as
8 otherwise required by law.

9 (d) At the first election after each time the voting
10 districts are redrawn:

11 (1) five new directors shall be elected to represent
12 the single-member voting districts; and

13 (2) the directors elected shall draw lots to determine
14 the directors' terms so that:

15 (A) two directors serve two-year terms; and

16 (B) three directors serve four-year terms.

17 (e) Subchapter C, Chapter 146, Election Code, applies to the
18 consideration of votes for a write-in candidate for director as if
19 the authority were a municipality. (Acts 76th Leg., R.S., Ch. 1029,
20 Sec. 2.02.)

21 Source Law

22 Sec. 2.02. (a) One director shall be elected
23 from each of five single-member voting districts by
24 the qualified voters of the voting district.

25 (b) A person shall indicate on the person's
26 application for a place on the ballot the voting
27 district that the person seeks to represent.

28 (c) In the manner described by Section
29 49.103(d), Water Code, the board shall redraw the
30 single-member voting districts as soon as practicable
31 after each federal decennial census and as otherwise
32 required by law.

33 (d) At the first election after each time the
34 voting districts are redrawn:

35 (1) five new directors shall be elected to
36 represent the single-member voting districts; and

37 (2) the directors elected shall draw lots
38 to determine their terms so that:

39 (A) two directors serve two-year
40 terms; and

41 (B) three directors serve four-year
42 terms.

43 (e) Subchapter C, Chapter 146, Election Code,
44 applies to the consideration of votes for a write-in
45 candidate for the initial permanent director or
46 permanent director as if the authority were a

1 municipality.

2 Revisor's Note

3 (1) Section 2.02(a), Chapter 1029, Acts of the
4 76th Legislature, Regular Session, 1999, refers to an
5 election by the "qualified voters" of each voting
6 district. The revised law omits "qualified" as
7 unnecessary in this context because Chapter 11,
8 Election Code, governs eligibility to vote in an
9 election in this state and allows only "qualified"
10 voters who are residents of the territory covered by
11 the election to vote in an election.

12 (2) Section 2.02(e), Chapter 1029, Acts of the
13 76th Legislature, Regular Session, 1999, refers to the
14 "initial permanent director or permanent" director.
15 The revised law omits as executed the reference to an
16 initial permanent director. The revised law omits
17 "permanent" as unnecessary because, as used in the
18 revised law, "director" refers to a permanent
19 director.

20 Revised Law

21 Sec. 8888.103. ELECTION DATE. The authority shall hold an
22 election to elect the appropriate number of directors to the board
23 on a uniform election date in each even-numbered year. (Acts 76th
24 Leg., R.S., Ch. 1029, Sec. 2.06.)

25 Source Law

26 Sec. 2.06. On the first uniform election date of
27 the calendar year in each subsequent even-numbered
28 year, the appropriate number of directors shall be
29 elected to the board.

30 Revisor's Note

31 Section 2.06, Chapter 1029, Acts of the 76th
32 Legislature, Regular Session, 1999, requires director
33 elections to be held on the "first" uniform election
34 date. The revised law omits the quoted language to
35 acknowledge that other legislative enactments such as
36 Section 41.0052, Election Code, as amended by Chapter

1 1318, Acts of the 82nd Legislature, Regular Session,
2 2011, could result in the election being held on a date
3 other than the first uniform election date.

4 Revised Law

5 Sec. 8888.104. QUALIFICATION FOR OFFICE. To be eligible to
6 serve as a director, a person must be a qualified voter in the
7 voting district from which the person is elected or appointed.
8 (Acts 76th Leg., R.S., Ch. 1029, Sec. 2.01(c).)

9 Source Law

10 (c) To be eligible to serve as director, a
11 person must be a qualified voter in the voting district
12 from which the person is elected or appointed.

13 Revised Law

14 Sec. 8888.105. BOARD VACANCY. (a) The board shall appoint
15 a person to fill a vacancy in the office of director.

16 (b) The appointed person serves until the next directors'
17 election.

18 (c) If the position is not scheduled to be filled at the
19 election, the person elected to fill the position serves only for
20 the remainder of the unexpired term. (Acts 76th Leg., R.S., Ch.
21 1029, Sec. 2.01(b).)

22 Source Law

23 (b) The board shall appoint a person to fill a
24 vacancy in the office of director until the next
25 election for directors. If the position is not
26 scheduled to be filled at the election, the person
27 elected to fill the position serves only for the
28 remainder of the unexpired term.

29 Revised Law

30 Sec. 8888.106. MEETINGS. The board shall meet at least four
31 times each year and may meet at any other time the board considers
32 appropriate. (Acts 76th Leg., R.S., Ch. 1029, Sec. 3.01.)

33 Source Law

34 Sec. 3.01. The board shall meet at least four
35 times each year and may meet at any other time the
36 board considers appropriate.

37 Revised Law

38 Sec. 8888.107. GENERAL MANAGER. (a) The board shall employ

1 a general manager to serve as the chief administrative officer of
2 the authority. The board may delegate to the general manager the
3 full authority to manage and operate the affairs of the authority
4 subject only to the orders of the board.

5 (b) The duties of the general manager include:

6 (1) administering board orders;

7 (2) coordinating with state, federal, and local
8 agencies;

9 (3) overseeing development of authority plans and
10 programs; and

11 (4) performing other duties assigned by the board.

12 (c) The board shall determine the terms of office and
13 employment and the compensation of the general manager.

14 (d) The board may discharge the general manager by a
15 majority vote of the board. (Acts 76th Leg., R.S., Ch. 1029, Sec.
16 3.02.)

17 Source Law

18 Sec. 3.02. (a) The board shall employ a general
19 manager as the chief administrative officer of the
20 authority. The board may delegate to the general
21 manager full authority to manage and operate the
22 affairs of the authority subject only to the orders of
23 the board.

24 (b) The duties of the general manager include:

25 (1) the administration of the orders of
26 the board;

27 (2) coordination with state, federal, and
28 local agencies;

29 (3) the oversight of development of
30 authority plans and programs; and

31 (4) other duties assigned by the board.

32 (c) The board shall determine the terms of
33 office and employment and the compensation to be paid
34 the general manager. The general manager may be
35 discharged by majority vote of the board.

36 Revised Law

37 Sec. 8888.108. EMPLOYEES. (a) The general manager shall
38 employ all persons necessary to properly handle authority business
39 and operations. The general manager may employ attorneys,
40 bookkeepers, engineers, and other expert and specialized employees
41 the board considers necessary.

42 (b) The general manager shall determine the compensation to

1 be paid by the authority.

2 (c) The general manager may discharge an authority
3 employee. (Acts 76th Leg., R.S., Ch. 1029, Secs. 3.03(a), (b).)

4 Source Law

5 Sec. 3.03. (a) The general manager of the
6 authority shall employ all persons necessary for the
7 proper handling of the business and operations of the
8 authority and may employ attorneys, bookkeepers,
9 engineers, and other expert and specialized personnel
10 the board considers necessary. The general manager
11 shall determine compensation to be paid by the
12 authority.

13 (b) The general manager may discharge employees
14 of the authority.

15 Revised Law

16 Sec. 8888.109. FIDELITY BOND. The general manager and each
17 authority employee or contractor who is charged with the
18 collection, custody, or payment of any authority money shall
19 execute a fidelity bond in an amount determined by the board and in
20 a form and with a surety approved by the board. The authority shall
21 pay for the bond. (Acts 76th Leg., R.S., Ch. 1029, Sec. 3.03(c).)

22 Source Law

23 (c) The general manager of the authority and
24 each employee or contractor of the authority who is
25 charged with the collection, custody, or payment of
26 any money of the authority shall execute a fidelity
27 bond in an amount determined by the board and in a form
28 and with a surety approved by the board. The authority
29 shall pay for the bond.

30 Revisor's Note
31 (End of Subchapter)

32 Section 2.03, Chapter 1029, Acts of the 76th
33 Legislature, Regular Session, 1999, provides that
34 directors serve staggered four-year terms. The
35 revised law omits that provision because it duplicates
36 in substance Section 49.103(a), Water Code.
37 Throughout this chapter, the revised law omits law
38 that is superseded by Chapter 49, Water Code, or that
39 duplicates law contained in that chapter. Chapter 49,
40 Water Code, applies to the authority under Sections
41 49.001 and 49.002 of that code. The omitted law reads:

42 Sec. 2.03. Directors serve staggered

1 four-year terms.

2 SUBCHAPTER D. POWERS AND DUTIES

3 Revised Law

4 Sec. 8888.151. GENERAL POWERS AND DUTIES. (a) The
5 authority has the rights, powers, privileges, functions, and duties
6 necessary and convenient to accomplish the purposes of this
7 chapter, including those provided by Chapter 49, Water Code.

8 (b) The authority shall exercise its rights, powers, and
9 privileges in a manner that will promote regionalization of water
10 treatment and distribution. (Acts 76th Leg., R.S., Ch. 1029, Secs.
11 4.01(a), (d).)

12 Source Law

13 Sec. 4.01. (a) The authority has all of the
14 rights, powers, privileges, authority, functions, and
15 duties necessary and convenient to accomplish the
16 purposes of this Act, including those provided by
17 Chapter 49, Water Code.

18 (d) The authority shall exercise its rights,
19 powers, privileges, and authority in a manner that
20 will promote regionalization of water treatment and
21 distribution.

22 Revisor's Note

23 Sections 4.01(a) and (d), Chapter 1029, Acts of
24 the 76th Legislature, Regular Session, 1999, refer to
25 "rights, powers, privileges, [and] authority" of the
26 authority. The revised law omits "authority" because,
27 in context, "authority" is included in the meaning of
28 "rights, powers, [and] privileges."

29 Revised Law

30 Sec. 8888.152. ADDITIONAL POWERS. The authority may:

31 (1) provide for the conservation, preservation,
32 protection, recharge, and prevention of waste of groundwater in a
33 manner consistent with the purposes of Section 59, Article XVI,
34 Texas Constitution;

35 (2) for the purposes of reducing groundwater
36 withdrawals and subsidence, acquire or develop surface water and
37 groundwater supplies from sources inside or outside the authority
38 and may conserve, store, transport, treat, purify, distribute,

1 sell, and deliver water to persons inside and outside the
2 authority;

3 (3) coordinate water services provided inside,
4 outside, or into the authority;

5 (4) provide for the reduction of groundwater
6 withdrawals by the development, implementation, or enforcement of a
7 groundwater reduction plan as provided by Section 8888.157;

8 (5) identify sources of water other than groundwater
9 to be provided by the authority;

10 (6) specify the rates and terms under which sources of
11 water other than groundwater will be provided by the authority,
12 which may be changed as considered necessary by the authority;

13 (7) specify the dates and extent to which each person
14 in the authority shall accept water from the authority; and

15 (8) administer and enforce this chapter. (Acts 76th
16 Leg., R.S., Ch. 1029, Sec. 4.01(b) (part).)

17 Source Law

18 (b) The authority may:

19 (1) provide for the conservation,
20 preservation, protection, recharge, and prevention of
21 waste of groundwater in a manner consistent with the
22 purposes of Section 59, Article XVI, Texas
23 Constitution;

24 (2) for the purposes of reducing
25 groundwater withdrawals and subsidence, acquire or
26 develop surface water and groundwater supplies from
27 sources inside of or outside of the boundaries of the
28 authority and may conserve, store, transport, treat,
29 purify, distribute, sell, and deliver water to
30 persons, corporations, municipal corporations,
31 political subdivisions of the state, and others,
32 inside of and outside of the boundaries of the
33 authority;

34 . . .
35 (4) coordinate water services provided
36 inside of, outside of, or into the authority;

37 (5) provide for the reduction of
38 groundwater withdrawals by the development,
39 implementation, or enforcement of a groundwater
40 reduction plan as provided in Subsection (e) of this
41 section;

42 (6) identify sources of water other than
43 groundwater to be provided by the authority;

44 (7) specify the rates, terms, and
45 conditions under which sources of water other than
46 groundwater will be provided by the authority, which
47 may be changed from time to time as deemed necessary by
48 the authority;

49 (8) specify the dates and extent to which
50 each person or district within the authority's

1 boundaries shall accept water from the authority; and
2 (9) administer and enforce the provisions
3 of the Act.

4 Revisor's Note

5 (1) Section 4.01(b)(2), Chapter 1029, Acts of
6 the 76th Legislature, Regular Session, 1999, refers to
7 the power of the authority to conserve, store,
8 transport, treat, purify, distribute, sell, and
9 deliver water to "persons, corporations, municipal
10 corporations, political subdivisions of the state, and
11 others." Section 4.01(b)(8) refers to the power of the
12 authority to specify the dates and extent to which each
13 "person or district" in the authority shall accept
14 water from the authority. Throughout this chapter, the
15 revised law substitutes "person" for the quoted
16 language or similar language because under Section
17 311.005(2), Government Code (Code Construction Act),
18 "person" is defined to include any legal entity.

19 (2) Section 4.01(b)(7), Chapter 1029, Acts of
20 the 76th Legislature, Regular Session, 1999, provides
21 that the authority may specify the rates, "terms, and
22 conditions" under which sources of water other than
23 groundwater will be provided by the authority. The
24 revised law omits "conditions" because "conditions" is
25 included in the meaning of "terms."

26 (3) Section 4.01(b)(7), Chapter 1029, Acts of
27 the 76th Legislature, Regular Session, 1999, provides
28 that the authority may change "from time to time" the
29 rates and terms under which sources of water other than
30 groundwater are provided. The revised law omits the
31 reference to "from time to time" because the power to
32 take an action implies the power to do so at any time.

33 Revised Law

34 Sec. 8888.153. AUTHORITY RULES. (a) The authority shall
35 adopt and enforce rules reasonably required to implement this

1 chapter, including rules governing procedures before the board.

2 (b) The board shall compile the authority's rules in a book
3 and make the rules available for use and inspection at the
4 authority's principal office. (Acts 76th Leg., R.S., Ch. 1029, Sec.
5 4.02.)

6 Source Law

7 Sec. 4.02. (a) The authority shall adopt and
8 enforce rules reasonably required to implement this
9 Act, including rules governing procedures before the
10 board.

11 (b) The board shall compile its rules in a book
12 and make them available for use and inspection at the
13 authority's principal office.

14 Revised Law

15 Sec. 8888.154. FEES, RATES, AND CHARGES. As necessary to
16 enable the authority to fulfill the authority's purposes and
17 regulatory obligations provided by this chapter, the authority may
18 establish:

19 (1) fees, rates, and charges; and

20 (2) classifications of fee and rate payers. (Acts 76th
21 Leg., R.S., Ch. 1029, Sec. 4.03(a).)

22 Source Law

23 Sec. 4.03. (a) The authority may establish
24 fees, rates, and charges, and classifications of fee
25 and rate payers, as necessary to enable the authority
26 to fulfill the authority's purposes and regulatory
27 obligations provided by this Act.

28 Revised Law

29 Sec. 8888.155. FEE AMOUNTS. Fees established by the board
30 must be sufficient to:

31 (1) achieve water conservation;

32 (2) prevent waste of water;

33 (3) serve as a disincentive to pumping groundwater;

34 (4) accomplish the purposes of this chapter, including
35 making available alternative water supplies;

36 (5) enable the authority to meet operation and
37 maintenance expenses; and

38 (6) pay the principal of and interest on debt issued in
39 connection with the exercise of the authority's general powers and

1 duties. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.03(c).)

2 Source Law

3 (c) Fees the board establishes must be
4 sufficient to:

5 (1) achieve water conservation, prevent
6 waste of water, serve as a disincentive to pumping
7 groundwater, and accomplish the purposes of this Act,
8 including making available alternative water
9 supplies; and

10 (2) enable the authority to meet operation
11 and maintenance expenses and pay the principal of and
12 interest on debt issued in connection with the
13 exercise of the authority's general powers and duties.

14 Revised Law

15 Sec. 8888.156. PRODUCTION FEES. (a) The authority may
16 charge the owner of a well located in the authority a fee on the
17 amount of water pumped from the well. The board shall establish the
18 rate of a fee under this subsection only after a special meeting on
19 the fee.

20 (b) The board by rule shall exempt from the fee established
21 under Subsection (a) each class of wells that is not subject to a
22 groundwater reduction requirement imposed by the subsidence
23 district. If an exempted class of wells becomes subject to a
24 groundwater reduction requirement imposed by the subsidence
25 district, the authority may charge the fee established under
26 Subsection (a) on the wells of that class. The board by rule may
27 exempt any other class of wells from the fee established under
28 Subsection (a).

29 (c) Notwithstanding any other law, the authority may charge
30 a fee established under Subsection (a) on a well or class of wells
31 located in the authority that, on or after June 30, 2013:

32 (1) ceases to be subject to a groundwater reduction
33 requirement imposed by the subsidence district; or

34 (2) is no longer subject to the regulatory provisions,
35 permitting requirements, or jurisdiction of the subsidence
36 district.

37 (d) The board may not apply the fee established under
38 Subsection (a) to a well:

39 (1) with a casing diameter of less than five inches

- 1 that serves a single-family dwelling;
- 2 (2) regulated under Chapter 27, Water Code;
- 3 (3) used for irrigation of agricultural crops; or
- 4 (4) used solely for electric generation. (Acts 76th
- 5 Leg., R.S., Ch. 1029, Secs. 4.03(b), (e).)

6 Source Law

7 (b) The authority may charge against the owner
8 of a well located in the authority's boundaries a fee
9 on the amount of water pumped from the well. The board
10 shall establish the rate of a fee under this subsection
11 only after a special meeting on the fee. The board
12 shall by rule exempt from the fee under this subsection
13 those classes of wells that are not subject to
14 groundwater reduction requirements imposed by the
15 subsidence district, except that if any of those
16 classes of wells become subject at a future date to a
17 groundwater reduction requirement imposed by the
18 subsidence district, then the authority may after that
19 date charge the fee under this subsection to those
20 affected classes of wells. The board by rule may
21 exempt any other classes of wells from the fee under
22 this subsection. The board may not apply the fee to a
23 well:

- 24 (1) with a casing diameter of less than
25 five inches that serves a single-family dwelling;
- 26 (2) regulated under Chapter 27, Water
27 Code;
- 28 (3) used for irrigation of agricultural
29 crops; or
- 30 (4) used solely for electric generation.

31 (e) Notwithstanding any other law, the
32 authority may impose a charge under Subsection (b) on a
33 well or class of wells located within the boundaries of
34 the authority that, on or after June 30, 2013:

- 35 (1) ceases to be subject to a groundwater
36 reduction requirement imposed by the subsidence
37 district; or
- 38 (2) is no longer subject to the regulatory
39 provisions, permitting requirements, or jurisdiction
40 of the subsidence district.

41 Revised Law

42 Sec. 8888.157. GROUNDWATER REDUCTION PLAN. (a) The
43 authority may develop, implement, participate in, and enforce a
44 groundwater reduction plan. The groundwater reduction plan is
45 binding on persons and wells in the authority.

46 (b) The groundwater reduction plan may be amended at the
47 discretion of the authority subject to the requirements and
48 procedures of the subsidence district applicable to the amendment
49 of groundwater reduction plans.

50 (c) The groundwater reduction plan may exceed the minimum

1 requirements imposed by the subsidence district, including any
2 applicable groundwater reduction requirements.

3 (d) The authority may contract on mutually agreeable terms
4 with a person located outside the authority to allow the person to
5 be included in the groundwater reduction plan. A contract entered
6 into under this subsection has the same force and effect as if the
7 person were located in the authority, except that the person is not
8 entitled to vote in an election for members of the board. (Acts 76th
9 Leg., R.S., Ch. 1029, Secs. 4.01(e), (f), (g), (h).)

10 Source Law

11 (e) The authority may develop, implement,
12 participate in, and enforce a groundwater reduction
13 plan. A groundwater reduction plan developed,
14 implemented, participated in, or enforced by the
15 authority shall be binding on persons, districts,
16 entities, and wells within the authority's boundaries.

17 (f) The authority may contract on such terms as
18 are mutually agreeable with any person or district
19 located outside the authority to allow the person or
20 district to be included in the authority's groundwater
21 reduction plan. Such contracts shall have the same
22 force and effect as if the person or district were
23 located within the authority, except that the person
24 or district shall not have the right to vote in
25 elections for members of the board of the authority.

26 (g) The plan authorized by Subsection (e) of
27 this section may be amended from time to time at the
28 discretion of the authority subject to the
29 requirements and procedures of the subsidence district
30 applicable to the amendment of groundwater reduction
31 plans.

32 (h) The groundwater reduction plan developed by
33 the authority may exceed the minimum requirements
34 imposed by the subsidence district, including without
35 limitation any applicable groundwater reduction
36 requirements.

37 Revisor's Note

38 (1) Section 4.01(g), Chapter 1029, Acts of the
39 76th Legislature, Regular Session, 1999, provides that
40 the authority may amend the groundwater reduction plan
41 "from time to time." The revised law omits the quoted
42 language for the reasons stated in Revisor's Note (3)
43 to Section 8888.152.

44 (2) Section 4.01(h), Chapter 1029, Acts of the
45 76th Legislature, Regular Session, 1999, provides that
46 the groundwater reduction plan may exceed minimum

1 requirements imposed by the subsidence district,
2 "including without limitation any applicable
3 groundwater reduction requirements." The revised law
4 omits "without limitation" because Section
5 311.005(13), Government Code (Code Construction Act),
6 provides that "includes" and "including" are terms of
7 enlargement and not of limitation and do not create a
8 presumption that components not expressed are
9 excluded.

10 Revised Law

11 Sec. 8888.158. WATER SUPPLY AND DROUGHT CONTINGENCY PLANS.
12 As needed but not less frequently than every five years, the
13 authority by rule shall develop, prepare, revise, and adopt
14 comprehensive water supply and drought contingency plans for
15 various areas of the authority. The plans must:

- 16 (1) be consistent with regional planning; and
17 (2) include 10-year, 20-year, and 50-year projections
18 of water needs in the authority. (Acts 76th Leg., R.S., Ch. 1029,
19 Sec. 4.05.)

20 Source Law

21 Sec. 4.05. The authority by rule shall, as
22 needed but not less frequently than every five years,
23 develop, prepare, revise, and adopt comprehensive
24 water supply and drought contingency plans for various
25 areas of the authority. The plans:

- 26 (1) must be consistent with regional
27 planning; and
28 (2) must include 10-year, 20-year, and
29 50-year projections of water needs within the
30 authority.

31 Revised Law

32 Sec. 8888.159. ACQUISITION, CONSTRUCTION, AND OPERATION OF
33 SYSTEMS. (a) The authority may:

- 34 (1) by purchase, gift, lease, contract, or any other
35 legal means, acquire and provide a water treatment or supply
36 system, or any other work, plant, improvement, or facility
37 necessary or convenient to accomplish the purposes of the
38 authority, or any interest in those assets, inside or outside the

1 authority;

2 (2) design, finance, or construct a water treatment or
3 supply system, or other supply system, or any other work, plant,
4 improvement, or facility necessary or convenient to accomplish the
5 purposes of the authority, and provide water services inside or
6 outside the authority;

7 (3) maintain, operate, lease, or sell a water
8 treatment or supply system, or any other work, plant, improvement,
9 or facility necessary or convenient to accomplish the purposes of
10 the authority, that the authority constructs or acquires inside or
11 outside the authority; or

12 (4) contract with a person who owns a water treatment
13 or supply system to operate or maintain the system.

14 (b) The authority shall give a person outside the authority,
15 including the City of Houston, the option to contract for available
16 excess capacity of the authority's water treatment or supply system
17 or, before construction of a water treatment or supply system
18 begins, for additional capacity of the system. The authority must
19 offer a contract that would enable the person to pay for the excess
20 or additional capacity in accordance with the person's pro rata
21 share of the capital investment and operational and maintenance
22 costs for providing the excess or additional capacity. (Acts 76th
23 Leg., R.S., Ch. 1029, Sec. 4.06.)

24 Source Law

25 Sec. 4.06. (a) The authority may:

26 (1) acquire and provide by purchase, gift,
27 lease, contract, or any other legal means, a water
28 treatment or supply system, or any other works,
29 plants, improvements, or facilities necessary or
30 convenient to accomplish the purposes of the
31 authority, or any interest in those assets, inside of
32 or outside of the authority's boundaries;

33 (2) design, finance, or construct a water
34 treatment or supply system, or any other supply
35 systems, or any other works, plants, improvements, or
36 facilities necessary or convenient to accomplish the
37 purposes of the authority, and provide water services
38 inside of or outside of the authority's boundaries;

39 (3) maintain, operate, lease, or sell a
40 water treatment or supply system, or any other works,
41 plants, improvements, or facilities necessary or
42 convenient to accomplish the purposes of the
43 authority, that the authority constructs or acquires

1 inside of or outside of the authority's boundaries; and
2 (4) contract with any person to operate or
3 maintain a water treatment or supply system the person
4 owns.

5 (b) The authority shall give persons outside the
6 authority's boundaries, including the city of Houston,
7 the option to contract for available excess capacity
8 of the authority's water treatment or supply system or,
9 before construction of a water treatment or supply
10 system begins, for additional capacity of the system.
11 The authority must offer a contract that would enable
12 the person to pay for the excess capacity or additional
13 capacity in accordance with the person's pro rata share
14 of the capital investment and operational and
15 maintenance costs for providing the excess capacity or
16 additional capacity.

17 Revised Law

18 Sec. 8888.160. STORAGE, SALE, OR REUSE OF WATER OR
19 BY-PRODUCT. The authority may store, sell, or reuse:

20 (1) water; or

21 (2) any by-product from the authority's operations.

22 (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.07.)

23 Source Law

24 Sec. 4.07. The authority may store, sell, or
25 reuse:

26 (1) water; or

27 (2) any by-product from the authority's
28 operations.

29 Revised Law

30 Sec. 8888.161. GENERAL CONTRACTING AUTHORITY. (a) The
31 authority may enter into a contract with any person on terms the
32 board considers desirable, fair, and advantageous for the
33 performance of its rights and powers under this chapter.

34 (b) The authority may enter into a contract with any person
35 regarding the performance of any purpose or function of the
36 authority, including a contract to jointly construct, finance, own,
37 or operate works, improvements, facilities, plants, equipment, or
38 appliances necessary to accomplish a purpose or function of the
39 authority. A contract may be of unlimited duration.

40 (c) Notwithstanding any inconsistent provision of general
41 law or of a home-rule municipal charter or ordinance, the authority
42 and a municipality may, after January 1, 2002, enter into a contract
43 of unlimited duration. (Acts 76th Leg., R.S., Ch. 1029, Secs.
44 4.01(b) (part), 4.09(a), 4.10(d); Acts 78th Leg., R.S., Ch. 381,

1 Sec. 6.)

2 Source Law

3 [Acts 76th Leg., R.S., Ch. 1029]
4 [Sec. 4.01]

5 (b) [The authority may:]

6 . . .
7 (3) enter into contracts with persons,
8 including political subdivisions of the state, on
9 terms and conditions the board considers desirable,
10 fair, and advantageous for the performance of its
11 rights, powers, and authority under this Act;
12 . . .

13 Sec. 4.09. (a) The authority may enter into a
14 contract with any person or legal entity regarding the
15 performance of any purpose or function of the
16 authority, including a contract to jointly construct,
17 finance, own, or operate works, improvements,
18 facilities, plants, equipment, or appliances
19 necessary to accomplish a purpose or function of the
20 authority. A contract may be of unlimited duration.

21 [Sec. 4.10]

22 (d) Notwithstanding any inconsistent provision
23 of general law or of a home-rule municipal charter or
24 ordinance, the authority and a municipality may enter
25 into a contract of unlimited duration.

26 [Acts 78th Leg., R.S., Ch. 381]

27 Sec. 6. The change in law made by Subsection
28 (d), Section 4.10, Chapter 1029, Acts of the 76th
29 Legislature, Regular Session, 1999, as added by this
30 Act, applies only to a contract between the North
31 Harris County Regional Water Authority and a
32 municipality that was entered into after January 1,
33 2002.

34 Revisor's Note

35 (1) Section 4.01(b)(3), Chapter 1029, Acts of
36 the 76th Legislature, Regular Session, 1999, refers to
37 the "terms and conditions" of contracts. The revised
38 law omits "conditions" for the reason stated in
39 Revisor's Note (2) to Section 8888.152.

40 (2) Section 4.01(b)(3), Chapter 1029, Acts of
41 the 76th Legislature, Regular Session, 1999, refers to
42 "rights, powers, and authority." The revised law
43 omits "authority" in this context for the reason
44 stated in the revisor's note to Section 8888.151.

45 Revised Law

46 Sec. 8888.162. SPECIFIC CONTRACTING AUTHORITY. The
47 authority may contract for:

1 Secs. 4.09(d), (e).)

2 Source Law

3 (d) The authority may purchase surplus property
4 from this state, the United States, or another public
5 entity through a negotiated contract without bids.

6 (e) An officer, agent, or employee of the
7 authority who is financially interested in the
8 contract of the type described by Subsection (d) of
9 this section shall disclose the interest to the board
10 before the board votes on the acceptance of the
11 contract.

12 Revised Law

13 Sec. 8888.164. PURCHASE OF INTEREST IN PROJECT. The
14 authority may purchase an interest in a project used for a purpose
15 or function of the authority. (Acts 76th Leg., R.S., Ch. 1029, Sec.
16 4.09(b).)

17 Source Law

18 (b) The authority may purchase an interest in a
19 project used for a purpose or function of the
20 authority.

21 Revised Law

22 Sec. 8888.165. COOPERATION WITH PUBLIC ENTITIES. (a) In
23 implementing this chapter, the board may cooperate with and request
24 the assistance of the Texas Water Development Board, the
25 commission, the United States Geological Survey, the subsidence
26 district, other local governments, and other agencies of the United
27 States and this state.

28 (b) The subsidence district may:

29 (1) enter into an interlocal contract with the
30 authority to carry out the authority's purposes; and

31 (2) carry out the governmental functions and services
32 specified in the interlocal contract.

33 (c) The board shall coordinate with the City of Houston to
34 develop an interregional plan for a system to distribute treated
35 surface water in an economical and efficient manner. (Acts 76th
36 Leg., R.S., Ch. 1029, Secs. 4.10(a), (b), (c).)

37 Source Law

38 Sec. 4.10. (a) In implementing this Act, the
39 board may cooperate with and request the assistance of
40 the Texas Water Development Board, the commission, the

1 United States Geological Survey, the subsidence
2 district, other local governments, and other agencies
3 of the United States and this state.

4 (b) The subsidence district may enter into an
5 interlocal contract with the authority to carry out
6 the authority's purposes and may carry out the
7 governmental functions and services specified in the
8 interlocal contract.

9 (c) The board shall coordinate with the city of
10 Houston to develop an interregional plan for a system
11 to distribute treated surface water in an economical
12 and efficient manner.

13 Revised Law

14 Sec. 8888.166. SURFACE WATER DELIVERY SYSTEM. (a) In this
15 section, "surface water delivery system":

16 (1) includes a facility that is to be constructed and
17 that will be:

18 (A) used to transport groundwater between
19 utility districts;

20 (B) used temporarily to transport groundwater
21 between utility districts if there is a reasonable probability that
22 the facility will be used for that purpose on a permanent basis in
23 the future; or

24 (C) necessary to accomplish an authority
25 purpose, including management of water, water conservation, or
26 water reuse; and

27 (2) does not include the use of the bed and banks to
28 transport water or wastewater.

29 (b) The authority may expedite the financing and
30 construction of a surface water delivery system, or other projects
31 of the authority, to accomplish a conversion from reliance on
32 groundwater to reliance on surface water not later than the earlier
33 of:

34 (1) the date required by the subsidence district; or

35 (2) the date determined by the board to be in the
36 interest of the authority or one or more districts inside or outside
37 the authority.

38 (c) It is the intent of the legislature that the commission
39 cooperate with and assist the authority in developing a surface
40 water delivery system or other authority project in an expedited

1 manner as provided by Subsection (b).

2 (d) The commission and the authority may enter into a
3 memorandum of understanding that relates to the construction of a
4 surface water delivery system. The memorandum of understanding
5 may:

6 (1) establish standard procedures for the commission
7 to grant conditional or final approval of authority construction
8 projects;

9 (2) establish standing waivers or conditions
10 applicable to those construction projects;

11 (3) delegate powers to the authority to carry out any
12 commission duty relating to an activity that the authority may
13 undertake if the delegation:

14 (A) does not violate federal law; and

15 (B) is not inconsistent with any agreement of
16 this state with, or any delegation of authority to this state from,
17 the United States Environmental Protection Agency;

18 (4) set minimum standards for construction or other
19 projects; or

20 (5) address any other matter that relates to an
21 activity that the authority may undertake and that the commission
22 may regulate. (Acts 76th Leg., R.S., Ch. 1029, Secs. 4.10(e), (f),
23 (g) (part), (j).)

24 Source Law

25 (e) The authority may expedite the financing and
26 construction of a surface water delivery system, or
27 other projects of the authority to accomplish a
28 conversion from reliance on groundwater to reliance on
29 surface water not later than the earlier of:

30 (1) the date required by the subsidence
31 district; or

32 (2) the date determined by the board to be
33 in the interest of the authority or one or more
34 districts inside or outside the authority.

35 (f)(1) In this section, "surface water delivery
36 system" includes a facility that is to be constructed
37 and that will be:

38 (A) used to transport groundwater
39 between utility districts;

40 (B) used temporarily to transport
41 groundwater between utility districts if there is a
42 reasonable probability that the facility will be used
43 for that purpose on a permanent basis in the future; or

1 (C) necessary to accomplish an
2 authority purpose, including management of water,
3 water conservation, or water reuse.

4 (2) For purposes of Subsections (e)-(k),
5 "surface water delivery system" does not include the
6 use of the bed and banks to transport water or
7 wastewater.

8 (g) It is the intent of the legislature that the
9 commission cooperate with and assist the authority in
10 developing a surface water delivery system or other
11 authority project in an expedited manner as provided
12 by Subsection (e). . . .

13 (j) The commission and the authority may enter
14 into a memorandum of understanding that relates to the
15 construction of a surface water delivery system. The
16 memorandum of understanding may:

17 (1) establish standard procedures for the
18 commission to grant conditional or final approval of
19 authority construction projects;

20 (2) establish standing waivers or
21 conditions applicable to those construction projects;

22 (3) if the delegation does not violate
23 federal law and is not inconsistent with any agreement
24 of this state with, or any delegation of authority to
25 this state from, the United States Environmental
26 Protection Agency, delegate powers to the authority to
27 carry out any commission duty relating to an activity
28 that the authority may undertake;

29 (4) set minimum standards for construction
30 or other projects; or

31 (5) address any other matter that relates
32 to an activity that the authority may undertake and
33 that the commission may regulate.

34 Revised Law

35 Sec. 8888.167. CONDITIONAL APPROVAL OF CONSTRUCTION
36 PROJECTS. (a) The commission may grant conditional approval of a
37 construction project or waive a requirement of any law or
38 commission rule with respect to a construction project if the
39 conditional approval or waiver does not compromise public health or
40 safety.

41 (b) If the commission grants conditional approval of or a
42 waiver for a construction project, the authority shall make any
43 subsequent changes required by the commission in the construction
44 project necessary to protect the public health or safety.

45 (c) The commission may not require that the authority enter
46 into a contract with another person as a condition for approving an
47 authority construction project. The authority may meet the
48 authority's obligations under commission rules that require
49 certain issues to be addressed by contract by adopting rules that
50 address the commission issues and that allocate responsibility as

1 necessary between the authority and a person in the authority.
2 (Acts 76th Leg., R.S., Ch. 1029, Secs. 4.10(g) (part), (h), (i).)

3 Source Law

4 (g) . . . The commission may grant conditional
5 approval of a construction project or waive a
6 requirement of any law or commission rule with respect
7 to a construction project, if the conditional approval
8 or waiver does not compromise public health or safety.

9 (h) If the commission grants conditional
10 approval of or a waiver for a construction project, the
11 authority shall make any subsequent changes in the
12 construction project necessary to protect the public
13 health or safety that the commission requires.

14 (i) The commission may not require as a
15 condition for approving an authority construction
16 project that the authority enter into a contract with
17 another person. The authority may meet its
18 obligations under commission rules that require that
19 certain issues be addressed by contract by adopting
20 rules that address those issues and that allocate
21 responsibility as necessary between the authority and
22 a district or person within the boundaries of the
23 authority.

24 Revised Law

25 Sec. 8888.168. STATEMENT OF AMOUNTS OF WATER TO BE
26 DELIVERED. To comply with commission rules that would require the
27 authority to state specific amounts of water that may or will be
28 provided to another entity receiving water from the authority, the
29 authority may state the amount in ranges that the authority may
30 change on prompt notification to the commission. (Acts 76th Leg.,
31 R.S., Ch. 1029, Sec. 4.10(k).)

32 Source Law

33 (k) To comply with commission rules that would
34 require the authority to state specific amounts of
35 water that may or will be provided to another entity
36 receiving water from the authority, the authority may
37 state the amount in ranges that the authority may
38 change on prompt notification to the commission.

39 Revised Law

40 Sec. 8888.169. EFFECT OF MUNICIPAL ANNEXATION ON FEES AND
41 SERVICES. (a) Except to the extent the authority agrees in
42 writing, a municipality's annexation of territory that is in the
43 authority does not affect the authority's ability to assess and
44 collect inside the annexed territory the types of fees, rates,
45 charges, or special assessments that the authority was assessing
46 and collecting at the time the municipality initiated the

1 annexation.

2 (b) The authority's ability to assess and collect the types
3 of fees, rates, charges, or special assessments described by
4 Subsection (a) terminates on the later of:

5 (1) the date of final payment or defeasance of any
6 bonds or other indebtedness, including any refunding bonds, that
7 are secured by those fees, rates, charges, or special assessments;
8 or

9 (2) the date that the authority no longer provides
10 services inside the annexed territory.

11 (c) The authority shall continue to provide services to the
12 annexed territory in accordance with contracts in effect at the
13 time of the annexation unless a written agreement between the board
14 and the governing body of the municipality provides otherwise.
15 (Acts 76th Leg., R.S., Ch. 1029, Sec. 1.03(d).)

16 Source Law

17 (d) Except to the extent the authority agrees in
18 writing, a municipality's annexation of territory
19 within the authority has no effect on the authority's
20 ability to assess and collect inside the territory
21 annexed by the municipality the types of fees, rates,
22 charges, or special assessments that the authority was
23 assessing and collecting at the time the municipality
24 initiated the annexation; provided, however, that the
25 authority's ability to assess and collect such fees,
26 rates, charges, or special assessments shall terminate
27 on the later to occur of (i) the date of final payment
28 or defeasance of any bonds or other indebtedness,
29 including any refunding bonds, that are secured by
30 such fees, rates, charges, or special assessments, or
31 (ii) the date that the authority no longer provides
32 services inside the annexed territory. The authority
33 shall continue to provide services to the annexed
34 territory in accordance with contracts in effect at
35 the time of the annexation unless a written agreement
36 between the board and the governing body of the
37 municipality provides otherwise.

38 Revised Law

39 Sec. 8888.170. CIVIL PENALTY; CIVIL ACTION; INJUNCTION.
40 (a) A person who violates a rule or order of the authority is
41 subject to a civil penalty of not less than \$50 and not more than
42 \$5,000 for each violation or each day of a continuing violation.
43 (b) The authority may bring an action to recover the penalty
44 in a district court in the county where the violation occurred. The

1 penalty shall be paid to the authority.

2 (c) The authority may bring an action for injunctive relief
3 in a district court in the county where a violation of an authority
4 rule or order occurs or is threatened to occur. The court may grant
5 to the authority, without bond or other undertaking, a prohibitory
6 or mandatory injunction that the facts warrant, including a
7 temporary restraining order, temporary injunction, or permanent
8 injunction.

9 (d) The authority may bring an action for a civil penalty
10 and injunctive relief in the same proceeding.

11 (e) The authority may bring an action in a district court
12 against a person located in the authority or included in the
13 authority's groundwater reduction plan to:

14 (1) recover any fees, rates, charges, assessments,
15 collection expenses, attorney's fees, interest, penalties, or
16 administrative penalties due the authority; or

17 (2) enforce the authority's rules or orders.

18 (f) Governmental immunity from suit or liability of a
19 district or other political subdivision is waived for the purposes
20 of an action described by Subsection (e). (Acts 76th Leg., R.S.,
21 Ch. 1029, Sec. 4.04.)

22 Source Law

23 Sec. 4.04. (a) A person who violates a rule or
24 order of the authority is subject to a civil penalty of
25 not less than \$50 and not more than \$5,000 for each
26 violation or each day of a continuing violation.

27 (b) The authority may bring an action to recover
28 the penalty in a district court in the county where the
29 violation occurred. The penalty shall be paid to the
30 authority.

31 (b-1) The authority may bring an action in a
32 district court against a district, other political
33 subdivision, or other person located in the
34 authority's territory or included in the authority's
35 groundwater reduction plan to:

36 (1) recover any fees, rates, charges,
37 assessments, collection expenses, attorney's fees,
38 interest, penalties, or administrative penalties due
39 the authority; or

40 (2) enforce the authority's rules or
41 orders.

42 (c) The authority may bring an action for
43 injunctive relief in a district court in the county
44 where a violation of an authority rule or order occurs
45 or is threatened to occur. The court may grant to the

1 authority, without bond or other undertaking, a
2 prohibitory or mandatory injunction that the facts
3 warrant, including a temporary restraining order,
4 temporary injunction, or permanent injunction.

5 (d) The authority may bring an action for a
6 civil penalty and injunctive relief in the same
7 proceeding.

8 (e) Governmental immunity from suit or
9 liability of a district or other political subdivision
10 is waived for the purposes of an action described by
11 Subsection (b-1) of this section.

12 Revised Law

13 Sec. 8888.171. EMINENT DOMAIN. (a) The authority may
14 exercise the power of eminent domain in the authority to acquire
15 property of any kind to further the authorized purposes of the
16 authority.

17 (b) The authority may exercise the power of eminent domain
18 outside the authority to acquire any land, easements, or other
19 property for the purpose of pumping, treating, storing, or
20 transporting water.

21 (c) The authority may not exercise the power of eminent
22 domain under Subsection (b):

23 (1) for the condemnation of land for the purpose of
24 acquiring groundwater rights, water, or water rights; or

25 (2) to acquire property of any kind that is:

26 (A) owned by a municipality with a population of
27 1.6 million or more or any instrumentality of a municipality with a
28 population of 1.6 million or more, including any local government
29 corporation created by the municipality; or

30 (B) located in the corporate boundaries of a
31 municipality with a population of 1.6 million or more as of February
32 1, 2001.

33 (d) Notwithstanding Subsection (c)(2)(B), the authority may
34 exercise the power of eminent domain under Subsection (b) to
35 acquire property in the corporate boundaries of a municipality with
36 a population of 1.6 million or more if:

37 (1) the condemnation is to be used to provide
38 facilities between two points that are in the authority and the area
39 in the municipality is bounded by a line parallel to and 150 feet

1 north of the north side of Greens Bayou and by a line parallel to and
2 150 feet south of the south side of Greens Bayou;

3 (2) annexation of the territory by the municipality
4 was completed between January 1, 1962, and January 1, 1964; or

5 (3) the municipality grants permission for the
6 condemnation.

7 (e) The authority may not exercise the power of eminent
8 domain to acquire property of any kind in Galveston County.

9 (f) The authority must exercise the power of eminent domain
10 in the manner provided by Chapter 21, Property Code. The authority
11 is not required to give bond for appeal or bond for costs in a
12 condemnation suit, or other suit to which the authority is a party,
13 and is not required to deposit more than the amount of an award in a
14 suit.

15 (g) The authority may elect to condemn either the fee simple
16 or a lesser property interest when exercising the power of eminent
17 domain.

18 (h) The authority's authority under this section to
19 exercise the power of eminent domain expired on September 1, 2013,
20 unless the authority submitted a letter to the comptroller in
21 accordance with Section 2206.101(b), Government Code, not later
22 than December 31, 2012. (Acts 76th Leg., R.S., Ch. 1029, Secs.
23 4.08(a), (b), (c), (d), (e); New.)

24 Source Law

25 Sec. 4.08. (a) The authority may exercise the
26 power of eminent domain inside the boundaries of the
27 authority to acquire property of any kind to further
28 the authorized purposes of the authority.

29 (b)(1) The authority may exercise the power of
30 eminent domain outside the boundaries of the authority
31 to acquire any land, easements, or other property for
32 purposes of pumping, treating, storing, and
33 transporting water.

34 (2) The authority may not use the power of
35 eminent domain granted by Subsection (b)(1) of this
36 section for the condemnation of land for the purpose of
37 acquiring rights to underground water or water or
38 water rights.

39 (3) The authority may not use the power of
40 eminent domain granted by Subsection (b)(1) of this
41 section to acquire property of any kind that is:

42 (A) owned by a municipality with a
43 population of 1.6 million or more or any

1 instrumentality of a municipality with a population of
2 1.6 million or more, including any local government
3 corporation created by the municipality; or

4 (B) located within the corporate
5 boundaries of a municipality with a population of 1.6
6 million or more for limited or general purposes as of
7 February 1, 2001.

8 (4) Notwithstanding Subsection (b)(3)(B)
9 of this section, the authority may use the power of
10 eminent domain granted by Subsection (b)(1) of this
11 section to acquire property:

12 (A) within the corporate boundaries
13 of a municipality with a population of 1.6 million or
14 more if:

15 (i) the condemnation is to be
16 used to provide facilities between two points that are
17 within the authority; and

18 (ii) the area within the
19 municipality is bounded by a line parallel to and 150
20 feet north of the north side of Greens Bayou and by a
21 line parallel to and 150 feet south of the south side
22 of Greens Bayou;

23 (B) that is within the corporate
24 boundaries of a municipality with a population of 1.6
25 million and annexation of the territory by the
26 municipality was completed between January 1, 1962,
27 and January 1, 1964; or

28 (C) that is within an area of the
29 corporate boundaries of a municipality with a
30 population of 1.6 million or more if the municipality
31 grants permission for such condemnation.

32 (c) The power of eminent domain granted by
33 Subsections (a) and (b) of this section shall be
34 exercised in the manner provided in Chapter 21,
35 Property Code, except that the authority shall not be
36 required to give bond for appeal or bond for costs in
37 any condemnation suit, or other suit to which it is a
38 party, and shall not be required to deposit more than
39 the amount of any award in any suit.

40 (d) When exercising the power of eminent domain
41 granted by Subsections (a) and (b) of this section, the
42 authority may elect to condemn either the fee simple or
43 a lesser property interest.

44 (e) The authority may not exercise the power of
45 eminent domain granted by Subsections (a) and (b) of
46 this section to acquire property of any kind in
47 Galveston County.

48 Revisor's Note

49 (1) Section 4.08(b)(2), Chapter 1029, Acts of
50 the 76th Legislature, Regular Session, 1999,
51 authorizes the authority to acquire rights to
52 underground water. The revised law substitutes
53 "groundwater" for "underground water" because that is
54 the term used in Chapter 36, Water Code.

55 (2) Section 4.08(b)(3)(B), Chapter 1029, Acts
56 of the 76th Legislature, Regular Session, 1999,
57 prohibits the authority from exercising the power of

1 eminent domain to acquire property in certain
2 municipalities "for limited or general purposes." The
3 revised law omits the quoted language as unnecessary
4 because it does not act as a limitation on the
5 restriction of the authority's authority to exercise
6 the power of eminent domain.

7 (3) Section 4.08(b)(4)(B), Chapter 1029, Acts
8 of the 76th Legislature, Regular Session, 1999,
9 authorizes the authority to exercise the power of
10 eminent domain to acquire property in certain
11 municipalities with a population of "1.6 million."
12 The revised law substitutes "1.6 million or more" for
13 "1.6 million" because it is clear that "1.6 million" is
14 a typographical error and that the legislature
15 intended to refer to "1.6 million or more," which is
16 consistent with the other references to population in
17 Section 4.08(b).

18 (4) Section 4.08(f), Chapter 1029, Acts of the
19 76th Legislature, Regular Session, 1999, provides that
20 Section 54.209, Water Code, does not apply to the
21 authority. Chapter 54, Water Code, does not apply to
22 the authority because Chapter 1029 does not provide
23 that Chapter 54 applies to the authority or that the
24 authority is a municipal utility district operating
25 under that chapter. Because Chapter 54, Water Code,
26 does not apply to the authority, the provision stating
27 that Section 54.209 of that chapter does not apply to
28 the authority may be omitted as unnecessary. The
29 omitted law reads:

30 (f) Section 54.209, Water Code, does
31 not apply to the district.

32 (5) Section 4.08, Chapter 1029, Acts of the 76th
33 Legislature, Regular Session, 1999, provided the
34 authority limited eminent domain authority. Section

1 2206.101, Government Code, required an entity with
2 eminent domain authority to submit a letter with
3 certain information to the comptroller not later than
4 December 31, 2012, to prevent the entity's eminent
5 domain authority from expiring on September 1, 2013.
6 To avoid the appearance that this revision recognizes
7 authority that the authority may not possess at the
8 time of the revision, the revised law includes a
9 provision setting out the requirements of Section
10 2206.101, Government Code.

11 Revisor's Note
12 (End of Subchapter)

13 (1) Section 4.01(c), Chapter 1029, Acts of the
14 76th Legislature, Regular Session, 1999, refers to the
15 continuing right of this state to supervise the
16 authority through the Texas Natural Resource
17 Conservation Commission. The revised law omits the
18 provision because the Texas Commission on
19 Environmental Quality is the successor to the Texas
20 Natural Resource Conservation Commission, and
21 therefore the provision duplicates in substance part
22 of Section 12.081, Water Code, which subjects certain
23 special districts and authorities, including the
24 authority, to supervision by the commission. The
25 omitted law reads:

26 (c) The authority's rights, powers,
27 privileges, authority, functions, and
28 duties are subject to the continuing right
29 of supervision of the state, to be exercised
30 by and through the commission.

31 (2) Section 4.03(d), Chapter 1029, Acts of the
32 76th Legislature, Regular Session, 1999, authorizes
33 the temporary board to set fees to pay for the initial
34 operation of the authority and the election of the
35 initial permanent board. The revised law omits that
36 provision as executed. The omitted law reads:

1 (d) The temporary board may set fees
2 to pay for the initial operation of the
3 authority and the election of the initial
4 permanent board until the permanent board
5 has been elected.

6 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

7 Revised Law

8 Sec. 8888.201. GIFT OR GRANT FROM SUBSIDENCE DISTRICT. The
9 authority may accept a gift or grant from money collected by the
10 subsidence district under Chapter 8801 to fund a water treatment or
11 supply system. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.11 (part).)

12 Source Law

13 Sec. 4.11. The authority is authorized to
14 accept a gift or grant from money collected by the
15 subsidence district under Chapter 151, Water Code, to
16 fund a water treatment or supply system. . . .

17 Revisor's Note

18 (1) Section 4.11, Chapter 1029, Acts of the 76th
19 Legislature, Regular Session, 1999, refers to Chapter
20 151, Water Code. The revised law substitutes for the
21 reference to Chapter 151, Water Code, a reference to
22 Chapter 8801, Special District Local Laws Code, for
23 the reason stated in the revisor's note to Section
24 8888.005.

25 (2) Section 4.11, Chapter 1029, Acts of the 76th
26 Legislature, Regular Session, 1999, provides that the
27 authorization in that section for the authority to
28 accept a gift or grant is in addition to the
29 authorization provided in Section 49.229, Water Code.
30 The revised law omits that provision because an
31 accepted general principle of statutory construction
32 requires that a statute be given cumulative effect
33 with other statutes unless the statute provides
34 otherwise or unless the statute conflicts with another
35 statute. That general principle applies to the
36 revised law. The omitted law reads:

37 Sec. 4.11. . . . The authorization
38 in this section is in addition to the
39 authorization provided in Section 49.229,

1 Water Code.

2 Revised Law

3 Sec. 8888.202. AUTHORIZATION OF DISBURSEMENT. A
4 disbursement of the authority must be signed by at least two
5 directors. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.12(b) (part).)

6 Source Law

7 (b) Disbursements of the authority must be
8 signed by at least two directors, except,

9 Revised Law

10 Sec. 8888.203. AD VALOREM TAX PROHIBITED. The authority
11 may not impose an ad valorem tax. (Acts 76th Leg., R.S., Ch. 1029,
12 Sec. 4.13.)

13 Source Law

14 Sec. 4.13. The authority may not impose an ad
15 valorem tax.

16 Revised Law

17 Sec. 8888.204. COOPERATIVE FUNDING. (a) The authority may
18 develop a procedure for funding cooperatively a project of the
19 authority with money from a political subdivision located entirely
20 in the authority, and may develop a procedure for funding
21 cooperatively a project of the authority with money from a
22 political subdivision located wholly or partly outside the
23 authority, a water supply corporation, or other private entity, if
24 the authority project fulfills a governmental purpose of both the
25 authority and the political subdivision, or fulfills a governmental
26 purpose of the authority that the authority determines would be
27 furthered by cooperative funding from a private entity.

28 (b) A political subdivision may enter into a contract with
29 the authority for the political subdivision to finance a portion of
30 the proposed project with the political subdivision's resources
31 instead of using only the proceeds from bonds of the authority for
32 that purpose. The contract must be executed before the authority
33 issues the bonds. As provided in the contract, the authority may:

34 (1) reduce the value of the bond issuance to the degree
35 that the political subdivision provides project funding; and

1 (2) credit the political subdivision for the political
2 subdivision's contribution to the project financing and adjust the
3 allocation of revenue pledged to the payment of the bonds so that
4 the authority avoids using, to a degree reasonably commensurate
5 with the contribution, revenue from the political subdivision to
6 service the authority's bond debt or interest. (Acts 76th Leg.,
7 R.S., Ch. 1029, Sec. 5.05.)

8 Source Law

9 Sec. 5.05. (a) The authority may develop a
10 procedure for cooperatively funding a project of the
11 authority with money from other political subdivisions
12 located entirely inside the authority's boundaries,
13 and may develop a procedure for cooperatively funding
14 a project of the authority with money from political
15 subdivisions located in whole or in part outside the
16 authority's boundaries, water supply corporations, or
17 other private entities, if the authority project
18 fulfills a governmental purpose of both the authority
19 and other political subdivisions, or fulfills a
20 governmental purpose of the authority that the
21 authority determines would be furthered by cooperative
22 funding from a private entity.

23 (c) A political subdivision may enter into a
24 contract with the authority for the political
25 subdivision to finance a portion of the proposed
26 project with the political subdivision's resources
27 instead of using only the proceeds from bonds of the
28 authority for that purpose. The contract must be
29 executed before the authority issues the bonds. As
30 provided in the contract, the authority may:

31 (1) reduce the value of the bond issuance
32 to the degree that the political subdivision provides
33 project funding; and

34 (2) credit the political subdivision for
35 its contribution to the project financing and adjust
36 the allocation of revenue pledged to the payment of the
37 bonds so that the authority avoids using, to a degree
38 reasonably commensurate with the contribution,
39 revenue from the political subdivision to service the
40 authority's bond debt or interest.

41 Revisor's Note
42 (End of Subchapter)

43 Section 4.12, Chapter 1029, Acts of the 76th
44 Legislature, Regular Session, 1999, governs the
45 authority's disbursements. The revised law omits part
46 of the provision because it duplicates in substance
47 Section 49.151, Water Code. The omitted law reads:

48 Sec. 4.12. (a) The authority's money
49 may be disbursed only by check, draft,
50 order, or other instrument.

51 (b) . . . notwithstanding any other
52 law, the board by resolution may allow the

1 general manager, treasurer, bookkeeper, or
2 other employee of the authority to sign
3 disbursements.

4 (c) The board by resolution may allow
5 disbursements to be transferred by federal
6 reserve wire system to accounts in the name
7 of the authority.

8 SUBCHAPTER F. NOTES AND BONDS

9 Revised Law

10 Sec. 8888.251. REVENUE NOTES. (a) The board, without an
11 election, may borrow money on negotiable notes of the authority
12 payable solely from the revenue from any source, including:

13 (1) tolls, charges, and fees the authority imposes;

14 (2) the sale of water, water or sewer services, or any
15 other service or product of the authority;

16 (3) grants or gifts;

17 (4) the ownership and operation of all or a designated
18 part of the authority's works, improvements, facilities, plants, or
19 equipment; and

20 (5) contracts between the authority and any person.

21 (b) The notes may be first or subordinate lien notes at the
22 board's discretion. An obligation may not be a charge on the
23 property of the authority. An obligation may only be a charge on
24 revenue pledged for the payment of the obligation. (Acts 76th Leg.,
25 R.S., Ch. 1029, Sec. 5.01.)

26 Source Law

27 Sec. 5.01. (a) The board, without an election,
28 may borrow money on negotiable notes of the authority
29 to be paid solely from the revenue derived from any
30 legal source, including:

31 (1) tolls, charges, and fees the authority
32 imposes;

33 (2) the sale of water, water or sewer
34 services, or any other service or product of the
35 authority;

36 (3) grants or gifts;

37 (4) the ownership and operation of all or a
38 designated part of the authority's works,
39 improvements, facilities, plants, or equipment; and

40 (5) contracts between the authority and
41 any person, including a local government.

42 (b) The notes may be first or subordinate lien
43 notes at the board's discretion. An obligation may not
44 be a charge on the property of the authority. An
45 obligation may only be a charge on revenue pledged for
46 the payment of the obligation.

1 Revisor's Note

2 Section 5.01(a), Chapter 1029, Acts of the 76th
3 Legislature, Regular Session, 1999, refers to a pledge
4 of revenue derived from any "legal" source. The
5 revised law omits "legal" as unnecessary because the
6 phrase does not act as a limitation. The omission of
7 "legal" does not imply that the statute authorizes a
8 pledge of revenue derived from an illegal source.

9 Revised Law

10 Sec. 8888.252. REVENUE AND BOND ANTICIPATION NOTES. (a)
11 The board may issue negotiable revenue anticipation notes or
12 negotiable bond anticipation notes to borrow the money needed by
13 the authority without advertising or giving notice of the sale.

14 (b) The board may also issue negotiable combination revenue
15 and bond anticipation notes. Negotiable combination revenue and
16 bond anticipation notes may contain any term authorized under this
17 section for revenue anticipation notes or bond anticipation notes.

18 (c) Any note issued must mature not later than one year
19 after its date of issuance.

20 (d) A revenue anticipation note:

21 (1) may be issued to enable the authority to carry out
22 any purpose authorized by this chapter; and

23 (2) must be secured by the proceeds of revenue to be
24 collected by the authority in the 12-month period following the
25 date of issuance of the note.

26 (e) The board may covenant with the purchasers of revenue
27 anticipation notes that the board will charge and collect
28 sufficient revenue to pay the principal of and interest on the notes
29 and pay the cost of collecting the revenue.

30 (f) A bond anticipation note may be issued:

31 (1) for any purpose for which a bond of the authority
32 may be issued; or

33 (2) to refund previously issued revenue or bond
34 anticipation notes.

1 (g) The authority may covenant with the purchasers of the
2 bond anticipation notes that the authority will use the proceeds of
3 the sale of any bonds in the process of issuance for the purpose of
4 refunding the bond anticipation notes, in which case the board
5 shall use the proceeds received from the sale of the bonds in the
6 process of issuance to pay the principal, interest, or redemption
7 price on the bond anticipation notes.

8 (h) For purposes of Section 1202.007, Government Code, a
9 note issued under this section is considered to be payable only out
10 of:

11 (1) current revenue collected in the year the note is
12 issued; or

13 (2) the proceeds of other public securities. (Acts
14 76th Leg., R.S., Ch. 1029, Sec. 5.01A.)

15 Source Law

16 Sec. 5.01A. (a) The board may issue negotiable
17 revenue anticipation notes or negotiable bond
18 anticipation notes to borrow the money needed by the
19 authority without advertising or giving notice of the
20 sale. The board may also issue negotiable combination
21 revenue and bond anticipation notes. Negotiable
22 combination revenue and bond anticipation notes may
23 contain any term authorized under this section for
24 revenue anticipation notes or bond anticipation notes.
25 Any note issued must mature not later than one year
26 after its date of issuance.

27 (b) A revenue anticipation note may be issued to
28 enable the authority to carry out any purpose
29 authorized by this Act. A revenue anticipation note
30 must be secured by the proceeds of revenues to be
31 collected by the authority in the 12-month period
32 following the date of issuance of the note. The board
33 may covenant with the purchasers of the notes that the
34 board will charge and collect sufficient revenues to
35 pay the principal of and interest on the notes and pay
36 the cost of collecting the revenues.

37 (c) A bond anticipation note may be issued for
38 any purpose for which a bond of the authority may be
39 issued or to refund previously issued revenue or bond
40 anticipation notes. The authority may covenant with
41 the purchasers of the bond anticipation notes that the
42 authority will use the proceeds of the sale of any
43 bonds in the process of issuance for the purpose of
44 refunding the bond anticipation notes, in which case
45 the board shall use the proceeds received from the sale
46 of the bonds in the process of issuance to pay the
47 principal, interest, or redemption price on the bond
48 anticipation notes.

49 (d) For purposes of Section 1202.007,
50 Government Code, a note issued under this section is
51 considered to be payable only out of:

52 (1) current revenues collected in the year

1 the note is issued; or
2 (2) the proceeds of other public
3 securities.

4 Revised Law

5 Sec. 8888.253. BONDS AND NOTES. (a) To carry out a power
6 conferred by this chapter, the authority may issue bonds secured by
7 all or part of the revenue from any source, including any source
8 described by Section 8888.251(a).

9 (b) In issuing or securing a bond or note of the authority,
10 the authority may exercise any power of an issuer under Chapter
11 1371, Government Code.

12 (c) The authority may conduct a public, private, or
13 negotiated sale of the bonds.

14 (d) The bonds must:

15 (1) be authorized by board resolution;

16 (2) be issued in the authority's name;

17 (3) be signed by the board president or vice
18 president;

19 (4) be attested by the board secretary; and

20 (5) bear the authority's seal or facsimile seal.

21 (e) The bonds may be secured by an indenture of trust with a
22 corporate trustee.

23 (f) The authority may issue bonds in more than one series as
24 required for carrying out the purposes of this chapter. In issuing
25 bonds secured by the authority's revenue, the authority may reserve
26 the right to issue additional bonds secured by the authority's
27 revenue that are on a parity with or are senior or subordinate to
28 the bonds issued earlier.

29 (g) The resolution authorizing the bonds or the trust
30 indenture securing the bonds may specify additional provisions that
31 constitute a contract between the authority and the authority's
32 bondholders. The board may provide for:

33 (1) additional bond provisions; and

34 (2) a corporate trustee or receiver to take possession
35 of the authority's facilities if the authority defaults.

1 (h) Section 49.181, Water Code, does not apply to bonds or
2 notes issued by the authority. (Acts 76th Leg., R.S., Ch. 1029,
3 Secs. 5.02(a), (b), (c), (d) (part), (e), (f), (g), (h).)

4 Source Law

5 Sec. 5.02. (a) To carry out a power or
6 authority conferred by this Act, the authority may
7 issue bonds secured by all or part of the revenue
8 derived from any source, including any source
9 described by Section 5.01(a) of this Act.

10 (b) In issuing or securing a bond or note of the
11 authority, the authority may exercise any power of an
12 issuer under Chapter 656, Acts of the 68th
13 Legislature, Regular Session, 1983 (Article 717q,
14 Vernon's Texas Civil Statutes).

15 (c) The authority may conduct a public, private,
16 or negotiated sale of the bonds.

17 (d) The authority's bonds must:

- 18 (1) be authorized by board resolution;
19 (2) be issued in the authority's name;
20 (3) be signed by the president or vice
21 president of the board, . . . ;
22 (4) be attested by the secretary of the
23 board, . . . ; and
24 (5) bear the authority's seal or facsimile
25 seal.

26 (e) An authority bond may be secured by an
27 indenture of trust with a corporate trustee.

28 (f) The authority may issue bonds in more than
29 one series as required for carrying out the purposes of
30 this Act. In issuing bonds secured by revenue of the
31 authority, the authority may reserve the right to
32 issue additional bonds secured by the authority's
33 revenue that are on a parity with or are senior or
34 subordinate to the bonds issued earlier.

35 (g) The resolution authorizing the bonds or the
36 trust indenture securing the bonds may specify
37 additional provisions that constitute a contract
38 between the authority and its bondholders. The board
39 may provide:

- 40 (1) for additional bond provisions; and
41 (2) for a corporate trustee or receiver to
42 take possession of the authority's facilities if the
43 authority defaults.

44 (h) Section 49.181, Water Code, does not apply
45 to bonds or notes issued by the authority.

46 Revisor's Note

47 (1) Section 5.02(a), Chapter 1029, Acts of the
48 76th Legislature, Regular Session, 1999, refers to the
49 authority's "power or authority." The revised law
50 omits "authority" in this context for the reason
51 stated in the revisor's note to Section 8888.151.

52 (2) Section 5.02(b), Chapter 1029, Acts of the
53 76th Legislature, Regular Session, 1999, refers to
54 Chapter 656, Acts of the 68th Legislature, Regular

1 Session, 1983 (Article 717q, Vernon's Texas Civil
2 Statutes). Article 717q was codified in 1999 as
3 Chapter 1371, Government Code. The revised law is
4 drafted accordingly.

5 (3) Section 5.02(d), Chapter 1029, Acts of the
6 76th Legislature, Regular Session, 1999, authorizes
7 facsimile signatures. The revised law omits that
8 provision as unnecessary. The authorization for the
9 use of facsimile signatures duplicates Section
10 1201.026(a), Government Code, which provides that
11 bonds may be executed with a manual or facsimile
12 signature. Section 1201.026(a) applies to authority
13 bonds under Sections 1201.002 and 1201.003, Government
14 Code. The omitted law reads:

15 (d) [The authority's bonds must:

16 . . .
17 (3) be signed by the president
18 or vice president of the board,] which may
19 be accomplished by facsimile signature[;
20 (4) be attested by the
21 secretary of the board,] which may be
22 accomplished by facsimile signature

23 Revised Law

24 Sec. 8888.254. BONDS SECURED BY CONTRACT PROCEEDS:
25 APPROVAL. (a) If bonds issued under this subchapter are secured by
26 a pledge of the proceeds of a contract between the authority and a
27 municipality or other governmental agency, authority, or district,
28 the authority shall submit to the attorney general a copy of the
29 contract and the proceedings of the municipality or other
30 governmental agency, authority, or district authorizing the
31 contract.

32 (b) If the attorney general finds that the bonds have been
33 authorized and the contract has been made in accordance with law,
34 the attorney general shall approve the bonds and contract. (Acts
35 76th Leg., R.S., Ch. 1029, Sec. 5.04 (part).)

36 Source Law

37 Sec. 5.04. . . . If the bonds are secured by a
38 pledge of the proceeds of a contract between the

1 authority and a municipality or other governmental
2 agency, authority, or district, the authority shall
3 submit to the attorney general a copy of the contract
4 and the proceedings of the municipality or other
5 governmental agency, authority, or district
6 authorizing the contract. If the attorney general
7 finds that the bonds have been authorized and each
8 contract has been made in accordance with the
9 constitution and laws of this state, the attorney
10 general shall approve the bonds and contracts. . . .

11 Revisor's Note

12 (1) Section 5.04, Chapter 1029, Acts of the 76th
13 Legislature, Regular Session, 1999, requires the
14 authority to deliver its bonds to the attorney general
15 for examination and approval. The revised law omits
16 that provision because it duplicates in substance
17 Section 1202.003, Government Code. Section 1202.003,
18 Government Code, applies to authority bonds by
19 application of Sections 1202.001 and 1202.003(c),
20 Government Code. The omitted law reads:

21 Sec. 5.04. After the authority
22 authorizes bonds, the authority shall
23 submit the bonds and the record relating to
24 their issuance to the attorney general for
25 approval. . . .

26 (2) Section 5.04, Chapter 1029, Acts of the 76th
27 Legislature, Regular Session, 1999, provides that,
28 after approval, the bonds shall be registered with the
29 comptroller. The revised law omits that provision
30 because it duplicates in substance Section 1202.005,
31 Government Code. Section 1202.005, Government Code,
32 applies to authority bonds by application of Sections
33 1202.001 and 1202.003(c), Government Code. The
34 omitted law reads:

35 Sec. 5.04. . . . On approval, the
36 bonds shall be registered by the
37 comptroller.

38 Revised Law

39 Sec. 8888.255. REFUNDING BONDS. The provisions of this
40 subchapter regarding the issuance of other bonds, their security,
41 and the remedies of the holders apply to refunding bonds. (Acts
42 76th Leg., R.S., Ch. 1029, Sec. 5.03.)

1 Source Law

2 Sec. 5.03. The provisions of this Act that apply
3 to the authority's issuance of other bonds, their
4 security, and the remedies of the holders apply to
5 refunding bonds.

6 Revised Law

7 Sec. 8888.256. VALIDITY OF BONDS AFTER ADDITION OF
8 TERRITORY. The annexation or addition of territory to the
9 authority under Section 8888.052 or 8888.053 does not affect the
10 validity of bonds issued by the authority. (Acts 76th Leg., R.S.,
11 Ch. 1029, Sec. 1.03(h).)

12 Source Law

13 (h) The annexation or addition of territory to
14 the authority under this section does not affect the
15 validity of bonds issued by the authority.

16 Revisor's Note

17 Section 1.03(h), Chapter 1029, Acts of the 76th
18 Legislature, Regular Session, 1999, refers to the
19 annexation or addition of territory to the authority
20 under "this section." Section 1.03 is revised in
21 pertinent part in this chapter as Sections 8888.052
22 and 8888.053, and the revised law is drafted
23 accordingly.

24 Revisor's Note
25 (End of Chapter)

26 (1) Section 6.01, Chapter 1029, Acts of the 76th
27 Legislature, Regular Session, 1999, Section 13.04,
28 Chapter 966, Acts of the 77th Legislature, Regular
29 Session, 2001, Section 7, Chapter 321, Acts of the 82nd
30 Legislature, Regular Session, 2011, and Section 4,
31 Chapter 723, Acts of the 83rd Legislature, Regular
32 Session, 2013, recite legislative findings regarding
33 procedural requirements for legislation affecting the
34 authority under the constitution and other laws and
35 rules, including proper legal notice and the filing of
36 recommendations. The revised law omits those
37 provisions as executed. The omitted law reads:

1 [Acts 76th Leg., R.S., Ch. 1029]

2 Sec. 6.01. (a) The proper and legal
3 notice of the intention to introduce this
4 Act, setting out the general substance of
5 this Act, has been published as provided by
6 law, and the notice and a copy of this Act
7 have been furnished to all persons,
8 agencies, officials, or entities to which
9 they are required to be furnished by the
10 constitution and other laws of this state,
11 including the governor, who has submitted
12 the notice and the Act to the commission.

13 (b) The commission has filed its
14 recommendations relating to this Act with
15 the governor, lieutenant governor, and
16 speaker of the house of representatives
17 within the required time.

18 (c) All requirements of the
19 constitution and laws of this state and the
20 rules and procedures of the legislature
21 with respect to notice, introduction, and
22 passage of this Act are fulfilled and
23 accomplished.

24 [Acts 77th Leg., R.S., Ch. 966]

25 Sec. 13.04. (a) The proper and legal
26 notice of the intention to introduce this
27 Act, setting forth the general substance of
28 this Act, has been published as provided by
29 law, and the notice and a copy of this Act
30 have been furnished to all persons,
31 agencies, officials, or entities to which
32 they are required to be furnished by the
33 constitution and other laws of this state,
34 including the governor, who has submitted
35 the notice and Act to the Texas Natural
36 Resource Conservation Commission.

37 (b) The Texas Natural Resource
38 Conservation Commission has filed its
39 recommendations relating to this Act with
40 the governor, lieutenant governor, and
41 speaker of the house of representatives
42 within the required time.

43 (c) All requirements of the
44 constitution and laws of the state and the
45 rules and procedures of the legislature
46 with respect to the notice, introduction,
47 and passage of this Act are fulfilled and
48 accomplished.

49 [Acts 82nd Leg., R.S., Ch. 321]

50 Sec. 7. (a) The legal notice of the
51 intention to introduce this Act, setting
52 forth the general substance of this Act, has
53 been published as provided by law, and the
54 notice and a copy of this Act have been
55 furnished to all persons, agencies,
56 officials, or entities to which they are
57 required to be furnished under Section 59,
58 Article XVI, Texas Constitution, and
59 Chapter 313, Government Code.

60 (b) The governor, one of the required
61 recipients, has submitted the notice and
62 Act to the Texas Commission on
63 Environmental Quality.

64 (c) The Texas Commission on
65 Environmental Quality has filed its

1 recommendations relating to this Act with
2 the governor, the lieutenant governor, and
3 the speaker of the house of representatives
4 within the required time.

5 (d) All requirements of the
6 constitution and laws of this state and the
7 rules and procedures of the legislature
8 with respect to the notice, introduction,
9 and passage of this Act are fulfilled and
10 accomplished.

11 [Acts 83rd Leg., R.S., Ch. 723]

12 Sec. 4. (a) The legal notice of the
13 intention to introduce this Act, setting
14 forth the general substance of this Act, has
15 been published as provided by law, and the
16 notice and a copy of this Act have been
17 furnished to all persons, agencies,
18 officials, or entities to which they are
19 required to be furnished under Section 59,
20 Article XVI, Texas Constitution, and
21 Chapter 313, Government Code.

22 (b) The governor, one of the required
23 recipients, has submitted the notice and
24 Act to the Texas Commission on
25 Environmental Quality.

26 (c) The Texas Commission on
27 Environmental Quality has filed its
28 recommendations relating to this Act with
29 the governor, the lieutenant governor, and
30 the speaker of the house of representatives
31 within the required time.

32 (d) All requirements of the
33 constitution and laws of this state and the
34 rules and procedures of the legislature
35 with respect to the notice, introduction,
36 and passage of this Act are fulfilled and
37 accomplished.

38 (2) Section 13.05, Chapter 966, Acts of the 77th
39 Legislature, Regular Session, 2001, provides that the
40 act is severable. The revised law omits that provision
41 because the same result is produced by application of
42 Section 311.032, Government Code (Code Construction
43 Act), which provides that a provision of a statute is
44 severable from each other provision of the statute
45 that can be given effect. The omitted law reads:

46 Sec. 13.05. If any provision of this
47 Act or its application to any person or
48 circumstance is held invalid, the
49 invalidity does not affect other provisions
50 or applications of this Act that can be
51 given effect without the invalid provision
52 or application, and to this end the
53 provisions of this Act are declared to be
54 severable.

55 (3) Section 3, Chapter 271, Acts of the 79th
56 Legislature, Regular Session, 2005, provides that the

1 act applies only to an eminent domain action initiated
2 on or after the effective date of the act. The revised
3 law omits the section as unnecessary because Section
4 311.022, Government Code (Code Construction Act),
5 provides a presumption that a statute will be
6 prospective in its operation. The omitted law reads:

7 Sec. 3. The change in law made by
8 this Act does not affect an eminent domain
9 action initiated before the effective date
10 of this Act. Such an action is governed by
11 the law in effect when the action was
12 initiated, and the former law is continued
13 in effect for that purpose.

14 (4) Section 2, Chapter 723, Acts of the 83rd
15 Legislature, Regular Session, 2013, states that the
16 authority retains all rights, powers, privileges,
17 authorities, duties, and functions it had before the
18 enactment of that act. The revised law omits that
19 provision because an accepted general principle of
20 statutory construction requires a statute to be given
21 cumulative effect with other statutes unless the
22 statute provides otherwise or the statutes are in
23 conflict. Since Chapter 723 provides additional
24 authority to the authority and does not otherwise
25 limit or conflict with the authority's existing law,
26 the general principle applies to this revision. The
27 omitted law reads:

28 Sec. 2. The North Harris County
29 Regional Water Authority retains all
30 rights, powers, privileges, authorities,
31 duties, and functions that it had before the
32 effective date of this Act.

33 (5) Section 3, Chapter 723, Acts of the 83rd
34 Legislature, Regular Session, 2013, validates certain
35 authority actions. The revised law omits the
36 validation because it served its purpose on the date it
37 took effect and is executed law. Section
38 311.031(a)(2), Government Code (Code Construction
39 Act), provides that the repeal of a statute does not

1 affect any validation previously made under the
2 statute. Therefore, the omission of the executed
3 validation provision does not affect the validation.
4 The omitted law reads:

5 Sec. 3. (a) The legislature
6 validates and confirms all governmental
7 acts and proceedings of the North Harris
8 County Regional Water Authority that were
9 taken before the effective date of this Act.

10 (b) This section does not apply to
11 any matter that on the effective date of
12 this Act:

13 (1) is involved in litigation
14 if the litigation ultimately results in the
15 matter being held invalid by a final court
16 judgment; or

17 (2) has been held invalid by a
18 final court judgment.

19 SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS

20 CHAPTER 9048. EL PASO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT

21 NO. 4

22 SUBCHAPTER A. GENERAL PROVISIONS

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32 CHAPTER 9048. EL PASO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT

33 NO. 4

34 SUBCHAPTER A. GENERAL PROVISIONS

35 Revised Law

36 Sec. 9048.001. DEFINITION. In this chapter, "district"
37 means the El Paso County Water Control and Improvement District
38 No. 4. (Acts 54th Leg., R.S., Ch. 58, Sec. 2A(a).)

39 Source Law

40 Sec. 2A. (a) In this section, "district" means
41 the El Paso County Water Control and Improvement

1 District No. 4.

2 Revisor's Note

3 Section 2A(a), Chapter 58, Acts of the 54th
4 Legislature, Regular Session, 1955, defines
5 "district" for purposes of Section 2A to mean the El
6 Paso County Water Control and Improvement District
7 No. 4. As a drafting convenience and to eliminate
8 frequent, unnecessary repetition of the substance of
9 the definition, the revised law expands the definition
10 to apply to all references to the district in this
11 chapter.

12 Revised Law

13 Sec. 9048.002. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
14 The district is created to serve a public use and benefit.

15 (b) Except for property owned by a railroad or public
16 utility that does not use the facilities of the district, all land
17 included in the boundaries of the district will be benefited. (Acts
18 54th Leg., R.S., Ch. 58, Sec. 2 (part).)

19 Source Law

20 Sec. 2. It is hereby found and determined that
21 all of the lands except all property owned by railroads
22 and public utilities not using the facilities of such
23 District included within the boundaries of the
24 District will be benefited and that the District is
25 created to serve a public use and benefit. . . .

26 Revised Law

27 Sec. 9048.003. DISTRICT TERRITORY. (a) The district is
28 composed of the territory described by Section 1, Chapter 268, Acts
29 of the 82nd Legislature, Regular Session, 2011, as that territory
30 may have been modified under:

- 31 (1) Subchapter O, Chapter 51, Water Code;
32 (2) Subchapter J, Chapter 49, Water Code; or
33 (3) other law.

34 (b) The boundaries and field notes of the district form a
35 closure. A mistake made in the field notes or in copying the field
36 notes in the legislative process does not affect:

- 37 (1) the district's organization, existence, or

1 validity;

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

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

6 (4) the legality or operation of the district. (Acts
7 54th Leg., R.S., Ch. 58, Secs. 2A(b), (c); New.)

8 Source Law

9 (b) The district is composed of the territory
10 described by Subsection (d) of this section.

11 (c) The boundaries and field notes contained in
12 Subsection (d) of this section form a closure. A
13 mistake made in the field notes or in copying the field
14 notes in the legislative process does not affect the
15 district's:

- 16 (1) organization, existence, or validity;
17 (2) right to issue any type of bond for the
18 purposes for which the district is created or to pay
19 the principal of and interest on a bond;
20 (3) right to impose a tax; or
21 (4) legality or operation.

22 Revisor's Note

23 The revision of the law governing the district
24 does not revise the statutory language describing the
25 territory of the district to avoid the lengthy
26 recitation of the description and because that
27 description may not be accurate on the effective date
28 of the revision or at the time of a later reading. For
29 the reader's convenience, the revised law includes
30 references to the statutory description of the
31 district's territory and to statutory authority to
32 change the district's territory under Subchapter O,
33 Chapter 51, Water Code, applicable to water control
34 and improvement districts, and Subchapter J, Chapter
35 49, Water Code, applicable to the district under
36 Sections 49.001 and 49.002 of that chapter and Section
37 9048.051 of this chapter. The revised law also
38 includes a reference to the general authority of the
39 legislature to enact other laws to change the
40 district's territory.

1 SUBCHAPTER B. POWERS AND DUTIES

2 Revised Law

3 Sec. 9048.051. GENERAL POWERS AND DUTIES. Except as
4 otherwise provided by this chapter, the district has all the
5 rights, powers, privileges, and duties, including the control of
6 storm and flood waters, provided by general law applicable to a
7 water control and improvement district created under Section 59,
8 Article XVI, Texas Constitution, including Chapters 49 and 51,
9 Water Code. (Acts 54th Leg., R.S., Ch. 58, Sec. 1 (part), Sec. 3
10 (part); New.)

11 Source Law

12 Sec. 1. . . . the General Law governing water
13 control and improvement districts shall apply to said
14 District in all other respects, including but not
15 limited to the control of storm and flood waters,
16 except as otherwise provided in this Act.

17 Sec. 3. The District shall have and exercise,
18 and is hereby vested with all of the rights, powers,
19 privileges and duties conferred and imposed by the
20 General Laws of this State now in force or hereafter
21 enacted, applicable to water control and improvement
22 districts created under authority of Section 59,
23 Article 16, of the Constitution, but

24 Revisor's Note

25 (1) Section 1, Chapter 58, Acts of the 54th
26 Legislature, Regular Session, 1955, provides that the
27 general law governing water control and improvement
28 districts, "including but not limited to" the control
29 of storm and flood waters, applies to the district.
30 The revised law omits "but not limited to" because
31 Section 311.005(13), Government Code (Code
32 Construction Act), provides that "includes" and
33 "including" are terms of enlargement and not of
34 limitation and do not create a presumption that
35 components not expressed are excluded.

36 (2) Section 3, Chapter 58, Acts of the 54th
37 Legislature, Regular Session, 1955, states that the
38 district "shall have and exercise, and is hereby
39 vested with" certain powers. The revised law

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

4 (3) Section 3, Chapter 58, Acts of the 54th
5 Legislature, Regular Session, 1955, states that the
6 district has the rights, powers, privileges, and
7 duties "conferred and imposed" by general law. The
8 revised law substitutes "provided" for the quoted
9 language because regardless of whether a right, power,
10 privilege, or duty is "conferred" by general law or
11 "imposed" by general law, it is not necessary to
12 characterize in the revised law the nature of the
13 granting of that authority. In context, "provided" is
14 synonymous with "conferred and imposed" and "provided"
15 is more commonly used.

16 (4) Section 3, Chapter 58, Acts of the 54th
17 Legislature, Regular Session, 1955, refers to the
18 general laws of this state "now in force or hereafter
19 enacted." The revised law omits the quoted language as
20 unnecessary under accepted general principles of
21 statutory construction. The "General Laws of this
22 State" 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 (5) Section 3, Chapter 58, Acts of the 54th
28 Legislature, Regular Session, 1955, 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 49, Water
32 Code, applicable under Sections 49.001 and 49.002 of
33 that chapter to many types of districts, including
34 water control and improvement districts, created under

1 Section 59, Article XVI, Texas Constitution, and to
2 Chapter 51, Water Code, applicable to water control
3 and improvement districts.

4 (6) Section 3, Chapter 58, Acts of the 54th
5 Legislature, Regular Session, 1955, provides that the
6 act prevails over general law in case of a conflict or
7 other inconsistency and that all general laws
8 applicable to water control and improvement districts
9 not in conflict or inconsistent with the provisions of
10 the act are incorporated by reference. The revised law
11 omits the portion of the provision relating to the act
12 prevailing over general law because it duplicates in
13 substance Section 311.026(b), Government Code (Code
14 Construction Act). The revised law omits the portion
15 of the provision relating to incorporation of general
16 laws because the portion of Section 3, Chapter 58,
17 revised as this section already provides that those
18 laws apply to the district, and it is unnecessary to
19 further incorporate those laws in this chapter. The
20 omitted law reads:

21 Sec. 3. [The District shall have
22 . . . all of the rights, powers, privileges
23 and duties conferred and imposed by the
24 General Laws of this State . . . applicable
25 to water control and improvement districts
26 . . . but] to the extent that the provisions
27 of any such General Laws may be in conflict
28 or inconsistent with the provisions of this
29 Act, the provisions of this Act shall
30 prevail. All such General Laws are hereby
31 incorporated by reference with the same
32 effect as if incorporated in full in this
33 Act.

34 Revised Law

35 Sec. 9048.052. POWERS RELATING TO SANITARY SEWER SYSTEM.
36 The district may construct, maintain, and operate a sanitary sewer
37 system. (Acts 54th Leg., R.S., Ch. 58, Sec. 1 (part).)

38 Source Law

39 Sec. 1. The powers and authority to construct,
40 maintain and operate a sanitary sewer system as
41 contained in Section 3a, as added by Chapter 280, Acts

1 Regular Session of the 41st Legislature, to Chapter
2 25, Acts Regular Session of the 39th Legislature, as
3 brought forward as Article 7880-3a, Vernon's Revised
4 Civil Statutes, as amended, are hereby conferred on El
5 Paso County Water Control and Improvement District
6 No. 4, and

7 Revisor's Note

8 Section 1, Chapter 58, Acts of the 54th
9 Legislature, Regular Session, 1955, grants the
10 district the authority to construct, maintain, and
11 operate a sanitary sewer system as described by
12 Article 7880-3a, Vernon's Texas Civil Statutes,
13 without the need to obtain approval from the State
14 Board of Water Engineers as provided by that article.
15 The revised law omits the reference to the board's
16 approval as executed since that exception served its
17 purpose on the date it took effect. The omitted law
18 reads:

19 Sec. 1. . . . it shall not be
20 necessary for said District to obtain such
21 powers and authority from the State Board of
22 Water Engineers as provided in said Act; but
23

24 SUBCHAPTER C. BONDS

25 Revised Law

26 Sec. 9048.101. BOND ELECTION REQUIRED. The district may
27 not issue bonds unless the bonds are authorized by a majority of the
28 voters of the district voting at an election held for that purpose.
29 (Acts 54th Leg., R.S., Ch. 58, Sec. 2 (part).)

30 Source Law

31 Sec. 2. . . . provided, however, that no bonds
32 shall be issued by said District unless authorized by a
33 majority of the resident qualified property taxpaying
34 voters of the District who own taxable property in the
35 District and who have duly rendered the same for
36 taxation, voting at an election held for that purpose.

37 Revisor's Note

38 Section 2, Chapter 58, Acts of the 54th
39 Legislature, Regular Session, 1955, refers to a
40 majority vote of the "resident qualified property
41 taxpaying voters of the District who own taxable

1 property in the District and who have duly rendered the
2 same for taxation." The revised law omits the
3 reference to "resident qualified . . . voters" as
4 unnecessary in this context because Chapter 11,
5 Election Code, governs eligibility to vote in an
6 election in this state and allows only qualified
7 voters who are residents of the territory covered by
8 the election to vote in an election. The revised law
9 also omits the reference to voting by persons who own
10 taxable property and render that property for taxation
11 because in Hill v. Stone, 421 U.S. 289 (1975), the
12 United States Supreme Court determined that property
13 ownership as a qualification for voting is an
14 unconstitutional denial of equal protection.

15 Revisor's Note
16 (End of Chapter)

17 (1) Section 2, Chapter 58, Acts of the 54th
18 Legislature, Regular Session, 1955, provides that it
19 is unnecessary to hold a confirmation election or a
20 hearing on the exclusion of territory from the
21 district. The revised law omits those provisions as
22 executed. The omitted law reads:

23 Sec. 2. . . . No election shall be
24 necessary for the purpose of confirming its
25 organization and no hearings shall be held
26 to determine whether any lands included
27 within its boundaries should be excluded;
28

29 (2) Section 4, Chapter 58, Acts of the 54th
30 Legislature, Regular Session, 1955, validates actions
31 of the district in creating the district and
32 appointing directors for the district before the
33 effective date of the legislation. The revised law
34 omits that provision because it served its purpose on
35 the day it took effect and is executed law. Section
36 311.031(a)(2), Government Code (Code Construction
37 Act), provides that the repeal of a statute does not

1 affect any validation previously made under the
2 statute. Therefore, the omission of the executed
3 validation provision does not affect the validation.
4 The omitted law reads:

5 Sec. 4. That all acts and proceedings
6 heretofore had and taken in connection with
7 the creation of said District and the
8 appointment of directors therefor, are
9 hereby in all things validated, ratified
10 and confirmed.

11 (3) Section 2, Chapter 268, Acts of the 82nd
12 Legislature, Regular Session, 2011, contains
13 legislative findings relating to the performance of
14 procedural requirements for the enactment of those
15 chapters under the constitution and other laws and
16 rules. The revised law omits those provisions as
17 executed. The omitted law reads:

18 Sec. 2. (a) The legal notice of the
19 intention to introduce this Act, setting
20 forth the general substance of this Act, has
21 been published as provided by law, and the
22 notice and a copy of this Act have been
23 furnished to all persons, agencies,
24 officials, or entities to which they are
25 required to be furnished under Section 59,
26 Article XVI, Texas Constitution, and
27 Chapter 313, Government Code.

28 (b) The governor, one of the required
29 recipients, has submitted the notice and
30 Act to the Texas Commission on
31 Environmental Quality.

32 (c) The Texas Commission on
33 Environmental Quality has filed its
34 recommendations relating to this Act with
35 the governor, the lieutenant governor, and
36 the speaker of the house of representatives
37 within the required time.

38 (d) All requirements of the
39 constitution and laws of this state and the
40 rules and procedures of the legislature
41 with respect to the notice, introduction,
42 and passage of this Act are fulfilled and
43 accomplished.

44 CHAPTER 9070. FAYETTE COUNTY WATER CONTROL AND IMPROVEMENT

45 DISTRICT-MONUMENT HILL

46 Sec. 9070.001. DEFINITION 312
47 Sec. 9070.002. EXCLUSION OF TERRITORY 312
48 Sec. 9070.003. RIGHTS OF BONDHOLDERS 312
49 Sec. 9070.004. TAX LIABILITY OF EXCLUDED TERRITORY 313

1 CHAPTER 9070. FAYETTE COUNTY WATER CONTROL AND IMPROVEMENT

2 DISTRICT-MONUMENT HILL

3 Revised Law

4 Sec. 9070.001. DEFINITION. In this chapter, "district"
5 means the Fayette County Water Control and Improvement
6 District-Monument Hill. (Acts 72nd Leg., R.S., Ch. 316, Sec. 1.)

7 Source Law

8 Sec. 1. In this Act, "district" means the
9 Fayette County Water Control and Improvement
10 District-Monument Hill.

11 Revised Law

12 Sec. 9070.002. EXCLUSION OF TERRITORY. The boundaries of
13 the district exclude the approximately 100 acres of territory
14 previously included in the district that are located across
15 Buckners Creek from the district. (Acts 72nd Leg., R.S., Ch. 316,
16 Sec. 2.)

17 Source Law

18 Sec. 2. The boundaries of the district are
19 adjusted to exclude the area consisting of
20 approximately 100 acres located across Buckners Creek
21 from the remainder of the district.

22 Revisor's Note

23 Chapter 316, Acts of the 72nd Legislature,
24 Regular Session, 1991, refers to "area" and "land" in
25 the district. The revised law substitutes "territory"
26 for "area" and "land" throughout this chapter for
27 consistency in the terminology used within this code
28 and because, in this context, "area" and "land" are
29 included in the meaning of "territory."

30 Revised Law

31 Sec. 9070.003. RIGHTS OF BONDHOLDERS. The exclusion of
32 territory under this chapter does not diminish or impair the rights
33 of the holders of any outstanding and unpaid bonds, warrants, or
34 other certificates of indebtedness of the district. (Acts 72nd
35 Leg., R.S., Ch. 316, Sec. 3.)

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Source Law

Sec. 3. The exclusion of land under this Act does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other certificates of indebtedness of the district.

Revised Law

Sec. 9070.004. TAX LIABILITY OF EXCLUDED TERRITORY. (a) Territory excluded from the district under Section 9070.002 is not released from the payment of its pro rata share of the district's debt.

(b) The district shall continue to impose taxes each year on the excluded territory at the same rate imposed on other district property until the taxes collected from the excluded territory equal its pro rata share of the district's debt at the time the territory was excluded. The taxes collected shall be applied exclusively to the payment of the excluded territory's pro rata share of the debt.

(c) The owner of all or part of the excluded territory may pay in full, at any time, the owner's share of the pro rata share of the district's debt. (Acts 72nd Leg., R.S., Ch. 316, Sec. 4.)

Source Law

Sec. 4. (a) The excluded land is not released from the payment of its pro rata share of the district's indebtedness.

(b) The district shall continue to levy taxes each year on the property excluded from the district at the same rate levied on other property of the district until the taxes collected from the excluded land equal its pro rata share of the indebtedness of the district at the time of the exclusion of the land. The taxes collected shall be applied exclusively to the payment of the excluded land's pro rata share of the indebtedness.

(c) The owner of all or part of the excluded land may pay in full, at any time, his share of the pro rata share of the indebtedness of the district.

Revisor's Note

(1) Section 4, Chapter 316, Acts of the 72nd Legislature, Regular Session, 1991, refers to the "district's indebtedness." The revised law substitutes "debt" for "indebtedness" because, in the context of this section, the terms are synonymous and "debt" is

1 more commonly used.

2 (2) Section 4, Chapter 316, Acts of the 72nd
3 Legislature, Regular Session, 1991, refers to the
4 district's obligation to "levy" taxes. The revised law
5 substitutes "impose" for "levy" because "impose" is
6 the term generally used in Title 1, Tax Code.

1 APPENDIX A

2 CONFORMING AMENDMENTS

3 SECTION 2.01. Section 1, Chapter 498, Acts of the 54th
4 Legislature, Regular Session, 1955, is amended to read as follows:

5 Sec. 1. The ~~[creation and establishment of]~~ North Plains
6 Groundwater Conservation District is~~[7]~~ composed of lands and
7 territories situated within all or a portion of the Texas Counties
8 of Dallam, Hansford, Hartley, Hutchinson, Lipscomb, Moore,
9 Ochiltree and Sherman, the boundaries of said District being
10 described by metes and bounds in order canvassing returns and
11 declaring results of confirmation election, dated January 27, 1955,
12 recorded in Volume 1, Page 53, of the Ground Water Conservation
13 Records of Ochiltree County, Texas, and recorded in Volume 119,
14 Page 21 of the Deed Records of Ochiltree County, Texas~~[, to which~~
15 ~~reference is here made for a more complete description, and which is~~
16 ~~incorporated herein by reference the same as if copied herein in~~
17 ~~full, is hereby ratified, confirmed and validated. All acts of the~~
18 ~~Board of Water Engineers of the State of Texas in regard to the~~
19 ~~designation of Subdivision Number Two, of the Groundwater Reservoir~~
20 ~~in the Ogallala Formation, North of the Canadian River in Texas,~~
21 ~~dated August 16, 1954, in regard to the creation and establishing of~~
22 ~~said District, and the appointment of seven (7) directors, and all~~
23 ~~acts of the Board of Directors of said District in regard to the~~
24 ~~creation and establishment of said District and in regard to~~
25 ~~levying and collecting ad valorem taxes by said District are in all~~
26 ~~things ratified, confirmed and validated, and said District,~~
27 ~~composed of the land and territory described above, is hereby~~
28 ~~declared to have been fully and duly created and established and~~
29 ~~authorized to collect ad valorem taxes from and after the~~
30 ~~confirmation and tax elections held within said District on January~~
31 ~~21, 1955].~~

32 SECTION 3.01. The following statutes are repealed:

33 (1) Chapter 46, Acts of the 54th Legislature, Regular
34 Session, 1955;

- 1 (2) Chapter 1168, Acts of the 71st Legislature,
2 Regular Session, 1989;
- 3 (3) Chapter 21, Acts of the 68th Legislature, Regular
4 Session, 1983;
- 5 (4) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
6 15, 16, 17, 18, 19, 20, 21, and 22, Chapter 141, Acts of the 54th
7 Legislature, Regular Session, 1955;
- 8 (5) Sections 1, 2(c), 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
9 13, 14, 15, 16A, 16B, 16C, 16D, 16E, 16F, and 16G, Chapter 1081,
10 Acts of the 68th Legislature, Regular Session, 1983;
- 11 (6) Sections 3, 4, 5, and 6, Chapter 600, Acts of the
12 70th Legislature, Regular Session, 1987;
- 13 (7) Chapter 318, Acts of the 72nd Legislature, Regular
14 Session, 1991;
- 15 (8) Chapter 1200, Acts of the 75th Legislature,
16 Regular Session, 1997;
- 17 (9) Chapter 350, Acts of the 81st Legislature, Regular
18 Session, 2009;
- 19 (10) Chapter 524, Acts of the 71st Legislature,
20 Regular Session, 1989;
- 21 (11) Chapter 22, Acts of the 77th Legislature, Regular
22 Session, 2001;
- 23 (12) Chapter 64, Acts of the 81st Legislature, Regular
24 Session, 2009;
- 25 (13) Sections 1, 1A, 2, 4, 5, 6, 7, 8, 9, 10A, 10B, 11,
26 and 12, Chapter 712, Acts of the 71st Legislature, Regular Session,
27 1989;
- 28 (14) Chapter 1123, Acts of the 80th Legislature,
29 Regular Session, 2007;
- 30 (15) Chapter 368, Acts of the 74th Legislature,
31 Regular Session, 1995;
- 32 (16) Chapter 658, Acts of the 82nd Legislature,
33 Regular Session, 2011;
- 34 (17) Chapter 669, Acts of the 71st Legislature,

1 Regular Session, 1989;
2 (18) Chapter 673, Acts of the 71st Legislature,
3 Regular Session, 1989;
4 (19) Chapter 653, Acts of the 71st Legislature,
5 Regular Session, 1989;
6 (20) Chapter 879, Acts of the 81st Legislature,
7 Regular Session, 2009;
8 (21) Chapter 519, Acts of the 71st Legislature,
9 Regular Session, 1989;
10 (22) Chapter 1173, Acts of the 79th Legislature,
11 Regular Session, 2005;
12 (23) Chapter 46, Acts of the 72nd Legislature, Regular
13 Session, 1991;
14 (24) Chapter 377, Acts of the 69th Legislature,
15 Regular Session, 1985;
16 (25) Chapter 757, Acts of the 72nd Legislature,
17 Regular Session, 1991;
18 (26) Sections 1A, 2, 3, 4, 4a, and 5, Chapter 498, Acts
19 of the 54th Legislature, Regular Session, 1955;
20 (27) Chapter 760, Acts of the 68th Legislature,
21 Regular Session, 1983;
22 (28) Chapter 63, Acts of the 69th Legislature, Regular
23 Session, 1985;
24 (29) Sections 2, 3, 4, and 5, Chapter 1152, Acts of the
25 76th Legislature, Regular Session, 1999;
26 (30) Chapter 644, Acts of the 84th Legislature,
27 Regular Session, 2015;
28 (31) Sections 1.01, 1.02, 1.03(d), 1.03(f), 1.03(g),
29 1.03(h), 1.045, 1.05, and 1.06, Chapter 1029, Acts of the 76th
30 Legislature, Regular Session, 1999;
31 (32) Articles 2, 3, 4, 5, and 6, Chapter 1029, Acts of
32 the 76th Legislature, Regular Session, 1999;
33 (33) Chapter 232, Acts of the 77th Legislature,
34 Regular Session, 2001;

1 (34) Article 12, Chapter 966, Acts of the 77th
2 Legislature, Regular Session, 2001;

3 (35) Section 13.04, Chapter 966, Acts of the 77th
4 Legislature, Regular Session, 2001;

5 (36) Sections 1, 3, 4, 5, 6, and 7, Chapter 1296, Acts
6 of the 77th Legislature, Regular Session, 2001;

7 (37) Sections 39 and 40, Chapter 1423, Acts of the 77th
8 Legislature, Regular Session, 2001;

9 (38) Chapter 381, Acts of the 78th Legislature,
10 Regular Session, 2003;

11 (39) Section 2, Chapter 271, Acts of the 79th
12 Legislature, Regular Session, 2005;

13 (40) Sections 2, 3, 4, 5, and 7, Chapter 321, Acts of
14 the 82nd Legislature, Regular Session, 2011;

15 (41) Chapter 723, Acts of the 83rd Legislature,
16 Regular Session, 2013;

17 (42) Chapter 1343, Acts of the 79th Legislature,
18 Regular Session, 2005;

19 (43) Section 199, Chapter 1163, Acts of the 82nd
20 Legislature, Regular Session, 2011;

21 (44) Sections 1, 2, 2A(a), 2A(b), 2A(c), 3, and 4,
22 Chapter 58, Acts of the 54th Legislature, Regular Session, 1955;

23 (45) Chapter 491, Acts of the 54th Legislature,
24 Regular Session, 1955;

25 (46) Section 2, Chapter 268, Acts of the 82nd
26 Legislature, Regular Session, 2011;

27 (47) Chapter 316, Acts of the 72nd Legislature,
28 Regular Session, 1991; and

29 (48) Sections 2, 3, 6, 7, 8, 9, 10, 11, 13, and 14,
30 Chapter 1196, Acts of the 84th Legislature, Regular Session, 2015.

31 SECTION 4.01. LEGISLATIVE INTENT OF NO SUBSTANTIVE CHANGE.
32 This Act is enacted under Section 43, Article III, Texas
33 Constitution. This Act is intended as a codification only, and no
34 substantive change in the law is intended by this Act. This Act

1 does not increase or decrease the territory of any special district
2 of the state as those boundaries exist on the effective date of this
3 Act.

4 SECTION 4.02. PRESERVATION OF VALIDATION MADE BY PREVIOUS
5 LAW. (a) The repeal of a law, including a validating law, by this
6 Act does not remove, void, or otherwise affect in any manner a
7 validation under the repealed law. The validation is preserved and
8 continues to have the same effect that it would have if the law were
9 not repealed.

10 (b) Subsection (a) of this section does not diminish the
11 saving provisions prescribed by Section 311.031, Government Code.

12 SECTION 4.03. EFFECTIVE DATE. This Act takes effect April
13 1, 2019.

1 APPENDIX B

2 CHAPTER 311. CODE CONSTRUCTION ACT

3 (current as of end of 85th Legislature, 1st Called Session, 2017)

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.

APPENDIX C

DISPOSITION TABLE

SPECIAL DISTRICT LOCAL LAWS CODE

4	54th Leg., R.S., Ch. 46	
5	Sec. 1	RN 5009.103
6	Sec. 2	RN 5009.103
7	Sec. 3	RN 5009.103
8	Sec. 4 (part)	5009.002
9	(part)	5009.003
10	(part)	5009.051
11	(part)	RN 5009.051
12	Sec. 5	RN 5009.103
13	Sec. 6	RN 5009.103
14	54th Leg., R.S., Ch. 58	
15	Sec. 1 (part)	9048.051
16	(part)	9048.052
17	(part)	RN 9048.052
18	Sec. 2 (part)	9048.002
19	(part)	9048.101
20	(part)	RN 9048.101
21	Sec. 2A(a)	9048.001
22	(b)	9048.003
23	(c)	9048.003
24	Sec. 3 (part)	9048.051
25	(part)	RN 9048.051
26	Sec. 4	RN 9048.101
27	54th Leg., R.S., Ch. 141	
28	Sec. 1 (part)	6913.001
29	(part)	6913.002
30	Sec. 2 (part)	6913.003
31	(part)	6913.051
32	Sec. 3(a) (part)	6913.101
33	(part)	6913.102
34	(part)	6913.107
35	(part)	RN 6913.108
36	(b) (part)	6913.103
37	(part)	RN 6913.108
38	(c) (part)	6913.101
39	(part)	6913.103
40	(part)	RN 6913.103
41	(d)	RN 6913.108
42	(e) (part)	6913.108
43	(part)	RN 6913.108
44	Sec. 4 (part)	6913.104
45	(part)	RN 6913.104
46	(part)	6913.105
47	(part)	6913.106
48	(part)	6913.107
49	(part)	RN 6913.108
50	Sec. 5 (part)	6913.052
51	Sec. 5(a)	6913.053
52	(b)	6913.053
53	(c)	6913.054
54	(d)	6913.055
55	(e) (part)	6913.056
56	(part)	6913.057
57	(part)	6913.061
58	(f) (part)	6913.058
59	(part)	RN 6913.058

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3		(part)	RN	6913.061
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11		(part)		6913.154
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13	Sec. 9(a)	(part)		6913.251
14		(part)		6913.254
15		(b) (part)		6913.251
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18		(part)		6913.253
19		(part)	RN	6913.262
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21	(d)		6913.254
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32		(part)	RN	6913.256
33	(b)		6913.256
34	(c)	RN	6913.256
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39	Sec. 16		6913.151
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45	Sec. 20(a)	RN	6913.203
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47		(part)	RN	6913.203
48	Sec. 21	RN	6913.262
49	Sec. 22	RN	6913.262
50	54th Leg., R.S., Ch. 498			
51	Sec. 1	(part)		8887.002
52		(part)		8887.004
53		(part)	RN	8887.153
54	Sec. 1A(a)		8887.051
55		(b)		8887.052
56		(c)	RN	8887.052
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58		(part)		8887.101
59		(part)		8887.102
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61		(part)		8887.104
62		(part)		8887.105
63		(part)		8887.106
64		(part)		8887.107
65		(part)		8887.108
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67		(part)	RN	8887.109

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4	(part)	RN 8887.153
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6	Sec. 4 (part)	8887.002
7	(part)	8887.003
8	Sec. 4a	RN 8887.153
9	Sec. 5	RN 8887.153
10	68th Leg., R.S., Ch. 21	
11	Sec. 1(a)	5013.001
12		5013.002
13	(b)	5013.003
14	68th Leg., R.S., Ch. 760	
15	Sec. 3(a)	RN 8887.051
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17	68th Leg., R.S., Ch. 1081	
18	Sec. 1(a)	7811.002
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20	(part)	7811.002
21	(c)	7811.001
22	(d) (part)	RN 7811.002
23	(part)	7811.101
24	(part)	RN 7811.101
25	(e)	7811.101
26	(f)	RN 7811.101
27	(g)	7811.107
28	Sec. 2(a) (part)	7811.001
29	(part)	7811.004
30	(part)	RN 7811.004
31	(b)	7811.004
32	(c)	7811.004
33	(d)	7811.004
34	Sec. 3(a)	7811.051
35	(b)	7811.054
36	(c) (part)	7811.052
37	(part)	7811.053
38	(part)	RN 7811.053
39	(d) (part)	7811.059
40	(part)	RN 7811.059
41	(e)	7811.060
42	(f) (part)	7811.055
43	(part)	RN 7811.062
44	(g)	7811.055
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46	(i) (part)	7811.058
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48	(j)	RN 7811.062
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51	(b) (part)	7811.205
52	(part)	RN 7811.205
53	(c)	7811.202
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57	Sec. 5	RN 7811.205
58	Sec. 6(a)	7811.204
59	(b) (part)	7811.204
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61	(c)	7811.204
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11	Sec. 13 (part)	7811.005
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35	Sec. 3	RN 8887.153
36	69th Leg., R.S., Ch. 377	
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42	Sec. 5	8886.051
43	Sec. 6	8886.002
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48	(d) (part)	8886.155
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50	(e)	8886.161
51	(f) (part)	8886.156
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59	Sec. 9	RN 8886.104
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8	Sec. 16	(part)	8886.162
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16	Sec. 1(a)	(part)	8884.001
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21	Sec. 3		8884.004
22	Sec. 4		RN 8884.004
23	Sec. 5		8884.003
24	Sec. 6(a)	(part)	RN 8884.004
25		(part)	8884.101
26		(b)	RN 8884.101
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28	Sec. 7(a)	(part)	8884.051
29		(part)	8884.052
30		(b)	8884.051
31		(c)	8884.053
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36	Sec. 8		RN 8884.004
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38	Sec. 10		RN 8884.101
39	71st Leg., R.S., Ch. 524		
40	Sec. 1(a)	(part)	8877.001
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43		(part)	RN 8877.054
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46	Sec. 3		8877.004
47		(part)	8877.002
48	Sec. 4		RN 8877.004
49	Sec. 5		8877.003
50	Sec. 6(a)	(part)	8877.005
51		(part)	8877.101
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53	Sec. 7(a)		8877.051
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61	Sec. 10(a)		8877.052
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9		(part)	8883.002
10		(part)	RN 8883.002
11		(b)	8883.002
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15	Sec. 5		8883.003
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17		(part)	8883.101
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19	Sec. 7(a)	(part)	8883.051
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34		(e)	8883.104
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36	Sec. 13		RN 8883.104
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50		(b)	RN 8881.103
51	Sec. 7(a)	(part)	8881.051
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53		(b) (part)	8881.051
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59		(f)	RN 8881.051
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11	Sec. 6(a) (part)	RN 8882.004
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40	(e)	RN 8879.051
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60	Sec. 2	8885.001
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63	Sec. 5(a) (part)	RN 8885.004
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