

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Special District Local
Laws Code
Chapter 8510
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9 CHAPTER 8510. RED RIVER AUTHORITY OF TEXAS

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Revised Law

12 Sec. 8510.0101. DEFINITIONS. In this chapter:

13 (1) "Authority" means the Red River Authority of
14 Texas.

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

16 (3) "Commission" means the Texas Commission on
17 Environmental Quality.

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

20 Source Law

21 Sec. 1. . . . [district] to be known as "Red
22 River Authority of Texas" (hereinafter referred to as
23 the "Authority"),

24 Revisor's Note

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

29 Revised Law

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

34 Source Law

35 Sec. 1. Pursuant to and as expressly authorized

1 by Article XVI, Section 59 of the Constitution of the
2 State of Texas, there is hereby created within the
3 State of Texas, in addition to the conservation and
4 reclamation districts into which the state has
5 heretofore been divided, a conservation and
6 reclamation district [to be known as "Red River
7 Authority of Texas" (hereinafter referred to as the
8 "Authority")], which shall be a governmental agency of
9 the State of Texas, a body politic and corporate.

10 Revisor's Note

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

26 (2) Section 1, Chapter 279, Acts of the 56th
27 Legislature, Regular Session, 1959, refers to the
28 authority as "a conservation and reclamation
29 district," "a governmental agency of the State of
30 Texas," and "a body politic and corporate." The
31 revised law omits the references to "governmental
32 agency of the State of Texas" and "body politic and
33 corporate" because they duplicate part of Section
34 59(b), Article XVI, Texas Constitution.

35 Revised Law

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

37 (a) The authority is:

38 (1) essential to accomplish the purposes of Section

1 59, Article XVI, Texas Constitution; and

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

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

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

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

11 Source Law

12 Sec. 2. . . . It is hereby found and determined
13 that all of the territory comprising said Authority
14 will be benefited by the exercise of the powers,
15 rights, privileges and functions conferred by this
16 Act. . . .

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

29 Revisor's Note

30 Section 30, Chapter 279, Acts of the 56th
31 Legislature, Regular Session, 1959, contains a
32 legislative declaration of a constitutional "duty" to
33 enact Chapter 279 as a law. The revised law omits the
34 declaration by the legislature as executed and because
35 it has no substantive effect. The omitted law reads:

36 Sec. 30. The Legislature hereby
37 declares that the enactment hereof is in
38 fulfillment of a duty conferred upon it by
39 Section 59 of Article XVI of the
40 Constitution of Texas, wherein it is
41 empowered to pass such laws as may be
42 appropriate in the preservation, and
43 conservation of the natural resources of
44 the state;

1 Revised Law

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

7 Source Law

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

12 Revisor's Note

13 Sections 1A(a) and (b), Chapter 279, Acts of the
14 56th Legislature, Regular Session, 1959, relate to a
15 periodic review of the authority by the Sunset
16 Advisory Commission. Section 1A(a) provides in part
17 that the authority is subject to review under Chapter
18 325, Government Code, as if it were a state agency, but
19 may not be abolished under that chapter. Section 1A(b)
20 provides that the authority must pay the costs
21 associated with the Sunset Advisory Commission's
22 review of the authority. The revised law omits those
23 provisions because they duplicate Sections
24 325.025(a), (b), and (d), Government Code. The
25 omitted law reads:

26 Sec. 1A. (a) The Authority is
27 subject to review under Chapter 325,
28 Government Code (Texas Sunset Act), but may
29 not be abolished under that chapter. . . .

30 (b) The Authority shall pay the cost
31 incurred by the Sunset Advisory Commission
32 in performing the review. The Sunset
33 Advisory Commission shall determine the
34 cost, and the Authority shall pay the amount
35 promptly on receipt of a statement from the
36 Sunset Advisory Commission detailing the
37 cost.

38 Revised Law

39 Sec. 8510.01045. SUNSET REPORT AUDIT. (a) The state
40 auditor shall conduct an audit of the authority to evaluate whether
41 the authority has addressed the operational challenges identified

1 in the report on the authority by the Sunset Advisory Commission
2 presented to the 86th Legislature.

3 (b) The state auditor may not begin the audit required by
4 Subsection (a) before December 1, 2021, and shall prepare and
5 submit a report of the findings of the audit to the chairman and
6 executive director of the Sunset Advisory Commission not later than
7 December 1, 2022.

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

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

14 Source Law

15 Sec. 36. (a) The state auditor shall conduct an
16 audit of the Authority to evaluate whether the
17 Authority has addressed the operational challenges
18 identified in the report on the Authority by the Sunset
19 Advisory Commission presented to the 86th Legislature.

20 (b) The state auditor may not begin the audit
21 required by Subsection (a) of this section before
22 December 1, 2021, and shall prepare and submit a report
23 of the findings of the audit to the chairman and
24 executive director of the Sunset Advisory Commission
25 not later than December 1, 2022.

26 (c) The state auditor shall include the
27 auditor's duties under this section in each audit plan
28 under Section 321.013, Government Code, that governs
29 the auditor's duties for the period specified by
30 Subsection (b) of this section.

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

32 Revised Law

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

- 36 (1) Subchapter J, Chapter 49, Water Code;
37 (2) Subchapter O, Chapter 51, Water Code;
38 (3) Subchapter H, Chapter 62, Water Code; or
39 (4) other law.

40 (b) The authority is composed of:

- 41 (1) the whole of each county in this state located
42 wholly or partly in the watershed of the Red River and its

1 tributaries in this state whose confluences with the Red River are
2 upstream from the northeast corner of Bowie County, as shown by
3 contour maps on file with the Texas Water Development Board; and

4 (2) the whole of Hartley, Hutchinson, Lamar, Lipscomb,
5 and Red River Counties.

6 (c) A defect or irregularity in the boundary or an overlap
7 or conflict of the boundary with another authority or district does
8 not affect the authority's validity. (Acts 56th Leg., R.S., Ch.
9 279, Sec. 2 (part); New.)

10 Source Law

11 Sec. 2. The area of the Authority is hereby
12 established to comprise the whole of all counties in
13 Texas lying wholly or in part within the watershed of
14 the Red River and its Texas tributaries whose
15 confluences with the Red River are upstream from the
16 Northeast corner of Bowie County, Texas, as the same is
17 made certain by contour maps now on file in the office
18 of the Texas Department of Water Resources. Reference
19 is hereby made to said records and maps in aid hereof.
20 In addition to the counties lying wholly or in part
21 within the watershed, the area of the Authority shall
22 also comprise the whole of the following Texas
23 Counties: Hutchinson, Hartley, Lamar, Lipscomb, and
24 Red River Counties. . . . No defect or irregularity
25 in the boundary, overlap or conflict of the boundary
26 with other Authorities or districts shall in any
27 manner affect the validity of the Authority hereby
28 created. . . .

29 Revisor's Note

30 (1) The revision of the law governing the
31 authority revises the statutory language describing
32 the territory of the authority. Because the
33 authority's boundaries are subject to change, that
34 description may not be accurate on the effective date
35 of the revision or at the time of a later reading. For
36 the reader's convenience, the revised law includes a
37 reference to:

38 (1) the statutory authority to change the
39 authority's territory under:

40 (A) Subchapter J, Chapter 49, Water
41 Code, applicable to the authority under Sections
42 49.001 and 49.002 of that chapter and Section 14a(1),

1 Chapter 279, Acts of the 56th Legislature, Regular
2 Session, 1959, which is revised in pertinent part in
3 Section 8510.0301 of this chapter;

4 (B) Subchapter O, Chapter 51, Water
5 Code, applicable to the authority under Section 31,
6 Chapter 279, Acts of the 56th Legislature, Regular
7 Session, 1959, which is revised in Section 8510.0301
8 of this chapter; and

9 (C) Subchapter H, Chapter 62, Water
10 Code, applicable to the authority under Section
11 14a(1), Chapter 279, Acts of the 56th Legislature,
12 Regular Session, 1959, which is revised in pertinent
13 part in Section 8510.0301 of this chapter; and

14 (2) the general authority of the
15 legislature to enact other laws under which the
16 authority's territory may be changed.

17 (2) Section 2, Chapter 279, Acts of the 56th
18 Legislature, Regular Session, 1959, provides that the
19 authority's area is "hereby established" and refers to
20 the authority "hereby created." The revised law omits
21 the quoted language as executed.

22 (3) Section 2, Chapter 279, Acts of the 56th
23 Legislature, Regular Session, 1959, refers to the
24 office of the Texas Department of Water Resources.
25 Chapter 795, Acts of the 69th Legislature, Regular
26 Session, 1985, transferred the relevant authority
27 exercised by the Texas Department of Water Resources
28 to the Texas Water Development Board. The revised law
29 is drafted accordingly.

30 (4) Section 2, Chapter 279, Acts of the 56th
31 Legislature, Regular Session, 1959, refers to contour
32 maps on file in the office of the Texas Department of
33 Water Resources and provides that "[r]eference is
34 hereby made to said records and maps in aid hereof."

1 The revised law omits the quoted language as
2 duplicative of the reference to the contour maps on
3 file in the office.

4 Revised Law

5 Sec. 8510.0106. EFFECT OF OVERLAPPING TERRITORY. (a) An
6 overlap of the authority's territory with another district's or
7 authority's territory or watershed does not affect the powers,
8 affairs, duties, or functions of another district or authority,
9 including the Canadian River Municipal Water Authority.

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

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

16 Source Law

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

31 Revisor's Note

32 (1) Section 3, Chapter 279, Acts of the 56th
33 Legislature, Regular Session, 1959, provides that an
34 overlap of the territory of the authority with the
35 territory of another authority or district does not
36 "interfere with or affect" the powers and duties of
37 other authorities or districts. The revised law omits
38 the reference to "interfere with" because, in context,
39 it is included in the meaning of "affect."

40 (2) Section 3, Chapter 279, Acts of the 56th

1 Legislature, Regular Session, 1959, provides that "at
2 anytime hereafter" other districts or authorities may
3 be created entirely or partly inside the authority.
4 The revised law omits the quoted language because the
5 authorization to create a district or authority inside
6 the authority implies the authorization to do so at any
7 time.

8 Revised Law

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

14 Source Law

15 Sec. 2. . . . Except as provided by Section 14d
16 of this Act, none of the provisions of this Act shall
17 apply to the following Counties: Delta County, Hopkins
18 County, Franklin County, Titus County, Morris County,
19 Cass County, Marion County, and Bowie County.

20 Revisor's Note

21 Section 2, Chapter 279, Acts of the 56th
22 Legislature, Regular Session, 1959, provides that the
23 provisions of Chapter 279 are not applicable to
24 certain counties except as provided by Section 14d.
25 Section 14d, Chapter 279, Acts of the 56th
26 Legislature, Regular Session, 1959, is revised in
27 Section 8510.0108 of this chapter and the revised law
28 is drafted accordingly.

29 Revised Law

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

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

34 (b) Bowie County is included in the authority for the
35 limited purpose of participating in the project. This chapter
36 applies to Bowie County to the extent necessary to accomplish the

1 project.

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

8 Source Law

9 Sec. 2. . . . For the limited purpose stated in
10 Section 14d of this Act, the Authority shall include
11 Bowie County. . . .

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

20 (b) Bowie County is liable only for debt
21 incurred by the Authority directly in connection with
22 the Red River Bank Stabilization and Navigation
23 Project, and the Board may exercise the duties and
24 powers, including the power of eminent domain, under
25 this Act, with relation to Bowie County only to the
26 extent necessary to accomplish the Red River Bank
27 Stabilization and Navigation Project.

28 Revisor's Note

29 The definition of "project" is added to the
30 revised law for drafting convenience and to eliminate
31 frequent, unnecessary repetition of the substance of
32 the definition.

33 Revised Law

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

37 Source Law

38 Sec. 30. . . . All the terms and provisions of
39 this Act are to be liberally construed to effectuate
40 the purposes herein set forth.

41 SUBCHAPTER B. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS

42 Revised Law

43 Sec. 8510.0201. MEMBERSHIP OF BOARD. (a) The board

1 consists of nine directors appointed by the governor with the
2 advice and consent of the senate.

3 (b) Each director must be:

4 (1) a freehold property taxpayer and a qualified voter
5 of this state; and

6 (2) a resident of the director district that the
7 director is appointed to represent.

8 (c) The governor shall appoint three directors to represent
9 each of the following districts:

10 (1) director district no. 1 includes Armstrong,
11 Carson, Castro, Collingsworth, Deaf Smith, Donley, Gray, Hemphill,
12 Oldham, Parmer, Potter, Randall, Roberts, and Wheeler Counties;

13 (2) director district no. 2 includes Archer, Baylor,
14 Briscoe, Childress, Clay, Cottle, Crosby, Dickens, Floyd, Foard,
15 Hale, Hall, Hardeman, King, Knox, Motley, Swisher, Wichita, and
16 Wilbarger Counties; and

17 (3) director district no. 3 includes Bowie, Cooke,
18 Fannin, Grayson, Lamar, Montague, and Red River Counties. (Acts
19 56th Leg., R.S., Ch. 279, Secs. 4(a) (part), (b), (c), (d), (e).)

20 Source Law

21 (a) . . . Board consisting of nine (9)
22 directors.

23 (b) Directors shall be freehold property tax
24 payers and legal voters of the State of Texas and each
25 director shall be a resident of the director district
26 that he is appointed to represent.

27 (c) The Authority is divided into three
28 districts for appointment and representation of
29 directors as follows:

30 (1) director district no. 1 includes
31 Roberts, Hemphill, Oldham, Potter, Carson, Gray,
32 Wheeler, Deaf Smith, Randall, Armstrong, Donley,
33 Collingsworth, Parmer, and Castro counties;

34 (2) director district no. 2 includes
35 Swisher, Briscoe, Hall, Childress, Hale, Floyd,
36 Motley, Cottle, Hardeman, Foard, Wilbarger, Wichita,
37 Crosby, Dickens, King, Knox, Baylor, Archer, and Clay
38 counties; and

39 (3) director district no. 3 includes
40 Montague, Cooke, Grayson, Fannin, Lamar, Red River,
41 and Bowie counties.

42 (d) Three directors shall be appointed from each
43 of these director districts to the Board of the
44 Authority.

45 (e) Each director shall be appointed by the
46 Governor of the state and such appointment shall be
47 confirmed by the Senate.

1 Revisor's Note

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

8 (2) Section 4(e), Chapter 279, Acts of the 56th
9 Legislature, Regular Session, 1959, provides that the
10 directors appointed by the governor must be "confirmed
11 by the Senate." The revised law substitutes the
12 requirement that the directors be appointed "with the
13 advice and consent of the senate" for the requirement
14 that the directors be "confirmed by the Senate"
15 because the phrases have the same meaning and the
16 former is more commonly used.

17 Revised Law

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

20 Source Law

21 (f) Directors shall serve for staggered terms of
22 six (6) years. . . .

23 Revisor's Note

24 Section 4(f), Chapter 279, Acts of the 56th
25 Legislature, Regular Session, 1959, requires the
26 directors of the authority to continue to hold their
27 offices until their successors are appointed and have
28 qualified. The revised law omits that provision
29 because it duplicates Section 17, Article XVI, Texas
30 Constitution. The omitted law reads:

31 (f) . . . The directors shall hold
32 office after their appointment and
33 qualification until their successors shall
34 be appointed and qualify. . . .

35 Revised Law

36 Sec. 8510.0203. REMOVAL. (a) It is a ground for removal

1 from the board that a director:

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

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

6 (3) is ineligible for directorship under Chapter 171,
7 Local Government Code;

8 (4) cannot, because of illness or disability,
9 discharge the director's duties for a substantial part of the
10 director's term; or

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

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

18 (c) If the general manager has knowledge that a potential
19 ground for removal exists, the general manager shall notify the
20 board president of the potential ground. The president shall then
21 notify the governor and the attorney general that a potential
22 ground for removal exists. If the potential ground for removal
23 involves the president, the general manager shall notify the next
24 highest ranking director, who shall then notify the governor and
25 the attorney general that a potential ground for removal exists.
26 (Acts 56th Leg., R.S., Ch. 279, Sec. 4a.)

27 Source Law

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

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

33 (2) does not maintain during service on
34 the Board the qualifications required by Section 4 of
35 this Act;

36 (3) is ineligible for directorship under
37 Chapter 171, Local Government Code;

38 (4) cannot, because of illness or
39 disability, discharge the director's duties for a
40 substantial part of the director's term; or

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

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

8 (c) If the general manager has knowledge that a
9 potential ground for removal exists, the general
10 manager shall notify the president of the Board of the
11 potential ground. The president shall then notify the
12 Governor and the Attorney General that a potential
13 ground for removal exists. If the potential ground for
14 removal involves the president, the general manager
15 shall notify the next highest ranking director, who
16 shall then notify the Governor and the Attorney
17 General that a potential ground for removal exists.

18 Revisor's Note

19 Section 4a, Chapter 279, Acts of the 56th
20 Legislature, Regular Session, 1959, provides that a
21 director may be removed for not having, at the time the
22 director takes office, or maintaining, during the
23 director's term, certain qualifications required by
24 "Section 4 of this Act." The relevant provisions of
25 Section 4, Chapter 279, Acts of the 56th Legislature,
26 Regular Session, 1959, are revised as Sections
27 8510.0201 and 8510.0205 of this chapter, and the
28 revised law is drafted accordingly.

29 Revised Law

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

34 Source Law

35 (f) . . . Should any vacancy occur in the Board
36 of Directors, the same shall be filled in like manner
37 by the Governor for the unexpired term.

38 Revisor's Note

39 Section 4(f), Chapter 279, Acts of the 56th
40 Legislature, Regular Session, 1959, provides that a
41 board vacancy shall be filled "in like manner." The
42 quoted language refers to making the appointment in
43 accordance with Section 4, the relevant provisions of

1 which are revised as Section 8510.0201 of this
2 chapter. The revised law is drafted accordingly.

3 Revised Law

4 Sec. 8510.0205. OATH AND BOND REQUIREMENT FOR DIRECTORS.

5 (a) Not later than the 15th day after the date of appointment, a
6 director shall qualify by:

7 (1) taking the constitutional oath of office; and

8 (2) filing a good and sufficient bond with the
9 secretary of state and obtaining the secretary of state's approval
10 on the bond.

11 (b) The bond must be:

12 (1) in the amount of \$5,000;

13 (2) payable to the authority; and

14 (3) conditioned on the faithful performance of duties
15 as a director. (Acts 56th Leg., R.S., Ch. 279, Sec. 4(g).)

16 Source Law

17 (g) The directors appointed shall within
18 fifteen (15) days after their appointment qualify by
19 taking the official oath and filing with the Secretary
20 of the State of Texas and obtaining his approval
21 thereon, a good and sufficient bond in the sum of Five
22 Thousand (\$5,000.00) Dollars each, payable to the
23 Authority and conditioned upon the faithful
24 performance of duties as a director.

25 Revisor's Note

26 Section 4(g), Chapter 279, Acts of the 56th
27 Legislature, Regular Session, 1959, requires a
28 director to take the "official oath." The quoted
29 language is a reference to the constitutional oath of
30 office, which is prescribed by Section 1, Article XVI,
31 Texas Constitution. The revised law substitutes
32 "constitutional oath of office" for "official oath"
33 for clarification.

34 Revised Law

35 Sec. 8510.0206. COMPENSATION OF DIRECTORS. (a) Unless the
36 board by resolution increases the fee to an amount authorized by
37 Section 49.060, Water Code, a director shall receive as a fee of

1 office an amount not to exceed \$25 for each day of service necessary
2 to discharge the director's duties if the board authorizes the
3 same.

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

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

10 (d) In all areas of conflict with this section, Section
11 49.060, Water Code, takes precedence. (Acts 56th Leg., R.S., Ch.
12 279, Secs. 10(a) (part), (b).)

13 Source Law

14 Sec. 10. (a) Unless the Board by resolution
15 increases the fee to an amount authorized by Section
16 49.060, Water Code, the directors shall receive as
17 fees of office the sum of not to exceed Twenty-Five
18 (\$25.00) Dollars per day for each day of service
19 necessary to the discharge of their duties, . . .
20 provided the same is authorized by vote of the Board of
21 Directors, they shall file with the secretary on the
22 last day of each month, or as soon thereafter as
23 practicable, a verified statement showing the actual
24 amount due and warrants shall be issued therefor.

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

28 Revisor's Note

29 (1) Section 10, Chapter 279, Acts of the 56th
30 Legislature, Regular Session, 1959, provides for
31 reimbursement of all of a director's traveling
32 expenses. The revised law omits the provision because
33 it is expressly superseded by Section 49.060, Water
34 Code (enacted in 1995). Throughout this chapter, the
35 revised law omits law that is superseded by Chapter 49,
36 Water Code, or that duplicates law contained in that
37 chapter. Except as otherwise provided by that
38 chapter, Chapter 49, Water Code, applies to the
39 authority under Sections 49.001 and 49.002, Water
40 Code. The omitted law reads:

1 Sec. 10. . . . [the directors shall
2 receive as fees of office the sum of not to
3 exceed Twenty-Five (\$25.00) Dollars per day
4 for each day of service necessary to the
5 discharge of their duties,] in addition to
6 all traveling expenses,

7 (2) Section 10, Chapter 279, Acts of the 56th
8 Legislature, Regular Session, 1959, provides that fees
9 paid to directors must be authorized "by vote of" the
10 board. The revised law omits the quoted language as
11 unnecessary because voting is the method by which the
12 district's directors exercise the joint authority
13 given to them by law.

14 Revised Law

15 Sec. 8510.0207. VOTING REQUIREMENT. (a) Except as
16 provided by Subsection (b), a concurrence of a majority of the
17 directors present is sufficient in any matter relating to authority
18 business.

19 (b) The concurrence of seven directors is required to award
20 a construction contract or to authorize the issuance of a warrant to
21 pay for a construction contract. (Acts 56th Leg., R.S., Ch. 279,
22 Sec. 5 (part).)

23 Source Law

24 Sec. 5. . . . a concurrence of a majority of
25 those present shall be sufficient in all matters
26 pertaining to the business of the district, except the
27 letting of construction contracts and the
28 authorization of issuance of warrants paying therefor,
29 which shall require the concurrence of seven (7)
30 directors. . . .

31 Revisor's Note

32 Section 5, Chapter 279, Acts of the 56th
33 Legislature, Regular Session, 1959, provides that five
34 directors, which is a majority of the full membership
35 of the board, constitute a quorum. The revised law
36 omits that provision because it duplicates, in
37 substance, Section 311.013, Government Code (Code
38 Construction Act), which provides that a quorum of a
39 public body is a majority of the number of members
40 fixed by statute. The omitted law reads:

1 Sec. 5. . . . Five (5) directors
2 shall constitute a quorum at any meeting and
3

4 Revised Law

5 Sec. 8510.0208. OFFICERS. (a) The governor shall
6 designate a director as the board president to serve as the
7 authority's chief executive officer at the pleasure of the
8 governor.

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

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

13 (d) The secretary shall act as board secretary. The board
14 shall select a secretary pro tem if the secretary is absent or
15 unable to act.

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

19 Source Law

20 Sec. 5. The directors of the Authority shall
21 organize by electing one director vice-president, one
22 secretary, and one treasurer. . . .

23 Sec. 7. The Governor shall designate a director
24 of the Board as the president of the Board to serve in
25 that capacity at the pleasure of the Governor. The
26 president . . . shall be the chief executive officer
27 of the Authority. The vice-president shall act as
28 president in case of the absence or disability of the
29 president. The secretary shall act as secretary of the
30 Board and In case of the absence or inability
31 of the secretary to act, a secretary pro tem shall be
32 selected by the directors.

33 Sec. 22. The Authority may:

34
35 (3) appoint officers, . . . prescribe
36 their duties, and fix their compensation;
37

38 Revisor's Note

39 (1) Section 5, Chapter 279, Acts of the 56th
40 Legislature, Regular Session, 1959, requires the board
41 to "organize" by electing the officers of the board.
42 The revised law omits that requirement because it was

1 completed by the initial election of officers and is
2 executed.

3 (2) Section 22, Chapter 279, Acts of the 56th
4 Legislature, Regular Session, 1959, authorizes the
5 authority to "fix" the compensation of officers,
6 attorneys, agents, and employees. Throughout this
7 chapter, the revised law substitutes "set" for "fix"
8 because, in context, the terms have the same meaning
9 and "set" is more commonly used.

10 Revised Law

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

16 (b) The training program must provide the person with
17 information regarding:

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

19 (2) the authority's programs, functions, rules, and
20 budget;

21 (3) the results of the authority's most recent formal
22 audit;

23 (4) the requirements of:

24 (A) laws relating to open meetings, public
25 information, administrative procedure, and disclosure of conflicts
26 of interest; and

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

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

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

1 (d) The general manager shall create a training manual that
2 includes the information required by Subsection (b). The general
3 manager shall distribute a copy of the training manual annually to
4 each director. Each director shall sign and submit to the general
5 manager a statement acknowledging that the director has received
6 and reviewed the training manual. (Acts 56th Leg., R.S., Ch. 279,
7 Sec. 4b.)

8 Source Law

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

14 (b) The training program must provide the person
15 with information regarding:

16 (1) the law governing Authority
17 operations;

18 (2) the programs, functions, rules, and
19 budget of the Authority;

20 (3) the results of the most recent formal
21 audit of the Authority;

22 (4) the requirements of:

23 (A) laws relating to open meetings,
24 public information, administrative procedure, and
25 disclosure of conflicts of interest; and

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

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

31 (c) A person appointed to the Board is entitled
32 to reimbursement for the travel expenses incurred in
33 attending the training program regardless of whether
34 the attendance at the program occurs before or after
35 the person qualifies for office.

36 (d) The general manager shall create a training
37 manual that includes the information required by
38 Subsection (b) of this section. The general manager
39 shall distribute a copy of the training manual
40 annually to each director. Each director shall sign
41 and submit to the general manager a statement
42 acknowledging that the director has received and
43 reviewed the training manual.

44 Revised Law

45 Sec. 8510.0210. MEETINGS. (a) The president shall preside
46 at all board meetings.

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

48 (1) include public testimony as a meeting agenda item;
49 and

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

1 (c) At a regular board meeting, the board may not deliberate
2 on or decide a matter not included in the meeting agenda, except
3 that the board may discuss including the matter on the agenda for a
4 subsequent meeting.

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

12 Source Law

13 Sec. 7. . . . The president shall preside at all
14 meetings of the Board and

15 Sec. 7a. The Authority's Board of Directors or a
16 Board committee may hold a meeting by telephone
17 conference call, by video conference call, or through
18 communications over the Internet, in accordance with
19 procedures provided by Subchapter F, Chapter 551,
20 Government Code, if holding the meeting in that way is
21 determined to be necessary or convenient by the Board
22 president or any three Board members.

23 [Sec. 34]

24 (b) At each regular meeting of the Board, the
25 Board shall include public testimony as a meeting
26 agenda item and allow members of the public to comment
27 on other agenda items and other matters under the
28 jurisdiction of the Authority. The Board may not
29 deliberate on or decide a matter not included in the
30 meeting agenda, except that the Board may discuss
31 including the matter on the agenda for a subsequent
32 meeting.

33 Revised Law

34 Sec. 8510.0211. SEPARATION OF POLICYMAKING AND MANAGEMENT
35 FUNCTIONS. The board shall develop and implement policies that
36 clearly separate the board's policymaking responsibilities and the
37 general manager's and staff's management responsibilities. (Acts
38 56th Leg., R.S., Ch. 279, Sec. 11a.)

39 Source Law

40 Sec. 11a. The Board shall develop and implement
41 policies that clearly separate the policymaking
42 responsibilities of the Board and the management
43 responsibilities of the general manager and staff of
44 the Authority.

1 Revised Law

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

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

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

9 Source Law

10 Sec. 11. . . . The term of office and
11 compensation to be paid . . . all employees shall be
12 fixed by the Board of Directors and all employees may
13 be removed by the Board. . . .

14 Sec. 22. The Authority may:

15 . . .
16 (3) appoint . . . attorneys, agents, and
17 employees, prescribe their duties, and fix their
18 compensation;
19 . . .

20 Revised Law

21 Sec. 8510.0213. GENERAL MANAGER. (a) The board may employ
22 a general manager.

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

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

27 Source Law

28 Sec. 11. The directors may employ a general
29 manager for the Authority and The term of
30 office and compensation to be paid such manager and
31 . . . shall be fixed by the Board of Directors and
32 A director may not be employed as general
33 manager.

34 Revisor's Note

35 Section 11, Chapter 279, Acts of the 56th
36 Legislature, Regular Session, 1959, allows the board
37 of directors to delegate authority to a general
38 manager. The revised law omits that provision because
39 it duplicates, in substance, part of Section 49.056,
40 Water Code, which provides that the board may delegate

1 full authority over authority affairs to the general
2 manager. The omitted law reads:

3 Sec. 11. [The directors may employ a
4 general manager for the Authority and] may
5 give him full authority in the management
6 and operation of the Authority's affairs
7 (subject only to the orders of the Board of
8 Directors). . . .

9 Revised Law

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

14 (b) The authority shall pay the premium on the bond. (Acts
15 56th Leg., R.S., Ch. 279, Sec. 12.)

16 Source Law

17 Sec. 12. All bonds required to be given by
18 directors, officers and employees of the Authority
19 shall be executed by a surety company authorized to do
20 business in the state, as surety thereon; and the
21 premiums on such bonds shall be paid by the Authority.

22 Revised Law

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

27 Source Law

28 Sec. 8. . . . A regular office shall be
29 established and maintained for the conduct of the
30 Authority's business within the authority at such
31 place as may be determined by the Board of Directors.

32 Revised Law

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

36 Source Law

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

40 Revisor's Note

41 (1) Section 8, Chapter 279, Acts of the 56th

- 1 (1) information about the subject matter of the
2 complaint;
- 3 (2) information about the parties to the complaint;
- 4 (3) a summary of the results of the review or
5 investigation of the complaint; and
- 6 (4) the disposition of the complaint.

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

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

12 Source Law

13 Sec. 35. (a) The Authority shall maintain a
14 system to promptly and efficiently act on complaints
15 filed with the Authority. The Authority shall maintain
16 information about the parties to and subject matter of
17 the complaint, a summary of the results of the review
18 or investigation of the complaint, and the disposition
19 of the complaint.

20 (b) The Authority shall make information
21 available describing its procedures for complaint
22 investigation and resolution.

23 (c) The Authority shall periodically notify the
24 complaint parties of the status of the complaint until
25 final disposition.

26 Revised Law

27 Sec. 8510.0218. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

28 (a) The board shall develop a policy to encourage the use of
29 appropriate alternative dispute resolution procedures under
30 Chapter 2009, Government Code, to assist in the resolution of
31 internal and external disputes under the authority's jurisdiction.

32 (b) The authority's procedures relating to alternative
33 dispute resolution must conform, to the extent possible, to any
34 model guidelines issued by the State Office of Administrative
35 Hearings for the use of alternative dispute resolution by state
36 agencies.

37 (c) The authority shall:

38 (1) coordinate the implementation of the policy
39 adopted under Subsection (a);

40 (2) provide training as needed to implement the

1 procedures for alternative dispute resolution; and

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

5 Source Law

6 Sec. 33. (a) The Board shall develop a policy
7 to encourage the use of appropriate alternative
8 dispute resolution procedures under Chapter 2009,
9 Government Code, to assist in the resolution of
10 internal and external disputes under the Authority's
11 jurisdiction.

12 (b) The Authority's procedures relating to
13 alternative dispute resolution must conform, to the
14 extent possible, to any model guidelines issued by the
15 State Office of Administrative Hearings for the use of
16 alternative dispute resolution by state agencies.

17 (c) The Authority shall:

18 (1) coordinate the implementation of the
19 policy adopted under Subsection (a) of this section;

20 (2) provide training as needed to
21 implement the procedures for alternative dispute
22 resolution; and

23 (3) collect data concerning the
24 effectiveness of those procedures.

25 Revised Law

26 Sec. 8510.0219. PUBLIC TESTIMONY. The board shall develop
27 and implement policies that provide the public with a reasonable
28 opportunity to appear before the board and to speak on any issue
29 under the authority's jurisdiction. (Acts 56th Leg., R.S., Ch.
30 279, Sec. 34(a).)

31 Source Law

32 Sec. 34. (a) The Board shall develop and
33 implement policies that provide the public with a
34 reasonable opportunity to appear before the Board and
35 to speak on any issue under the jurisdiction of the
36 Authority.

37 Revisor's Note
38 (End of Subchapter)

39 (1) Section 4(a), Chapter 279, Acts of the 56th
40 Legislature, Regular Session, 1959, provides that the
41 authority's powers are exercised by a board of
42 directors. The revised law omits that provision
43 because it duplicates, in substance, parts of Sections
44 49.051 and 49.057, Water Code, which provide that the
45 authority is governed by the board and the board is

1 responsible for the authority's management. The
2 omitted law reads:

3 Sec. 4. (a) All powers of the
4 Authority shall be exercised by a [Board
5 . . . of . . . directors.]

6 (2) Section 3, Chapter 870, Acts of the 67th
7 Legislature, Regular Session, 1981, provides
8 transition procedures regarding the terms of directors
9 on the effective date of the act (June 18, 1981). The
10 revised law omits that provision as executed because
11 the terms of office of the directors serving on the
12 effective date of that act have expired. The omitted
13 law reads:

14 Sec. 3. The persons who are directors
15 of the Red River Authority on the effective
16 date of this Act shall continue in office
17 for the remainder of their unexpired terms.

18 (3) Section 12, Chapter 23, Acts of the 86th
19 Legislature, Regular Session, 2019, provides that the
20 term of the board president expires on September 1,
21 2019, and that the governor shall designate a
22 president not later than September 2, 2019. The
23 revised law omits those provisions as executed. The
24 omitted law reads:

25 Sec. 12. (a) The term of the
26 president of the board of directors of the
27 Red River Authority serving on the
28 effective date of this Act expires
29 September 1, 2019. The director serving as
30 president on the effective date of this Act
31 may continue to serve on the board of
32 directors until the director's successor is
33 appointed and has qualified.

34 (b) Not later than September 2, 2019,
35 the governor shall designate a director as
36 president of the board of directors of the
37 Red River Authority as required by Section
38 7, Chapter 279, Acts of the 56th
39 Legislature, Regular Session, 1959, as
40 amended by this Act.

41 SUBCHAPTER C. POWERS AND DUTIES

42 Revised Law

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

44 (1) the functions, powers, rights, and duties as may

1 permit the authority to accomplish the purposes for which it is
2 created;

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

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

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

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

16 Source Law

17 Sec. 14a. (1) In addition to other purposes
18 heretofore authorized by law, the Authority shall have
19 and is vested with all the powers of the state of Texas
20 under Section 59, Article XVI, Constitution of the
21 State of Texas, and shall likewise, have and is vested
22 with all powers, rights, privileges, and functions
23 conferred upon navigation districts by General Law.
24 The Authority is governed by and subject to Chapters
25 49, 60, and 62, Water Code, but in all areas of
26 conflict, Chapter 62 takes precedence. . . .

27 Sec. 19. Said Authority shall have and may
28 exercise such functions, powers, authority, rights and
29 duties as may permit the accomplishment of the
30 purposes for which it is created,

31 Sec. 31. Except as otherwise provided herein,
32 the Authority is hereby vested with all of the rights,
33 power and privileges conferred by the general laws of
34 this state now in effect or hereinafter enacted,
35 applicable to water control and improvement districts
36 created under authority of Section 59, Article XVI of
37 the Constitution.

38 Revisor's Note

39 (1) Section 14a(1), Chapter 279, Acts of the
40 56th Legislature, Regular Session, 1959, provides that
41 "[i]n addition to other purposes heretofore authorized
42 by law," the authority has certain powers. Throughout
43 this chapter, the revised law omits the quoted or

1 similar language because an accepted general principle
2 of statutory construction requires that a statute be
3 given cumulative effect with other statutes unless the
4 statute provides otherwise or unless the statute
5 conflicts with another statute.

6 (2) Section 14a(1), Chapter 279, Acts of the
7 56th Legislature, Regular Session, 1959, states that
8 the authority "shall have and is vested with" powers,
9 rights, privileges, and functions. Section 19 of
10 Chapter 279 states that the authority "shall have and
11 may exercise" certain functions, powers, authority,
12 rights, and duties. Section 31 of Chapter 279 states
13 that the authority "is hereby vested with" certain
14 rights, power, and privileges applicable to water
15 control and improvement districts. The revised law
16 substitutes "has" for the quoted language because, in
17 context, the language has the same meaning and "has" is
18 more commonly used.

19 (3) Section 14a(1), Chapter 279, Acts of the
20 56th Legislature, Regular Session, 1959, states that
21 the authority is "governed by and subject to" certain
22 chapters of the Water Code. The revised law omits "and
23 subject to" because it is included in the meaning of
24 "governed by."

25 (4) Section 19, Chapter 279, Acts of the 56th
26 Legislature, Regular Session, 1959, refers to the
27 authority's "powers" and "authority." The revised law
28 omits the reference to "authority" because, in
29 context, it is included in the meaning of "powers."

30 (5) Section 31, Chapter 279, Acts of the 56th
31 Legislature, Regular Session, 1959, refers to the
32 general laws of this state "now in effect or
33 hereinafter enacted." The revised law omits the
34 quoted language as unnecessary under accepted general

1 principles of statutory construction. The "general
2 laws of this state" means those laws "in effect" at the
3 time the provision was adopted. It is unnecessary to
4 state that the authority may be granted additional
5 powers by later enacted laws because those laws apply
6 on their own terms.

7 (6) Section 31, Chapter 279, Acts of the 56th
8 Legislature, Regular Session, 1959, provides that the
9 authority has the powers conferred by general law on a
10 water control and improvement district. For the
11 reader's convenience, the revised law includes a
12 reference to Chapter 51, Water Code, which is the
13 general law applicable to a water control and
14 improvement district.

15 Revised Law

16 Sec. 8510.0302. POWERS RELATING TO CONSERVATION AND
17 BENEFICIAL USE OF WATER. (a) The authority has the powers of this
18 state under Section 59, Article XVI, Texas Constitution, to
19 effectuate flood control and the conservation and use of the storm,
20 flood, and unappropriated waters of the watershed of the Red River
21 and its tributaries in this state for all beneficial purposes,
22 subject only to:

23 (1) the legislature's policy declarations as to water
24 use;

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

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

29 (4) the water rights acquired by municipalities and
30 other users.

31 (b) The authority shall exercise its powers for the greatest
32 practicable measure of the conservation and beneficial use of the
33 storm, flood, and unappropriated waters of the watershed of the Red
34 River and its tributaries in this state in the manner and for the

1 particular purposes specified by this chapter, including the
2 exercise of its powers to provide for:

3 (1) the study, correction, and control of both
4 artificial and natural pollution of the Red River and its
5 tributaries;

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

9 (3) the preservation of the equitable rights and
10 beneficial use of the waters for the people of the different
11 sections of the authority;

12 (4) the storage, control, and conservation of the
13 waters of the Red River and its tributaries in this state and the
14 prevention of the escape of any of those waters without the maximum
15 of public service;

16 (5) the prevention of the devastation of lands from
17 recurrent overflows;

18 (6) the protection of life and property in the
19 watershed of the Red River and its tributaries from uncontrolled
20 flood waters;

21 (7) the conservation of storm, flood, and
22 unappropriated waters of the watershed of the Red River and its
23 tributaries in this state essential for the beneficial uses of the
24 people of that watershed;

25 (8) the better encouragement and development of
26 drainage systems and drainage of lands that need drainage for
27 profitable agricultural production;

28 (9) the conservation of soil to prevent destructive
29 erosion and the increased threat of flooding incident to that
30 erosion;

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

34 (11) any purpose for which waters when controlled and

1 conserved may be used in the performance of a useful service as
2 authorized by the constitution of this state.

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

4 (1) adopt rules with regard to the pollution described
5 by that subdivision;

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

7 (3) provide for penalties for violating those rules
8 consisting of:

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

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

12 (C) both the fine and confinement.

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

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

22 Source Law

23 Sec. 14. The Authority is hereby invested with
24 all of the powers of the state under Article XVI,
25 Section 59 of the Constitution to effectuate flood
26 control and the conservation and use, for all
27 beneficial purposes, of the storm, flood and
28 unappropriated waters of the Red River watershed and
29 its Texas tributaries, subject only: (i) declarations
30 of policy by the Legislature as to use of water; (ii)
31 continuing supervision and control by the State Board
32 of Water Engineers and any board or agency which may
33 thereafter succeed to its duties; (iii) the provisions
34 of Article 7471 prescribing the priorities of uses of
35 water; and (iv) the rights heretofore or hereafter
36 legally acquired in water by municipalities and other
37 users. It shall be the duty of the Authority to
38 exercise for the greatest practicable measure of the
39 conservation and beneficial utilization of storm,
40 flood and unappropriated waters of the Red River
41 watershed and its Texas tributaries in the manner and
42 for the particular purposes specified hereinafter in
43 this Section and elsewhere in this Act, powers
44 including those:

45 (a) To provide for the study, correcting and

1 control of both artificial and natural pollution of
2 the Red River and its tributaries. In this connection,
3 such Authority is given the power to promulgate rules
4 and regulations with regard to such pollution, both
5 artificial and natural, with the right of policing by
6 said Authority to enforce such rules and regulations;
7 providing for penalties consisting of fines for
8 violation of such pollution rules not to exceed One
9 Thousand (\$1,000.00) Dollars, or by confinement in the
10 county jail for not more than thirty (30) days or both
11 such fine and imprisonment. In this connection the
12 provisions of the general law pertaining to water
13 control and improvement districts herein shall govern,
14 except as expressly provided herein.

15 (b) To provide through all practical and legal
16 means for the control, conservation and orderly
17 development of the watershed and water of the Red River
18 and its Texas tributaries.

19 (c) To provide for the preservation of the
20 equitable rights and beneficial use of the waters for
21 the people of the different sections of the Authority.

22 (d) For storing, controlling and conserving the
23 waters of the Red River and its Texas tributaries, and
24 the prevention of the escape of any of such waters
25 without the maximum of public service; for the
26 prevention of devastation of lands from recurrent
27 overflows, and the protection of life and property in
28 such watershed areas from uncontrolled flood waters.

29 (e) For the conservation of storm, flood and
30 unappropriated water of the Red River watershed and
31 its Texas tributaries essential for the beneficial
32 uses of the people of the watersheds of the Red River
33 and its Texas tributaries.

34 (f) For the better encouragement and
35 development of drainage systems and provision for
36 drainage of lands needing drainage for profitable
37 agricultural production.

38 (g) For the purpose of conservation of all soils
39 against destructive erosion and thereby preventing the
40 increased flood menace incident thereto.

41 (h) To control and make available for employment
42 such waters in the development of commercial,
43 industrial and agricultural enterprises in all
44 sections of the Authority.

45 (i) And for each and every purpose for which
46 waters when controlled and conserved may be utilized
47 in the performance of a useful service as contemplated
48 and authorized by the provisions of the constitution
49 and the public policy therein declared. . . .

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

53 . . .
54 (6) . . . to store and conserve to the
55 greatest beneficial use the storm, flood and
56 unappropriated waters of the Red River in Texas or any
57 tributaries thereof within the Authority, so as to
58 prevent the escape of any water without maximum
59 beneficial use either within or without the boundaries
60 of the Authority;

61 . . .

62 Revisor's Note

63 (1) Section 14, Chapter 279, Acts of the 56th
64 Legislature, Regular Session, 1959, states that the

1 authority "is hereby invested" with certain powers.
2 The revised law substitutes "has" for the quoted
3 language for the reason stated in Revisor's Note (2) to
4 Section 8510.0301.

5 (2) Section 14, Chapter 279, Acts of the 56th
6 Legislature, Regular Session, 1959, refers to the
7 "State Board of Water Engineers." The Board of Water
8 Engineers, created by Chapter 171, General Laws, Acts
9 of the 33rd Legislature, Regular Session, 1913, became
10 the Texas Water Commission under Chapter 4, Acts of the
11 57th Legislature, 3rd Called Session, 1962. The name
12 of the agency was changed to the Texas Water Rights
13 Commission by Chapter 296, Acts of the 59th
14 Legislature, Regular Session, 1965. In 1977, Sections
15 1 and 9, Chapter 870, Acts of the 65th Legislature,
16 Regular Session, changed the name of the agency to the
17 Texas Water Commission. Subsequently, the name of the
18 Texas Water Commission was changed to the Texas
19 Natural Resource Conservation Commission by Section
20 1.085, Chapter 3, Acts of the 72nd Legislature, 1st
21 Called Session, 1991. The name of the Texas Natural
22 Resource Conservation Commission was changed to the
23 Texas Commission on Environmental Quality by Section
24 18.01, Chapter 965, Acts of the 77th Legislature,
25 Regular Session, 2001. Throughout this chapter, the
26 revised law is drafted accordingly.

27 (3) Section 14, Chapter 279, Acts of the 56th
28 Legislature, Regular Session, 1959, refers to Article
29 7471. Article 7471, Revised Statutes, was codified as
30 Section 5.024, Water Code, by Chapter 58, Acts of the
31 62nd Legislature, Regular Session, 1971, and
32 renumbered as Section 11.024, Water Code, by Chapter
33 870, Acts of the 65th Legislature, Regular Session,
34 1977. The revised law is drafted accordingly.

1 (4) Section 14, Chapter 279, Acts of the 56th
2 Legislature, Regular Session, 1959, refers to rights
3 in water "heretofore or hereafter" acquired. The
4 quoted language does not exclude any water right based
5 on the time the right was acquired and therefore does
6 not impose an effective limitation on the time during
7 which the right may be acquired. The revised law omits
8 the quoted language because it does not add to the
9 clear meaning of the law.

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

16 (6) Section 14(a), Chapter 279, Acts of the 56th
17 Legislature, Regular Session, 1959, authorizes the
18 authority to "promulgate" certain rules and
19 regulations. The revised law substitutes "adopt" for
20 "promulgate" because, in context, the terms have the
21 same meaning and "adopt" is more commonly used.

22 (7) Section 14(a), Chapter 279, Acts of the 56th
23 Legislature, Regular Session, 1959, refers to "rules
24 and regulations." The revised law omits the reference
25 to "regulations" because, in context, the terms have
26 the same meaning and under Section 311.005(5),
27 Government Code (Code Construction Act), a rule is
28 defined to include a regulation.

29 (8) Section 14(a), Chapter 279, Acts of the 56th
30 Legislature, Regular Session, 1959, refers to "the
31 provisions of the general law pertaining to water
32 control and improvement districts." For the reader's
33 convenience, the revised law adds a reference to
34 Chapter 49, Water Code, applicable to a water control

1 and improvement district under Sections 49.001 and
2 49.002 of that chapter, and to Chapter 51, Water Code,
3 applicable to a water control and improvement district
4 under Section 51.001 of that chapter.

5 (9) Section 14(a), Chapter 279, Acts of the 56th
6 Legislature, Regular Session, 1959, provides that the
7 provisions of general law pertaining to water control
8 and improvement districts govern "except as expressly
9 provided herein." The revised law omits the quoted
10 language because it duplicates, in substance, Section
11 311.026(b), Government Code (Code Construction Act),
12 which provides that if there is a conflict between a
13 general provision of law and a special or local
14 provision, the special or local provision prevails
15 unless the general provision is the later enactment
16 and the manifest intent is that the general provision
17 prevail.

18 (10) Section 14(a), Chapter 279, Acts of the
19 56th Legislature, Regular Session, 1959, authorizes
20 the authority to provide for penalties for violating
21 certain rules consisting of fines, "confinement in the
22 county jail," or both the fine and "imprisonment." The
23 revised law substitutes "confinement" for
24 "imprisonment" for consistency and to conform to the
25 style of the Penal Code.

26 (11) Section 14(d), Chapter 279, Acts of the
27 56th Legislature, Regular Session, 1959, refers to the
28 "watershed areas" of the Red River and its Texas
29 tributaries. The revised law omits the reference to
30 "areas" because, in context, "areas" is included in
31 the meaning of "watershed."

32 (12) Section 14(i), Chapter 279, Acts of the
33 56th Legislature, Regular Session, 1959, authorizes
34 the authority to control and use water in the

1 performance of a useful service "as contemplated and
2 authorized by the provisions of the constitution and
3 the public policy therein declared." The revised law
4 omits the reference to a useful service "contemplated"
5 by the constitution because that type of service is
6 included in the meaning of a service "authorized" by
7 the constitution. The revised law omits the reference
8 to a useful service authorized by the "public policy
9 therein declared" because that type of service is
10 included in the meaning of a service authorized by the
11 "provisions of the constitution."

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

20 Revised Law

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

23 (1) promote, construct, maintain and operate, or aid
24 and encourage, the construction, maintenance, and operation of
25 navigable canals or waterways and all navigational systems or
26 facilities auxiliary to navigable canals or waterways using the
27 natural bed and banks of the Red River, where practicable, and then
28 traversing a route the authority may find to be more feasible and
29 practicable to connect the Red River in this state with any new
30 navigation canals to be constructed in the lower reaches of the Red
31 River or to connect the Red River with the Gulf Intracoastal
32 Waterway;

33 (2) construct a system of artificial waterways and
34 canals, together with all locks and other works, structures, and

1 artificial facilities as may be necessary and convenient for the
2 construction, maintenance, and operation of:

3 (A) navigation canals or waterways; and

4 (B) all navigational systems and facilities
5 auxiliary to navigation canals or waterways; and

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

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

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

16 Source Law

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

20 (2) to promote, construct, maintain and
21 operate or aid and encourage, the construction,
22 maintenance and operation of navigable canals or
23 waterways and all navigational systems or facilities
24 auxiliary thereto using the natural bed and banks of
25 the Red River, where practicable and thence traversing
26 such route as may be found by the Authority to be more
27 feasible and practicable to connect Red River in Texas
28 with any new navigation canals to be constructed in the
29 lower reaches of Red River or to connect Red River with
30 the intercoastal canal. The Authority is empowered to
31 construct or cause to be constructed a system of
32 artificial waterways and canals, together with all
33 locks and other works, structures and artificial
34 facilities as may be necessary and convenient for the
35 construction, maintenance and operation of navigation
36 canals or waterways and all navigational systems and
37 facilities auxiliary thereto;

38 (3) the right, power, and authority to
39 acquire, purchase, improve, extend, take over,
40 construct, maintain, repair, operate, develop and
41 regulate ports, levees, wharves, docks, locks,
42 warehouses, grain elevators, dumping facilities, belt
43 railways, lands, and all other facilities or aids to
44 navigation or aids necessary to the operation or
45 development of ports, or waterways within the Red
46 River Basin in Texas, provided, the powers conferred
47 on the Authority under the provisions of this
48 subdivision extend to a facility or aid authorized
49 under this subdivision only if the facility or aid is
50 situated in a county or counties included as part of
51 said Authority;

1 . . .

2 Revisor's Note

3 (1) Section 14a(2), Chapter 279, Acts of the
4 56th Legislature, Regular Session, 1959, refers to the
5 "intercoastal canal." The revised law substitutes a
6 reference to the "Gulf Intracoastal Waterway" because
7 that is the proper name of that waterway.

8 (2) Section 14a(2), Chapter 279, Acts of the
9 56th Legislature, Regular Session, 1959, grants the
10 authority the power to construct "or cause to be
11 constructed" a system of artificial waterways and
12 canals. The revised law omits the quoted language as
13 unnecessary because the grant of a power implies the
14 authority to provide for the exercise of that power.

15 (3) Section 14a(3), Chapter 279, Acts of the
16 56th Legislature, Regular Session, 1959, grants the
17 authority the power to "acquire" and "purchase"
18 certain property. The revised law omits the reference
19 to "purchase" because "purchase" is included in the
20 meaning of "acquire."

21 (4) Section 14a(3), Chapter 279, Acts of the
22 56th Legislature, Regular Session, 1959, references "a
23 county or counties" included in the authority. The
24 revised law substitutes "a county" for the quoted
25 language because Section 311.012(b), Government Code
26 (Code Construction Act), provides that a reference to
27 the singular includes the plural and vice versa.
28 Throughout this chapter, similar provisions in the
29 source law that use a noun in both its singular and
30 plural forms are revised using only the singular form.

31 Revised Law

32 Sec. 8510.0304. FEDERALLY CONSTRUCTED OR MAINTAINED
33 CANALS, WATERWAYS, AND FACILITIES. If the construction or
34 maintenance and operation of navigable canals or waterways and all

1 navigational systems or facilities auxiliary to navigable canals or
2 waterways on the Red River in this state is taken over or performed
3 by the federal government or an agency of the federal government,
4 then the authority may:

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

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

11 Source Law

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

15 . . .
16 (7) if the construction or maintenance and
17 operation of navigable canals or waterways and all
18 navigational systems or facilities auxiliary thereto
19 on the Red River in Texas is taken over or performed by
20 the Federal Government or any agency of the Federal
21 Government, then the Authority may:

22 (A) enter into contracts that may be
23 required by the Federal Government, including
24 assignments and transfers of property, property
25 rights, easements, and privileges; and

26 (B) take any other action required by
27 the Federal Government or any agency of the Federal
28 Government;

29 . . .

30 Revised Law

31 Sec. 8510.0305. POWER TO CONTROL, DEVELOP, STORE, AND USE
32 WATER FOR NAVIGATIONAL USE. (a) The authority may control,
33 develop, store, and use the natural flow and floodwaters of the Red
34 River and its tributaries for the purpose of operating and
35 maintaining:

36 (1) navigable canals or waterways; and

37 (2) navigational systems or facilities auxiliary to
38 navigable canals or waterways.

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

1 beneficial purposes.

2 (c) A soil and water conservation district in the Red River
3 watershed shall prepare the portion of the master plan and
4 amendments to the plan relating to soil conservation, upstream
5 flood prevention, and watershed protection works in aid of soil
6 conservation and upstream flood prevention, subject to the approval
7 of the State Soil and Water Conservation Board.

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

10 Source Law

11 (k) It shall be the duty of the Authority to
12 prepare a master plan, for the maximum development of
13 the soil and water resources of the entire Red River
14 watershed within the Authority, including plans for
15 the complete utilization, for all economically
16 beneficial purposes, of the water resources of the
17 watershed. That portion of the master plan and any
18 amendments thereto relating to soil conservation and
19 upstream flood prevention and watershed protection
20 works in aid thereof shall be prepared by the soil
21 conservation districts on the Red River watershed,
22 subject to approval by the State Soil Conservation
23 Board. The master plan shall be filed with and approved
24 by the State Board of Water Engineers.

25 Revisor's Note

26 (1) Section 14(k), Chapter 279, Acts of the 56th
27 Legislature, Regular Session, 1959, refers to "soil
28 conservation districts." The revised law substitutes
29 a reference to "a soil and water conservation
30 district" because that is the proper name of those
31 districts. See Section 201.002, Agriculture Code.

32 (2) Section 14(k), Chapter 279, Acts of the 56th
33 Legislature, Regular Session, 1959, refers to the
34 "State Soil Conservation Board." The revised law
35 substitutes a reference to the "State Soil and Water
36 Conservation Board" because that is the proper name of
37 that agency. See Section 201.002, Agriculture Code.

38 Revised Law

39 Sec. 8510.0308. POWERS RELATING TO PARKS AND RECREATIONAL
40 FACILITIES. (a) The authority may acquire:

1 authority's power to enter into contracts and
2 agreements with "the Federal Government or any agency
3 thereof; the Parks and Wildlife Department of the
4 State of Texas, any county, municipality, municipal
5 corporation, person, firm or nonprofit organization."
6 The revised law substitutes "any person" for the
7 quoted language because under Section 311.005(2),
8 Government Code (Code Construction Act), "person" is
9 defined to include any legal entity.

10 Revised Law

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

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

15 (1) purchase, construct, improve, repair, operate,
16 and maintain works and facilities necessary for the collection,
17 transportation, treatment, and disposal of sewage and industrial
18 waste and effluent; and

19 (2) issue bonds for a purpose described by Subdivision
20 (1).

21 (b) The authority may contract with:

22 (1) a municipality or other entity to collect,
23 transport, treat, and dispose of sewage from the municipality or
24 entity; and

25 (2) a municipality for the use of collection,
26 transportation, treatment, or disposal facilities owned by the
27 municipality or by the authority.

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

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

31 (2) in the form and issued in the manner prescribed by
32 law for other revenue bonds and as provided by Sections 8510.0504,
33 8510.0505, 8510.0506, 8510.0507, 8510.0508, 8510.0509, 8510.0510,
34 8510.0511, and 8510.0512. (Acts 56th Leg., R.S., Ch. 279, Sec. 14a

1 (part).)

2 Source Law

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

6
7 (9) in addition to other purposes
8 heretofore authorized by law and as a necessary aid to
9 the conservation, control, preservation, and
10 distribution of such water for beneficial use, the
11 Authority is authorized to purchase, construct,
12 improve, repair, operate and maintain works and
13 facilities necessary for the collection,
14 transportation, treatment and disposal of sewage and
15 industrial waste and effluent and to issue negotiable
16 bonds for such purposes, and the Authority may make
17 contracts with cities and others under which the
18 Authority will collect, transport, treat and dispose
19 of sewage from such cities or other entities. The
20 Authority may also make contracts with any city for the
21 use of any collection, transportation, treatment or
22 disposal facilities owned by such city or by the
23 Authority;

24 (10) the bonds which may be issued under
25 this Section, shall be payable from revenues under any
26 contract or contracts described herein or from other
27 income of the Authority. Such bonds shall be in the
28 form and shall be issued in the manner prescribed by
29 law for other revenue bonds and as provided in Sections
30 26, 27, 28 and 29, Article 8280-228.

31 Revisor's Note

32 (1) Section 14a(9), Chapter 279, Acts of the
33 56th Legislature, Regular Session, 1959, authorizes
34 the authority to issue "negotiable" bonds. The
35 revised law omits "negotiable" because it duplicates,
36 in substance, Section 1201.041, Government Code, which
37 provides that a public security is a negotiable
38 instrument. Throughout this chapter, the revised law
39 omits law that is superseded by Chapter 1201,
40 Government Code, or that duplicates law contained in
41 that chapter. Chapter 1201, Government Code, applies
42 to authority bonds under Sections 1201.002 and
43 1201.003, Government Code.

44 (2) Section 14a(9), Chapter 279, Acts of the
45 56th Legislature, Regular Session, 1959, refers to a
46 "city" and "cities." Throughout this chapter, the
47 revised law substitutes "municipality" for "city,"

1 "town," "village," and the plural of those terms
2 because the meaning of "municipality" includes those
3 entities, and "municipality" is the term used in the
4 Local Government Code.

5 (3) Section 14a(10), Chapter 279, Acts of the
6 56th Legislature, Regular Session, 1959, refers to
7 Sections 26, 27, 28, and 29, Article 8280-228.
8 V.A.C.S. Article 8280-228 is the unofficial citation
9 of Chapter 279 supplied by West Group, a private legal
10 publisher. Sections 26, 27, 28, and 29 of Chapter 279
11 are revised in pertinent part in this chapter as
12 Sections 8510.0504, 8510.0505, 8510.0506, 8510.0507,
13 8510.0508, 8510.0509, 8510.0510, 8510.0511, and
14 8510.0512, and the revised law is drafted accordingly.

15 Revised Law

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

21 (b) The authority and a person may:

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

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

26 (c) The authority may issue bonds in the manner provided by
27 Sections 8510.0504, 8510.0505, 8510.0506, 8510.0507, 8510.0508,
28 8510.0510, and 8510.0511 with respect to its powers, including the
29 powers granted by this section, for the purpose of providing money:

30 (1) to enable the authority to pay for the costs of
31 engineering design and studies, surveys, title research,
32 appraisals, options on property, and other related matters and
33 activities in connection with planning and implementing various
34 proposed projects or improvements; and

1 (2) to operate and maintain a facility.

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

13 (e) The authority may exercise the powers provided by
14 Subsection (d) to:

15 (1) provide for the control, storage, preservation,
16 transmission, treatment, distribution, and use of water, including
17 storm water, floodwater, and the water of rivers and streams, for
18 irrigation, electric energy, flood control, municipal, domestic,
19 industrial, agricultural, and commercial uses and purposes and for
20 all other beneficial purposes;

21 (2) supply water for municipal, domestic, electric
22 energy, industrial, irrigation, oil flooding, mining,
23 agricultural, and commercial uses and purposes and for all other
24 beneficial uses and purposes;

25 (3) generate, produce, distribute, and sell electric
26 energy; and

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

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

32 (g) A public agency may:

33 (1) impose a fee, rate, charge, rental, or other
34 amount, including a water charge, a sewage charge, a solid waste

1 disposal system fee and a charge including garbage collection or
2 handling fee, or another charge or fee, for a service or facility
3 provided by a utility operated by the public agency, or provided
4 pursuant to or in connection with a contract with the authority;

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

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

12 (h) If a public agency and the authority agree in a
13 contract, the payment made by the public agency to the authority
14 under the contract is an expense of operation of a facility or
15 utility operated by the public agency.

16 (i) This section does not compel a person or public agency
17 to secure water, sewer service, or another service from the
18 authority, except under a voluntarily executed contract. (Acts
19 56th Leg., R.S., Ch. 279, Secs. 14b(a)(part), (b), (d), (e), (f),
20 (g), (h)(part), (j).)

21 Source Law

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

23 . . .
24 (2) 'Public agency' means an authority,
25 district, city, town, other political subdivision,
26 joint board, or other public agency created and
27 operating under the laws of this state.

28 (b) The Authority and all persons may contract,
29 on terms and conditions to which the parties may agree,
30 with respect to any power, function, or duty of the
31 Authority, and the Authority and all persons may
32 execute all appropriate documents and instruments in
33 connection therewith. The Authority may issue bonds
34 with respect to any of its powers in the manner
35 provided by Section 26 of this Act including those
36 powers granted in this section for the purpose of
37 providing funds:

38 (1) to enable the Authority to pay for the
39 costs of engineering design and studies, surveys,
40 title research, appraisals, options on real or
41 personal property, and other related matters and
42 activities in connection with planning and
43 implementing various proposed projects or
44 improvements; and

45 (2) to operate and maintain any
46 facilities.

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

4 (1) undertake and carry out any
5 activities;

6 (2) enter into loan agreements, leases, or
7 installment sale agreements; and

8 (3) acquire, purchase, construct, own,
9 operate, maintain, repair, improve, or extend and
10 loan, lease, sell, or otherwise dispose of, on terms
11 and conditions including rentals, sale price, or
12 installment sale payments as the parties may agree, at
13 any place or location in the boundaries of the
14 Authority, any and all money or bond proceeds, works,
15 improvements, facilities, plants, buildings,
16 structures, equipment, and appliances, and all
17 property or any interest in property, that are
18 incident, helpful, or necessary.

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

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

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

34 (3) generate, produce, distribute, and
35 sell electric energy or power; and

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

38 (f) It is found and determined by the
39 legislature that all of the purposes stated in
40 Subsection (e) of this section are for the
41 conservation and development of the natural resources
42 of this state within the meaning of Article XVI,
43 Section 59, of the Texas Constitution.

44 (g) Each public agency may fix, charge, and
45 collect fees, rates, charges, rentals, and other
46 amounts for any services or facilities provided by a
47 utility operated by it, or provided pursuant to or in
48 connection with any contract with the Authority. The
49 fees, rates, charges, rentals, and other amounts may
50 be charged to and collected from inhabitants or from
51 any users or beneficiaries of that utility, service,
52 or facility. These may include specifically water
53 charges, sewage charges, solid waste disposal system
54 fees and charges including garbage collection or
55 handling fees, and other fees or charges.

56 (h) Those fees, rates, charges, rentals, and
57 other amounts may be used or pledged to make payments
58 to the Authority required under the contract and may be
59 pledged in amounts sufficient to make all or any part
60 of those payments to the Authority when due. Those
61 payments, if the parties agree in the contract,
62 constitute an expense of operation of any facilities
63 or utility operated by the public agency;

64 (j) This section does not compel any person,
65 including any public agency, to secure water, sewer
66 service, or any other service from the Authority,

1 except voluntarily executed contracts.

2 Revisor's Note

3 (1) Section 14b(a)(1), Chapter 279, Acts of the
4 56th Legislature, Regular Session, 1959, defines
5 "person." The revised law omits that definition
6 because it duplicates, in substance, the definition of
7 "person" provided by Section 311.005(2), Government
8 Code (Code Construction Act). The omitted law reads:

9 (1) "Person" means:

10 (A) an individual,
11 partnership, corporation, or other private
12 entity; and

13 (B) a public agency.

14 (2) Section 14b(b), Chapter 279, Acts of the
15 56th Legislature, Regular Session, 1959, authorizes
16 the authority and all persons to contract, on "terms
17 and conditions" to which the parties may agree, with
18 respect to any power, function, or duty of the
19 authority, and Section 14b(d)(3) of Chapter 279
20 authorizes the authority to take certain actions, on
21 "terms and conditions" as the parties may agree, with
22 respect to money and property. Throughout this
23 chapter, the revised law omits "conditions" in this
24 context because the meaning of the term is included in
25 the meaning of "terms."

26 (3) Section 14b(b), Chapter 279, Acts of the
27 56th Legislature, Regular Session, 1959, refers to
28 Section 26 of Chapter 279. Section 26 is revised in
29 pertinent part in this chapter as Sections 8510.0504,
30 8510.0505, 8510.0506, 8510.0507, 8510.0508,
31 8510.0510, and 8510.0511, and the revised law is
32 drafted accordingly.

33 (4) Section 14b(b), Chapter 279, Acts of the
34 56th Legislature, Regular Session, 1959, refers to the
35 authority's "funds." Throughout this chapter, the
36 revised law substitutes "money" for "funds" because,

1 in context, the terms have the same meaning and "money"
2 is more commonly used.

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

9 (6) Section 14b(c), Chapter 279, Acts of the
10 56th Legislature, Regular Session, 1959, authorizes
11 the authority to invest authority money in any manner
12 or in any securities determined by the board. The
13 revised law omits that provision as superseded by
14 Subchapter A, Chapter 2256, Government Code (enacted
15 as Chapter 889, Acts of the 70th Legislature, Regular
16 Session, 1987), which governs the investments of
17 certain public entities. The omitted law reads:

18 (c) The Authority may invest any of
19 its funds, including bond proceeds, in any
20 manner or in any securities determined by
21 its Board of Directors.

22 (7) Section 14b(d)(3), Chapter 279, Acts of the
23 56th Legislature, Regular Session, 1959, grants the
24 authority the power to "acquire" and "purchase"
25 certain property. The revised law omits the reference
26 to "purchase" for the reason stated in Revisor's Note
27 (3) to Section 8510.0303.

28 (8) Section 14b(e), Chapter 279, Acts of the
29 56th Legislature, Regular Session, 1959, refers to
30 "electric energy or power." The revised law omits the
31 term "power" because, in this context, "power" is
32 included in the meaning of "electric energy."

33 (9) Section 14b(g), Chapter 279, Acts of the
34 56th Legislature, Regular Session, 1959, authorizes a
35 public agency to "fix, charge, and collect" fees,

1 rates, charges, rentals, and other amounts for certain
2 services or facilities to be "charged to and collected
3 from" certain persons. The revised law substitutes
4 "impose" for the quoted language because, in context,
5 the language has the same meaning and "impose" is more
6 commonly used.

7 (10) Section 14b(h), Chapter 279, Acts of the
8 56th Legislature, Regular Session, 1959, provides that
9 an agreement may not be made that violates the United
10 States or Texas Constitution. The revised law omits
11 the provision as it relates to the United States
12 Constitution because under the Supremacy Clause of the
13 United States Constitution (Clause 2, Article VI), the
14 United States Constitution always takes precedence
15 over a state statute. The revised law omits the
16 provision as it relates to the Texas Constitution
17 because the state legislature cannot modify a
18 constitutional provision by statute. The omitted law
19 reads:

20 (h) . . . provided that an agreement
21 may not be made that would violate the
22 United States or Texas constitutions.

23 (11) Section 14b(i), Chapter 279, Acts of the
24 56th Legislature, Regular Session, 1959, provides in
25 part that Section 14b is sufficient authority for the
26 issuance of bonds, the execution of contracts, and the
27 performance of other authorized acts by the authority
28 and other persons, including public agencies, without
29 reference to any other law or any restrictions or
30 limitations included in another law, and that in case
31 of certain conflicts between Section 14b(i) and any
32 other law, including a home-rule city charter, Section
33 14b prevails.

34 The revised law omits the statement that Section
35 14b is sufficient authority for the performance of

1 acts authorized by the act because it is unnecessary.
2 The operative provisions of the act are fully
3 effective on their own terms.

4 The revised law omits the statement that other
5 laws, or restrictions or limitations included in those
6 laws, do not apply and that in case of certain
7 conflicts between Section 14b(i) and other law,
8 including a home-rule city charter, Section 14b
9 prevails, because the statement is both unnecessary
10 and potentially misleading.

11 An accepted general principle of statutory
12 construction requires a statute to be given cumulative
13 effect with other statutes unless it provides
14 otherwise or unless the statutes are in conflict. To
15 the extent the statement means that Section 14b
16 prevails over other law that was in existence at the
17 time that section became effective and with which
18 Section 14b(i) conflicts, it merely restates general
19 rules of statutory construction. To the extent the
20 statement implies that Section 14b prevails over
21 future enactments of the legislature that may conflict
22 with it, it is misleading. It is a fundamental
23 principle of statutory construction that one session
24 of the legislature may not bind a future session of the
25 legislature. In addition, Section 311.026, Government
26 Code (Code Construction Act), governs the
27 interpretation of the revised law in instances of
28 apparent conflict with other laws. Furthermore, a
29 statement that Section 14b prevails over a conflicting
30 home-rule city charter is unnecessary because it
31 restates the common rule of statutory construction
32 regarding conflicting laws.

33 In addition, codification of the statement is
34 potentially misleading because the revised law not

1 only omits provisions of the act that are impliedly
2 repealed by other law, it also omits provisions that
3 are duplicative of other law. Codification of the
4 statement might create an impression that the
5 provisions of other law that duplicate the omitted
6 provisions do not apply.

7 Section 14b(i) also provides that the authority
8 and other persons, including public agencies, may use
9 any other law that does not conflict with that
10 subsection to carry out any power granted by Section
11 14b. The revised law omits that provision as
12 unnecessary. The operative provisions of other
13 applicable laws are fully effective on their own
14 terms. The omitted law reads:

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

33 Revised Law

34 Sec. 8510.0311. POWERS RELATING TO CONTRACTS. (a) The
35 authority may execute any contract and enter into any agreement
36 necessary to accomplish the purpose for which it was created,
37 including a contract with a municipality, corporation, or district,
38 the United States, this state or an agency of this state, or the
39 state of Oklahoma, Arkansas, or Louisiana, the confines of which
40 are contiguous or adjacent to the Red River.

41 (b) The authority may enter into a contract or execute an
42 instrument necessary or convenient to the exercise of the

1 authority's powers, rights, privileges, and functions granted by
2 this chapter and general law pertaining to a water control and
3 improvement district. (Acts 56th Leg., R.S., Ch. 279, Secs. 16, 22
4 (part).)

5 Source Law

6 Sec. 16. The Authority is granted the power to
7 execute such contracts and enter into such agreements
8 as may be necessary to accomplish the purpose for which
9 it is created. In keeping with this provision the
10 Authority is authorized to enter into contracts with
11 cities, corporations, districts, the United States and
12 its agencies, the State of Texas and agencies thereof,
13 or the States of Oklahoma, Arkansas, and Louisiana,
14 the confines of which are contiguous or adjacent to Red
15 River.

16 Sec. 22. The Authority may:

17 . . .
18 (4) make other contracts and execute
19 instruments necessary or convenient to the exercise of
20 the powers, rights, privileges and functions conferred
21 on the Authority by this Act and the general laws of
22 the state pertaining to water control and improvement
23 districts;
24 . . .

25 Revisor's Note

26 Section 16, Chapter 279, Acts of the 56th
27 Legislature, Regular Session, 1959, refers to "the
28 United States and its agencies." The revised law omits
29 "and its agencies" as unnecessary because under
30 Section 311.005(9), Government Code (Code
31 Construction Act), "United States" includes a
32 department, bureau, or other agency of the United
33 States of America.

34 Revised Law

35 Sec. 8510.0312. POWERS RELATING TO WATER DISTRIBUTION
36 PLANTS OR SYSTEMS. (a) The authority may contract with a
37 municipality located inside its boundaries for the purchase, lease,
38 use, management, control, or operation of a water distribution
39 plant or system owned by the municipality in accordance with the
40 terms mutually agreed on by the governing bodies of the authority
41 and the municipality.

42 (b) The authority may acquire by a contract described by

1 Subsection (a) rights in surface water or groundwater belonging to
2 the municipality.

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

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

7 (2) the purposes of the municipality's water
8 distribution plant or system. (Acts 56th Leg., R.S., Ch. 279, Sec.
9 16a.)

10 Source Law

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

31 Revisor's Note

32 Section 16a, Chapter 279, Acts of the 56th
33 Legislature, Regular Session, 1959, authorizes the
34 authority to acquire rights to "underground water."
35 The revised law substitutes "groundwater" for
36 "underground water" because "groundwater" is the term
37 used in Chapter 36, Water Code.

38 Revised Law

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

1 and by condemnation in the manner provided in Section
2 18 of the Act creating the Authority, provided that the
3 Authority shall not be required to give bond for appeal
4 or bond for costs in any judicial proceedings;
5

. . .

6 Sec. 18. The Authority is hereby vested with the
7 right of eminent domain in the manner provided by the
8 general law pertaining to water control and
9 improvement districts. . . .

10 Sec. 19. . . . The right of eminent domain
11 shall not be exercised or extend beyond the boundaries
12 of this District.

13 Revisor's Note

14 (1) Section 14a(4), Chapter 279, Acts of the
15 56th Legislature, Regular Session, 1959, refers to
16 "properties of any kind, . . . real, personal or
17 mixed." The revised law omits the reference to "real,
18 personal or mixed" for the reason stated in Revisor's
19 Note (5) to Section 8510.0310 and because "mixed"
20 property is property consisting of both real and
21 personal property.

22 (2) Section 14a(4), Chapter 279, Acts of the
23 56th Legislature, Regular Session, 1959, provides that
24 the authority may acquire certain property "by
25 condemnation." The revised law substitutes "by the
26 exercise of the power of eminent domain" for the quoted
27 language because the phrases have the same meaning and
28 the latter phrase is consistent with modern usage in
29 laws relating to eminent domain.

30 (3) Section 14a(4), Chapter 279, Acts of the
31 56th Legislature, Regular Session, 1959, refers to the
32 manner of condemnation provided by "Section 18 of the
33 Act creating the Authority." That act is Chapter 279.
34 Section 18 of Chapter 279 is revised in pertinent part
35 as Subsection (c) of this section, and the revised law
36 is drafted accordingly.

37 (4) Sections 14(a)(4) and 18, Chapter 279, Acts
38 of the 56th Legislature, Regular Session, 1959,
39 provide the authority eminent domain authority.

1 Section 2206.101, Government Code, required an entity
2 with 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 (5) Section 19, Chapter 279, Acts of the 56th
12 Legislature, Regular Session, 1959, refers to the
13 authority as the "District." The revised law
14 substitutes "authority" for "District" to more closely
15 conform to the name of the authority and because
16 "authority" is the defined term under this chapter
17 used to refer to the authority.

18 Revised Law

19 Sec. 8510.0315. COST OF RELOCATING OR ALTERING PROPERTY.
20 If the authority's exercise of the power of eminent domain, the
21 power of relocation, or any other power granted by this chapter
22 makes necessary relocating, raising, rerouting, changing the grade
23 of, or altering the construction of a highway, railroad, electric
24 transmission line, telephone or telegraph property or facility, or
25 pipeline, the necessary action shall be accomplished at the
26 authority's sole expense. (Acts 56th Leg., R.S., Ch. 279, Sec. 18
27 (part).)

28 Source Law

29 Sec. 18. . . . In the event that the Authority,
30 in the exercise of the power of eminent domain or power
31 of relocation, or any other power granted hereunder,
32 makes necessary the relocation, raising, rerouting or
33 changing the grade of, or altering the construction of
34 any highway, railroad, electric transmission line,
35 telephone or telegraph properties and facilities, or
36 pipeline, all such necessary relocation, raising,
37 rerouting, changing of grade or alteration of
38 construction shall be accomplished at the sole expense
39 of the Authority.

1 Revised Law

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

3 In this section, "property" includes:

4 (1) rights, including surface water rights and
5 groundwater rights; and

6 (2) land, tenements, easements, rights-of-way,
7 improvements, reservoirs, dams, canals, laterals, plants, works,
8 and facilities.

9 (b) The authority may investigate, plan, acquire,
10 construct, maintain, or operate any property the authority
11 considers necessary or proper to accomplish the purposes for which
12 the authority is created.

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

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

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

23 Source Law

24 Sec. 19. Said Authority . . . may exercise such
25 functions, powers, . . . rights and duties [as may
26 permit the accomplishment of the purposes for which it
27 is created], including investigating and planning,
28 acquiring, constructing, maintaining and operating of
29 all necessary properties, lands, rights, tenements,
30 easements, improvements, reservoirs, dams, canals,
31 laterals, plants, works and facilities which it may
32 deem necessary or proper for the accomplishment of
33 said purposes, including the acquisition within and/or
34 without said Authority of lands, rights-of-way,
35 surface water rights, groundwater rights, if
36 purchased, as provided by Section 19a, and all other
37 properties, tenements, easements and all other rights
38 incident, helpful to, or in aid of carrying out the
39 purposes of said Authority as herein defined;
40 provided, however, that said Authority shall not
41 engage in the generation or distribution of electric
42 power except as provided by Section 14b of this
43 Act. . . .

1 Revisor's Note

2 (1) The definition of "property" is added to the
3 revised law for drafting convenience and to eliminate
4 unnecessary repetition of the substance of the
5 definition.

6 (2) Section 19, Chapter 279, Acts of the 56th
7 Legislature, Regular Session, 1959, refers to Section
8 19a of Chapter 279. Section 19a is revised in pertinent
9 part in this chapter as Section 8510.0317, and the
10 revised law is drafted accordingly.

11 (3) Section 19, Chapter 279, Acts of the 56th
12 Legislature, Regular Session, 1959, refers to
13 "electric power." The revised law substitutes a
14 reference to "electric energy" for consistency with
15 Section 8510.0310(e)(1).

16 (4) Section 19, Chapter 279, Acts of the 56th
17 Legislature, Regular Session, 1959, refers to Section
18 14b of Chapter 279. Section 14b is revised in
19 pertinent part in this chapter as Section 8510.0310,
20 and the revised law is drafted accordingly.

21 Revised Law

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

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

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

31 Source Law

32 Sec. 19a. The Authority may purchase
33 groundwater rights in a county in the Authority's
34 territory only if:

35 (1) there is a groundwater conservation
36 district that has jurisdiction over water wells

1 located in the county; or
2 (2) in the case where a county is not in
3 the jurisdiction of a groundwater conservation
4 district, the commissioners court of the county
5 approves the purchase of groundwater rights by the
6 Authority in the county.

7 Revised Law

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

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

12 (2) regulate the use of groundwater resources. (Acts
13 56th Leg., R.S., Ch. 279, Sec. 25.)

14 Source Law

15 Sec. 25. Nothing in this Act shall be construed
16 as authorizing the Authority to acquire or regulate
17 underground water or underground water rights by
18 condemnation or regulate the use of underground water
19 resources in any manner.

20 Revisor's Note

21 (1) Section 25, Chapter 279, Acts of the 56th
22 Legislature, Regular Session, 1959, limits the powers
23 of the authority regarding "underground water,"
24 "underground water rights," and "underground water
25 resources." The revised law substitutes "groundwater"
26 for "underground water" for the reason stated in the
27 revisor's note to Section 8510.0312.

28 (2) Section 25, Chapter 279, Acts of the 56th
29 Legislature, Regular Session, 1959, prohibits the
30 authority from acquiring or regulating underground
31 water or underground water rights by "condemnation."
32 The revised law substitutes "exercise of the power of
33 eminent domain" for "condemnation" for the reason
34 stated in Revisor's Note (2) to Section 8510.0314.

35 Revised Law

36 Sec. 8510.0319. LIMITATION ON POWERS AND DUTIES OF
37 AUTHORITY; COMMISSION APPROVAL OF CERTAIN PLANS. (a) The
38 authority's powers and duties under this chapter are subject to all
39 legislative declarations of public policy in the maximum use of the

1 waters of the authority's watersheds for the purposes for which the
2 authority was created.

3 (b) The commission shall consider the adequacy and
4 feasibility of, and approve or refuse to approve, each flood
5 control or conservation plan that is devised to achieve a purpose
6 for which the authority was created. (Acts 56th Leg., R.S., Ch.
7 279, Sec. 15 (part).)

8 Source Law

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

21 Revisor's Note

22 Section 15, Chapter 279, Acts of the 56th
23 Legislature, Regular Session, 1959, provides that the
24 authority in the exercise of its powers and duties is
25 subject to the continuing supervision by the state,
26 acting through the State Board of Water Engineers or
27 its successor. The revised law omits the provision as
28 unnecessary because, as explained by Revisor's Note
29 (2) to Section 8510.0302, the Texas Commission on
30 Environmental Quality is the successor to the board of
31 water engineers and, therefore, the provision
32 duplicates, in substance, part of Section 12.081,
33 Water Code, which subjects certain special districts
34 and authorities, including the authority, to
35 supervision by the Texas Commission on Environmental
36 Quality. The omitted law reads:

37 Sec. 15. . . . The Authority in the
38 exercise of its powers and duties shall be
39 subject to the continuing supervision by
40 the state, which shall be exercised through
41 [the State Board of Water Engineers, or any
42 board or agency which may succeed to its

1 duties,]

2 Revised Law

3 Sec. 8510.0320. LIMITATION ON POWER TO MANUFACTURE AND
4 PRODUCE GASOHOL. The authority may manufacture and produce gasohol
5 only:

6 (1) to operate the authority's equipment in an
7 emergency as determined by the authority's general manager; and

8 (2) on obtaining any necessary authorization required
9 by law. (Acts 56th Leg., R.S., Ch. 279, Sec. 14c(a).)

10 Source Law

11 Sec. 14c. (a) On acquisition of any necessary
12 authorization as provided by law, the Authority may
13 engage in the manufacture and production of gasohol
14 only for use in operating equipment of the Authority in
15 an emergency as determined by the General Manager of
16 the Authority.

17 Revisor's Note

18 Section 14c(b), Chapter 279, Acts of the 56th
19 Legislature, Regular Session, 1959, provides that the
20 authority is eligible for a local industrial alcohol
21 manufacturer's permit under Chapter 47, Alcoholic
22 Beverage Code, and that the authority's authority
23 under the permit is subject to certain limitations.
24 The revised law omits the provision because Chapter
25 1359, Acts of the 86th Legislature, Regular Session,
26 2019, repealed Chapter 47, Alcoholic Beverage Code,
27 and amended Section 38.01 of that code to allow for the
28 manufacture and production of industrial alcohol
29 without a permit. The omitted law reads:

30 (b) The Authority is eligible for a
31 local industrial alcohol manufacturer's
32 permit under Chapter 47, Alcoholic Beverage
33 Code, as amended, as if it were an eligible
34 Texas corporation, but its authority under
35 the permit is limited as provided by
36 Subsection (a) of this section.

37 Revised Law

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

1 minutes of the Authority when such accounts have been
2 contracted and ordered paid by the Board of Directors.

3 Revised Law

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

7 Source Law

8 Sec. 7. . . . The treasurer shall receive and
9 receipt for all moneys received and expended. . . .

10 Revised Law

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

14 Source Law

15 Sec. 9. . . . a fiscal year ending September 30
16 of each year, and

17 Revised Law

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

21 (1) as required by Section 49.194, Water Code; and

22 (2) in the office of the auditor. (Acts 56th Leg.,
23 R.S., Ch. 279, Sec. 9 (part); New.)

24 Source Law

25 Sec. 9. . . . A copy of the report shall be
26 filed in the office of the auditor. . . .

27 Revisor's Note

28 Section 9, Chapter 279, Acts of the 56th
29 Legislature, Regular Session, 1959, requires the
30 authority's annual audit report to be filed with the
31 auditor. For context and for the convenience of the
32 reader, the revised law adds references to the audit
33 report the authority is required to prepare under
34 Subchapter G, Chapter 49, Water Code, and to Section
35 49.194 of that code, which governs the filing of the
36 report.

1 Revised Law

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

4 (1) provision of water to the public for human
5 consumption; or

6 (2) collection and treatment of wastewater.

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

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

10 (2) developing criteria to prioritize assets for
11 repair or replacement, including:

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

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

16 (C) the importance of the asset to the effective
17 operation of the system; and

18 (D) other criteria as determined by the
19 authority;

20 (3) estimating asset repair and replacement costs;

21 (4) identifying and evaluating potential financing
22 options; and

23 (5) prioritizing systems that are not in compliance
24 with federal or state regulatory standards, including water quality
25 standards.

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

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

30 Source Law

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

33 (1) provision of water to the public for
34 human consumption; or

35 (2) collection and treatment of
36 wastewater.

37 (b) The Authority shall adopt an asset

1 management plan by:

2 (1) preparing an asset inventory that
3 identifies the assets of each system and the condition
4 of the assets;

5 (2) developing criteria to prioritize
6 assets for repair or replacement, including:

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

9 (B) the importance of the asset in
10 providing safe drinking water and complying with
11 regulatory standards;

12 (C) the importance of the asset to
13 the effective operation of the system; and

14 (D) other criteria as determined by
15 the Authority;

16 (3) estimating asset repair and
17 replacement costs;

18 (4) identifying and evaluating potential
19 financing options; and

20 (5) prioritizing systems that are not in
21 compliance with federal or state regulatory standards,
22 including water quality standards.

23 (c) The Authority shall review and revise the
24 plan as necessary to account for regulatory changes
25 and other developments.

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

28 Revised Law

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

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

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

36 (2) fulfill the terms of any agreements made with the
37 holders of any of the authority's obligations. (Acts 56th Leg.,
38 R.S., Ch. 279, Sec. 20 (part).)

39 Source Law

40 Sec. 20. The Authority shall establish and
41 collect rates and other charges for the sale or use of
42 water or for its services sold, furnished or supplied
43 which fees and charges shall be reasonable and
44 nondiscriminatory but sufficient to produce revenues
45 adequate to pay the expenses of the Authority in
46 carrying out its functions for which it is created and
47 to fulfill the terms of any agreements made with the
48 holders of any of its obligations. . . .

49 Revisor's Note

50 (1) Section 20, Chapter 279, Acts of the 56th
51 Legislature, Regular Session, 1959, provides that the

1 authority shall "establish and collect" rates and
2 other charges. The revised law substitutes "impose"
3 for the quoted language for the reason stated in
4 Revisor's Note (9) to Section 8510.0310.

5 (2) Section 20, Chapter 279, Acts of the 56th
6 Legislature, Regular Session, 1959, refers to "rates
7 and other charges" and "fees and charges." The revised
8 law substitutes "rates and other charges" for "fees
9 and charges" for consistency of terminology.

10 (3) Section 20, Chapter 279, Acts of the 56th
11 Legislature, Regular Session, 1959, provides that the
12 rates and charges of the authority for the sale or use
13 of water are subject to review by the Public Utility
14 Commission of Texas as provided by general law. The
15 revised law omits the provision as unnecessary because
16 the provisions of general law giving the Public
17 Utility Commission of Texas the power to review rates
18 and charges for the sale or use of water apply by their
19 own terms. The omitted law reads:

20 Sec. 20. . . . Provided, however,
21 that the rates and charges for the sale or
22 use of water shall be subject to review by
23 the Public Utility Commission of Texas, as
24 provided by general law.

25 Revised Law

26 Sec. 8510.0407. CHANGES TO RATES AND CHARGES. (a) In this
27 section, "affected person" has the meaning assigned by Section
28 13.002, Water Code.

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

32 (1) notice of the proposed change; and

33 (2) an opportunity to provide to the board comments
34 regarding the proposed change.

35 (c) The process established under Subsection (b) must
36 include:

1 (1) the provision of notice of a proposed change:
2 (A) on the authority's website; and
3 (B) in an affected person's utility bills; and
4 (2) appropriate informational meetings or rate
5 hearings that provide affected persons the opportunity to provide
6 public comments about the proposed change to be held:
7 (A) before sending a statement of intent required
8 under Chapter 13, Water Code;
9 (B) in locations as necessary to enable affected
10 persons to attend; and
11 (C) after the provision of notice under
12 Subdivision (1).
13 (d) The board by rule shall establish a percentage change in
14 a rate or charge such that a change greater than or equal to that
15 percentage is considered significant for purposes of Subsection
16 (b). (Acts 56th Leg., R.S., Ch. 279, Sec. 20a (part).)

17 Source Law

18 Sec. 20a. (a) In this section . . . "affected
19 person" has the meaning assigned by Section 13.002,
20 Water Code.
21 (b) The Board shall establish a process to
22 ensure that, before the Authority makes a significant
23 change to a rate or charge for the sale and use of
24 water, affected persons are provided:
25 (1) notice of proposed change; and
26 (2) an opportunity to provide to the Board
27 comments regarding the proposed change.
28 (c) The process established under Subsection
29 (b) must include:
30 (1) the provision of notice of a proposed
31 change:
32 (A) on the Authority's website; and
33 (B) in an affected person's utility
34 bills; and
35 (2) appropriate informational meetings or
36 rate hearings that provide affected persons the
37 opportunity to provide public comments about the
38 proposed change to be held:
39 (A) before sending a statement of
40 intent required under Chapter 13, Water Code;
41 (B) in locations as necessary to
42 enable affected persons to attend; and
43 (C) after the provision of notice
44 under Subdivision (1) of this subsection.
45 (d) The Board by rule shall establish a
46 percentage change in a rate or charge such that a
47 change greater than or equal to that percentage is
48 considered significant for purposes of Subsection (b)
49 of this section.

1 Revised Law

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

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

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

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

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

10 (3) on the authority's website.

11 (c) The notice required by Subsection (b) must include
12 descriptions of:

13 (1) the appeals process;

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

16 (3) the methods available for obtaining additional
17 information related to rates. (Acts 56th Leg., R.S., Ch. 279, Secs.
18 20a (part), 20b.)

19 Source Law

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

23 Sec. 20b. (a) The Authority shall notify
24 affected persons of their right to appeal changes to
25 rates:

26 (1) in any notices related to changes to
27 rates;

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

31 (3) on the Authority's website.

32 (b) The notice required by Subsection (a) of
33 this section must include descriptions of:

34 (1) the appeals process;

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

38 (3) the methods available for obtaining
39 additional information related to rates.

40 Revisor's Note

41 Section 20a, Chapter 279, Acts of the 56th
42 Legislature, Regular Session, 1959, refers to "Section
43 20b" of Chapter 279. The revised law substitutes "this

1 section" for the quoted language because Section 20b
2 is revised in this section.

3 Revised Law

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

7 (b) Authority money shall be deposited in a depository,
8 except that:

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

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

14 Source Law

15 Sec. 23. The Board of Directors shall designate
16 one or more banks within the Authority to serve as
17 depository for the funds of the Authority. All funds of
18 the Authority shall be deposited in such depository
19 bank or banks except that funds pledged to pay bonds
20 may be deposited with the trustee bank named in the
21 trust agreement, and except that funds shall be
22 remitted to the bank of payment for the payment of
23 principal of and interest on bonds. . . .

24 Revisor's Note

25 Section 23, Chapter 279, Acts of the 56th
26 Legislature, Regular Session, 1959, requires a bank to
27 secure authority money deposited at the bank in the
28 manner provided by law for the security of county
29 money, to the extent that the authority money
30 deposited is not insured by the Federal Deposit
31 Insurance Corporation. The revised law omits the
32 provision because it duplicates, in substance,
33 Sections 2257.021 and 2257.022, Government Code, which
34 establish the amount and manner of security required
35 for a deposit of public funds. Those sections apply to
36 the security for authority money under Sections
37 2257.002 and 2257.004, Government Code. The omitted
38 law reads:

1 Sec. 23. . . . To the extent that
2 funds in the depository banks and the
3 trustee bank are not insured by the
4 F. D. I. C. they shall be secured in the
5 manner provided by law for the security of
6 county funds.

7 Revised Law

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

11 Source Law

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

15 Revisor's Note

16 Section 24, Chapter 279, Acts of the 56th
17 Legislature, Regular Session, 1959, provides that the
18 authority may not "levy or collect" a tax. The revised
19 law substitutes "impose" for "levy or collect" because
20 "impose" is the term generally used in Title 1, Tax
21 Code, and includes the levying and collection of a tax.

22 Revisor's Note
23 (End of Subchapter)

24 (1) Section 6, Chapter 279, Acts of the 56th
25 Legislature, Regular Session, 1959, provides that the
26 board shall require officers or employees who have
27 certain financial responsibilities to furnish a bond.
28 The revised law omits that provision because it
29 duplicates, in substance, part of Section 49.057,
30 Water Code, which requires the board to require a bond
31 of certain persons who handle authority money. The
32 omitted law reads:

33 Sec. 6. The directors of the
34 Authority shall require each officer and
35 employee who shall be charged with the
36 collection or paying or handling of any
37 funds of the Authority to furnish good and
38 sufficient bond, payable to the Authority,
39 conditioned upon the faithful performance
40 of duties and the accounting for all funds
41 and property of the Authority.

42 (2) Section 9, Chapter 279, Acts of the 56th

1 Legislature, Regular Session, 1959, contains
2 provisions relating to the authority's accounts and
3 audit. The revised law omits those provisions because
4 they either duplicate, in substance, or are superseded
5 by parts of Sections 49.191, 49.193, 49.194, and
6 49.196, Water Code. The omitted law reads:

7 Sec. 9. A complete book of accounts
8 shall be kept. The account books and records
9 of the Authority and of the depository of
10 the Authority shall be audited by a
11 Certified Public Accountant annually as
12 soon as practicable after the end of the
13 district's fiscal year, such audit to cover
14 [a fiscal year ending September 30 of each
15 year, and] a report thereon shall be
16 submitted to the first regular meeting of
17 the Board of Directors thereafter. . . .
18 The copy shall be open to public inspection.

19 (3) Section 4, Chapter 86, Acts of the 67th
20 Legislature, Regular Session, 1981, authorizes the
21 authority to make necessary adjustments in its
22 financial operations to provide an orderly transition
23 to the new fiscal year mandated by that act. Section
24 9, Chapter 279, Acts of the 56th Legislature, Regular
25 Session, 1959, originally provided for an audit to
26 cover the preceding calendar year. Chapter 86 amended
27 Section 9 of Chapter 279 to provide for an audit to
28 cover a fiscal year ending September 30 of each year.
29 The revised law codifies the reference to the fiscal
30 year in Section 8510.0403 and omits Section 4 of
31 Chapter 86 as executed. The omitted law reads:

32 Sec. 4. The Red River Authority may
33 make necessary adjustments in its financial
34 operations to provide an orderly transition
35 to the new fiscal year.

36 SUBCHAPTER E. BORROWED MONEY OR GRANTS

37 Revised Law

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

1 the United States of America, the State of Texas, or
2 any other source, and in connection with any such loan
3 or grant, enter into agreements and assume obligations
4 as may be required.

5 Revised Law

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

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

9 (1) necessary studies;

10 (2) engineering and other services; and

11 (3) the collection and computation of data respecting
12 regional and general conditions that influence the character and
13 extent of the improvements necessary to effect the authority's
14 purposes to the greatest public advantage.

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

19 Source Law

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

23 (1) necessary studies;

24 (2) engineering and other services; and

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

30 (b) Any and all grants and gratuities shall be
31 strictly accounted for and shall be subject to the same
32 rules, regulations and orders as are other funds
33 handled or disbursed by the Authority.

34 Revisor's Note

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

40 Revised Law

41 Sec. 8510.0504. POWER TO ISSUE BONDS. (a) The authority
42 may issue bonds as authorized by this chapter for the purpose of

1 providing money for any purpose authorized by this chapter.

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

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

6 Source Law

7 Sec. 26. (a) For the purpose of providing
8 funds for any purpose authorized by this Act the
9 Authority shall have the power and is hereby
10 authorized to issue bonds from time to time as
11 authorized by this Act. The Authority is hereby
12 empowered, without the necessity of an election, to
13 issue such bonds to be payable from such revenues of
14 the district as are pledged by resolution of the Board
15 of Directors.

16 (b) Such bonds shall be authorized by resolution
17 of the Board of Directors and

18 Revisor's Note

19 Section 26(a), Chapter 279, Acts of the 56th
20 Legislature, Regular Session, 1959, authorizes the
21 authority to issue bonds "from time to time."
22 Throughout this chapter, the revised law omits "from
23 time to time" because the grant of a power or
24 imposition of a duty implies the power to exercise the
25 power or discharge the duty at any time.

26 Revised Law

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

- 28 (1) issued in the authority's name;
- 29 (2) signed by the president or vice president; and
- 30 (3) attested by the secretary. (Acts 56th Leg., R.S.,
31 Ch. 279, Sec. 26(b) (part).)

32 Source Law

33 (b) Such bonds . . . shall be issued in the name
34 of the Authority, signed by the president or
35 vice-president, attested by the secretary, and

36 Revisor's Note

37 Section 26(b), Chapter 279, Acts of the 56th
38 Legislature, Regular Session, 1959, provides that
39 bonds must have the authority's seal impressed on them.
40 The revised law omits that provision because it was

1 impliedly repealed by Section 3, Bond Procedures Act
2 of 1981 (Article 717k-6, Vernon's Texas Civil
3 Statutes), revised in pertinent part in 1999 as
4 Section 1201.026(a), Government Code, which provides
5 that bonds may be signed with or without a seal. The
6 omitted law reads:

7 (b) [Such bonds . . . shall] . . .
8 have the seal of the Authority impressed
9 thereon. . . .

10 Revised Law

11 Sec. 8510.0506. MATURITY. Authority bonds must mature not
12 later than 50 years after the date of their issuance. (Acts 56th
13 Leg., R.S., Ch. 279, Sec. 26(b) (part).)

14 Source Law

15 (b) . . . They shall mature serially or
16 otherwise in not to exceed 50 years and

17 Revisor's Note

18 Section 26(b), Chapter 279, Acts of the 56th
19 Legislature, Regular Session, 1959, provides that
20 authority bonds shall mature "serially or otherwise."
21 The revised law omits the quoted language because it
22 duplicates Section 1201.022(a)(1), Government Code.

23 Revised Law

24 Sec. 8510.0507. BONDS PAYABLE FROM REVENUE. (a) In this
25 section, "net revenue" means the authority's gross revenue less the
26 amount necessary to pay the cost of maintaining and operating the
27 authority and the authority's property.

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

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

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

32 (3) other revenue specified by board resolution.

33 (c) The pledge may reserve the right to issue additional
34 bonds on a parity with or subordinate to the bonds being issued,
35 subject to conditions specified by the pledge. (Acts 56th Leg.,

1 R.S., Ch. 279, Sec. 26(d).)

2 Source Law

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

16 Revised Law

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

- 19 (1) water the authority sells; and
20 (2) services the authority renders.

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

- 22 (1) pay the expense of operating and maintaining the
23 authority's facilities;
24 (2) pay the bonds as they mature and the interest as it
25 accrues; and
26 (3) maintain the reserve and other funds as provided
27 in the resolution authorizing the bonds. (Acts 56th Leg., R.S., Ch.
28 279, Sec. 26(e).)

29 Source Law

30 (e) It shall be the duty of the Board of
31 Directors to fix, and from time to time to revise, the
32 rates of compensation for water sold and services
33 rendered by the Authority which will be sufficient to
34 pay the expense of operating and maintaining the
35 facilities of the Authority and to pay the bonds as
36 they mature and the interest as it accrues and to
37 maintain the reserve and other funds as provided in the
38 resolution authorizing the bonds.

39 Revised Law

40 Sec. 8510.0509. ADDITIONAL SECURITY. (a) Authority bonds,
41 including refunding bonds, may be additionally secured by a deed of
42 trust lien on the authority's physical property and all franchises,
43 easements, water rights and appropriation permits, leases, and
44 contracts, and all rights related to the property, vesting in the

1 trustee power to:

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

5 (b) The deed of trust may:

- 6 (1) contain any provision the board prescribes to
- 7 secure the bonds and preserve the trust estate;
- 8 (2) provide for amendment or modification of the deed
- 9 of trust; and
- 10 (3) provide for the issuance of bonds to replace lost
- 11 or mutilated bonds.

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

13 owner of the dam and other property and facilities purchased and is

14 entitled to maintain and operate the property and facilities, if

15 the authority forfeits or defaults. (Acts 56th Leg., R.S., Ch. 279,

16 Sec. 28.)

17 Source Law

18 Sec. 28. Any bonds (including refunding bonds)

19 authorized by this law may be additionally secured by a

20 deed of trust lien upon physical properties of the

21 Authority and all franchises, easements, water rights

22 and appropriation permits, leases and contracts and

23 all rights appurtenant to such properties, vesting in

24 the trustee power to sell the properties for payment of

25 the indebtedness, power to operate the properties, and

26 all other powers and authority for the further

27 security of the bonds. Such deed of trust may contain

28 any provisions prescribed by the Board of Directors

29 for the security of the bonds and the preservation of

30 the trust estate, and may make provision for amendment

31 or modification thereof and the issuance of bonds to

32 replace lost or mutilated bonds. Any purchaser under a

33 sale under such deed of trust shall be the owner of the

34 dam or dams and the other properties and facilities so

35 purchased and shall have the right to maintain and

36 operate the same, in the event of a forfeiture or

37 default on the part of the Authority.

38 Revised Law

39 Sec. 8510.0510. USE OF BOND PROCEEDS. (a) The authority

40 may set aside an amount of proceeds from the sale of authority bonds

41 for the payment of interest expected to accrue during construction

42 and a reserve interest and sinking fund. The resolution

43 authorizing the bonds may provide for setting aside and using the

1 proceeds as provided by this subsection.

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

5 Source Law

6 (f) From the proceeds of the sale of the bonds,
7 the Authority may set aside an amount for the payment
8 of interest expected to accrue during construction and
9 a reserve interest and sinking fund, and such
10 provision may be made in the resolution authorizing
11 the bonds. Proceeds from the sale of the bonds may also
12 be used for the payment of all expenses necessarily
13 incurred in accomplishing the purposes for which this
14 Authority is created.

15 Revised Law

16 Sec. 8510.0511. APPOINTMENT OF RECEIVER. (a) On default or
17 threatened default in the payment of the principal of or interest on
18 authority bonds, a court may appoint a receiver for the authority on
19 petition of the holders of 25 percent of the outstanding bonds of
20 the issue in default or threatened with default.

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

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

28 (d) The court may vest the receiver with any other power or
29 duty the court finds necessary to protect the bondholders. (Acts
30 56th Leg., R.S., Ch. 279, Sec. 26(g).)

31 Source Law

32 (g) In the event of a default or a threatened
33 default in the payment of principal of or interest on
34 any of the bonds any court of competent jurisdiction
35 may, upon petition of the holders of twenty-five
36 percent (25%) of the outstanding bonds of the issue
37 thus in default or threatened with default, appoint a
38 receiver with authority to collect and receive all
39 income of the Authority, employ and discharge agents
40 and employees of the Authority, take charge of funds on
41 hand and manage the proprietary affairs of the
42 Authority without consent or hindrance by the
43 directors. Such receiver may also be authorized to
44 sell or make contracts for the sale of water or renew

1 such contracts with the approval of the court
2 appointing him. The court may vest the receiver with
3 such other powers and duties as the court may find
4 necessary for the protection of the holders of the
5 bonds.

6 Revisor's Note

7 Section 26(g), Chapter 279, Acts of the 56th
8 Legislature, Regular Session, 1959, refers to a court
9 "of competent jurisdiction." The revised law omits
10 the quoted language because the general laws of civil
11 jurisdiction determine which courts have "competent
12 jurisdiction" over the matter.

13 Revised Law

14 Sec. 8510.0512. REFUNDING BONDS. (a) The authority may
15 issue refunding bonds to refund outstanding authority bonds and
16 interest on those bonds.

17 (b) Refunding bonds may:

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

19 (2) combine the pledges for the outstanding bonds for
20 the security of the refunding bonds; or

21 (3) be secured by a pledge of other or additional
22 revenue.

23 (c) The provisions of this subchapter regarding the
24 issuance of other bonds and the remedies of the holders apply to
25 refunding bonds.

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

28 (e) Instead of issuing bonds to be registered on the
29 surrender and cancellation of the bonds to be refunded, the
30 authority, in the resolution authorizing the issuance of the
31 refunding bonds, may provide for the sale of the refunding bonds and
32 the deposit of the proceeds in a bank at which the bonds to be
33 refunded are payable. In that case, the refunding bonds may be
34 issued in an amount sufficient to pay the interest on the bonds to
35 be refunded to their option date or maturity date, and the
36 comptroller shall register the refunding bonds without the

1 concurrent surrender and cancellation of the bonds to be refunded.
2 (Acts 56th Leg., R.S., Ch. 279, Sec. 27.)

3 Source Law

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

26 Revisor's Note

27 Section 27, Chapter 279, Acts of the 56th
28 Legislature, Regular Session, 1959, refers to
29 provisions of Chapter 279 referencing "approval [of
30 bonds] by the Attorney General" and applies them to
31 refunding bonds. The revised law omits the quoted
32 language because that language and the provisions of
33 the chapter it refers to are superseded by Section
34 1202.003, Government Code, enacted in 1987 as Section
35 3.002(a), Chapter 53, Acts of the 70th Legislature,
36 2nd Called Session (Article 717k-8, Vernon's Texas
37 Civil Statutes), which provides for approval of public
38 securities by the attorney general.

39 Revisor's Note
40 (End of Subchapter)

41 (1) Section 26(b), Chapter 279, Acts of the 56th
42 Legislature, Regular Session, 1959, provides that
43 authority bonds may be sold at a price and under terms
44 that the board determines to be the most advantageous
45 reasonably obtainable. The revised law omits that

1 provision because it duplicates or is superseded by
2 provisions of general law. Section 1204.006(b),
3 Government Code, enacted as Section 2, Chapter 3, Acts
4 of the 61st Legislature, Regular Session, 1969
5 (Article 717k-2, Vernon's Texas Civil Statutes),
6 provides that an issuer may sell public securities at
7 any price. Section 1204.006(b) applies to authority
8 bonds under Sections 1204.001 and 1204.002, Government
9 Code. Section 1201.022, Government Code, as amended
10 in 2001, provides that an issuer may sell public
11 securities "under the terms determined by the
12 governing body of the issuer to be in the issuer's best
13 interests." The omitted law reads:

14 (b) . . . [They] . . . may be sold at
15 a price and under terms determined by the
16 Board of Directors to be the most
17 advantageous reasonably obtainable,
18

19 (2) Section 26(b), Chapter 279, Acts of the 56th
20 Legislature, Regular Session, 1959, provides that the
21 interest rate on authority bonds may not exceed the
22 maximum net effective interest rate, as that term is
23 defined by Chapter 3, Acts of the 61st Legislature,
24 Regular Session, 1969 (Article 717k-2, Vernon's Texas
25 Civil Statutes), as amended, that is legally
26 authorized at the time the bonds are issued. Chapter
27 3, Acts of the 61st Legislature, Regular Session, 1969
28 (Article 717k-2, Vernon's Texas Civil Statutes), was
29 codified in 1999 as Chapter 1204, Government Code. The
30 revised law omits the provision because Chapter 1204,
31 Government Code, applies to authority bonds on its own
32 terms by application of Sections 1204.001 and 1204.002
33 of that code. The omitted law reads:

34 (b) . . . provided that the interest
35 rate on the bonds may not exceed the maximum
36 net effective interest rate, as that term is
37 defined by Chapter 3, Acts of the 61st
38 Legislature, Regular Session, 1969, as

1 amended (Article 717k-2, Vernon's Texas
2 Civil Statutes), that is legally authorized
3 at the time the bonds are issued, and
4

5 (3) Section 26(b), Chapter 279, Acts of the 56th
6 Legislature, Regular Session, 1959, provides that
7 authority bonds may be called, or redeemed, before
8 maturity at the time and price specified in the
9 resolution authorizing the bonds. The revised law
10 omits that provision because it duplicates, in
11 substance, Sections 1201.021 and 1201.022, Government
12 Code, which provide that a public security may be
13 redeemed before maturity and be payable in specified
14 amounts and at specified times. The omitted law reads:

15 (b) . . . [bonds] . . . within the
16 discretion of the Board, may be made
17 callable prior to maturity at such times,
18 and prices as may be prescribed in the
19 resolution authorizing the bonds, and
20

21 (4) Section 26(b), Chapter 279, Acts of the 56th
22 Legislature, Regular Session, 1959, provides that
23 authority bonds may be made registrable as to
24 principal or as to principal and interest. The revised
25 law omits that provision because it duplicates Section
26 1201.024(a)(3), Government Code. The omitted law
27 reads:

28 (b) . . . [bonds] . . . may be made
29 registrable as to principal or as to both
30 principal and interest.

31 (5) Section 26(c), Chapter 279, Acts of the 56th
32 Legislature, Regular Session, 1959, states that bonds
33 may be issued in "more than one series and from time to
34 time as required for carrying out the purposes of this
35 Act." The revised law omits "more than one series"
36 because it duplicates part of Section 1201.022,
37 Government Code. The revised law omits "as required
38 for carrying out the purposes of this Act" because
39 Section 26(a), Chapter 279, Acts of the 56th

1 Legislature, Regular Session, 1959, revised in Section
2 8510.0504, authorizes the authority to issue bonds for
3 the purpose of providing funds for any purpose
4 authorized by the act. The omitted law reads:

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

8 (6) Section 29, Chapter 279, Acts of the 56th
9 Legislature, Regular Session, 1959, requires the
10 authority to submit bonds it issues to the attorney
11 general for examination and approval. Section 29 also
12 requires the attorney general to approve authority
13 bonds if the bonds were authorized under law. In
14 addition, Section 29 provides that after approval the
15 bonds must be registered with the comptroller and that
16 after approval and registration the bonds are
17 incontestable. The revised law omits those provisions
18 as superseded by Chapter 1202, Government Code
19 (enacted as Article 3, Chapter 53, Acts of the 70th
20 Legislature, 2nd Called Session, 1987 (Article 717k-8,
21 Vernon's Texas Civil Statutes)). Section 1202.003,
22 Government Code, provides for approval of the bonds by
23 the attorney general and requires the attorney general
24 to submit the approved bonds to the comptroller for
25 registration. Section 1202.005, Government Code,
26 requires registration of the bonds by the comptroller.
27 Section 1202.006, Government Code, provides that after
28 approval and registration the bonds are incontestable
29 and binding obligations. The omitted law reads:

30 Sec. 29. After any bonds are
31 authorized by the district, such bonds and
32 the record relating to their issuance shall
33 be submitted to the Attorney General for his
34 examination as to the validity
35 thereof. . . . If such bonds have been
36 authorized and . . . in accordance with the
37 Constitution and laws of the State of Texas
38 he shall approve the bonds and . . . the
39 bonds then shall be registered by the
40 Comptroller of Public Accounts. Thereafter,

1 the bonds and . . . shall be valid and
2 binding and shall be incontestable for any
3 cause.

4 (7) Section 29, Chapter 279, Acts of the 56th
5 Legislature, Regular Session, 1959, details various
6 procedures regarding approval of bond contracts and
7 proceedings by the attorney general. The revised law
8 omits the portion of Section 29 regarding the validity
9 and incontestability of a contract the proceeds of
10 which are pledged to the payment of a bond as impliedly
11 repealed by Section 1202.006, Government Code (enacted
12 as Section 3.002(d), Chapter 53, Acts of the 70th
13 Legislature, 2nd Called Session, 1987 (Article 717k-8,
14 Vernon's Texas Civil Statutes)). Section 1202.006,
15 Government Code, provides that after approval and
16 registration of the bond, the bond and contract are not
17 contestable for any reason. The omitted law reads:

18 Sec. 29. . . . Where such bonds
19 recite that they are secured by a pledge of
20 the proceeds of a contract theretofore made
21 between the district and any city or other
22 governmental agency or district, a copy of
23 such contract and the proceedings of the
24 city or other governmental agency or
25 district authorizing such contract shall
26 also be submitted to the Attorney
27 General. . . . if such contracts have been
28 made [in accordance with the Constitution
29 and laws of the State of Texas he shall
30 approve] . . . such contracts and
31 [Thereafter,] . . . the contracts, if any,
32 [shall be valid and . . . shall be
33 incontestable for any cause.]

34 Revisor's Note
35 (End of Chapter)

36 (1) Section 32, Chapter 279, Acts of the 56th
37 Legislature, Regular Session, 1959, Section 3, Chapter
38 504, Acts of the 57th Legislature, Regular Session,
39 1961, and Section 2, Chapter 570, Acts of the 60th
40 Legislature, Regular Session, 1967, provide that the
41 act is severable. The revised law omits those
42 provisions because the same result is produced by
43 application of Section 311.032, Government Code (Code

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

5 [Acts 56th Leg., R.S., Ch. 279]

6 Sec. 32. If any provision of this Act
7 or the application thereof to any person or
8 circumstance shall be held to be invalid or
9 unconstitutional, the remainder of the Act,
10 and the application of such provision to
11 other persons or circumstances shall not be
12 affected thereby.

13 [Acts 57th Leg., R.S., Ch. 504]

14 Sec. 3. If any section, paragraph or
15 provision of this Act be declared
16 unconstitutional or invalid for any reason,
17 such holding shall not in any manner affect
18 the remaining sections, paragraphs or
19 provisions of this Act, but the same shall
20 remain in full force and effect.

21 [Acts 60th Leg., R.S., Ch. 570]

22 Sec. 2. If any provision of this Act
23 or the application thereof to any person or
24 circumstance is held invalid, such
25 invalidity shall not affect other
26 provisions or applications of the Act which
27 can be given effect without the invalid
28 provision or application and to this end the
29 provisions of this Act are declared to be
30 severable.

31 (2) Section 2, Chapter 217, Acts of the 64th
32 Legislature, Regular Session, 1975, Section 3, Chapter
33 529, Acts of the 65th Legislature, Regular Session,
34 1977, Section 5, Chapter 696, Acts of the 68th
35 Legislature, Regular Session, 1983, and Section 14,
36 Chapter 23, Acts of the 86th Legislature, Regular
37 Session, 2019, recite legislative findings regarding
38 procedural requirements for legislation affecting the
39 district under the constitution and other laws and
40 rules, including proper legal notice and the filing of
41 recommendations. The revised law omits those
42 provisions as executed. The omitted law reads:

43 [Acts 64th Leg., R.S., Ch. 217]

44 Sec. 2. Proof of publication of the
45 constitutional notice required in the
46 enactment hereof under the provisions of
47 Article XVI, Section 59(d), of the Texas
48 Constitution, has been made in the manner

1 provided therein, and a copy of said notice
2 and the bill as originally introduced have
3 been delivered to the Governor of the State
4 of Texas and to the Texas Water Rights
5 Commission as required in such
6 constitutional provisions, and it is hereby
7 found that all requirements of such
8 constitutional provision have been properly
9 satisfied.

10 [Acts 65th Leg., R.S., Ch. 529]

11 Sec. 3. Proof of publication of the
12 constitutional notice required in the
13 enactment hereof under the provisions of
14 Article XVI, Section 59(d) of the Texas
15 Constitution has been made in the manner
16 provided therein and a copy of said notice
17 and the bill as originally introduced have
18 been delivered to the Governor of the State
19 of Texas and to the Texas Water Rights
20 Commission and returned as required in such
21 constitutional provision, and it is hereby
22 found that all requirements of such
23 constitutional provision have been properly
24 satisfied.

25 [Acts 68th Leg., R.S., Ch. 696]

26 Sec. 5. Proof of publication of the
27 constitutional notice required by Article
28 XVI, Section 59(d), of the Texas
29 Constitution has been given in the manner
30 provided in that section, and a copy of the
31 notice and the bill as originally
32 introduced have been delivered to the
33 Governor of the State of Texas. The notice
34 and delivery are found and declared to be
35 proper and sufficient to satisfy
36 constitutional requirements.

37 [Acts 86th Leg., R.S., Ch. 23]

38 Sec. 14. (a) The legal notice of the
39 intention to introduce this Act, setting
40 forth the general substance of this Act, has
41 been published as provided by law, and the
42 notice and a copy of this Act have been
43 furnished to all persons, agencies,
44 officials, or entities to which they are
45 required to be furnished under Section 59,
46 Article XVI, Texas Constitution, and
47 Chapter 313, Government Code.

48 (b) The governor, one of the required
49 recipients, has submitted the notice and
50 Act to the Texas Commission on
51 Environmental Quality.

52 (c) The Texas Commission on
53 Environmental Quality has filed its
54 recommendations relating to this Act with
55 the governor, the lieutenant governor, and
56 the speaker of the house of representatives
57 within the required time.

58 (d) All requirements of the
59 constitution and laws of this state and the
60 rules and procedures of the legislature
61 with respect to the notice, introduction,
62 and passage of this Act are fulfilled and
63 accomplished.