

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Special District Local
Laws Code
Chapter 8515
11/20/24

CHAPTER 8515. UPPER GUADALUPE RIVER AUTHORITY

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24		CHAPTER 8515. UPPER GUADALUPE RIVER AUTHORITY	
25		SUBCHAPTER A. GENERAL PROVISIONS	
26		<u>Revised Law</u>	
27	Sec. 8515.0101.	DEFINITIONS. In this chapter:	
28		(1) "Authority" means the Upper Guadalupe River	
29		Authority.	
30		(2) "Board" means the authority's board of directors.	
31		(3) "Director" means a board member. (Acts 46th Leg.,	
32		R.S., p. 1062, S.L., Ch. 5, Sec. 1 (part); New.)	
33		<u>Source Law</u>	
34	Sec. 1.	. . . [a . . . district] . . . to be	

1 known as Upper Guadalupe River Authority hereinafter
2 called the "District,"

3 Revisor's Note

4 (1) Although Chapter 5, page 1062, Special Laws,
5 Acts of the 46th Legislature, Regular Session, 1939,
6 refers to the authority as the "District," throughout
7 this chapter the revised law substitutes "authority"
8 for "district" to more closely conform to the name of
9 the authority.

10 (2) The definitions of "board" and "director"
11 are added to the revised law for drafting convenience
12 and to eliminate frequent, unnecessary repetition of
13 the substance of the definitions.

14 Revised Law

15 Sec. 8515.0102. NATURE OF AUTHORITY. The authority is a
16 conservation and reclamation district in Kerr County created under
17 Section 59, Article XVI, Texas Constitution. (Acts 46th Leg.,
18 R.S., p. 1062, S.L., Ch. 5, Secs. 1 (part), 10(b)(d) (part).)

19 Source Law

20 Sec. 1. Under and pursuant to the provisions of
21 Article 16, Section 59 of the Constitution of Texas, a
22 conservation and reclamation district is hereby
23 created and established in Kerr County, Texas, . . .
24 which shall be a governmental agency and a body politic
25 and corporate.

26 [Sec. 10(b)]

27 (d) The district is a conservation and
28 reclamation district under Article XVI, Section 59, of
29 the Texas Constitution and

30 Revisor's Note

31 (1) Section 1, Chapter 5, page 1062, Special
32 Laws, Acts of the 46th Legislature, Regular Session,
33 1939, provides that the authority is "hereby created
34 and established." The revised law omits the quoted
35 language as executed.

36 (2) Section 1, Chapter 5, page 1062, Special
37 Laws, Acts of the 46th Legislature, Regular Session,
38 1939, refers to the authority as "a governmental
39 agency and a body politic and corporate." The revised

1 law omits those references because they duplicate part
2 of Section 59(b), Article XVI, Texas Constitution.

3 Revised Law

4 Sec. 8515.0103. FINDINGS OF BENEFIT AND PUBLIC
5 PURPOSE. (a) The authority is created to serve a public use and
6 benefit.

7 (b) All property in the authority will benefit from the
8 works and projects the authority will accomplish under the powers
9 conferred by Section 59, Article XVI, Texas Constitution.

10 (c) The authority's creation is essential to accomplish the
11 purposes of Section 59, Article XVI, Texas Constitution.

12 (d) The authority performs an essential public function
13 under the Texas Constitution in carrying out the purposes of this
14 chapter because the accomplishment of those purposes is for the
15 benefit of the people of this state and the improvement of their
16 properties and industries. (Acts 46th Leg., R.S., p. 1062, S.L.,
17 Ch. 5, Secs. 1 (part), 4, 22 (part).)

18 Source Law

19 Sec. 1. . . . The creation and establishment of
20 the District is hereby declared to be essential to the
21 accomplishment of the purposes of Article 16, Section
22 59 of the Constitution of Texas.

23 Sec. 4. It is determined and found that all of
24 the land and other property included within the area
25 and boundaries of the District will be benefited by the
26 works and projects which are to be accomplished by the
27 District pursuant to the powers conferred by the
28 provisions of Article 16, Section 59, of the
29 Constitution of Texas, and that said District was and
30 is created to serve a public use and benefit.

31 Sec. 22. The accomplishment of the purposes
32 stated in this Act being for the benefit of the people
33 of this State and for the improvement of their
34 properties and industries, the District in carrying
35 out the purpose of this Act will be performing an
36 essential public function under the Constitution, and
37

38 Revisor's Note

39 (1) Section 1, Chapter 5, page 1062, Special
40 Laws, Acts of the 46th Legislature, Regular Session,
41 1939, provides that the "creation and establishment"
42 of the authority is essential to accomplish the

1 purposes of Section 59, Article XVI, Texas
2 Constitution. The revised law omits "establishment"
3 because its meaning is included in the meaning of
4 "creation."

5 (2) Section 4, Chapter 5, page 1062, Special
6 Laws, Acts of the 46th Legislature, Regular Session,
7 1939, refers to "land and other property" in the "area
8 and boundaries" of the authority. The revised law
9 omits the reference to "land" because under Section
10 311.005(4), Government Code (Code Construction Act),
11 "property" includes real property and "land" is
12 included in the meaning of real property. The revised
13 law omits the reference to the authority's "area and
14 boundaries" because, in context, the meaning of those
15 terms is included in "authority."

16 Revised Law

17 Sec. 8515.0104. REVIEW SCHEDULE UNDER SUNSET ACT. A review
18 of the authority under Section 325.025, Government Code, shall be
19 conducted as if the authority were a state agency scheduled to be
20 abolished September 1, 2035, and every 12th year after that year.
21 (Acts 46th Leg., R.S., p. 1062, S.L., Ch. 5, Sec. 1A(a) (part).)

22 Source Law

23 (a) . . . The review shall be conducted under
24 Section 325.025, Government Code, as if the District
25 were a state agency scheduled to be abolished
26 September 1, 2035, and every 12th year after that year.

27 Revisor's Note

28 Sections 1A(a) and (b), Chapter 5, page 1062,
29 Special Laws, Acts of the 46th Legislature, Regular
30 Session, 1939, relate to a periodic review of the
31 authority by the Sunset Advisory Commission. Section
32 1A(a) provides, in part, that the authority is subject
33 to review under Chapter 325, Government Code, as if it
34 were a state agency, but may not be abolished under
35 that chapter. Section 1A(b) provides that the

1 authority must pay the costs associated with the
2 Sunset Advisory Commission's review of the
3 authority. The revised law omits those provisions
4 because they duplicate Sections 325.025(a), (b), and
5 (d), Government Code. The omitted law reads:

6 Sec. 1A. (a) The District is subject
7 to review under Chapter 325, Government
8 Code (Texas Sunset Act), but may not be
9 abolished under that chapter. . . .

10 (b) The District shall pay the cost
11 incurred by the Sunset Advisory Commission
12 in performing the review. The Sunset
13 Advisory Commission shall determine the
14 cost, and the District shall pay the amount
15 promptly on receipt of a statement from the
16 Sunset Advisory Commission detailing the
17 cost.

18 Revised Law

19 Sec. 8515.0105. TERRITORY. (a) The authority is composed
20 of the territory described by Subsection (b) as that territory may
21 have been modified under:

- 22 (1) Subchapter J, Chapter 49, Water Code;
23 (2) Subchapter O, Chapter 51, Water Code; or
24 (3) other law.

25 (b) The authority includes all territory in the boundaries
26 of Kerr County. (Acts 46th Leg., R.S., p. 1062, S.L., Ch. 5, Sec. 2;
27 New.)

28 Source Law

29 Sec. 2. The District shall comprise all of the
30 territory contained within and have the same
31 boundaries as Kerr County, Texas.

32 Revisor's Note

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

- 40 (1) the statutory authority to change the

1 authority's territory under:

2 (A) Subchapter J, Chapter 49, Water
3 Code, applicable to the authority under Sections
4 49.001 and 49.002 of that code; and

5 (B) Subchapter O, Chapter 51, Water
6 Code, applicable to the authority under Section 5,
7 Chapter 5, page 1062, Special Laws, Acts of the 46th
8 Legislature, Regular Session, 1939, revised in part as
9 Section 8515.0301 of this chapter; and

10 (2) the legislature's general authority to
11 enact a law to change the authority's territory.

12 Revised Law

13 Sec. 8515.0106. CERTAIN STATUTES NOT APPLICABLE TO
14 AUTHORITY. (a) The authority is created notwithstanding the
15 provisions of Chapter 160, Acts of the 58th Legislature, Regular
16 Session, 1963 (former Article 970a, Vernon's Texas Civil Statutes),
17 as those provisions existed on June 17, 1965, and those provisions
18 do not apply to the authority.

19 (b) Any conflict between this section and subsequent
20 amendments to provisions described by Subsection (a) or the
21 subsequent codification of provisions described by Subsection (a)
22 in the Local Government Code is governed by the rules of statutory
23 construction, including Sections 311.025(a) and 311.026,
24 Government Code (Code Construction Act). (Acts 46th Leg., R.S., p.
25 1062, S.L., Ch. 5, Sec. 13; New.)

26 Source Law

27 Sec. 13. This district is hereby created
28 notwithstanding any of the provisions of the Municipal
29 Annexation Act, being Chapter 160, Acts of the 58th
30 Legislature, 1963 (Article 970a, Vernon's Texas Civil
31 Statutes), as amended, and said Municipal Annexation
32 Act shall have no application to this District.

33 Revisor's Note

34 (1) Section 13, Chapter 5, page 1062, Special
35 Laws, Acts of the 46th Legislature, Regular Session,
36 1939, provides that the authority is created

1 notwithstanding the provisions of Article 970a,
2 Vernon's Texas Civil Statutes (Municipal Annexation
3 Act), and that Article 970a does not apply to the
4 authority. While the provision relating to creation
5 would normally be omitted as executed, the revised law
6 retains the provision to preserve the ambiguity
7 relating to the applicability of the provisions of
8 Article 970a. It is unclear whether only those
9 provisions of Article 970a that relate to creation of
10 the authority are intended to have no applicability or
11 whether all provisions of Article 970a are intended to
12 have no applicability. The revised law is drafted
13 accordingly.

14 (2) Section 13, Chapter 5, page 1062, Special
15 Laws, Acts of the 46th Legislature, Regular Session,
16 1939, refers to "the Municipal Annexation Act, being
17 Chapter 160, Acts of the 58th Legislature, 1963
18 (Article 970a, Vernon's Texas Civil Statutes)." For
19 the reader's convenience, the revised law includes a
20 reference to the enacting session law citation of
21 former Article 970a, now repealed in the regular
22 course of statutory revision. To ensure that the
23 codification of Chapter 5 does not affect the relative
24 dates of enactment necessary to resolve a conflict
25 between Chapter 5 and amendments adopted to former
26 Article 970a subsequent to the date of enactment of
27 Chapter 5, as amended by Chapter 632, Acts of the 59th
28 Legislature, Regular Session, 1965, or to the
29 subsequent codification of Article 970a in the Local
30 Government Code, the revised law includes a reference
31 to the date of enactment of Chapter 5. For the
32 reader's convenience, the revised law also adds a
33 reference to the rules of statutory construction,
34 including applicable provisions of the Code

1 Construction Act (Chapter 311, Government Code) used
2 in resolving conflicts between statutes.

3 SUBCHAPTER B. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS

4 Revised Law

5 Sec. 8515.0201. MEMBERSHIP OF BOARD. (a) The board
6 consists of nine directors appointed by the governor.

7 (b) To be appointed as a director, a person must:

8 (1) be 18 years of age or older; and

9 (2) reside and own land in Kerr County. (Acts 46th
10 Leg., R.S., p. 1062, S.L., Ch. 5, Secs. 9(a) (part), (b) (part).)

11 Source Law

12 Sec. 9. (a) All powers of the District shall be
13 exercised by a Board of nine (9) Directors. . . . No
14 person shall be appointed a Director unless such
15 person is twenty-one (21) years of age or over and a
16 resident of Kerr County and owns land therein. . . .

17 (b) Directors are appointed by the
18 Governor. . . .

19 Revisor's Note

20 (1) Section 9(a), Chapter 5, page 1062, Special
21 Laws, Acts of the 46th Legislature, Regular Session,
22 1939, provides that "[a]ll powers of the District
23 shall be exercised by" the board. The revised law
24 omits the quoted language because it duplicates, in
25 substance, parts of Sections 49.051 and 49.057, Water
26 Code, which provide that the authority is governed by
27 the board and the board is responsible for the
28 authority's management. Throughout this chapter, the
29 revised law omits law that is superseded by or
30 duplicates law in Chapter 49, Water Code, applicable
31 to the authority under Sections 49.001 and 49.002 of
32 that code.

33 (2) Section 9(a), Chapter 5, page 1062, Special
34 Laws, Acts of the 46th Legislature, Regular Session,
35 1939, states that a person must be "twenty-one (21)
36 years of age or over" to be appointed as a director.
37 The revised law substitutes "18 years of age or older"

1 for the quoted language because Section 129.001, Civil
2 Practice and Remedies Code, establishes 18 years of
3 age as the age of majority in this state. Section
4 129.002, Civil Practice and Remedies Code, provides
5 that a law adopted before August 27, 1973, that extends
6 a right, privilege, or obligation to an individual on
7 the basis of a minimum age of 19, 20, or 21 years shall
8 be interpreted as prescribing a minimum age of 18
9 years. Section 9 was enacted in 1939, and the part of
10 that section relating to a minimum age of 21 years has
11 not been amended.

12 Revised Law

13 Sec. 8515.0202. TERMS. Directors serve staggered four-year
14 terms, with four or five directors' terms expiring on February 1 of
15 each odd-numbered year. (Acts 46th Leg., R.S., p. 1062, S.L., Ch. 5,
16 Secs. 9(a) (part), (b) (part).)

17 Source Law

18 (a) . . . Each director shall serve for his
19 term of office as herein provided, and
20 (b) . . . Directors are appointed for staggered
21 terms of four years with either four or five Directors'
22 terms expiring on February 1 of each odd-numbered
23 year. . . .

24 Revisor's Note

25 Section 9(a), Chapter 5, page 1062, Special Laws,
26 Acts of the 46th Legislature, Regular Session, 1939,
27 provides that a director continues to serve the
28 director's term of office provided in Chapter 5 until
29 the director's successor is appointed and qualified.
30 The revised law omits that provision because it
31 duplicates Section 17, Article XVI, Texas
32 Constitution, which provides that an officer of this
33 state continues to perform the officer's official
34 duties until a successor has qualified. The omitted
35 law reads:

36 (a) . . . [Each Director shall serve
37 for his term of office as herein provided,

1 and] thereafter until his successor shall
2 be appointed and qualified. . . .

3 Revised Law

4 Sec. 8515.0203. REMOVAL. (a) It is a ground for removal
5 from the board that a director:

6 (1) does not have at the time of taking office the
7 qualifications required by Sections 8515.0201 and 8515.0205;

8 (2) does not maintain during service on the board the
9 qualifications required by Sections 8515.0201 and 8515.0205;

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

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

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

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

22 (c) If the general manager has knowledge that a potential
23 ground for removal exists, the general manager shall notify the
24 board president of the potential ground. The president shall then
25 notify the governor and the attorney general that a potential
26 ground for removal exists. If the potential ground for removal
27 involves the president, the general manager shall notify the next
28 highest ranking director, who shall then notify the governor and
29 the attorney general that a potential ground for removal exists.
30 (Acts 46th Leg., R.S., p. 1062, S.L., Ch. 5, Sec. 9A.)

31 Source Law

32 Sec. 9A. (a) It is a ground for removal from the
33 Board that a Director:

34 (1) does not have at the time of taking
35 office the qualifications required by Section 9(a) of
36 this Act;

37 (2) does not maintain during service on
38 the Board the qualifications required by Section 9(a)

1 of this Act;

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

4 (4) cannot, because of illness or
5 disability, discharge the Director's duties for a
6 substantial part of the Director's term; or

7 (5) is absent from more than half of the
8 regularly scheduled Board meetings that the Director
9 is eligible to attend during a calendar year without an
10 excuse approved by a majority vote of the Board.

11 (b) The validity of an action of the Board is not
12 affected by the fact that it is taken when a ground for
13 removal of a Director exists.

14 (c) If the general manager has knowledge that a
15 potential ground for removal exists, the general
16 manager shall notify the President of the Board of the
17 potential ground. The President shall then notify the
18 Governor and the Attorney General that a potential
19 ground for removal exists. If the potential ground for
20 removal involves the President, the general manager
21 shall notify the next highest ranking Director, who
22 shall then notify the Governor and the Attorney
23 General that a potential ground for removal exists.

24 Revisor's Note

25 Section 9A, Chapter 5, page 1062, Special Laws,
26 Acts of the 46th Legislature, Regular Session, 1939,
27 provides that a director may be removed for not having,
28 at the time the director takes office, or maintaining,
29 during the director's term, certain qualifications
30 required by "Section 9(a) of this Act." The relevant
31 provisions of Section 9(a), Chapter 5, page 1062,
32 Special Laws, Acts of the 46th Legislature, Regular
33 Session, 1939, are revised as Sections 8515.0201 and
34 8515.0205 of this chapter, and the revised law is
35 drafted accordingly.

36 Revised Law

37 Sec. 8515.0204. VACANCY. The governor shall fill a vacancy
38 on the board by appointing a person for the unexpired term. (Acts
39 46th Leg., R.S., p. 1062, S.L., Ch. 5, Sec. 9(b) (part).)

40 Source Law

41 (b) . . . The Governor shall fill a vacancy on
42 the Board by appointment for the unexpired term.

43 Revised Law

44 Sec. 8515.0205. OATH AND BOND REQUIREMENT FOR DIRECTORS.

45 (a) Each director shall:

46 (1) take the constitutional oath of office; and

1 (2) execute a bond for \$5,000, conditioned on the
2 faithful performance of the director's duties.

3 (b) The authority shall pay the cost of the bond. (Acts 46th
4 Leg., R.S., p. 1062, S.L., Ch. 5, Sec. 9(a) (part).)

5 Source Law

6 (a) . . . Each Director shall subscribe to the
7 oath of office and shall give bond in the amount of
8 Five Thousand Dollars (\$5,000) for the faithful
9 performance of his duties, the cost of which shall be
10 borne by the District. . . .

11 Revisor's Note

12 Section 9(a), Chapter 5, page 1062, Special Laws,
13 Acts of the 46th Legislature, Regular Session, 1939,
14 requires a director to subscribe to the "oath of
15 office." The quoted language is a reference to the
16 constitutional oath of office, which is prescribed by
17 Section 1, Article XVI, Texas Constitution. The
18 revised law substitutes "constitutional oath of
19 office" for "oath of office" for clarification.

20 Revised Law

21 Sec. 8515.0206. OFFICERS. (a) The governor shall
22 designate a director as president to serve in that capacity at the
23 will of the governor. The president is the authority's chief
24 executive officer and the board's presiding officer.

25 (b) The board shall elect from the board's membership a vice
26 president, a secretary, and any other officers the board determines
27 necessary. (Acts 46th Leg., R.S., p. 1062, S.L., Ch. 5, Secs. 9(b)
28 (part), (c) (part).)

29 Source Law

30 (b) . . . The Governor shall designate a
31 Director as the president of the Board to serve in that
32 capacity at the pleasure of the Governor. . . .

33 (c) The Board of Directors shall elect from its
34 number a vice president and a secretary of the Board of
35 Directors and of the District, and such other officers
36 as in the judgment of the Board are necessary. The
37 president, as designated by the Governor, shall be
38 chief executive officer of the District and the
39 presiding officer of the Board, and

1 Revisor's Note

2 Section 9(b), Chapter 5, page 1062, Special Laws,
3 Acts of the 46th Legislature, Regular Session, 1939,
4 provides that the president of the authority serves in
5 that office "at the pleasure" of the governor. The
6 revised law substitutes "at the will" for "at the
7 pleasure" because "at the will" is the more commonly
8 used phrase to describe the termination of an
9 individual's appointment that is at the discretion of
10 another person.

11 Revised Law

12 Sec. 8515.0207. VOTE BY PRESIDENT. The president has the
13 same right to vote as any other director. (Acts 46th Leg., R.S., p.
14 1062, S.L., Ch. 5, Sec. 9(c) (part).)

15 Source Law

16 (c) . . . [The president] . . . shall have the
17 same right to vote as any other Director. . . .

18 Revisor's Note

19 Section 9(c), Chapter 5, page 1062, Special Laws,
20 Acts of the 46th Legislature, Regular Session, 1939,
21 provides that the president "shall have" the same
22 right to vote as any other director. Throughout this
23 chapter, in this and similar contexts, the revised law
24 substitutes "has" or "may," or variations of those
25 terms, for the quoted or similar language because the
26 language and those terms have the same meaning and
27 "has" and "may" are more commonly used.

28 Revised Law

29 Sec. 8515.0208. ABSENCE OR INACTION OF PRESIDENT. When the
30 president is absent or fails or declines to act, the vice president
31 shall perform all duties and exercise all powers this chapter or
32 general law confers on the president. (Acts 46th Leg., R.S., p.
33 1062, S.L., Ch. 5, Sec. 9(c) (part).)

1 Source Law

2 (c) . . . The vice president shall perform all
3 duties and exercise all power conferred by this Act or
4 the general law upon the president when the president
5 is absent or fails or declines to act. . . .

6 Revised Law

7 Sec. 8515.0209. DUTY OF SECRETARY; ABSENCE OF SECRETARY
8 FROM BOARD MEETING. (a) The secretary shall keep and sign the
9 minutes of each board meeting and is the custodian of the
10 authority's minutes and records.

11 (b) If the secretary is absent from a board meeting, the
12 board shall name a secretary pro tem for the meeting who may:

13 (1) exercise all powers and duties of the secretary
14 for the meeting;

15 (2) sign the minutes of the meeting; and

16 (3) attest all orders passed or other action taken at
17 the meeting. (Acts 46th Leg., R.S., p. 1062, S.L., Ch. 5, Sec. 9(c)
18 (part).)

19 Source Law

20 (c) . . . The secretary shall keep and sign the
21 minutes of the meetings of the Board of Directors; and
22 in the secretary's absence at any board meeting, a
23 secretary pro tem shall be named for that meeting who
24 may exercise all the duties and powers of the secretary
25 for such meeting, sign the minutes thereof, and attest
26 all orders passed or other action taken at such
27 meeting. The secretary shall be the custodian of all
28 minutes and records of the District.

29 Revised Law

30 Sec. 8515.0210. SEPARATION OF POLICY-MAKING AND MANAGEMENT
31 FUNCTIONS. The board shall develop and implement policies that
32 clearly separate the board's policy-making responsibilities and
33 the general manager's and staff's management responsibilities.
34 (Acts 46th Leg., R.S., p. 1062, S.L., Ch. 5, Sec. 9(f).)

35 Source Law

36 (f) The Board shall develop and implement
37 policies that clearly separate the policy-making
38 responsibilities of the Board and the management
39 responsibilities of the general manager and the staff
40 of the District.

1 Revised Law

2 Sec. 8515.0211. DIRECTOR TRAINING PROGRAM. (a) A person
3 who is appointed to and qualifies for office as a director may not
4 vote, deliberate, or be counted as a director in attendance at a
5 board meeting until the person completes a training program that
6 complies with this section.

7 (b) The training program must provide the person with
8 information regarding:

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

10 (2) the authority's programs, functions, rules, and
11 budget;

12 (3) the scope of and limitations on the board's
13 rulemaking authority;

14 (4) the results of the authority's most recent formal
15 audit;

16 (5) the requirements of:

17 (A) laws relating to open meetings, public
18 information, administrative procedure, and disclosing conflicts of
19 interest; and

20 (B) other laws applicable to members of a river
21 authority's governing body in performing their duties; and

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

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

28 (d) The general manager shall create a training manual that
29 includes the information required by Subsection (b). The general
30 manager shall distribute a copy of the training manual annually to
31 each director. Each director shall sign and submit to the general
32 manager a statement acknowledging that the director has received
33 and reviewed the training manual. (Acts 46th Leg., R.S., p. 1062,
34 S.L., Ch. 5, Sec. 9B.)

1 Source Law

2 Sec. 9B. (a) A person who is appointed to and
3 qualifies for office as a Director may not vote,
4 deliberate, or be counted as a Director in attendance
5 at a meeting of the Board until the person completes a
6 training program that complies with this section.

7 (b) The training program must provide the person
8 with information regarding:

9 (1) the law governing District operations;
10 (2) the programs, functions, rules, and
11 budget of the District;

12 (3) the scope of and limitations on the
13 rulemaking authority of the Board;

14 (4) the results of the most recent formal
15 audit of the District;

16 (5) the requirements of:
17 (A) laws relating to open meetings,
18 public information, administrative procedure, and
19 disclosing conflicts of interest; and

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

23 (6) any applicable ethics policies adopted
24 by the District or the Texas Ethics Commission.

25 (c) A person appointed to the Board is entitled
26 to reimbursement for the travel expenses incurred in
27 attending the training program regardless of whether
28 the attendance at the program occurs before or after
29 the person qualifies for office.

30 (d) The general manager of the District shall
31 create a training manual that includes the information
32 required by Subsection (b) of this section. The
33 general manager shall distribute a copy of the
34 training manual annually to each Director. Each
35 Director shall sign and submit to the general manager a
36 statement acknowledging that the Director received and
37 has reviewed the training manual.

38 Revised Law

39 Sec. 8515.0212. GENERAL MANAGER. The board shall appoint a
40 general manager of the authority. (Acts 46th Leg., R.S., p. 1062,
41 S.L., Ch. 5, Sec. 9(d) (part).)

42 Source Law

43 (d) The Board shall appoint a general manager of
44 the District and

45 Revised Law

46 Sec. 8515.0213. COMPLAINTS. (a) The authority shall
47 maintain a system to promptly and efficiently act on complaints
48 filed with the authority.

49 (b) The authority shall maintain information about the
50 parties to the complaint, the subject matter of the complaint, a
51 summary of the results of the review or investigation of the
52 complaint, and the complaint's disposition.

1 (c) The authority shall periodically notify the parties to
2 the complaint of the complaint's status until final disposition,
3 unless the notice would jeopardize an investigation.

4 (d) The authority shall make information available
5 describing the authority's procedures for complaint investigation
6 and resolution. (Acts 46th Leg., R.S., p. 1062, S.L., Ch. 5, Sec.
7 9C.)

8 Source Law

9 Sec. 9C. (a) The District shall maintain a
10 system to promptly and efficiently act on complaints
11 filed with the District. The District shall maintain
12 information about parties to the complaint, the
13 subject matter of the complaint, a summary of the
14 results of the review or investigation of the
15 complaint, and its disposition.

16 (b) The District shall make information
17 available describing its procedures for complaint
18 investigation and resolution.

19 (c) The District shall periodically notify the
20 complaint parties of the status of the complaint until
21 final disposition, unless the notice would jeopardize
22 an investigation.

23 Revised Law

24 Sec. 8515.0214. PUBLIC TESTIMONY. The board shall develop
25 and implement policies that provide the public with a reasonable
26 opportunity to appear before the board and to speak on any issue
27 under the authority's jurisdiction. (Acts 46th Leg., R.S., p.
28 1062, S.L., Ch. 5, Sec. 9D.)

29 Source Law

30 Sec. 9D. The Board shall develop and implement
31 policies that provide the public with a reasonable
32 opportunity to appear before the Board and to speak on
33 any issue under the jurisdiction of the District.

34 Revisor's Note
35 (End of Subchapter)

36 (1) Section 9(a), Chapter 5, page 1062, Special
37 Laws, Acts of the 46th Legislature, Regular Session,
38 1939, states that a majority of directors constitutes
39 a quorum. The revised law omits that provision because
40 it duplicates, in substance, Section 311.013,
41 Government Code (Code Construction Act), which
42 provides that a quorum of a public body is a majority

1 of the number of members fixed by statute. The omitted
2 law reads:

3 (a) . . . A majority of Directors
4 shall constitute a quorum.

5 (2) Section 9(d), Chapter 5, page 1062, Special
6 Laws, Acts of the 46th Legislature, Regular Session,
7 1939, requires the board to employ certain
8 employees. The revised law omits that provision
9 because it duplicates, in substance, part of Section
10 49.057, Water Code, which authorizes the board to
11 employ the specified employees. The omitted law
12 reads:

13 (d) [The Board shall appoint] . . .
14 all necessary engineers, attorneys,
15 auditors, and other employees.

16 (3) Section 9(e), Chapter 5, page 1062, Special
17 Laws, Acts of the 46th Legislature, Regular Session,
18 1939, requires the board to adopt a seal for the
19 authority. The revised law omits that provision
20 because it duplicates Section 49.061, Water Code. The
21 omitted law reads:

22 (e) The Board shall adopt a seal for
23 the District.

24 SUBCHAPTER C. POWERS AND DUTIES

25 Revised Law

26 Sec. 8515.0301. GENERAL POWERS AND DUTIES. (a) The
27 authority has the rights, powers, privileges, and duties provided
28 by general law applicable to a water control and improvement
29 district created under Section 59, Article XVI, Texas Constitution,
30 including those provided by Chapters 49 and 51, Water Code.

31 (b) The authority may exercise the powers necessary to
32 accomplish the rights and duties specified in Section 59, Article
33 XVI, Texas Constitution, as provided by Chapters 51 and 54, Water
34 Code.

35 (c) The authority may construct or acquire projects the
36 board determines are needed and incident or related to the

1 performance of the rights and duties described by Subsection (b).
2 (Acts 46th Leg., R.S., p. 1062, S.L., Ch. 5, Secs. 5 (part),
3 10(b)(d) (part); New.)

4 Source Law

5 Sec. 5. The District shall have and exercise,
6 and is hereby vested with, all of the rights, powers,
7 privileges, authority and duties conferred and imposed
8 by the General Laws of this State now in force or
9 hereafter enacted, applicable to water control and
10 improvement districts created under authority of
11 Article 16, Section 59 of the Constitution; but to the
12 extent that the provisions of any such General Laws may
13 be in conflict or inconsistent with the provisions of
14 this Act, the provisions of this Act shall
15 prevail. . . .

16 [Sec. 10(b)]

17 (d) . . . The district may exercise the powers
18 necessary to accomplish each of the rights and duties
19 specified in Article XVI, Section 59, of the Texas
20 Constitution as provided by Chapters 51 and 54, Water
21 Code. The district may construct or acquire those
22 projects that the board determines are needed and
23 incident to or related to the performance of those
24 rights and duties.

25 Revisor's Note

26 (1) Section 5, Chapter 5, page 1062, Special
27 Laws, Acts of the 46th Legislature, Regular Session,
28 1939, refers to the authority's "powers" and
29 "authority." Throughout this chapter, the revised law
30 omits the reference to "authority" because, in
31 context, it is included in the meaning of "powers."

32 (2) Section 5, Chapter 5, page 1062, Special
33 Laws, Acts of the 46th Legislature, Regular Session,
34 1939, provides that the authority has all rights,
35 powers, privileges, authority, and duties conferred
36 and imposed by the general laws of this state "now in
37 force or hereafter enacted" applicable to water
38 control and improvement districts, "but to the extent
39 that the provisions of any such General Laws may be in
40 conflict or inconsistent with the provisions of this
41 Act, the provisions of this Act shall prevail."

42 The revised law omits "now in force" as
43 unnecessary under general principles of statutory

1 construction. The "general laws of this state" means
2 those laws "in force" at the time the provision was
3 adopted.

4 The revised law omits "hereafter enacted" because
5 it is unnecessary to state that the authority may be
6 granted additional powers by later enacted laws.
7 Those laws apply on their own terms.

8 The revised law omits as unnecessary and
9 potentially misleading the quoted provision about the
10 act prevailing over conflicting general law. To the
11 extent the provision means that the act prevails over
12 other law in existence at the time the act became
13 effective and with which the act conflicts, the
14 provision merely restates general principles of
15 statutory construction. To the extent the provision
16 means the act prevails over future enactments of the
17 legislature that may conflict with it, the provision
18 is misleading. It is a fundamental principle of
19 statutory construction that one session of the
20 legislature may not bind a future session of the
21 legislature. In addition, Section 311.026, Government
22 Code (Code Construction Act), governs the
23 interpretation of the revised law in instances of
24 apparent conflict with other laws.

25 (3) Section 5, Chapter 5, page 1062, Special
26 Laws, Acts of the 46th Legislature, Regular Session,
27 1939, refers to the general laws "applicable to water
28 control and improvement districts." For the reader's
29 convenience, the revised law adds references to
30 Chapter 51, Water Code, specifically applicable to
31 water control and improvement districts, and to
32 Chapter 49, Water Code.

33 (4) Section 5, Chapter 5, page 1062, Special
34 Laws, Acts of the 46th Legislature, Regular Session,

1 1939, provides that all general laws applicable to
2 water control and improvement districts not in
3 conflict or inconsistent with the provisions of the
4 act are incorporated by reference. The revised law
5 omits that provision because the part of Section 5,
6 Chapter 5, that is revised in this section already
7 provides that those laws apply to the authority, and it
8 is unnecessary to further incorporate those laws in
9 this chapter. The omitted law reads:

10 Sec. 5. . . . All such General Laws
11 are hereby adopted and incorporated by
12 reference with the same effect as if
13 incorporated in full in this Act.

14 Revised Law

15 Sec. 8515.0302. ADDITIONAL POWERS. (a) The authority may:

16 (1) control, develop, store, and preserve the waters
17 and flood waters of the Upper Guadalupe River and its tributaries
18 inside or outside the authority for a beneficial or useful purpose;

19 (2) purchase, acquire, build, construct, improve,
20 extend, reconstruct, repair, and maintain any dam, structure,
21 waterworks system, sanitary sewer system, storm sewer system,
22 drainage system, irrigation system, building, waterway, pipeline,
23 distribution system, ditch, lake, pond, reservoir, plant, and
24 recreational facility for public use, and any other facility or
25 equipment in aid of a purpose described by Subdivision (1);

26 (3) purchase or otherwise acquire a necessary site,
27 easement, right-of-way, land, or other property necessary for a
28 purpose described by Subdivision (1); and

29 (4) sell water and other services.

30 (b) The authority may use any practical means to exercise a
31 right, power, privilege, or function of the authority. (Acts 46th
32 Leg., R.S., p. 1062, S.L., Ch. 5, Sec. 16(a).)

33 Source Law

34 Sec. 16. (a) Without limiting the powers
35 granted to the District by this Act, the District shall
36 specifically have the right, power, privilege,
37 function and authority to control, develop, store and

1 preserve the waters and flood waters of the Upper
2 Guadalupe River and its tributaries within or without
3 the boundaries of the District for any beneficial or
4 useful purpose and to purchase, acquire, build,
5 construct, improve, extend, reconstruct, repair and
6 maintain any and all dams, structures, waterworks
7 systems, sanitary or storm sewer or drainage or
8 irrigation systems, buildings, waterways, pipelines,
9 distribution systems, ditches, lakes, ponds,
10 reservoirs, plants, and recreational facilities for
11 public use and any and all other facilities or
12 equipment in aid thereof, and to purchase or acquire
13 the necessary sites, easements, rights-of-way, land or
14 other properties necessary thereof and to do any and
15 all acts and things which may be necessary to the
16 exercise of any and all of the rights, powers,
17 privileges, functions and authority of the District,
18 and same may be accomplished by any and all practical
19 means, and the District may sell water and other
20 services.

21 Revisor's Note

22 Section 16(a), Chapter 5, page 1062, Special
23 Laws, Acts of the 46th Legislature, Regular Session,
24 1939, provides that "[w]ithout limiting the powers
25 granted to the District by this Act," the authority has
26 certain powers. The revised law omits the quoted
27 language because it is an accepted general principle
28 of statutory construction that a grant of a right,
29 power, privilege, or function does not act as a
30 limitation. Additionally, Section 311.021(2),
31 Government Code (Code Construction Act), provides that
32 it is presumed that, in enacting a statute, the entire
33 statute is intended to be effective.

34 Revised Law

35 Sec. 8515.0303. CONSERVATION AND DEVELOPMENT. The
36 authority shall conserve and develop this state's natural resources
37 in the authority. (Acts 46th Leg., R.S., p. 1062, S.L., Ch. 5, Sec.
38 10(b)(d) (part).)

39 Source Law

40 (d) [The district] . . . shall conserve and
41 develop the natural resources of this state within the
42 district. . . .

43 Revised Law

44 Sec. 8515.0304. COST OF RELOCATING OR ALTERING PROPERTY.
45 (a) In this section, "sole expense" means the actual cost of

1 relocating, raising, lowering, rerouting, changing the grade of, or
2 altering the construction of a facility described by Subsection (b)
3 in providing comparable replacement without enhancement of the
4 facility, after deducting from that cost the net salvage value
5 derived from the old facility.

6 (b) If the authority's exercise of the power of eminent
7 domain, police power, or any other power requires relocating,
8 raising, lowering, rerouting, changing the grade of, or altering
9 the construction of a railroad, pipeline, or electric transmission,
10 telegraph or telephone line, conduit, pole, property or facility,
11 the required action shall be accomplished at the authority's sole
12 expense. (Acts 46th Leg., R.S., p. 1062, S.L., Ch. 5, Sec. 12.)

13 Source Law

14 Sec. 12. In the event that the District, in the
15 exercise of the power of eminent domain or police
16 power, or any other power, requires the relocation,
17 raising, lowering, re-routing, or change in grade or
18 alteration in the construction of any railroad,
19 electric transmission, telegraph or telephone lines,
20 conduits, poles, properties or facilities, or
21 pipelines, all such relocation, raising, lowering,
22 re-routing, or changes in grade or alteration of
23 construction shall be accomplished at the sole expense
24 of the District. The term "sole expense" shall mean the
25 actual cost of such relocation, raising, lowering,
26 re-routing, or change in grade or alteration of
27 construction in providing comparable replacement
28 without enhancement of such facilities, after
29 deducting therefrom the net salvage value derived from
30 the old facility.

31 Revised Law

32 Sec. 8515.0305. POWERS RELATING TO GRANTS AND CONTRACTS.
33 The authority may accept grants or contract with any person in
34 connection with or in aid of the exercise of any right, power,
35 privilege, or function of the authority. (Acts 46th Leg., R.S., p.
36 1062, S.L., Ch. 5, Sec. 3.)

37 Source Law

38 Sec. 3. The District is empowered to accept
39 grants or to contract with the United States
40 Government or the State of Texas or any agency, arm,
41 branch, department, or political subdivision thereof,
42 or any municipality, city, town, or any public or
43 private corporation, or firm or person in connection
44 with the exercise of any right, power, privilege,
45 function or authority of this District or in aid
46 thereof.

1 Revisor's Note

2 Section 3, Chapter 5, page 1062, Special Laws,
3 Acts of the 46th Legislature, Regular Session, 1939,
4 authorizes the authority to accept grants or contract
5 with "the United States Government or the State of
6 Texas or any agency, arm, branch, department, or
7 political subdivision thereof, or any municipality,
8 city, town, or any public or private corporation, or
9 firm or person." The revised law substitutes "any
10 person" for the quoted language because Section
11 311.005(2), Government Code (Code Construction Act),
12 defines "person" to include any legal entity.

13 Revised Law

14 Sec. 8515.0306. POWERS RELATING TO WASTE FACILITIES. As a
15 necessary aid to the conservation, control, preservation, and
16 distribution of the water of the Upper Guadalupe River and its
17 tributaries for beneficial use, the authority may:

18 (1) construct, own, and operate sewage collection,
19 transmission, and disposal services;

20 (2) charge for a service described by Subdivision (1);
21 and

22 (3) enter into contracts with municipalities and
23 others in connection with a service described by Subdivision (1).

24 (Acts 46th Leg., R.S., p. 1062, S.L., Ch. 5, Sec. 16(b).)

25 Source Law

26 (b) As a necessary aid to the conservation,
27 control, preservation, and distribution of such water
28 for beneficial use, the Authority shall have the power
29 to construct, own and operate sewage gathering,
30 transmission and disposal services, to charge for such
31 service, and to make contracts in reference thereto
32 with municipalities and others.

33 Revisor's Note

34 Section 16(b), Chapter 5, page 1062, Special
35 Laws, Acts of the 46th Legislature, Regular Session,
36 1939, provides that the authority may operate sewage
37 "gathering" services. The revised law substitutes

1 "collection" for "gathering" because, in context, the
2 terms have the same meaning and "collection" is more
3 commonly used.

4 Revised Law

5 Sec. 8515.0307. NOTICE OF ELECTION. Notice of an election
6 may be given under the hand of the president or secretary. (Acts
7 46th Leg., R.S., p. 1062, S.L., Ch. 5, Sec. 20.)

8 Source Law

9 Sec. 20. Notice of all elections may be given
10 under the hand of either the president or the secretary
11 of the District.

12 Revisor's Note
13 (End of Subchapter)

14 (1) Section 10(b)(e), Chapter 5, page 1062,
15 Special Laws, Acts of the 46th Legislature, Regular
16 Session, 1939, provides that the authority is a
17 district under Chapter 30, Water Code, that Chapter 30
18 applies to the authority, and that in the event of a
19 conflict between the act and Chapter 30, the act
20 prevails. The revised law omits the portion of the
21 provision providing that the authority is a district
22 under Chapter 30, Water Code, and that Chapter 30
23 applies to the authority as unnecessary because
24 Section 30.003, Water Code, defines the term
25 "district" to include any river authority and
26 therefore Chapter 30, Water Code, applies to the
27 authority on its own terms. The revised law omits the
28 portion of the provision relating to the act
29 prevailing over a conflicting provision of general law
30 for the reason provided in Revisor's Note (2) to
31 Section 8515.0301. The omitted law reads:

32 (e) The district is a district under
33 Chapter 30, Water Code, and that chapter
34 applies to the district except to the extent
35 that the chapter conflicts with this Act, in
36 which case this Act prevails. . . .

37 (2) Section 10(b)(e), Chapter 5, page 1062,

1 Special Laws, Acts of the 46th Legislature, Regular
2 Session, 1939, states that any political subdivision
3 may contract with the authority under Chapter 30,
4 Water Code, provided that any city may contract with
5 the authority in the manner authorized by Section
6 30.030(c), Water Code. Section 10(b)(e) further
7 states that the authority and any political
8 subdivision have certain rights and powers authorized
9 by Chapter 30, Water Code. The revised law omits those
10 provisions as duplicative of Chapter 30, Water Code,
11 which grants the same rights and powers and applies to
12 political subdivisions, including the authority and
13 cities, on its own terms. The omitted law reads:

14 (e) . . . All cities, public
15 agencies, and other political subdivisions
16 are authorized to contract with the
17 district in any manner authorized by
18 Chapter 30, Water Code, provided that any
19 city may contract with the district in the
20 manner authorized by Subsection (c),
21 Section 30.030, Water Code. The district
22 and all cities, public agencies, and other
23 political subdivisions contracting with the
24 district have all of the rights and
25 authority relating to the control, storage,
26 preservation, transmission, treatment, and
27 disposition of storm water, floodwater,
28 water of rivers and streams, and
29 underground water that are granted,
30 permitted, and authorized by Chapter 30,
31 Water Code.

32 (3) Section 21, Chapter 5, page 1062, Special
33 Laws, Acts of the 46th Legislature, Regular Session,
34 1939, authorizes the board to canvass the returns of
35 all elections and provides a time period for the
36 canvass to occur. The revised law omits that
37 provision because it is superseded by or duplicates
38 general law. Section 67.002, Election Code, requires
39 the governing body of a political subdivision that
40 orders an election to canvass the
41 returns. Additionally, Section 67.003, Election
42 Code, provides the manner for setting the time period

1 for a canvass to occur. Throughout this chapter, the
2 revised law omits law that is superseded by or
3 duplicates law in the Election Code, which was enacted
4 in 1985 and applies to the authority under Section
5 1.002 of that code. The omitted law reads:

6 Sec. 21. The returns of all elections
7 may be canvassed by the Board of Directors
8 of the District at any time within seven (7)
9 days after the holding of an election, or as
10 soon thereafter as reasonably practicable.

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Revised Law

13 Sec. 8515.0401. TAX METHOD. The authority shall use the ad
14 valorem plan of taxation. (Acts 46th Leg., R.S., p. 1062, S.L., Ch.
15 5, Sec. 8.)

16 Source Law

17 Sec. 8. The ad valorem plan of taxation shall be
18 used by the District.

19 Revised Law

20 Sec. 8515.0402. DEPOSITORY. (a) The board shall select
21 one or more banks or trust companies in this state to act as a
22 depository of bond proceeds or of revenue derived from the
23 operation of authority facilities.

24 (b) The depository shall, as determined by the board:

25 (1) provide indemnity bonds;

26 (2) pledge securities; or

27 (3) meet any other requirements. (Acts 46th Leg.,
28 R.S., p. 1062, S.L., Ch. 5, Sec. 15.)

29 Source Law

30 Sec. 15. The Board of Directors of the District
31 shall select any bank or trust company in the State of
32 Texas to act as depository of the proceeds of the bonds
33 or revenues derived from the operation of the
34 facilities of the District, and said depository shall
35 furnish such indemnity bonds or pledge such securities
36 or meet such other requirements as determined by the
37 Board of Directors of the District. The District may
38 select one or more depositories.

39 Revised Law

40 Sec. 8515.0403. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED.

1 The authority is not required to pay a tax or assessment on:

- 2 (1) an authority project or any part of the project; or
- 3 (2) an authority purchase. (Acts 46th Leg., R.S., p.
- 4 1062, S.L., Ch. 5, Sec. 22 (part).)

5 Source Law

6 Sec. 22. . . . the District shall not be
7 required to pay any tax or assessment on the project or
8 any part thereof or on any purchases made by the
9 District, and

10 SUBCHAPTER E. NOTES, BONDS, AND BORROWED MONEY

11 Revised Law

12 Sec. 8515.0501. REVENUE NOTES. (a) The board, without an
13 election, may borrow money, not to exceed \$55 million in the
14 aggregate, on the authority's negotiable notes, payable solely from
15 the authority's revenue derived from the ownership of all or any
16 designated part of the authority's works, plant, improvements,
17 facilities, equipment, or water rights after deduction of the
18 reasonable cost of maintaining and operating the facilities.

19 (b) The notes may be first or subordinate lien notes at the
20 board's discretion. An obligation may not be a charge on the
21 authority's property or on the taxes imposed by the authority. An
22 obligation may only be a charge on the revenue pledged for the
23 payment of the obligation. No part of the obligation may ever be
24 paid from the taxes imposed by the authority.

25 (c) The notes may bear interest at a rate not to exceed 10
26 percent and must mature not later than 40 years after the date of
27 their issuance. (Acts 46th Leg., R.S., p. 1062, S.L., Ch. 5, Secs.
28 10(c)(b), (c), (d), (e).)

29 Source Law

30 (b) The board of directors, without the
31 necessity of an election, may borrow money on
32 negotiable notes of the Authority to be paid solely
33 from the revenues of the Authority derived from the
34 ownership of all or any designated part of the
35 Authority's works, plant, improvements, facilities,
36 equipment, or water rights after deduction of the
37 reasonable cost of maintaining and operating the
38 facilities.

39 (c) A note issued under this section may not
40 exceed \$55 million in the aggregate.

41 (d) The notes may mature over a term of not more

1 than 40 years and bear interest at a rate of not more
2 than 10 percent.

3 (e) The notes may be first or subordinate lien
4 notes within the discretion of the board of directors,
5 but no obligation may ever be a charge on the property
6 of the Authority or on the taxes levied or collected by
7 the Authority, but shall be a charge on the revenues
8 pledged for the payment of the obligation. No part of
9 the obligation may ever be paid from the taxes levied
10 or collected by the Authority.

11 Revisor's Note

12 (1) Section 10(c)(e), Chapter 5, page 1062,
13 Special Laws, Acts of the 46th Legislature, Regular
14 Session, 1939, provides that authority obligations may
15 not be a charge on or paid from taxes "levied or
16 collected" by the authority. The revised law
17 substitutes "imposed" for the quoted language because
18 it is the term generally used in Title 1, Tax Code, and
19 includes the levying and collection of taxes.

20 (2) Section 10(c)(f), Chapter 5, page 1062,
21 Special Laws, Acts of the 46th Legislature, Regular
22 Session, 1939, provides that Section 49.153, Water
23 Code, does not apply to the authority. Section 49.153,
24 Water Code, does not apply to the authority because
25 Section 49.153(d), Water Code, provides that the
26 section does not apply to a special water authority.
27 Because the Upper Guadalupe River Authority meets the
28 definition of a special water authority under Section
29 49.001, Water Code, the provision stating that Section
30 49.153, Water Code, does not apply to the authority is
31 omitted as unnecessary. The omitted law reads:

32 (f) As the Authority is a special
33 water authority, Section 49.153, Water
34 Code, does not apply to any revenue note
35 issued by the Authority.

36 Revised Law

37 Sec. 8515.0502. BORROWING MONEY. The authority may borrow
38 money by any method or procedure provided by this chapter or general
39 law for a corporate purpose or combination of corporate purposes.
40 (Acts 46th Leg., R.S., p. 1062, S.L., Ch. 5, Sec. 10(c)(a).)

1 1939, authorizes the authority to issue "any kind of
2 bonds or refunding bonds." The revised law omits the
3 reference to "refunding bonds" because refunding bonds
4 are included in the meaning of "any kind of bonds."

5 Revised Law

6 Sec. 8515.0504. EXCHANGING BONDS FOR PROPERTY OR WORK. The
7 authority may exchange bonds, including refunding bonds:

8 (1) for property acquired by purchase; or

9 (2) in payment of the contract price of work performed
10 or materials or services provided for the authority's use and
11 benefit. (Acts 46th Leg., R.S., p. 1062, S.L., Ch. 5, Sec. 18
12 (part).)

13 Source Law

14 Sec. 18. . . . The District may exchange bonds
15 or refunding bonds for property acquired by purchase,
16 or in payment of the contract price of work done or
17 materials furnished or services furnished for the use
18 and benefit of the District, but

19 Revisor's Note

20 (1) Section 18, Chapter 5, page 1062, Special
21 Laws, Acts of the 46th Legislature, Regular Session,
22 1939, provides that authority bonds, including
23 refunding bonds, may be sold at a price and on terms
24 determined by the board, provided that the bonds are
25 not sold for less than 95 percent of their face
26 value. Section 18 also provides that where authority
27 bonds are exchanged for property acquired by purchase,
28 or in payment of the contract price for work done or
29 materials or services furnished, the exchange must be
30 based on the authority's receipt of property,
31 materials, or services equal to not less than 95
32 percent of the face value of the authority bonds
33 exchanged or used as payment. The revised law omits
34 those provisions because they are superseded by
35 general law. Section 1201.022, Government Code, as
36 amended in 2001, provides that an issuer may sell

1 provided by Subsection (d), the authority may not issue bonds
2 unless a majority of voters voting at an election held in the
3 authority approve the issuance of the bonds.

4 (b) Before issuing bonds, the board must order an election
5 and provide notice in accordance with this section.

6 (c) Notice of the election must be given by:

7 (1) posting a copy of the notice in at least three
8 public places in the authority at least 14 days before the election
9 date; and

10 (2) publishing a copy of the notice in a newspaper of
11 general circulation in the authority at least once a week for two
12 consecutive weeks, the first of which must be published at least 14
13 days before the election date.

14 (d) An election to authorize the issuance of bonds is not
15 required if the bonds are payable from the revenue of an authority
16 system or facility and the board determines that:

17 (1) the proceeds of the bonds will provide less than \$2
18 million for the purpose of acquiring land or acquiring or
19 constructing the facility, not including the cost of issuing the
20 bonds, interest during construction, and any initial deposit from
21 the proceeds to a reserve fund; and

22 (2) the bond proceeds will be used:

23 (A) to acquire land or an interest in land and to
24 construct or acquire a new facility in the nature of a new project
25 or undertaking for the authority, provided that only one series of
26 bonds may be issued to provide for a new project or undertaking for
27 the authority unless additional bonds are approved by a majority of
28 voters voting at an election;

29 (B) to provide money for repairs, expansion, and
30 improvement of existing authority facilities; or

31 (C) to provide for the completion of the
32 construction of a project for which the authority has previously
33 issued bonds approved at an election. (Acts 46th Leg., R.S., p.
34 1062, S.L., Ch. 5, Secs. 10(b)(a) (part), (b), (c) (part).)

1 Source Law

2 (a) . . . [before bonds . . . may be issued]
3 . . . the election must be called and held and notice
4 must be given as required by this section.

5 (b) An election to authorize the issuance of
6 bonds may not be required if the bonds to be issued are
7 payable from revenues of a system or facilities of the
8 district and the board of directors finds and
9 determines that the proceeds of the bonds proposed to
10 be issued will provide less than \$2 million for the
11 purpose of acquiring land or acquiring or constructing
12 the facilities excluding cost of issuance, interest
13 during construction and any initial deposit from those
14 proceeds to a reserve fund, and the proceeds of the
15 bonds will be used:

16 (1) to acquire land or an interest in land
17 and to construct or acquire new facilities in the
18 nature of a new project or undertaking for the
19 district, subject to the limitation that with respect
20 to a new project or undertaking for the district, only
21 one series of bonds may be issued to provide for the
22 project unless additional bonds are approved at an
23 election by a majority of the participating qualified
24 voters;

25 (2) to provide funds for repairs,
26 expansion, and improvement of the existing facilities
27 of the district; or

28 (3) to provide for the completion of
29 construction of a project for which the district has
30 previously issued bonds approved at an election.

31 (c) Except as provided in Subsection (b) of this
32 section, bonds may not be issued by the district unless
33 an election is held in the district to approve issuance
34 of the bonds and the issuance of the bonds is approved
35 by a majority of the qualified voters voting at the
36 election. . . . Notice of the election must be given by
37 posting a copy of the notice of election in at least
38 three public places within the district at least 14
39 days before the date of the election and the notice
40 must be published at least once a week for two
41 consecutive weeks, the date of the first publication
42 to be at least 14 days before the election, in a
43 newspaper with general circulation in the district.

44 Revisor's Note

45 (1) Section 10(b)(a), Chapter 5, page 1062,
46 Special Laws, Acts of the 46th Legislature, Regular
47 Session, 1939, provides that an election must be
48 ordered to approve a bond proposition if the Texas
49 Constitution or the act requires the approval of the
50 proposition at an election. The revised law omits that
51 provision because the applicable requirements of those
52 laws would apply to the approval of a bond proposition
53 on their own terms. The omitted law reads:

54 Sec. 10(b). (a) If the Texas
55 Constitution or this Act requires a bond

1 proposition to be approved by a majority of
2 the qualified voters voting at an election
3 called for that purpose before bonds or
4 other obligations may be issued or taxes
5 levied,

6 (2) Section 10(b)(a), Chapter 5, page 1062,
7 Special Laws, Acts of the 46th Legislature, Regular
8 Session, 1939, provides that an election must be
9 "called and held" to approve a bond proposition. The
10 revised law substitutes "order" for the quoted
11 language because "order" is the term used in Chapter 3,
12 Election Code.

13 (3) Sections 10(b)(b) and (c), Chapter 5, page
14 1062, Special Laws, Acts of the 46th Legislature,
15 Regular Session, 1939, refer to a majority vote of the
16 "qualified" voters voting in a bond election. The
17 revised law omits "qualified" as unnecessary in this
18 context because Chapter 11, Election Code, governs
19 eligibility to vote in an election in this state and
20 allows only "qualified" voters to vote in an election.

21 (4) Section 10(b)(b), Chapter 5, page 1062,
22 Special Laws, Acts of the 46th Legislature, Regular
23 Session, 1939, refers to "funds." The revised law
24 substitutes "money" for "funds" because, in context,
25 the terms have the same meaning and "money" is more
26 commonly used.

27 (5) Section 10(b)(c), Chapter 5, page 1062,
28 Special Laws, Acts of the 46th Legislature, Regular
29 Session, 1939, provides that an election order must be
30 issued not less than 15 or more than 90 days before the
31 election date. The revised law omits that provision
32 because it is expressly superseded by Section 3.005,
33 Election Code, which requires an election order issued
34 by an authority of a political subdivision to be issued
35 not later than the 62nd or 78th day before election
36 day, depending on when the election is held. The

1 omitted law reads:

2 (c) . . . The board must issue the
3 order calling the election not less than 15
4 nor more than 90 days before the date the
5 election is to be held. . . .

6 Revised Law

7 Sec. 8515.0506. FAILED BOND ELECTION. (a) A general law,
8 including Sections 51.781 through 51.791, Water Code, that provides
9 for calling a hearing on the dissolution of a water control and
10 improvement district after a failed district bond election does not
11 apply to the authority.

12 (b) After the expiration of 30 days from the date of a failed
13 bond election, the board may call a subsequent bond election.

14 (c) The authority continues to exist and have the
15 authority's full power to function and operate regardless of the
16 outcome of a bond election. (Acts 46th Leg., R.S., p. 1062, S.L.,
17 Ch. 5, Sec. 19.)

18 Source Law

19 Sec. 19. The provisions of Section 77b, Chapter
20 25, General Laws, Acts of the 39th Legislature,
21 Regular Session, 1925, as added (Article 7880-77b,
22 Vernon's Texas Civil Statutes), or any other General
23 Law, pertaining to the calling of a hearing for the
24 determination of the dissolution of a district where a
25 bond election has failed shall be inapplicable to the
26 District, and this District shall continue to exist
27 and shall have full power to function and operate
28 regardless of the outcome of any bond election. Upon
29 the failure of any bond election, a subsequent bond
30 election may be called after the expiration of thirty
31 days from the date of the bond election which failed.

32 Revisor's Note

33 Section 19, Chapter 5, page 1062, Special Laws,
34 Acts of the 46th Legislature, Regular Session, 1939,
35 provides that "[t]he provisions of Section 77b,
36 Chapter 25, General Laws, Acts of the 39th
37 Legislature, Regular Session, 1925, as added (Article
38 7880-77b, Vernon's Texas Civil Statutes)," do not
39 apply to the authority. Article 7880-77b was codified
40 by Chapter 58, Acts of the 62nd Legislature, Regular
41 Session, 1971, as Sections 51.781 through 51.792,

1 Water Code, which address the dissolution of a
2 district before the issuance of bonds. The revised law
3 does not refer to Section 51.792, Water Code, because
4 that section was repealed by Section 85(6), Chapter
5 1248, Acts of the 71st Legislature, Regular Session,
6 1989. The revised law is drafted accordingly.

7 Revised Law

8 Sec. 8515.0507. BONDS EXEMPT FROM TAXATION. Bonds issued
9 under this chapter, the transfer of the bonds, and income from the
10 bonds, including profits made on the sale of the bonds, are exempt
11 from taxation in this state. (Acts 46th Leg., R.S., p. 1062, S.L.,
12 Ch. 5, Sec. 22 (part).)

13 Source Law

14 Sec. 22. . . . the bonds issued hereunder and
15 their transfer and the income therefrom, including the
16 profits made on the sale thereof; shall at all times be
17 free from taxation within this State.

18 Revisor's Note
19 (End of Subchapter)

20 (1) Section 10, Chapter 5, page 1062, Special
21 Laws, Acts of the 46th Legislature, Regular Session,
22 1939, provides that, before issuing any construction
23 bonds, the authority shall submit plans to the Texas
24 Water Commission for approval in accordance with
25 Section 139, Chapter 25, General Laws, Acts of the 39th
26 Legislature, Regular Session, 1925, as amended
27 (Article 7880-139, Vernon's Texas Civil Statutes), and
28 that the authority's project is subject to inspection
29 during construction as provided by that article.
30 Article 7880-139 was codified by Chapter 58, Acts of
31 the 62nd Legislature, Regular Session, 1971, as
32 Sections 51.421 and 51.422, Water Code. Chapter 715,
33 Acts of the 74th Legislature, Regular Session, 1995,
34 repealed Sections 51.421 and 51.422, Water Code, and
35 enacted Sections 49.181 and 49.182, Water Code, to
36 govern the authority of the Texas Commission on

1 Environmental Quality over the issuance of authority
2 bonds and supervision by the commission of projects
3 and improvements, respectively. The revised law
4 therefore omits Section 10 because Sections 49.181 and
5 49.182, Water Code, apply to the authority on their own
6 terms. The omitted law reads:

7 Sec. 10. Before issuing any
8 construction bonds, the District shall
9 submit plans and specifications therefor to
10 the Texas Water Commission for approval in
11 the manner required by Section 139, Chapter
12 25, General Laws, Acts of the 39th
13 Legislature, Regular Session, 1925, as
14 amended (Article 7880-139, Vernon's Texas
15 Civil Statutes); and District's project and
16 improvements during the course of
17 construction shall be subject to inspection
18 in the manner provided by Section 139,
19 Chapter 25, General Laws, Acts of the 39th
20 Legislature, Regular Session, 1925, as
21 amended (Article 7880-139, Vernon's Texas
22 Civil Statutes).

23 (2) Section 11, Chapter 5, page 1062, Special
24 Laws, Acts of the 46th Legislature, Regular Session,
25 1939, provides that after approval and registration
26 authority bonds are negotiable, legal, valid, and
27 binding obligations and incontestable for any reason.
28 The revised law omits the reference to the bonds being
29 negotiable because Section 1201.041, Government Code,
30 provides that a public security is a negotiable
31 instrument. The revised law omits the remainder of the
32 provision because it duplicates, in substance, Section
33 1202.006, Government Code, which provides that after
34 approval and registration, bonds are incontestable and
35 binding obligations. Section 1202.006, Government
36 Code, applies to authority bonds under Sections
37 1202.001 and 1202.003(c) of that code. The omitted law
38 reads:

39 Sec. 11. When any kind of bonds or
40 refunding bonds have been approved by the
41 Attorney General of Texas, registered by
42 the Comptroller of Public Accounts of the
43 State of Texas, and issued by the District,
44 such bonds or refunding bonds shall be

1 negotiable, legal, valid and binding
2 obligations of the District and shall be
3 incontestable for any cause.

4 (3) Section 23, Chapter 5, page 1062, Special
5 Laws, Acts of the 46th Legislature, Regular Session,
6 1939, lists the entities for which authority bonds are
7 legal investments and provides that authority bonds
8 may secure deposits of public funds of political
9 subdivisions of this state. The revised law omits the
10 provision relating to the eligibility of authority
11 bonds to be considered as investments for various
12 entities because it duplicates, in substance, Section
13 49.186(a), Water Code, which provides that bonds,
14 notes, and other authority obligations are legal and
15 authorized investments for certain investors. While
16 Section 23 lists "guardians" and Section 49.186(a),
17 Water Code, does not, Section 49.186(a) includes
18 "fiduciaries," and a guardian is a fiduciary. The
19 revised law omits the provision relating to securing
20 deposits of funds of political subdivisions because it
21 is impliedly repealed by Chapter 2257, Government Code
22 (enacted in 1989 as Article 2529d, Vernon's Texas Civil
23 Statutes), which governs eligible collateral for
24 deposits of funds of certain public agencies,
25 including political subdivisions, and permits those
26 deposits to be secured by obligations issued by
27 conservation and reclamation districts. The omitted
28 law reads:

29 Sec. 23. All bonds and refunding
30 bonds of the District shall be and are
31 hereby declared to be legal, eligible and
32 authorized investments for banks, savings
33 and loan associations, insurance companies,
34 fiduciaries, trustees, guardians, and for
35 the sinking funds of cities, towns,
36 villages, counties, school districts, or
37 other political corporations or
38 subdivisions of the State of Texas. Such
39 bonds and refunding bonds shall be eligible
40 to secure the deposit of any and all public
41 funds of cities, towns, villages, counties,
42 school districts, or other political

1 corporations or subdivisions of the State
2 of Texas; and such bonds shall be lawful and
3 sufficient security for said deposits to
4 the extent of their face value, when
5 accompanied by all unmatured coupons
6 appurtenant thereto.

7 Revisor's Note
8 (End of Chapter)

9 (1) Section 6, Chapter 5, page 1062, Special
10 Laws, Acts of the 46th Legislature, Regular Session,
11 1939, provides that it is not necessary for the board
12 of directors to hold an election to confirm the
13 authority's creation. The revised law omits that
14 provision as executed. The omitted law reads:

15 Sec. 6. It shall not be necessary for
16 the Board of Directors to call or hold a
17 confirmation election for the confirmation
18 of the District.

19 (2) Section 14, Chapter 5, page 1062, Special
20 Laws, Acts of the 46th Legislature, Regular Session,
21 1939, Section 2, Chapter 1059, Acts of the 68th
22 Legislature, Regular Session, 1983, Section 2, Chapter
23 830, Acts of the 75th Legislature, Regular Session,
24 1997, Section 3, Chapter 1544, Acts of the 76th
25 Legislature, Regular Session, 1999, and Section 8,
26 Chapter 180, Acts of the 88th Legislature, Regular
27 Session, 2023, contain legislative findings relating
28 to the performance of certain procedural requirements
29 for legislation affecting the authority under the
30 constitution and other laws and rules, including
31 proper legal notice and the filing of recommendations.
32 The revised law omits those provisions as executed.
33 The omitted law reads:

34 [Acts 46th Leg., R.S., Ch. 5]

35 Sec. 14. It is determined and found
36 that a proper and legal notice of the
37 intention to introduce this Act, setting
38 forth the general substance of this Act, has
39 been published at least thirty (30) days and
40 not more than ninety (90) days prior to the
41 introduction of this Act in the Legislature
42 of Texas, in a newspaper having general
43 circulation in Kerr County, Texas; that a
44 copy of such notice and a copy of this Act

1 have been delivered to the Governor of Texas
2 who has submitted such notice and Act to the
3 Texas Water Commission, and said Texas
4 Water Commission has filed its
5 recommendation as to such Act with the
6 Governor, Lieutenant Governor and Speaker
7 of the House of Representatives of Texas
8 within thirty (30) days from the date such
9 notice and Act were received by the Texas
10 Water Commission; and that all the
11 requirements and provisions of Article 16,
12 Section 59(d) of the Constitution of the
13 State of Texas have been fulfilled and
14 accomplished as therein provided.

15 [Acts 68th Leg., R.S., Ch. 1059]

16 Sec. 2. Proof of publication of the
17 constitutional notice required in the
18 enactment of this Act under the provisions
19 of Article XVI, Section 59(d), of the Texas
20 Constitution has been made in the manner
21 provided therein and a copy of the notice
22 and bill as originally introduced have been
23 delivered to the governor of the State of
24 Texas as required in such constitutional
25 provision, and that notice and delivery are
26 found and declared to be proper and
27 sufficient to satisfy those requirements.

28 [Acts 75th Leg., R.S., Ch. 830]

29 Sec. 2. Proof of publication of the
30 constitutional notice required in the
31 enactment of this Act under the provisions
32 of Section 59(d), Article XVI, Texas
33 Constitution, and the statutory notice
34 required by Chapter 313, Government Code,
35 have been made in the manner provided
36 therein and a copy of the notice and bill as
37 originally introduced have been delivered
38 to the governor of the State of Texas, as
39 required in such constitutional provision,
40 and to all other persons, agencies,
41 officials, or entities required to be
42 furnished by the constitution and other
43 laws of the state, and that notice and
44 delivery are found and declared to be proper
45 and sufficient to satisfy those
46 requirements. The Texas Natural Resource
47 Conservation Commission has filed its
48 recommendations relating to this Act with
49 the governor, lieutenant governor, and
50 speaker of the house of representatives
51 within the required time. All other
52 procedural requirements for the notice,
53 introduction, and passage of this Act have
54 been fulfilled and accomplished.

55 [Acts 76th Leg., R.S., Ch. 1544]

56 Sec. 3. (a) The proper and legal
57 notice of the intention to introduce this
58 Act, setting forth the general substance of
59 this Act, has been published as provided by
60 law, and the notice and a copy of this Act
61 have been furnished to all persons,
62 agencies, officials, or entities to which
63 they are required to be furnished by the
64 constitution and other laws of this state,
65 including the governor, who has submitted

1 the notice and Act to the Texas Natural
2 Resource Conservation Commission.

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

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

15 [Acts 88th Leg., R.S., Ch. 180]

16 Sec. 8. (a) The legal notice of the
17 intention to introduce this Act, setting
18 forth the general substance of this Act, has
19 been published as provided by law, and the
20 notice and a copy of this Act have been
21 furnished to all persons, agencies,
22 officials, or entities to which they are
23 required to be furnished under Section 59,
24 Article XVI, Texas Constitution, and
25 Chapter 313, Government Code.

26 (b) The governor, one of the required
27 recipients, has submitted the notice and
28 Act to the Texas Commission on
29 Environmental Quality.

30 (c) The Texas Commission on
31 Environmental Quality has filed its
32 recommendations relating to this Act with
33 the governor, the lieutenant governor, and
34 the speaker of the house of representatives
35 within the required time.

36 (d) All requirements of the
37 constitution and laws of this state and the
38 rules and procedures of the legislature
39 with respect to the notice, introduction,
40 and passage of this Act are fulfilled and
41 accomplished.

42 (3) Sections 1 and 2, Chapter 193, Acts of the
43 59th Legislature, Regular Session, 1965, validate
44 certain actions of the authority relating to the
45 ordering and canvassing of an election to authorize
46 the imposition of an ad valorem tax. The revised law
47 omits that provision because it served its purpose on
48 the day it took effect and is executed law. Section
49 311.031(a)(2), Government Code (Code Construction
50 Act), provides that the repeal of a statute does not
51 affect any validation previously made under the
52 statute. The omitted law reads:

53 Sec. 1. All acts performed and
54 resolutions adopted by the Upper Guadalupe
55 River Authority in ordering, calling,

1 holding, and canvassing an election for the
2 purpose of authorizing the levy of an ad
3 valorem tax of not more than five cents on
4 each One Hundred Dollar valuation of
5 property in Kerr County, are validated as if
6 the acts and resolutions had been legally
7 performed and adopted in the first
8 instance.

9 Sec. 2. The election ordered by the
10 Upper Guadalupe River Authority and held in
11 Kerr County on the 18th day of July, 1964,
12 for the purpose of authorizing the levy of
13 an ad valorem tax of not more than five
14 cents on each One Hundred Dollar valuation
15 of property in Kerr County, and which
16 election resulted in a favorable vote for
17 the authorization of the levy of the tax, is
18 validated as if the election had been
19 legally ordered and held in the first
20 instance.

21 (4) Section 2, Chapter 632, Acts of the 59th
22 Legislature, Regular Session, 1965, provides that the
23 act is severable. The revised law omits that provision
24 because the same result is produced by application of
25 Section 311.032, Government Code (Code Construction
26 Act), which provides that a provision of a statute is
27 severable from each other provision of the statute
28 that can be given effect. The omitted law reads:

29 Sec. 2. If any word, phrase, clause,
30 paragraph, sentence, part, portion, or
31 provision of this Act or the application
32 thereof to any person or circumstance shall
33 be held to be invalid or unconstitutional,
34 the remainder of the Act shall nevertheless
35 be valid, and the Legislature hereby
36 declares that this Act would have been
37 enacted without such invalid or
38 unconstitutional word, phrase, clause,
39 paragraph, sentence, part, portion, or
40 provision.

41 (5) Section 6, Article IV, Chapter 484, Acts of
42 the 68th Legislature, Regular Session, 1983, contains
43 a transition procedure regarding the terms of certain
44 directors. The revised law omits that provision as
45 executed. The omitted law reads:

46 Sec. 6. (a) A person appointed to
47 the board of directors of the Upper
48 Guadalupe River Authority who held office
49 immediately preceding the effective date of
50 this Act and who was eligible to be a member
51 of the board under the law as it existed at
52 the time of his appointment is entitled to
53 serve the remainder of the term for which he

1 was appointed.

2 (b) The term of office succeeding a
3 board member's term that expires on November
4 1, 1984, expires on February 1, 1991. The
5 term of office succeeding a board member's
6 term that expires on November 1, 1986,
7 expires on February 1, 1993. The term of
8 office succeeding a board member's term that
9 expires on November 1, 1988, expires on
10 February 1, 1995.

11 (6) Section 2, Chapter 1544, Acts of the 76th
12 Legislature, Regular Session, 1999, provides that it
13 is the intent of the legislature to provide a mechanism
14 for the authority to use revenue from sources other
15 than ad valorem taxes to finance certain water and
16 wastewater services in Kerr County. The revised law
17 omits that provision as unnecessary because it is
18 implied that a statute expresses the intent of the
19 legislature. The omitted law reads:

20 Sec. 2. (a) It is the intent of the
21 legislature to provide a mechanism for the
22 Upper Guadalupe River Authority to use
23 revenues from the provision of wholesale
24 water and wastewater services instead of ad
25 valorem taxation in Kerr County to finance
26 the construction and simultaneous operation
27 of regional wholesale water and wastewater
28 services in Kerr County. The mechanism
29 allows the anticipated growth in Kerr
30 County to pay for itself and ensures the
31 continued prudent fiscal management of the
32 Upper Guadalupe River Authority.

33 (b) The legislature anticipates that
34 this Act will:

35 (1) produce a revenue stream
36 for the Upper Guadalupe River Authority
37 sufficient to finance other operations of
38 the authority, including water quality
39 monitoring programs, maintenance of the
40 county's on-site sewage facility, flood
41 programs, and programs of the Headwaters
42 Underground Water Conservation District
43 that are administratively supported by the
44 authority; and

45 (2) allow the Upper Guadalupe
46 River Authority to terminate the assessment
47 and collection of ad valorem taxes in Kerr
48 County on and after December 31, 2009,
49 without sacrificing any of the authority's
50 essential water quality programs or
51 services in Kerr County.

52 (7) Section 6, Chapter 180, Acts of the 88th
53 Legislature, Regular Session, 2023, provides for the
54 terms of the directors serving on the effective date of

1 that Act. The revised law omits that provision as
2 executed. The omitted law reads:

3 Sec. 6. At the first meeting of the
4 board of the Upper Guadalupe River
5 Authority that follows the effective date
6 of this Act, the six directors of the Upper
7 Guadalupe River Authority whose terms do
8 not expire on February 1, 2025, shall draw
9 lots to determine which director will serve
10 a term that expires on February 1, 2025, and
11 which five directors will serve terms that
12 expire on February 1, 2027. The three
13 directors with terms expiring on February
14 1, 2025, will serve terms that expire on
15 that date.

16 (8) Section 7, Chapter 180, Acts of the 88th
17 Legislature, Regular Session, 2023, contains a
18 transition provision authorizing a person to perform
19 certain acts as a director notwithstanding Section 9B,
20 Chapter 5, page 1062, Special Laws, Acts of the 46th
21 Legislature, Regular Session, 1939, as added by
22 Chapter 180 and revised as Section 8515.0211 of this
23 chapter. The revised law omits that provision as
24 executed. The omitted law reads:

25 Sec. 7. Notwithstanding Section 9B,
26 Chapter 5, page 1062, Special Laws, Acts of
27 the 46th Legislature, Regular Session,
28 1939, as added by this Act, a person serving
29 on the board of directors of the Upper
30 Guadalupe River Authority may vote,
31 deliberate, and be counted as a director in
32 attendance at a meeting of the board until
33 December 1, 2023.