

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Special District Local
Laws Code
Chapter 5008
8/01/24

1 CHAPTER 5008. WILLACY COUNTY NAVIGATION DISTRICT

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Sec. 5008.0101. DEFINITIONS 2

4 Sec. 5008.0102. FINDINGS OF PURPOSE 2

5 SUBCHAPTER B. DISTRICT ADMINISTRATION

6 Sec. 5008.0201. BOARD OF COMMISSIONERS; TERM 3

7 Sec. 5008.0202. ELECTION OF COMMISSIONERS 3

8 Sec. 5008.0203. PRESIDING OFFICER 4

9 Sec. 5008.0204. GENERAL MANAGER OR PORT DIRECTOR 4

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 5008.0301. AUTHORITY TO ACQUIRE AND LEASE LAND;

12 EMINENT DOMAIN 6

13 Sec. 5008.0302. AUTHORITY TO SELL LAND 10

14 Sec. 5008.0303. AUTHORITY TO LEASE OR GRANT EASEMENTS

15 FOR CERTAIN PURPOSES 10

16 Sec. 5008.0304. CONVEYANCE AND ACQUISITION OF CERTAIN

17 PROPERTY 11

18 Sec. 5008.0305. ENTRY ON PROPERTY 13

19 Sec. 5008.0306. POWERS REGARDING PUBLIC AIRPORTS 14

20 Sec. 5008.0307. LAW ENFORCEMENT AND SECURITY SERVICES 15

21 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

22 Sec. 5008.0401. AD VALOREM TAX FOR MAINTENANCE AND

23 OPERATIONS 16

24 SUBCHAPTER E. BONDS

25 Sec. 5008.0501. APPLICABILITY OF SUBCHAPTER 18

26 Sec. 5008.0502. NOTICE OF ELECTION 19

1 Sec. 5008.0503. FORM OF BONDS 19
2 Sec. 5008.0504. TAXES FOR BONDS 20

3 CHAPTER 5008. WILLACY COUNTY NAVIGATION DISTRICT

4 SUBCHAPTER A. GENERAL PROVISIONS

5 Revised Law

6 Sec. 5008.0101. DEFINITIONS. In this chapter:

7 (1) "Board" means the district's board of navigation
8 and canal commissioners.

9 (2) "Commissioner" means a board member.

10 (3) "District" means the Willacy County Navigation
11 District. (Acts 53rd Leg., R.S., Ch. 404, Sec. 1A.)

12 Source Law

13 Sec. 1A. In this Act:

14 (1) "Board" means the board of navigation
15 and canal commissioners of the district.

16 (2) "Commissioner" means a member of the
17 board.

18 (3) "District" means the Willacy County
19 Navigation District.

20 Revised Law

21 Sec. 5008.0102. FINDINGS OF PURPOSE. The creation of the
22 district is essential to accomplish the purposes of Section 59,
23 Article XVI, Texas Constitution. (Acts 53rd Leg., R.S., Ch. 404,
24 Sec. 8 (part).)

25 Source Law

26 Sec. 8. . . . the Legislature hereby declares
27 that the creation of said District is essential to the
28 accomplishment of the purposes set forth in Article
29 XVI, Section 59 of the Constitution of Texas, and
30

31 Revisor's Note

32 Section 8, Chapter 404, Acts of the 53rd
33 Legislature, Regular Session, 1953, provides that "the
34 Legislature hereby declares" the creation of the
35 district is essential to accomplish the purposes of
36 Section 59, Article XVI, Texas Constitution. The
37 revised law omits the quoted language as executed.

38 SUBCHAPTER B. DISTRICT ADMINISTRATION

1 Revised Law

2 Sec. 5008.0201. BOARD OF COMMISSIONERS; TERM. (a) The
3 board consists of five elected commissioners.

4 (b) Commissioners serve staggered four-year terms. (Acts
5 53rd Leg., R.S., Ch. 404, Secs. 1B(c) (part), (d).)

6 Source Law

7 (c) The board consists of five commissioners.
8 [One commissioner is] elected [from each single-member
9 district, and one commissioner is] elected [from the
10 district at large.]

11 (d) Commissioners serve staggered four-year
12 terms.

13 Revised Law

14 Sec. 5008.0202. ELECTION OF COMMISSIONERS. (a) The
15 district is divided into four numbered single-member districts for
16 electing commissioners.

17 (b) The board may revise the single-member districts as
18 necessary or appropriate.

19 (c) One commissioner is elected from each single-member
20 district, and one commissioner is elected from the district at
21 large.

22 (d) The board shall hold an election on the uniform election
23 date in November of each even-numbered year to elect the
24 appropriate number of commissioners. (Acts 53rd Leg., R.S., Ch.
25 404, Secs. 1B(a), (b), (c) (part), 1C.)

26 Source Law

27 Sec. 1B. (a) The board shall divide the
28 territory of the district into four numbered
29 single-member districts for electing commissioners.

30 (b) The board may revise the single-member
31 districts as necessary or appropriate.

32 (c) . . . One commissioner is elected from each
33 single-member district, and one commissioner is
34 elected from the district at large.

35 Sec. 1C. The board shall hold an election to
36 elect the appropriate number of commissioners on the
37 uniform election date in November of each
38 even-numbered year.

39 Revisor's Note

40 Section 1B(a), Chapter 404, Acts of the 53rd
41 Legislature, Regular Session, 1953, provides that the

1 board "shall divide" the district into four numbered
2 single-member districts for electing commissioners.
3 The revised law substitutes "is divided into" for the
4 quoted language because the requirement that the board
5 divide the district into numbered districts is
6 executed.

7 Revised Law

8 Sec. 5008.0203. PRESIDING OFFICER. The commissioner
9 elected from the district at large serves as the board's presiding
10 officer. (Acts 53rd Leg., R.S., Ch. 404, Sec. 1B(e).)

11 Source Law

12 (e) The commissioner elected from the district
13 at large serves as the presiding officer of the board.

14 Revised Law

15 Sec. 5008.0204. GENERAL MANAGER OR PORT DIRECTOR. (a) The
16 board may:

17 (1) employ a general manager or port director; and

18 (2) give the manager or director full administrative
19 authority to manage and operate the district's affairs, subject
20 only to the board's supervision.

21 (b) The board shall set the term of office and compensation
22 of the general manager or port director. (Acts 53rd Leg., R.S., Ch.
23 404, Sec. 6.)

24 Source Law

25 Sec. 6. The Navigation and Canal Commissioners
26 of such District may employ a general manager or port
27 director and give him full administrative authority in
28 the management and operation of the affairs of the
29 District, subject only to the supervision of the Board
30 of Navigation and Canal Commissioners. The term of
31 office and compensation to be paid to such manager or
32 director shall be fixed by the Board.

33 Revisor's Note

34 Section 6, Chapter 404, Acts of the 53rd
35 Legislature, Regular Session, 1953, provides that the
36 term of office and compensation of the general manager
37 or port director shall be "fixed" by the board. The
38 revised law substitutes "set" for "fix" because, in

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

3 Revisor's Note
4 (End of Subchapter)

5 Section 2, Chapter 892, Acts of the 81st
6 Legislature, Regular Session, 2009, contains
7 transition provisions relating to the division of the
8 district into four numbered single-member districts,
9 the terms of office of the commissioners serving on the
10 day before the effective date of Chapter 892, the
11 election of successor commissioners after the
12 effective date of Chapter 892, and the terms of office
13 of the commissioners elected at those elections. The
14 revised law omits those provisions as executed because
15 the district has been divided into numbered districts,
16 the terms of office of the commissioners serving on the
17 day before the effective date of Chapter 892 have
18 expired, the specified elections of successor
19 commissioners have been held, and the terms of office
20 of the commissioners elected at those elections have
21 expired. The omitted law reads:

22 Sec. 2. (a) In this section,
23 "board," "commissioner," and "district"
24 have the meanings assigned by Section 1A,
25 Chapter 404, Acts of the 53rd Legislature,
26 Regular Session, 1953, as added by this Act.

27 (b) Not later than June 1, 2010, the
28 board shall divide the territory of the
29 district into four numbered single-member
30 districts as required by Section 1B,
31 Chapter 404, Acts of the 53rd Legislature,
32 Regular Session, 1953, as added by this Act.

33 (c) A commissioner of the district
34 who is serving on the day before the
35 effective date of this Act shall serve until
36 a successor qualifies following an election
37 under Subsection (d) of this section.

38 (d) On the uniform election date in
39 November 2010, the board shall hold an
40 election to elect one at-large commissioner
41 and four commissioners from single-member
42 districts.

43 (e) The five commissioners elected
44 under Subsection (d) of this section shall
45 draw lots to determine which two
46 commissioners shall serve a term expiring
47 December 1, 2012, and which three

1 commissioners shall serve a term expiring
2 December 1, 2014.

3 (f) On the uniform election date in
4 November 2012, the board shall hold an
5 election to elect two commissioners to
6 terms of four years.

7 (g) On the uniform election date in
8 2014, the board shall hold an election to
9 elect three commissioners to terms of four
10 years.

11 SUBCHAPTER C. POWERS AND DUTIES

12 Revised Law

13 Sec. 5008.0301. AUTHORITY TO ACQUIRE AND LEASE LAND;
14 EMINENT DOMAIN. (a) The district may own land adjacent or
15 accessible to the navigable water in the district, whether acquired
16 by gift, purchase, or exercise of the power of eminent domain.

17 (b) The district may:

18 (1) lease all or any part of land the district owns for
19 any term the board considers prudent or advisable to:

20 (A) an individual;

21 (B) a corporation; or

22 (C) a government or governmental agency,
23 including this state or the United States; and

24 (2) charge a reasonable toll, fee, rent, or other
25 charge for the lease.

26 (c) This section does not prevent the district from granting
27 a revocable license or permit for the use of a limited portion of a
28 waterfront facility or land the district owns for a purpose
29 consistent with the development of the district's property.

30 (d) The district's authority under this section to exercise
31 the power of eminent domain expired on September 1, 2013, unless the
32 district submitted a letter to the comptroller in accordance with
33 Section 2206.101(b), Government Code, not later than December 31,
34 2012. (Acts 53rd Leg., R.S., Ch. 404, Sec. 1 (part); Acts 55th
35 Leg., R.S., Ch. 141, Sec. 1 (part); New.)

36 Source Law

37 [Acts 53rd Leg., R.S., Ch. 404]

38 Sec. 1. Willacy County Navigation District,
39 . . . shall have the right, power and authority to own
40 lands adjacent or accessible to the navigable waters
41 within the District, whether acquired by gift,

1 purchase, or condemnation, and may lease same to any
2 individual, corporation, or municipal body, public or
3 private, any government or governmental agency,
4 including the State of Texas, or the United States of
5 America, . . . charge therefor reasonable tolls, fees,
6 rents or other charges. Nothing herein shall be
7 construed as preventing said navigation districts from
8 granting revocable licenses or permits for the use of
9 limited portion of water front facilities or lands
10 owned by the District for the purposes consistent with
11 the development of the navigation district properties.

12 [Acts 55th Leg., R.S., Ch. 141]

13 Sec. 1. The Willacy County Navigation District,
14 . . . shall have the power and authority to lease all
15 or any part of lands owned by it to any individual,
16 corporation, or municipal body, private or public, any
17 government or governmental agency, including the State
18 of Texas, or the United States of America, for such
19 term as may be deemed prudent or advisable by the Board
20 of Navigation and Canal Commissioners of said
21 District, and charge reasonable rents therefor.

22 Revisor's Note

23 (1) Section 1, Chapter 404, Acts of the 53rd
24 Legislature, Regular Session, 1953, and Section 1,
25 Chapter 141, Acts of the 55th Legislature, Regular
26 Session, 1957, each provide that the district was
27 "heretofore created by order of the Commissioners
28 Court of Willacy County" under authority granted by
29 general law. The revised law omits the provisions as
30 executed. The omitted law reads:

31 [Acts 53rd Leg., R.S., Ch. 404]

32 Sec. 1. [Willacy County Navigation
33 District,] heretofore created by order of
34 the Commissioners Court of Willacy County
35 under authority of Article 8263h, Vernon's
36 Texas Civil Statutes,

37 [Acts 55th Leg., R.S., Ch. 141]

38 Sec. 1. [The Willacy County
39 Navigation District,] heretofore created by
40 order of the Commissioners Court of Willacy
41 County on February 17, 1948, which order
42 appears of record in Book 5, page 277 et
43 seq., of the minutes of said court, under
44 the authority of Article 8263h, Vernon's
45 Texas Civil Statutes, and

46 (2) Section 1, Chapter 404, Acts of the 53rd
47 Legislature, Regular Session, 1953, provides that the
48 district may own land acquired "by . . .
49 condemnation." The revised law substitutes "by . . .
50 exercise of the power of eminent domain" for the quoted

1 language because the phrases have the same meaning and
2 the latter phrase is consistent with modern usage in
3 laws relating to eminent domain.

4 (3) Section 1, Chapter 404, Acts of the 53rd
5 Legislature, Regular Session, 1953, provided the
6 district eminent domain authority. Section 2206.101,
7 Government Code, required an entity with eminent
8 domain authority to submit a letter with certain
9 information to the comptroller not later than December
10 31, 2012, to prevent the entity's eminent domain
11 authority from expiring on September 1, 2013. To avoid
12 the appearance that this revision recognizes authority
13 that the district may not possess at the time of the
14 revision, the revised law includes a provision setting
15 out the requirements of Section 2206.101, Government
16 Code.

17 (4) Section 1, Chapter 404, Acts of the 53rd
18 Legislature, Regular Session, 1953, provides that the
19 district may lease land the district owns "to any
20 individual, corporation, or municipal body, public or
21 private, any government or governmental agency,
22 including the State of Texas, or the United States of
23 America." Similarly, Section 1, Chapter 141, Acts of
24 the 55th Legislature, Regular Session, 1957, provides
25 that the district may lease land the district owns "to
26 any individual, corporation, or municipal body,
27 private or public, any government or governmental
28 agency, including the State of Texas, or the United
29 States of America." The revised law omits "municipal
30 body" as included in the meaning of "government or
31 governmental agency." The revised law omits "public
32 or private" and "private or public" as unnecessary
33 because "corporation" is the only term that those
34 phrases can reasonably be read to modify and the term

1 "corporation" includes both publicly held and
2 privately held corporations. In addition, to the
3 extent the reference to a "public" corporation is
4 intended to describe a county, municipality, or
5 special purpose district, the term "government or
6 governmental agency" includes such a public
7 corporation.

8 (5) Section 1, Chapter 404, Acts of the 53rd
9 Legislature, Regular Session, 1953, provides that the
10 district may lease land the district owns for a period
11 not to exceed 30 years. The revised law omits that
12 provision because it was repealed by Section 3,
13 Chapter 141, Acts of the 55th Legislature, Regular
14 Session, 1957, which repealed all "laws or parts of
15 laws that conflict with" Chapter 141. Section 1 of
16 Chapter 141 provides that the district may lease land
17 it owns for any term the board considers prudent or
18 advisable. The omitted law reads:

19 Sec. 1. [Willacy County Navigation
20 District . . . shall have the right, power
21 and authority to own lands . . . and may
22 lease same] . . . said leases, contracts,
23 or franchises to not exceed a period of
24 thirty (30) years, and

25 (6) Section 1, Chapter 141, Acts of the 55th
26 Legislature, Regular Session, 1957, provides that the
27 district was granted additional powers by Chapter 404,
28 Acts of the 53rd Legislature, Regular Session, 1953.
29 The provisions of Chapter 404 granting additional
30 powers to the district are revised in this chapter.
31 The revised law omits the reference to those
32 provisions as unnecessary because they apply to the
33 district on their own terms. The omitted law reads:

34 Sec. 1. [The Willacy County
35 Navigation District,] . . . granted
36 additional powers by Chapter 404, Acts
37 1953, 53rd Legislature,

1 Revised Law

2 Sec. 5008.0302. AUTHORITY TO SELL LAND. The district may
3 sell any part of land the district owns to any government or
4 governmental agency, including this state or the United States, for
5 any amount of money the board considers prudent and advisable if the
6 board considers the sale necessary and advisable for the proper
7 development of the port. (Acts 55th Leg., R.S., Ch. 141, Sec. 2.)

8 Source Law

9 Sec. 2. The said District, as owner of said
10 land, shall have the power and authority to sell to any
11 government or governmental agency, including the State
12 of Texas, or the United States of America, any portion
13 of its lands, for such sum of money as is deemed
14 prudent and advisable by the Board of Navigation and
15 Canal Commissioners of said District, provided the
16 said Board of Navigation and Canal Commissioners deem
17 such sale necessary and advisable for the proper
18 development of the port.

19 Revisor's Note

20 Section 2, Chapter 141, Acts of the 55th
21 Legislature, Regular Session, 1957, provides that the
22 district "shall have the power and authority" to sell
23 land the district owns. Throughout this chapter, the
24 revised law substitutes "may" for the quoted and
25 similar language because, in context, the language has
26 the same meaning and "may" is more commonly used.

27 Revised Law

28 Sec. 5008.0303. AUTHORITY TO LEASE OR GRANT EASEMENTS FOR
29 CERTAIN PURPOSES. The district may, for causeway, road, or public
30 utility purposes, lease, or grant an easement over or along, any
31 real property the district owns or holds in fee simple or by patent,
32 easement, or otherwise to:

33 (1) an individual;

34 (2) a corporation; or

35 (3) a government or governmental entity, including
36 this state or the United States. (Acts 55th Leg., R.S., Ch. 141,
37 Sec. 1a.)

1 described by Subsection (a). (Acts 53rd Leg., R.S., Ch. 404, Sec.
2 2.)

3 Source Law

4 Sec. 2. Said District as the owner of any
5 property, land or interest in land desired by the
6 United States of America to enable any Department or
7 establishment thereof to carry out the provisions of
8 any Act of Congress in aid of navigation, flood control
9 or improvement of water courses in aid of navigation,
10 is hereby authorized and empowered, upon request by
11 the United States through its proper officers for
12 conveyance of title or easement to any part of such
13 property, land, or interest in land, which may be
14 necessary for the construction, operation and
15 maintenance of such works, to convey the same with or
16 without monetary consideration therefor to the United
17 States of America, and such Navigation District is
18 hereby specifically authorized to acquire such
19 necessary lands and right of ways in order to carry out
20 provisions or meet the conditions of such Act of
21 Congress.

22 Revisor's Note

23 (1) Section 2, Chapter 404, Acts of the 53rd
24 Legislature, Regular Session, 1953, refers to
25 "property, land or interest in land." The revised law
26 substitutes "property, including land or an interest
27 in land," for the quoted language because under
28 Section 311.005(4), Government Code (Code
29 Construction Act), the definition of "property"
30 includes real property, and "land" and "an interest in
31 land" are included in the meaning of real property.

32 (2) Section 2, Chapter 404, Acts of the 53rd
33 Legislature, Regular Session, 1953, authorizes the
34 district, on request by the United States "through its
35 proper officers," to convey to the United States title
36 or an easement to certain district property. The
37 revised law omits the quoted language as unnecessary
38 because the acquisition by the United States of title
39 or an easement to district property presupposes that
40 the acquisition will be conducted by the proper
41 federal officials.

1 Revised Law

2 Sec. 5008.0305. ENTRY ON PROPERTY. District commissioners,
3 engineers, and employees may enter any land in the district to
4 attend to any district business, including to examine the land and
5 to make plans, surveys, maps, and profiles for improvements
6 contemplated by the district. (Acts 53rd Leg., R.S., Ch. 404, Sec.
7 3.)

8 Source Law

9 Sec. 3. The Navigation and Canal Commissioners
10 of said District, and the engineers and employees of
11 said District, from the time of their appointment, are
12 hereby authorized to go upon any lands lying within
13 said District for the purpose of examining the same,
14 making plans, surveys, maps and profiles, for
15 improvements contemplated by the District and to
16 attend to any business of the District.

17 Revisor's Note

18 (1) Section 3, Chapter 404, Acts of the 53rd
19 Legislature, Regular Session, 1953, provides that
20 district engineers and employees may enter land in the
21 district "from the time of their appointment." The
22 revised law omits the quoted language as unnecessary
23 because a person is not a district engineer or employee
24 until the person is appointed as such, and therefore
25 the phrase does not add to the clear meaning of the
26 law.

27 (2) Section 3, Chapter 404, Acts of the 53rd
28 Legislature, Regular Session, 1953, lists various
29 purposes for which district commissioners, engineers,
30 and employees may enter land in the district, and
31 further states that entry upon the land may be made "to
32 attend to any business of the [d]istrict." The revised
33 law adds "including" before the list of various
34 purposes for which land in the district may be entered
35 and places that list after the authorization to enter
36 the land "to attend to any district business" because
37 each item in the list is a subset of "any district

1 business."

2 Revised Law

3 Sec. 5008.0306. POWERS REGARDING PUBLIC AIRPORTS. (a) The
4 district, in carrying out the district's powers and functions under
5 the constitution and statutes of this state, may:

6 (1) plan, acquire, own, control, protect, develop,
7 maintain, and operate, or arrange by lease or contract for the
8 operation of, a public airport; and

9 (2) exercise for a purpose described by Subdivision
10 (1) any powers granted to the district for other port purposes.

11 (b) The district may:

12 (1) enter into grant agreements with the United States
13 to obtain federal grant-in-aid money for public airport purposes;
14 and

15 (2) accept, receive, disburse, and spend the money for
16 the purposes, and in accordance with the time and conditions,
17 provided by the applicable grant agreements. (Acts 56th Leg.,
18 R.S., Ch. 392, Secs. 1, 2.)

19 Source Law

20 Sec. 1. In carrying out its powers and functions
21 under the Constitution and other Statutes of the State
22 of Texas, the Willacy County Navigation District shall
23 have authority to plan, acquire, own, control,
24 protect, develop, maintain, and operate, or arrange by
25 lease or contract for the operation of, public
26 airports and may exercise for such purposes any of the
27 powers heretofore or hereafter granted it for other
28 port purposes.

29 Sec. 2. The Willacy County Navigation District
30 is hereby authorized to enter into grant agreements
31 with the United States for the purpose of obtaining
32 Federal grant-in-aid funds for public airport purposes
33 and shall have the power to accept, receive, disburse,
34 and expend such funds for such purposes, and upon such
35 time and conditions, as may be provided in the grant
36 agreements applicable thereto.

37 Revisor's Note

38 (1) Section 1, Chapter 392, Acts of the 56th
39 Legislature, Regular Session, 1959, refers to powers
40 "heretofore or hereafter" granted to the district.
41 The revised law omits the quoted language as
42 unnecessary because it is not a limitation and

1 encompasses any possible period. The revised law
2 plainly refers to powers regardless of the time the
3 powers were granted.

4 (2) Section 2, Chapter 392, Acts of the 56th
5 Legislature, Regular Session, 1959, authorizes the
6 district to enter into agreements to obtain certain
7 federal "funds." The revised law substitutes "money"
8 for "funds" because, in context, the terms have the
9 same meaning and "money" is more commonly used.

10 Revised Law

11 Sec. 5008.0307. LAW ENFORCEMENT AND SECURITY SERVICES. The
12 board may:

13 (1) employ and set the compensation of security
14 personnel to protect the district's property; or

15 (2) pay all or a part of the compensation of a deputy
16 sheriff of Willacy County or a deputy constable of any precinct in
17 which the district owns navigation facilities for special services
18 provided to the district in policing the district's property and
19 enforcing state laws in the district's territory. (Acts 53rd Leg.,
20 R.S., Ch. 404, Sec. 7.)

21 Source Law

22 Sec. 7. The Board of Navigation and Canal
23 Commissioners shall be authorized to employ, and fix
24 the compensation of, watchmen to protect the property
25 of the District. Said Board, in the alternative, may
26 pay all or a part of the compensation of a deputy
27 sheriff of Willacy County or a deputy constable of any
28 precinct in which the District owns navigation
29 facilities, for special services rendered the District
30 in policing its properties and enforcing State laws
31 within the District.

32 Revisor's Note

33 (1) Section 7, Chapter 404, Acts of the 53rd
34 Legislature, Regular Session, 1953, provides that the
35 board has the authority to "fix" the compensation of
36 "watchmen." The revised law substitutes "set" for
37 "fix" for the reason stated in the revisor's note to
38 Section 5008.0204.

1 (2) Section 7, Chapter 404, Acts of the 53rd
2 Legislature, Regular Session, 1953, provides that the
3 board has the authority to employ "watchmen." The
4 revised law substitutes "security personnel" for
5 "watchmen" because, in context, the terms have the
6 same meaning and the former is more commonly used and
7 is gender neutral.

8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

9 Revised Law

10 Sec. 5008.0401. AD VALOREM TAX FOR MAINTENANCE AND
11 OPERATIONS. (a) The board may impose an ad valorem tax at a rate
12 not to exceed 20 cents on each \$100 valuation of taxable property in
13 the district for the maintenance and operation of the district and
14 the district's properties.

15 (b) The tax at its authorized rate must be imposed in the
16 manner prescribed for bond taxes under Subchapter E, subject to the
17 limit prescribed by Subsection (a). (Acts 53rd Leg., R.S., Ch. 404,
18 Sec. 5 (part).)

19 Source Law

20 Sec. 5. . . . said Board shall be authorized to
21 levy and cause to be collected a tax at a rate not
22 exceeding twenty cents (20¢) on each One Hundred
23 Dollar (\$100) valuation of taxable property within
24 said District for the further maintenance and
25 operation of the District and its properties. . . .
26 the authorized rate of tax, within the maximum herein
27 prescribed, shall be levied, certified and collected
28 in the same manner prescribed for bond taxes in the
29 next preceding Section.

30 Revisor's Note

31 (1) Section 5, Chapter 404, Acts of the 53rd
32 Legislature, Regular Session, 1953, provides that the
33 board may "levy and cause to be collected" an ad
34 valorem tax on taxable property in the district and
35 provides that the ad valorem tax shall be "levied,
36 certified and collected" in the same manner prescribed
37 for bond taxes. Throughout this chapter, the revised
38 law substitutes "impose" for "levy," "certify,"

1 "collect," and similar terms because "impose" is the
2 term generally used in Title 1, Tax Code, and includes
3 the levying, certification, and collection of a tax.

4 (2) Section 5, Chapter 404, Acts of the 53rd
5 Legislature, Regular Session, 1953, authorizes the
6 board to impose a tax based on the value of the taxable
7 property in the district. The revised law specifies
8 that the tax is an "ad valorem" tax because it is clear
9 from the source law that the tax is a property tax and
10 "ad valorem" tax is the term most commonly used in
11 Texas law to refer to a tax on property.

12 (3) Section 5, Chapter 404, Acts of the 53rd
13 Legislature, Regular Session, 1953, provides that the
14 district may impose a tax for the "further"
15 maintenance and operation of the district. The
16 revised law omits the quoted term because it is
17 unnecessary and does not add to the clear meaning of
18 the law. To the extent the term is intended to refer to
19 a maintenance and operations tax the district is
20 authorized to impose that is in addition to another
21 such tax the district is authorized to impose
22 elsewhere in Chapter 404, the term is unnecessary
23 because no other provision of Chapter 404 authorizes
24 the district to impose a maintenance and operations
25 tax. To the extent the term is intended to imply that
26 the revenue from a maintenance and operations tax the
27 district is authorized to impose under Chapter 404 may
28 be combined with other district revenue and used to
29 maintain and operate the district, the term does not
30 add to the clear meaning of the law because the revenue
31 from the maintenance and operations tax is necessarily
32 cumulative of revenue the district receives from any
33 other source that may be used for that purpose.

1 Revisor's Note
2 (End of Subchapter)

3 Section 5, Chapter 404, Acts of the 53rd
4 Legislature, Regular Session, 1953, provides that the
5 board may call an election to authorize the imposition
6 of a maintenance and operations tax. Because an
7 election to authorize the imposition of a maintenance
8 and operations tax was held and a majority of the
9 voters approved the imposition of the tax, the revised
10 law omits that provision as executed. The omitted law
11 reads:

12 Sec. 5. The Board of Navigation and
13 Canal Commissioners shall be authorized to
14 call an election for the purpose of
15 submitting to the qualified electors of
16 said District who own taxable property
17 within said District and who have duly
18 rendered the same for taxation the
19 proposition of whether or not [said Board
20 shall be authorized to levy and cause to be
21 collected a tax at a rate not exceeding
22 twenty cents (20¢) on each One Hundred
23 Dollar (\$100) valuation of taxable property
24 within said District for the further
25 maintenance and operation of the District
26 and its properties.] Said election shall be
27 called, notice thereof given and the
28 results declared by the Board of
29 Commissioners in the manner prescribed in
30 the next preceding Section hereof for bond
31 elections, and

32 SUBCHAPTER E. BONDS

33 Revised Law

34 Sec. 5008.0501. APPLICABILITY OF SUBCHAPTER. This
35 subchapter applies only to bonds payable from both ad valorem taxes
36 and district revenue. (New.)

37 Revisor's Note

38 The revised law adds an applicability provision
39 for the convenience of the reader and to avoid
40 frequent, unnecessary repetition of the statement that
41 provisions of law revised as this subchapter apply
42 only to a particular class of district bonds. Section
43 4, Chapter 404, Acts of the 53rd Legislature, Regular
44 Session, 1953, revised in relevant part as this

1 subchapter, applies only to bonds payable from both ad
2 valorem taxes and district revenue.

3 Revised Law

4 Sec. 5008.0502. NOTICE OF ELECTION. (a) Instead of any
5 other notice required by law, notice of an election to issue bonds
6 must be published once a week for two consecutive weeks in a
7 newspaper of general circulation in the district and must state:

8 (1) the date of the election;

9 (2) the place at which the election will be held; and

10 (3) the proposition to be voted on at the election.

11 (b) The first publication under Subsection (a) must be at
12 least 14 days before the date of the election. (Acts 53rd Leg.,
13 R.S., Ch. 404, Sec. 4 (part).)

14 Source Law

15 Sec. 4. . . . [no bonds payable from ad valorem
16 taxes as well as revenues from District operations
17 shall be issued until the same have been authorized at
18 an election] . . . In lieu of all other notices
19 required by law, notice of such bond election stating
20 the date, place or places where said election will be
21 held, and the proposition to be voted upon, shall be
22 published once a week for two (2) consecutive weeks in
23 a newspaper of general circulation within said
24 District, the first of said publications to be not less
25 than fourteen (14) days prior to the date of said
26 election. . . .

27 Revised Law

28 Sec. 5008.0503. FORM OF BONDS. Bonds authorized at an
29 election must be:

30 (1) issued by board order; and

31 (2) signed by the board's presiding officer and
32 secretary. (Acts 53rd Leg., R.S., Ch. 404, Sec. 4 (part).)

33 Source Law

34 Sec. 4. . . . After being authorized at said
35 election, said bonds shall be issued by order of the
36 Board of Navigation and Canal Commissioners, shall be
37 signed by the Chairman and Secretary of said Board, and
38

39 Revisor's Note

40 (1) Section 4, Chapter 404, Acts of the 53rd
41 Legislature, Regular Session, 1953, provides that

1 bonds issued under that section must be signed by the
2 "Chairman" of the district's board. The revised law
3 substitutes "presiding officer" for "Chairman" for
4 consistency with Section 1B(e) of Chapter 404, revised
5 as Section 5008.0203 of this chapter, which refers to
6 the "presiding officer" of the district's board.

7 (2) Section 4, Chapter 404, Acts of the 53rd
8 Legislature, Regular Session, 1953, provides that
9 bonds issued under that section must bear the
10 district's seal. The revised law omits that provision
11 as impliedly repealed by Section 3, Bond Procedures
12 Act of 1981 (Article 717k-6, Vernon's Texas Civil
13 Statutes) (revised in relevant part in 1999 as Section
14 1201.026(a), Government Code), which provides that
15 bonds may be signed with or without a seal. Chapter
16 1201, Government Code, applies to district bonds under
17 Sections 1201.002 and 1201.003 of that code. The
18 omitted law reads:

19 Sec. 4. . . . [After being
20 authorized at said election, said bonds
21 shall be issued . . . and] the seal of said
22 District shall be impressed upon each of
23 said bonds. . . .

24 Revised Law

25 Sec. 5008.0504. TAXES FOR BONDS. (a) If bonds are issued,
26 the board shall impose an ad valorem tax on all taxable property in
27 the district in each year during which the bonds are outstanding and
28 unpaid.

29 (b) The board shall impose the tax at the rate necessary to
30 generate an amount of revenue which, together with the net revenue
31 in the interest and sinking fund for the bonds at that time, is
32 sufficient to pay the principal of and interest on the bonds that
33 will be due during the next fiscal year.

34 (c) The board shall certify to the Willacy County tax
35 assessor-collector the rate of the tax imposed for the bonds.

36 (d) The Willacy County tax assessor-collector shall:

1 (1) collect the bond taxes in the same manner provided
2 by law for the collection of other district taxes; and

3 (2) remit all taxes collected to:

4 (A) the county treasurer of Willacy County; or

5 (B) the district's account. (Acts 53rd Leg.,
6 R.S., Ch. 404, Sec. 4 (part).)

7 Source Law

8 Sec. 4. . . .

9 When bonds payable from ad valorem taxes as well
10 as revenues have been issued, it shall be the duty of
11 the Board of Navigation and Canal Commissioners of
12 said District each year while any part of said bonds
13 remain outstanding and unpaid, to levy taxes upon all
14 taxable property within said District which, together
15 with net revenues then on hand and deposited in the
16 Interest and Sinking Fund of said bonds, will be
17 sufficient to pay the principal and interest coming
18 due on said bonds during the next fiscal year. The
19 Board of Navigation and Canal Commissioners shall
20 certify to the Tax Assessor-Collector of Willacy
21 County the rate of tax levied for said bonds and it
22 shall be the duty of said Tax Assessor-Collector to
23 collect said taxes in the same manner provided by law
24 for the collection of other taxes by said District and
25 to remit all taxes collected to the County Treasurer of
26 Willacy County or the account of said District.

27 Revisor's Note

28 (1) Section 4, Chapter 404, Acts of the 53rd
29 Legislature, Regular Session, 1953, requires the board
30 to impose a tax when bonds "payable from ad valorem
31 taxes as well as revenues" have been issued. The
32 revised law omits the quoted language as unnecessary
33 because Section 5008.0501 of this chapter provides
34 that the provisions of this subchapter apply only to
35 bonds payable from both ad valorem taxes and district
36 revenue.

37 (2) Section 4, Chapter 404, Acts of the 53rd
38 Legislature, Regular Session, 1953, requires the board
39 to impose a tax on all taxable property in the district
40 when district bonds are outstanding. The revised law
41 specifies that the tax is an "ad valorem" tax for the
42 reason stated in Revisor's Note (2) to Section
43 5008.0401.

1 Legislature, Regular Session, 1953, provides
2 "substantially" the wording of the proposition that
3 must appear on the ballot at an election to authorize
4 the issuance of certain bonds by the district and the
5 manner in which the proposition must be printed on the
6 ballot. The revised law omits the provision as
7 superseded by Sections 52.072 and 52.073, Election
8 Code (enacted in 1985), applicable to the district
9 under Section 1.002 of that code. Section 52.072,
10 Election Code, governs ballot propositions and
11 provides that the authority ordering the election
12 shall prescribe the wording of the proposition that is
13 to appear on a ballot and that the proposition must be
14 a single statement that appears on the ballot only
15 once. Section 52.073, Election Code, prescribes the
16 manner in which the proposition is printed on the
17 ballot. The omitted law reads:

18 Sec. 4. . . . In the event bonds are
19 to be payable from both net revenues and ad
20 valorem taxes, the proposition to appear
21 upon the ballot shall be substantially as
22 follows: 'For the issuance of bonds, the
23 pledge of net revenues and the levy of taxes
24 adequate to provide for the payment
25 thereof,' and the contrary thereof. . . .

26 (3) Section 4, Chapter 404, Acts of the 53rd
27 Legislature, Regular Session, 1953, provides that
28 before bonds may be finally issued by the district
29 under that section, the bonds must be submitted to the
30 attorney general for approval and registered by the
31 comptroller of public accounts. Section 4 also
32 provides that, after approval, registration, and sale,
33 district bonds are incontestable except for forgery or
34 fraud. The revised law omits those provisions as
35 duplicative of or superseded by Chapter 1202,
36 Government Code (enacted as Article 3, Chapter 53,
37 Acts of the 70th Legislature, 2nd Called Session, 1987

1 (Article 717k-8, Vernon's Texas Civil Statutes)),
2 applicable to district bonds under Sections 1202.001
3 and 1202.003(c) of that code. Section 1202.003,
4 Government Code, provides for approval of bonds by the
5 attorney general and requires the attorney general to
6 submit the approved bonds to the comptroller for
7 registration. Section 1202.005, Government Code,
8 requires registration of the bonds by the comptroller.
9 Section 1202.006, Government Code, provides that after
10 approval and registration the bonds are incontestable
11 for any reason. The omitted law reads:

12 Sec. 4. . . . Before being finally
13 issued, said bonds shall be submitted to the
14 Attorney General of Texas for approval as to
15 legality and to the Comptroller of Public
16 Accounts of Texas for registration. When
17 said bonds have been approved by the
18 Attorney General, registered by the
19 Comptroller and sold by the Board of
20 Navigation and Canal Commissioners, they
21 shall be incontestable except for forgery
22 or fraud. . . .

23 (4) Section 4, Chapter 404, Acts of the 53rd
24 Legislature, Regular Session, 1953, provides that
25 bonds issued under that section are legal and
26 authorized investments for insurance companies in the
27 same manner and to the same extent as bonds of a county
28 or municipality. The revised law omits that provision
29 as superseded by Section 1201.041, Government Code
30 (enacted as Section 9, Bond Procedures Act of 1981
31 (Article 717k-6, Vernon's Texas Civil Statutes)),
32 applicable to district bonds under Sections 1201.002
33 and 1201.003 of that code. The omitted law reads:

34 Sec. 4. . . . Said bonds shall be
35 legal and authorized investments for
36 insurance companies in this State in the
37 same manner and to the same extent as bonds
38 or other interest-bearing evidences of
39 indebtedness of any counties, cities or
40 other municipalities of this State. . . .

1 confirmed and approved.

2 Sec. 8(a). Nothing in this Act shall
3 be construed to apply to any suit or claims
4 in litigation now pending, which directly
5 or indirectly questions the validity of any
6 orders and procedures creating and
7 establishing the Willacy County Navigation
8 District, or any bonds herebefore issued by
9 said District.

10 [Acts 54th Leg., R.S., Ch. 135]

11 Sec. 1. Willacy County Navigation
12 District is hereby in all things validated,
13 and all bonds heretofore issued by said
14 District (whether tax bonds, revenue bonds,
15 or tax-revenue bonds) and all proceedings
16 relating to said bonds are hereby in all
17 things validated, and all governmental
18 proceedings and acts performed by the
19 Commissioners Court of Willacy County and
20 by the District's Board of Navigation and
21 Canal Commissioners and other officers
22 thereof, relating to said District, are
23 hereby in all things validated.

24 Sec. 2. Nothing in this Act shall be
25 construed to apply to any litigation now
26 pending questioning the legality of the
27 organization of said District or litigation
28 now pending questioning the validity of
29 bonds issued by the District.

30 (2) Section 9, Chapter 404, Acts of the 53rd
31 Legislature, Regular Session, 1953, and Section 2,
32 Chapter 654, Acts of the 60th Legislature, Regular
33 Session, 1967, provide that the act is cumulative of
34 other laws pertaining to the district and that, to the
35 extent that the provisions of the act conflict with any
36 other law, the provisions of the act control. The
37 revised law omits the provisions relating to the
38 cumulative effect of the act as unnecessary. An
39 accepted general principle of statutory construction
40 requires a statute to be given cumulative effect with
41 other statutes unless it provides otherwise or unless
42 the statutes are in conflict.

43 The revised law omits the provisions relating to
44 conflicts with other laws because they are both
45 unnecessary and potentially misleading. To the extent
46 they imply that the act prevails over other law in
47 existence at the time the act became effective and with
48 which the act conflicts, they merely restate general

1 rules of statutory construction. To the extent they
2 imply that the act prevails over future enactments of
3 the legislature that may conflict with the act, they
4 are misleading. It is a fundamental principle of
5 statutory construction that one session of the
6 legislature may not bind a future session of the
7 legislature. In addition, Section 311.026, Government
8 Code (Code Construction Act), governs the
9 interpretation of the revised law in instances of
10 apparent conflict with other laws. The omitted law
11 reads:

12 [Acts 53rd Leg., R.S., Ch. 404]

13 Sec. 9. This Act shall be cumulative
14 of all other existing laws, but in the event
15 of conflict between the provisions of this
16 Act and any other law, the provisions of
17 this Act shall control.

18 [Acts 60th Leg., R.S., Ch. 654]

19 Sec. 2. This Act shall be cumulative
20 of all other existing laws, but in the event
21 of conflict between the provisions of this
22 Act and any other law, the provisions of
23 this Act shall control.

24 (3) Section 10, Chapter 404, Acts of the 53rd
25 Legislature, Regular Session, 1953, Section 3, Chapter
26 135, Acts of the 54th Legislature, Regular Session,
27 1955, Section 3, Chapter 449, Acts of the 56th
28 Legislature, Regular Session, 1959, and Section 3,
29 Chapter 654, Acts of the 60th Legislature, Regular
30 Session, 1967, provide that the act is severable. The
31 revised law omits those provisions because the same
32 result is produced by application of Section 311.032,
33 Government Code (Code Construction Act), which
34 provides that a provision of a statute is severable
35 from each other provision of the statute that can be
36 given effect. The omitted law reads:

37 [Acts 53rd Leg., R.S., Ch. 404]

38 Sec. 10. If any word, phrase, clause,
39 sentence, section or part of this Act is
40 held to be invalid by a court of competent
41 jurisdiction, such holding shall not affect

1 any other word, phrase, clause, sentence or
2 part of this Act.

3 [Acts 54th Leg., R.S., Ch. 135]

4 Sec. 3. If any word, phrase, clause,
5 sentence, or provision of this Act is
6 declared unconstitutional, it is the
7 intention of the Legislature that the
8 remaining provisions thereof shall be
9 effective, and that such remaining portions
10 shall remain in full force and effect.

11 [Acts 56th Leg., R.S., Ch. 449]

12 Sec. 3. If any Section, Subsection,
13 paragraph, sentence, clause, or provision
14 of this Act is for any reason held invalid,
15 such invalidity shall not affect any other
16 portion of this Act, but this Act shall be
17 construed and enforced as if such invalid
18 provision had not been contained therein.

19 [Acts 60th Leg., R.S., Ch. 654]

20 Sec. 3. If any word, phrase, clause,
21 sentence, section or part of this Act is
22 held to be invalid by a court of competent
23 jurisdiction, such holding shall not affect
24 any other word, phrase, clause, sentence or
25 part of this Act.

26 (4) Section 3, Chapter 141, Acts of the 55th
27 Legislature, Regular Session, 1957, and Section 2,
28 Chapter 449, Acts of the 56th Legislature, Regular
29 Session, 1959, repeal all laws or parts of laws in
30 conflict with those acts. The revised law omits those
31 provisions as unnecessary because, under general rules
32 of statutory construction, a statute automatically has
33 the effect of repealing prior conflicting enactments
34 and is ineffective to repeal subsequent legislation.
35 The omitted law reads:

36 [Acts 55th Leg., R.S., Ch. 141]

37 Sec. 3. All laws or parts of laws
38 that conflict with this Act are hereby
39 repealed.

40 [Acts 56th Leg., R.S., Ch. 449]

41 Sec. 2. All laws and parts of laws or
42 parts of laws in conflict herewith are
43 hereby repealed to the extent of such
44 conflict.

45 (5) Section 3, Chapter 892, Acts of the 81st
46 Legislature, Regular Session, 2009, recites
47 legislative findings regarding procedural
48 requirements for legislation affecting the district

1 under the constitution and other laws and rules,
2 including proper legal notice and the filing of
3 recommendations. The revised law omits those
4 provisions as executed. The omitted law reads:

5 Sec. 3. (a) The legal notice of the
6 intention to introduce this Act, setting
7 forth the general substance of this Act, has
8 been published as provided by law, and the
9 notice and a copy of this Act have been
10 furnished to all persons, agencies,
11 officials, or entities to which they are
12 required to be furnished under Section 59,
13 Article XVI, Texas Constitution, and
14 Chapter 313, Government Code.

15 (b) The governor, one of the required
16 recipients, has submitted the notice and
17 Act to the Texas Commission on
18 Environmental Quality.

19 (c) The Texas Commission on
20 Environmental Quality has filed its
21 recommendations relating to this Act with
22 the governor, the lieutenant governor, and
23 the speaker of the house of representatives
24 within the required time.

25 (d) All requirements of the
26 constitution and laws of this state and the
27 rules and procedures of the legislature
28 with respect to the notice, introduction,
29 and passage of this Act are fulfilled and
30 accomplished.