

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Special District Local
Laws Code
Chapter 8512
1/9/25

1	CHAPTER 8512. GUADALUPE-BLANCO RIVER AUTHORITY	
2	SUBCHAPTER A. GENERAL PROVISIONS	
3	Sec. 8512.0101. DEFINITIONS	4
4	Sec. 8512.0102. CREATION AND NATURE OF AUTHORITY	5
5	Sec. 8512.0103. REVIEW SCHEDULE UNDER SUNSET ACT	7
6	Sec. 8512.0104. TERRITORY	8
7	Sec. 8512.0105. LIBERAL CONSTRUCTION OF CHAPTER	9
8	SUBCHAPTER B. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS	
9	Sec. 8512.0201. NATURE OF BOARD	11
10	Sec. 8512.0202. MEMBERSHIP OF BOARD	11
11	Sec. 8512.0203. TERMS	12
12	Sec. 8512.0204. REMOVAL	14
13	Sec. 8512.0205. VACANCY	14
14	Sec. 8512.0206. VOTING REQUIREMENT	15
15	Sec. 8512.0207. OFFICERS, AGENTS, AND EMPLOYEES	16
16	Sec. 8512.0208. SURETY BONDS	19
17	Sec. 8512.0209. AUTHORITY'S DOMICILE AND OFFICE	20
18	Sec. 8512.0210. DIRECTOR TRAINING PROGRAM	21
19	Sec. 8512.0211. SEPARATION OF POLICYMAKING AND	
20	MANAGEMENT FUNCTIONS	22
21	Sec. 8512.0212. COMPLAINTS	22
22	Sec. 8512.0213. ALTERNATIVE DISPUTE RESOLUTION	
23	PROCEDURES	23
24	Sec. 8512.0214. PUBLIC TESTIMONY	24
25	Sec. 8512.0215. SEAL	24

1		SUBCHAPTER C. POWERS AND DUTIES	
2	Sec. 8512.0301.	GENERAL POWERS	26
3	Sec. 8512.0302.	POWERS RELATED TO WATER OF RIVERS AND	
4		STREAMS	28
5	Sec. 8512.0303.	POWERS RELATED TO GROUNDWATER	28
6	Sec. 8512.0304.	ACQUISITION OF WATER, WATER SUPPLY	
7		FACILITIES, AND CONSERVATION STORAGE	
8		CAPACITY	29
9	Sec. 8512.0305.	USE, DISTRIBUTION, AND SALE OF WATER	
10		OUTSIDE AUTHORITY	29
11	Sec. 8512.0306.	DEVELOPMENT, GENERATION, DISTRIBUTION,	
12		AND SALE OF WATER POWER AND ELECTRIC	
13		ENERGY	30
14	Sec. 8512.0307.	PREVENTION OF DAMAGE TO PERSONS OR	
15		PROPERTY	31
16	Sec. 8512.0308.	FORESTATION AND REFORESTATION;	
17		PREVENTION OF SOIL EROSION AND	
18		FLOODS	31
19	Sec. 8512.0309.	DEVELOPMENT OF NAVIGATION AND RELATED	
20		FACILITIES	32
21	Sec. 8512.0310.	DEVELOPMENT OF RECLAMATION AND	
22		DRAINAGE OF CERTAIN LAND AND RELATED	
23		FACILITIES	32
24	Sec. 8512.0311.	WASTE MANAGEMENT	32
25	Sec. 8512.0312.	CONSERVATION AND DEVELOPMENT FOR	
26		RECREATION	33
27	Sec. 8512.0313.	ACQUISITION OR OPERATION OF PROPERTY	34
28	Sec. 8512.0314.	EMINENT DOMAIN	35
29	Sec. 8512.0315.	SALE, LEASE, OR OTHER DISPOSITION OF	
30		PROPERTY	37
31	Sec. 8512.0316.	OVERFLOW OR INUNDATION OF PUBLIC	
32		PROPERTY; RELOCATION OF FACILITIES	37
33	Sec. 8512.0317.	CONSTRUCTION, MAINTENANCE, AND	
34		OPERATION OF FACILITIES	39

1	Sec. 8512.0318.	GENERAL CONTRACT POWERS	39
2	Sec. 8512.0319.	JOINT PROJECTS RELATED TO PROPERTY	41
3	Sec. 8512.0320.	STATE SUPERVISION AND APPROVAL	42
4	Sec. 8512.0321.	ADDITIONAL POWERS RELATING TO	
5		CONTRACTS, RULES, AND REGULATIONS	44
6	Sec. 8512.0322.	PUBLIC USE OF AUTHORITY'S SURPLUS LAND	44
7	Sec. 8512.0323.	EFFECT OF CHAPTER ON WATER RIGHTS AND	
8		GROUNDWATER REGULATION	44
9	Sec. 8512.0324.	APPLICABILITY OF CERTAIN STATUTES	45
10		SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS	
11	Sec. 8512.0401.	DISBURSEMENT OF MONEY	46
12	Sec. 8512.0402.	ACCOUNTS, CONTRACTS, AND OTHER	
13		RECORDS; PUBLIC INSPECTION	47
14	Sec. 8512.0403.	FILING OF AUDIT REPORT	47
15	Sec. 8512.0404.	ASSET MANAGEMENT PLAN	50
16	Sec. 8512.0405.	RATES AND OTHER CHARGES	51
17	Sec. 8512.0406.	USE OF EXCESS REVENUE	53
18	Sec. 8512.0407.	PAYMENTS UNDER AGREEMENTS FOR USE OR	
19		SALE OF PROPERTY	54
20	Sec. 8512.0408.	TAX, ASSESSMENT, OR PLEDGE OF CREDIT	
21		OF STATE NOT AUTHORIZED BY CHAPTER	55
22		SUBCHAPTER E. BORROWED MONEY AND GRANTS	
23	Sec. 8512.0501.	LOANS AND GRANTS	57
24	Sec. 8512.0502.	STATE PLEDGE REGARDING RIGHTS AND	
25		REMEDIES OF BONDHOLDERS	59
26	Sec. 8512.0503.	OBLIGATION PAYABLE FROM REVENUE	60
27	Sec. 8512.0504.	POWER TO ISSUE BONDS	60
28	Sec. 8512.0505.	TERMS OF ISSUANCE	61
29	Sec. 8512.0506.	DEPOSIT OF PROCEEDS	63
30	Sec. 8512.0507.	RESOLUTION PROVISIONS	63
31	Sec. 8512.0508.	DEFAULT PROCEDURES	67
32	Sec. 8512.0509.	INTERIM BONDS	71
33	Sec. 8512.0510.	TEMPORARY BONDS	73
34	Sec. 8512.0511.	REFUNDING BONDS	73

1 Sec. 8512.0512. POWER OF AUTHORITY TO PURCHASE BONDS
2 ISSUED BY AUTHORITY 75
3 Sec. 8512.0513. BONDS EXEMPT FROM TAXATION 76

4 CHAPTER 8512. GUADALUPE-BLANCO RIVER AUTHORITY

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Revised Law

7 Sec. 8512.0101. DEFINITIONS. In this chapter:

8 (1) "Authority" means the Guadalupe-Blanco River
9 Authority.

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

11 (3) "Bond" means a bond or note.

12 (4) "Commission" means the Texas Commission on
13 Environmental Quality.

14 (5) "Director" means a board member. (Acts 43rd Leg.,
15 1st C.S., Ch. 75, Secs. 1 (part), 4(a) (part), 11 (part); New.)

16 Source Law

17 Sec. 1. . . . District to be known as
18 "Guadalupe-Blanco River Authority" (hereinafter
19 called the District) and

20 [Sec. 4]

21 (a) . . . board of . . . directors (herein
22 called the Board),

23 Sec. 11. . . . bonds or notes (hereinafter
24 called "bonds")

25 Revisor's Note

26 (1) Although Chapter 75, Acts of the 43rd
27 Legislature, 1st Called Session, 1933, refers to the
28 authority as the "District," throughout this chapter
29 the revised law uses the term "authority" rather than
30 "district" to more closely conform to the name of the
31 authority.

32 (2) Section 11, Chapter 75, Acts of the 43rd
33 Legislature, 1st Called Session, 1933, defines "bonds"
34 to mean "bonds or notes." The revised law defines
35 "bond" to mean "a bond or note" because Section
36 311.012(b), Government Code (Code Construction Act),

1 provides that a reference to the singular includes the
2 plural and vice versa. Throughout this chapter,
3 similar provisions in the source law that use a noun in
4 both its singular and plural forms are revised using
5 only the singular form.

6 (3) The definitions of "commission" and
7 "director" are added to the revised law for drafting
8 convenience and to eliminate frequent, unnecessary
9 repetition of the substance of the definitions.

10 Revised Law

11 Sec. 8512.0102. CREATION AND NATURE OF AUTHORITY. (a) The
12 authority is a conservation and reclamation district.

13 (b) The authority's creation is essential to the
14 accomplishment of the purposes of Section 59, Article XVI, Texas
15 Constitution. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 1 (part).)

16 Source Law

17 Sec. 1. There is hereby created within the State
18 of Texas, in addition to the Districts into which the
19 State has heretofore been divided, a Conservation and
20 Reclamation District [to be known as "Guadalupe-Blanco
21 River Authority" (hereinafter called the District)]
22 Such District shall be and is hereby declared
23 to be a governmental agency and body politic and
24 corporate, . . . the creation of such District is
25 hereby determined to be essential to the
26 accomplishment of the purposes of Section 59 of
27 Article 16 of the Constitution of the State of Texas,
28

29 Revisor's Note

30 (1) Section 1, Chapter 75, Acts of the 43rd
31 Legislature, 1st Called Session, 1933, provides that
32 the authority is "hereby created within the State of
33 Texas, in addition to the Districts into which the
34 State has heretofore been divided." The revised law
35 omits the reference to the authority being "hereby
36 created" as executed. The revised law omits the
37 reference to the authority's creation "within the
38 State of Texas, in addition to the Districts into which
39 the State has heretofore been divided" because the

1 absence of the language does not imply that the
2 legislature could create a district outside this state
3 or that the authority is not in addition to other
4 districts created in this state.

5 (2) Section 1, Chapter 75, Acts of the 43rd
6 Legislature, 1st Called Session, 1933, refers to the
7 authority as "a governmental agency and body politic
8 and corporate." The revised law omits that reference
9 because it duplicates part of Section 59(b), Article
10 XVI, Texas Constitution.

11 (3) Section 1, Chapter 75, Acts of the 43rd
12 Legislature, 1st Called Session, 1933, includes a list
13 of the authority's purposes under Section 59, Article
14 XVI, Texas Constitution, and states that those
15 purposes are public rights and duties of the
16 authority. The revised law omits the list of purposes
17 and the statement that those purposes are public
18 rights and duties of the authority because they
19 duplicate, in substance, part of Section 59(a),
20 Article XVI, Texas Constitution, which provides for
21 the purposes of conservation and reclamation districts
22 created under that section and provides that those
23 purposes are public rights and duties. Although
24 Section 1 of Chapter 75 refers to "the waters of rivers
25 and streams, including the Guadalupe and Blanco Rivers
26 and their tributaries," and Section 59(a) of Article
27 XVI refers to "the waters of [the state's] rivers and
28 streams," the quoted language of Section 1 is
29 substantively duplicative of the quoted language of
30 Section 59(a) because the Guadalupe and Blanco Rivers
31 are among the state's rivers and streams and because
32 Section 311.005(13), Government Code (Code
33 Construction Act), provides that "includes" and
34 "including" are terms of enlargement and not

1 limitation and do not create a presumption that
2 components not expressed are excluded. The omitted
3 law reads:

4 Sec. 1. . . . [the creation of such
5 District is hereby determined to be
6 essential to the accomplishment of the
7 purposes of Section 59 of Article 16 of the
8 Constitution of the State of Texas,]
9 including (to the extent hereinafter
10 authorized) the control, storing,
11 preservation and distribution of storm and
12 flood waters, the waters of rivers and
13 streams, including the Guadalupe and Blanco
14 Rivers and their tributaries for
15 irrigation, power, and all other useful
16 purposes, the reclamation and irrigation of
17 arid, semi-arid and other lands needing
18 irrigation, the reclamation and drainage of
19 over-flowed lands, and other lands needing
20 drainage (but not to reclaim or drain
21 coastal wetlands or inland marshes), the
22 conservation and development of the
23 forests, water and hydro-electric power of
24 the State of Texas and the navigation of
25 inland waters, and the preservation and
26 conservation of all such natural resources
27 of the State are hereby declared public
28 rights and duties of the District.

29 . . .

30 Revised Law

31 Sec. 8512.0103. REVIEW SCHEDULE UNDER SUNSET ACT. A review
32 of the authority under Section 325.025, Government Code, shall be
33 conducted as if the authority were a state agency scheduled to be
34 abolished September 1, 2031, and every 12th year after that year.
35 (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 1A(a) (part).)

36 Source Law

37 (a) . . . The review shall be conducted under
38 Section 325.025, Government Code, as if the District
39 were a state agency scheduled to be abolished
40 September 1, 2031, and every 12th year after that year.

41 Revisor's Note

42 Sections 1A(a) and (b), Chapter 75, Acts of the
43 43rd Legislature, 1st Called Session, 1933, relate to
44 a periodic review of the authority by the Sunset
45 Advisory Commission. Section 1A(a) provides in part
46 that the authority is subject to review under Chapter
47 325, Government Code, as if it were a state agency but
48 may not be abolished under that chapter. Section 1A(b)

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

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

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

19 Revised Law

20 Sec. 8512.0104. TERRITORY. (a) The authority is composed
21 of the territory described by Subsection (b) as that territory may
22 have been modified under:

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

25 (b) The authority's territory consists of that part of this
26 state included in Caldwell, Calhoun, Comal, DeWitt, Guadalupe,
27 Gonzales, Hays, Kendall, Refugio, and Victoria Counties. (Acts 43rd
28 Leg., 1st C.S., Ch. 75, Sec. 1 (part); New.)

29 Source Law

30 Sec. 1. [There is hereby created within the
31 State of Texas . . . a Conservation and Reclamation
32 District to be known as "Guadalupe-Blanco River
33 Authority"] . . . consisting of that part of the State
34 of Texas which is included within the boundaries of the
35 Counties of Hays, Comal, Guadalupe, Caldwell,
36 Gonzales, DeWitt, Victoria, Kendall, Refugio, and
37 Calhoun. . . .

38 Revisor's Note

39 The revision of the law governing the authority
40 revises the statutory language describing the
41 authority's territory. Because the authority's
42 boundaries are subject to change, that description may
43 not be accurate on the effective date of the revision

1 or at the time of a later reading. For the reader's
2 convenience, the revised law includes a reference to:

3 (1) the statutory authority to change the
4 authority's territory under Subchapter J, Chapter 49,
5 Water Code, applicable to the authority under Sections
6 49.001 and 49.002 of that code; and

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

9 Revised Law

10 Sec. 8512.0105. LIBERAL CONSTRUCTION OF CHAPTER. This
11 chapter shall be liberally construed to effectuate the chapter's
12 purposes. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 18.)

13 Source Law

14 Sec. 18. This Act and all of the terms and
15 provisions hereof shall be liberally construed to
16 effectuate the purposes set forth herein.

17 Revisor's Note
18 (End of Subchapter)

19 Section 17, Chapter 75, Acts of the 43rd
20 Legislature, 1st Called Session, 1933, provides that
21 the act is full authority for authorizing and issuing
22 bonds without reference to any other law, and that no
23 other law with regard to authorizing or issuing
24 obligations or depositing proceeds thereof, or
25 impeding or restricting in any way the carrying out of
26 other acts authorized by the act, applies to
27 proceedings or acts taken under or pursuant to the act.

28 The revised law omits the statement that the act
29 is full authority for authorizing or issuing bonds
30 without reference to other laws because it is
31 unnecessary. The operative provisions of the act are
32 fully effective on their own terms.

33 The revised law omits the statement that no other
34 law with regard to authorizing or issuing obligations
35 or depositing proceeds thereof, or impeding or

1 restricting in any way the carrying out of other acts
2 authorized by the act, applies to proceedings or acts
3 taken under or pursuant to the act because it is both
4 unnecessary and potentially misleading.

5 An accepted general principle of statutory
6 construction requires a statute to be given cumulative
7 effect with other statutes unless it provides
8 otherwise or unless the statutes are in conflict. To
9 the extent the statement means the act prevails over
10 other law in existence at the time the act became
11 effective and with which the act conflicts, the
12 statement merely restates general rules of statutory
13 construction. To the extent the statement implies
14 that the act prevails over future enactments of the
15 legislature that may conflict with it, it is
16 misleading. It is a fundamental principle of
17 statutory construction that one session of the
18 legislature may not bind a future session of the
19 legislature. In addition, Section 311.026, Government
20 Code (Code Construction Act), governs the
21 interpretation of the revised law in instances of
22 apparent conflict with other laws.

23 Furthermore, codification of the statement is
24 potentially misleading because the revised law not
25 only omits provisions of the act that are impliedly
26 repealed by other law, it also omits provisions that
27 are duplicative of other law. Codification of the
28 statement might create an impression that the
29 provisions of other law that duplicate the omitted
30 provisions do not apply. The omitted law reads:

31 Sec. 17. This Act without reference
32 to other Statutes of the State of Texas,
33 shall constitute full authority for the
34 authorization and issuance of bonds
35 hereunder and no other Act or law with
36 regard to the authorization or issuance of
37 obligations or the deposit of the proceeds

1 thereof, or in any way impeding or
2 restricting the carrying out of the Acts
3 herein authorized to be done shall be
4 construed as applying to any proceedings
5 taken hereunder or Acts done pursuant
6 hereto.

7 SUBCHAPTER B. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS

8 Revised Law

9 Sec. 8512.0201. NATURE OF BOARD. The board is a state board
10 of a state agency as contemplated by Section 30a, Article XVI, Texas
11 Constitution. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 4(a) (part).)

12 Source Law

13 (a) . . . board of . . . directors . . . which
14 is a state board of a state agency as contemplated by
15 Section 30a of Article XVI, Constitution of
16 Texas. . . .

17 Revised Law

18 Sec. 8512.0202. MEMBERSHIP OF BOARD. (a) The board
19 consists of nine directors appointed by the governor with the
20 advice and consent of the senate from a list of nominations provided
21 to the governor by the commission.

22 (b) Each director must:

23 (1) be a freehold property tax payer of this state; and

24 (2) reside in one of the counties included in the
25 authority.

26 (c) Only one director may be appointed from any county.
27 (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 4(a) (part).)

28 Source Law

29 (a) . . . board of nine (9) directors
30 Each member of the Board shall be a freehold property
31 taxpayer of the State of Texas and shall reside in one
32 of the counties which is included within the
33 boundaries of the District, but only one director
34 shall be appointed from any county. The directors
35 shall be appointed by the Governor from nominations
36 furnished him by the Texas Commission on Environmental
37 Quality and the appointments confirmed by the Senate
38 as in other cases of appointments by the
39 Governor. . . .

40 Revisor's Note

41 (1) Section 4(a), Chapter 75, Acts of the 43rd
42 Legislature, 1st Called Session, 1933, provides that
43 the authority's powers, rights, privileges, and

1 functions are exercised by a board of directors. The
2 revised law omits that provision because it
3 duplicates, in substance, parts of Sections 49.051 and
4 49.057, Water Code, which provide that the authority
5 is governed by the board and that the board is
6 responsible for the authority's management.
7 Throughout this chapter, the revised law omits law
8 that is superseded by or duplicates law in Chapter 49,
9 Water Code, which applies to the authority under
10 Sections 49.001 and 49.002 of that code. The omitted
11 law reads:

12 Sec. 4. (a) The powers, rights,
13 privileges and functions of the District
14 shall be exercised by a [board of . . .
15 directors]

16 (2) Section 4(a), Chapter 75, Acts of the 43rd
17 Legislature, 1st Called Session, 1933, provides that
18 the directors appointed by the governor must be
19 "confirmed by the Senate as in other cases of
20 appointments by the Governor." The revised law
21 substitutes the requirement that the directors be
22 appointed "with the advice and consent of the senate"
23 for the requirement that the directors be "confirmed
24 by the Senate as in other cases of appointments by the
25 Governor" because the phrases have the same meaning
26 and the former is more commonly used.

27 Revised Law

28 Sec. 8512.0203. TERMS. Directors serve staggered six-year
29 terms, with three directors' terms expiring February 1 of each
30 odd-numbered year. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 4(a)
31 (part).)

32 Source Law

33 (a) . . . Of the directors first appointed,
34 three (3) shall hold office for a term expiring
35 February 1, 1937, three (3) for a term expiring
36 February 1, 1939, and three (3) for a term expiring
37 February 1, 1941. Thereafter, directors shall hold
38 office for a term of six (6) years. . . .

1 Revisor's Note

2 (1) Section 4(a), Chapter 75, Acts of the 43rd
3 Legislature, 1st Called Session, 1933, provides that
4 of the initial directors, three hold office for a term
5 expiring February 1, 1937, three for a term expiring
6 February 1, 1939, and three for a term expiring
7 February 1, 1941. The revised law omits as executed
8 the references to those terms because those references
9 are transition provisions that applied only to the
10 initial directors. Those references, however,
11 resulted in a plan for staggering the terms of the
12 directors so that three directors' terms expire
13 February 1 of each odd-numbered year. The revised law
14 is drafted accordingly.

15 (2) Section 4(a), Chapter 75, Acts of the 43rd
16 Legislature, 1st Called Session, 1933, requires the
17 directors to continue to hold their offices until
18 their successors are appointed and have qualified,
19 unless they are sooner removed as provided by that act.
20 The revised law omits the provision requiring
21 directors to continue to hold office until their
22 successors are appointed and have qualified because it
23 duplicates, in substance, Section 17, Article XVI,
24 Texas Constitution, which requires each officer in
25 this state to continue to perform the officer's duties
26 until a successor has qualified. The revised law omits
27 the reference to removal because by implication a
28 person who has been removed from an office may not
29 continue serving in that office. The omitted law
30 reads:

31 (a) . . . Each director shall hold
32 office until the expiration of the term for
33 which he was appointed and thereafter,
34 until his successor shall have been
35 appointed and qualified unless sooner
36 removed as in this Act provided. . . .

1 Revised Law

2 Sec. 8512.0204. REMOVAL. The governor may remove a
3 director for inefficiency, neglect of duty, or misconduct in
4 office, after:

5 (1) at least 10 days' written notice of the charge
6 against the director; and

7 (2) an opportunity for the director to be heard in
8 person or by counsel at a public hearing. (Acts 43rd Leg., 1st
9 C.S., Ch. 75, Sec. 4(a) (part).)

10 Source Law

11 (a) . . . Any director may be removed by the
12 authority which appointed him for inefficiency,
13 neglect of duty or misconduct in office, after at least
14 ten (10) days' written notice of the charge against him
15 and an opportunity to be heard in person or by counsel
16 at public hearing. . . .

17 Revisor's Note

18 Section 4(a), Chapter 75, Acts of the 43rd
19 Legislature, 1st Called Session, 1933, provides that a
20 director may be removed by the "authority which
21 appointed him." The revised law substitutes a
22 reference to the "governor" because under that
23 section, revised in pertinent part in Sections
24 8512.0202 and 8512.0205 of this chapter, the
25 authority's directors are appointed by the governor.

26 Revised Law

27 Sec. 8512.0205. VACANCY. The governor shall fill a vacancy
28 on the board for the unexpired term. (Acts 43rd Leg., 1st C.S., Ch.
29 75, Sec. 4(a) (part).)

30 Source Law

31 (a) . . . A vacancy resulting from the death,
32 resignation or removal of any director shall be filled
33 by the authority which appointed him for the unexpired
34 term. . . .

35 Revisor's Note

36 (1) Section 4(a), Chapter 75, Acts of the 43rd
37 Legislature, 1st Called Session, 1933, provides the
38 method of filling a vacancy on the board "resulting

1 from the death, resignation or removal of any
2 director." The revised law omits the quoted language
3 as unnecessary because it merely describes every
4 manner in which a vacancy may occur without limiting in
5 any way the duty to fill the vacancy.

6 (2) Section 4(a), Chapter 75, Acts of the 43rd
7 Legislature, 1st Called Session, 1933, provides that a
8 director vacancy shall be filled by the "authority
9 which appointed him" for the unexpired term. The
10 revised law substitutes a reference to the "governor"
11 for the reason stated in the revisor's note to Section
12 8512.0204.

13 Revised Law

14 Sec. 8512.0206. VOTING REQUIREMENT. (a) Except as provided
15 by this chapter or the bylaws, the board may take action by the
16 affirmative vote of a majority of the directors present at a
17 meeting.

18 (b) The following are valid only if authorized or ratified
19 by the affirmative vote of at least five directors:

20 (1) a contract that involves an amount greater than
21 \$100,000 or has a duration of more than one year;

22 (2) a bond or other evidence of indebtedness; or

23 (3) an amendment of the bylaws. (Acts 43rd Leg., 1st
24 C.S., Ch. 75, Sec. 4(b) (part).)

25 Source Law

26 (b) . . . except as otherwise provided, in this
27 Act or in the by-laws, all action may be taken by the
28 affirmative vote of a majority of the directors
29 present at any such meeting, except that no contracts
30 which involve any amount greater than \$100,000 or
31 which is to run for a period longer than a year, and no
32 bonds, notes or other evidence of indebtedness and no
33 amendment of the by-laws shall be valid unless
34 authorized or ratified by the affirmative vote of at
35 least five (5) directors.

36 Revisor's Note

37 (1) Section 4(b), Chapter 75, Acts of the 43rd
38 Legislature, 1st Called Session, 1933, provides that

1 five directors, which is a majority of the full
2 membership of the board, constitute a quorum. The
3 revised law omits that provision because it
4 duplicates, in substance, Section 311.013, Government
5 Code (Code Construction Act), which provides that a
6 quorum of a public body is a majority of the number of
7 members fixed by statute. The omitted law reads:

8 (b) . . . Five (5) directors shall
9 constitute a quorum at any meeting and,
10

11 (2) Section 4(b), Chapter 75, Acts of the 43rd
12 Legislature, 1st Called Session, 1933, requires an
13 affirmative vote of at least five directors for the
14 authority to issue "bonds, notes or other evidence of
15 indebtedness." Throughout this chapter, the revised
16 law omits the reference to "notes" in this context
17 because "note" is included in the meaning of "bond," as
18 defined by Section 8512.0101 of this chapter.

19 Revised Law

20 Sec. 8512.0207. OFFICERS, AGENTS, AND EMPLOYEES. (a) The
21 governor shall designate a director as the board's presiding
22 officer, who serves at the will of the governor.

23 (b) The board shall select a secretary, a general manager,
24 and a treasurer.

25 (c) The secretary shall keep accurate and complete records
26 of all board proceedings.

27 (d) Until the board selects a secretary, or if the secretary
28 is absent or unable to act, the board shall select a secretary pro
29 tem.

30 (e) The general manager is the authority's chief executive
31 officer.

32 (f) The secretary, secretary pro tem, general manager, and
33 treasurer have the powers and duties, hold office for the term, and
34 are subject to removal in the manner provided by the bylaws.

35 (g) The board shall set the compensation of the secretary,

1 secretary pro tem, general manager, and treasurer.

2 (h) The board may appoint other officers, agents, and
3 employees, set their compensation and term of office, prescribe
4 their duties and the method by which they may be removed, and
5 delegate to them any of the board's powers and duties as the board
6 considers proper. (Acts 43rd Leg., 1st C.S., Ch. 75, Secs. 2
7 (part), 5.)

8 Source Law

9 Sec. 2. . . . Without limitation of the
10 generality of the foregoing, the District shall have
11 and is hereby authorized to exercise the following
12 powers, rights, privileges, and functions;

13 . . .
14 (u) to appoint officers, agents, and employees,
15 to prescribe their duties and to fix their
16 compensation;

17 . . .

18 Sec. 5. The Governor shall designate a member of
19 the Board as the presiding officer of the Board to
20 serve in that capacity at the pleasure of the Governor.
21 The Board shall select a Secretary who shall keep true
22 and complete records of all proceedings of the Board.
23 Until the appointment of a Secretary, or in the event
24 of his absence or inability to act, a secretary pro tem
25 shall be selected by the Board. The Board shall also
26 select a General Manager, who shall be the chief
27 executive officer of the District, and a treasurer.
28 All such officers shall have such powers and duties,
29 shall hold office for such term and be subject to
30 removal in such manner as may be provided in the
31 by-laws. The Board shall fix the compensation of such
32 officers. The Board may appoint such officers, agents
33 and employees, fix their compensation and term of
34 office and the method by which they may be removed, and
35 delegate to them such of its power and duties as it may
36 deem proper.

37 Revisor's Note

38 (1) Section 2, Chapter 75, Acts of the 43rd
39 Legislature, 1st Called Session, 1933, states that,
40 "[w]ithout limitation of the generality of the
41 foregoing," the authority has certain powers, rights,
42 privileges, and functions. Throughout this chapter,
43 the revised law omits the quoted or similar language
44 because it is an accepted general principle of
45 statutory construction that a grant of a power does not
46 act as a limitation. Additionally, Section
47 311.021(2), Government Code (Code Construction Act),

1 provides that it is presumed that, in enacting a
2 statute, the entire statute is intended to be
3 effective.

4 (2) Section 2, Chapter 75, Acts of the 43rd
5 Legislature, 1st Called Session, 1933, provides that
6 the authority "shall have and is hereby authorized to
7 exercise" certain powers, rights, privileges, and
8 functions. Throughout this chapter, the revised law
9 substitutes "may" or "has" for the quoted or similar
10 language because, in context, the language has the
11 same meaning and "may" and "has" are more commonly
12 used.

13 (3) Section 2(u), Chapter 75, Acts of the 43rd
14 Legislature, 1st Called Session, 1933, authorizes the
15 authority to "fix" the compensation of officers,
16 agents, and employees. Section 5 of Chapter 75
17 requires the board to "fix" the compensation of the
18 secretary, secretary pro tem, general manager, and
19 treasurer. Throughout this chapter, in this and
20 similar contexts, the revised law substitutes "set"
21 for "fix" and "fixing" because, in context, the terms
22 have the same meaning and "set" is more commonly used.

23 (4) Section 5, Chapter 75, Acts of the 43rd
24 Legislature, 1st Called Session, 1933, provides that
25 the presiding officer of the authority serves in that
26 office "at the pleasure" of the governor. The revised
27 law substitutes "at the will" for "at the pleasure"
28 because "at the will" is the more commonly used phrase
29 to describe the termination of an individual's
30 appointment that is at the discretion of another
31 person.

32 (5) Section 10, Chapter 22, Acts of the 86th
33 Legislature, Regular Session, 2019, contains
34 transition provisions regarding the expiration of the

1 term of the board president serving on the effective
2 date of the act (September 1, 2019), the continued
3 service of the former board president as a director,
4 and the designation of a successor board president.
5 The revised law omits those provisions as executed
6 because the terms of office as board president and as a
7 director of the director serving as board president on
8 the effective date of the act have expired and a
9 successor board president has been designated. The
10 omitted law reads:

11 Sec. 10. (a) The term of the
12 president of the board of directors of the
13 Guadalupe-Blanco River Authority serving on
14 the effective date of this Act expires
15 September 1, 2019. The director serving as
16 president on the effective date of this Act
17 may continue to serve on the board of
18 directors until the director's successor is
19 appointed and has qualified.

20 (b) Not later than September 2, 2019,
21 the governor shall designate a director as
22 president of the board of directors of the
23 Guadalupe-Blanco River Authority as
24 required by Section 5, Chapter 75, Acts of
25 the 43rd Legislature, 1st Called Session,
26 1933, as amended by this Act.

27 Revised Law

28 Sec. 8512.0208. SURETY BONDS. (a) The general manager, the
29 treasurer, and any other authority officer, agent, or employee who
30 is charged with the collection, custody, or payment of authority
31 money shall give bond conditioned on:

32 (1) the faithful performance of the person's duties;
33 and

34 (2) an accounting for all authority money and property
35 coming into the person's possession.

36 (b) The bond must be in a form and amount and with a surety
37 company approved by the board that is authorized to do business in
38 this state.

39 (c) The authority shall pay the premium on the bond and
40 charge the premium as an operating expense. (Acts 43rd Leg., 1st
41 C.S., Ch. 75, Sec. 6 (part).)

1 Source Law

2 Sec. 6. . . . The General Manager, the
3 Treasurer and all other officers, agents and employees
4 of the District who shall be charged with the
5 collection, custody or payment of any funds of the
6 District shall give bond conditioned on the faithful
7 performance of their duties and an accounting for all
8 funds and property of the District coming into their
9 respective hands, each of which bonds shall be in form
10 and amount and with a surety (which shall be a surety
11 company authorized to do business in the State of
12 Texas), approved by the Board, and the premiums on such
13 bonds shall be paid by the District and charged as an
14 operating expense.

15 Revisor's Note

16 (1) Section 6, Chapter 75, Acts of the 43rd
17 Legislature, 1st Called Session, 1933, refers to the
18 authority's "funds." The revised law substitutes
19 "money" for "funds" because, in context, the terms
20 have the same meaning and "money" is more commonly
21 used.

22 (2) Section 6, Chapter 75, Acts of the 43rd
23 Legislature, 1st Called Session, 1933, refers to money
24 and property of the authority coming into the "hands"
25 of certain persons. The revised law substitutes
26 "possession" for "hands" because, in context, the
27 terms have the same meaning and "possession" is more
28 consistent with modern usage.

29 Revised Law

30 Sec. 8512.0209. AUTHORITY'S DOMICILE AND OFFICE. (a) The
31 authority's domicile is in the city of New Braunfels, Comal County.

32 (b) The authority shall maintain an office in the city of
33 New Braunfels, Comal County.

34 (c) The general manager is in charge of the authority's
35 office. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 7 (part).)

36 Source Law

37 Sec. 7. The domicile of the District shall be in
38 the City of New Braunfels, County of Comal, where the
39 District shall maintain an office, in charge of its
40 General Manager. . . .

1 Revised Law

2 Sec. 8512.0210. 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 results of the authority's most recent formal
13 audit;

14 (4) the requirements of:

15 (A) laws relating to open meetings, public
16 information, administrative procedure, and the disclosure of
17 conflicts of interest; and

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

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

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

26 (d) The general manager shall create a training manual that
27 includes the information required by Subsection (b). The general
28 manager shall distribute a copy of the training manual annually to
29 each director. Each director shall sign and submit to the general
30 manager a statement acknowledging that the director has received
31 and reviewed the training manual. (Acts 43rd Leg., 1st C.S., Ch.
32 75, Sec. 4A.)

33 Source Law

34 Sec. 4A. (a) A person who is appointed to and

1 qualifies for office as a director may not vote,
2 deliberate, or be counted as a director in attendance
3 at a Board meeting until the person completes a
4 training program that complies with this section.

5 (b) The training program must provide the person
6 with information regarding:

7 (1) the law governing District operations;

8 (2) the programs, functions, rules, and
9 budget of the District;

10 (3) the results of the most recent formal
11 audit of the District;

12 (4) the requirements of:

13 (A) laws relating to open meetings,
14 public information, administrative procedure, and
15 disclosure of conflicts of interest; and

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

19 (5) any applicable ethics policies adopted
20 by the District or the Texas Ethics Commission.

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

26 (d) The general manager shall create a training
27 manual that includes the information required by
28 Subsection (b) of this section. The general manager
29 shall distribute a copy of the training manual
30 annually to each director. Each director shall sign
31 and submit to the general manager a statement
32 acknowledging that the director has received and
33 reviewed the training manual.

34 Revised Law

35 Sec. 8512.0211. SEPARATION OF POLICYMAKING AND MANAGEMENT
36 FUNCTIONS. The board shall develop and implement policies that
37 clearly separate the board's policymaking responsibilities and the
38 general manager's and staff's management responsibilities. (Acts
39 43rd Leg., 1st C.S., Ch. 75, Sec. 5A.)

40 Source Law

41 Sec. 5A. The Board shall develop and implement
42 policies that clearly separate the policymaking
43 responsibilities of the Board and the management
44 responsibilities of the general manager and the staff
45 of the District.

46 Revised Law

47 Sec. 8512.0212. COMPLAINTS. (a) The authority shall
48 maintain a system to promptly and efficiently act on complaints
49 filed with the authority.

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

1 disposition of the complaint.

2 (c) The authority shall periodically notify the parties to
3 the complaint of the complaint's status until final disposition.

4 (d) The authority shall make information available
5 describing the authority's procedures for complaint investigation
6 and resolution. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 25.)

7 Source Law

8 Sec. 25. (a) The District shall maintain a
9 system to promptly and efficiently act on complaints
10 filed with the District. The District shall maintain
11 information about the parties to and subject matter of
12 the complaint, a summary of the results of the review
13 or investigation of the complaint, and the disposition
14 of the complaint.

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

18 (c) The District shall periodically notify the
19 complaint parties of the status of the complaint until
20 final disposition.

21 Revised Law

22 Sec. 8512.0213. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

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

27 (b) The authority's procedures relating to alternative
28 dispute resolution must conform, to the extent possible, to any
29 model guidelines issued by the State Office of Administrative
30 Hearings for the use of alternative dispute resolution by state
31 agencies.

32 (c) The authority shall:

33 (1) coordinate the implementation of the policy
34 adopted under Subsection (a);

35 (2) provide training as needed to implement the
36 procedures for alternative dispute resolution; and

37 (3) collect data concerning the effectiveness of those
38 procedures. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 23.)

39 Source Law

40 Sec. 23. (a) The Board shall develop a policy

1 to encourage the use of appropriate alternative
2 dispute resolution procedures under Chapter 2009,
3 Government Code, to assist in the resolution of
4 internal and external disputes under the District's
5 jurisdiction.

6 (b) The District's procedures relating to
7 alternative dispute resolution must conform, to the
8 extent possible, to any model guidelines issued by the
9 State Office of Administrative Hearings for the use of
10 alternative dispute resolution by state agencies.

11 (c) The District shall:

12 (1) coordinate the implementation of the
13 policy adopted under Subsection (a) of this section;

14 (2) provide training as needed to
15 implement the procedures for alternative dispute
16 resolution; and

17 (3) collect data concerning the
18 effectiveness of those procedures.

19 Revised Law

20 Sec. 8512.0214. PUBLIC TESTIMONY. (a) The board shall
21 develop and implement policies that provide the public with a
22 reasonable opportunity to appear before the board and to speak on
23 any issue under the authority's jurisdiction.

24 (b) At each regular board meeting, the board shall include
25 public testimony as a meeting agenda item and allow members of the
26 public to comment on other agenda items and other matters under the
27 authority's jurisdiction. The board may not deliberate on or
28 decide a matter not included in the meeting agenda, except that the
29 board may discuss including the matter on the agenda for a
30 subsequent meeting. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 24.)

31 Source Law

32 Sec. 24. (a) The Board shall develop and
33 implement policies that provide the public with a
34 reasonable opportunity to appear before the Board and
35 to speak on any issue under the jurisdiction of the
36 District.

37 (b) At each regular meeting of the Board, the
38 Board shall include public testimony as a meeting
39 agenda item and allow members of the public to comment
40 on other agenda items and other matters under the
41 jurisdiction of the District. The Board may not
42 deliberate on or decide a matter not included in the
43 meeting agenda, except that the Board may discuss
44 including the matter on the agenda for a subsequent
45 meeting.

46 Revised Law

47 Sec. 8512.0215. SEAL. The authority may adopt and use a
48 corporate seal. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 2 (part).)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Source Law

Sec. 2. . . . the District shall have and is hereby authorized to exercise the following powers, rights, privileges, and functions;

- (r) . . . to adopt, use and alter a corporate seal;
- . . .

Revisor's Note

Section 2(r), Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933, states that the authority may adopt, use, and alter a corporate seal. The revised law omits "alter" because the power to adopt a seal includes the power to alter it.

Revisor's Note
(End of Subchapter)

(1) Section 4(a), Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933, requires each director to take the "official oath of office prescribed by General Statute." At the time Chapter 75 was enacted, Article 16, Revised Statutes, required each officer in this state to "take and subscribe the oath prescribed by Article 16, Section 1, of the Constitution of this State." In 1993, Article 16, Revised Statutes, was codified in part as Section 604.001, Government Code. The portion of Article 16 requiring an officer to take the oath of office was omitted from the revised law because under Section 1, Article XVI, Texas Constitution, all officers are required to take the oath (or affirmation) before assuming office. No other applicable general law requires a director of the authority to take an oath of office. Accordingly, the revised law omits the provision. The omitted law reads:

- (a) . . . Each director shall qualify by taking the official oath of office prescribed by General Statute.

(2) Section 4(b), Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933, provides that

1 until the adoption of bylaws setting the time and place
2 of regular meetings and the manner in which special
3 meetings may be called, board meetings shall be held at
4 the times and places designated in writing by five
5 directors. Because the board has adopted those
6 bylaws, the revised law omits the provision as
7 executed. The omitted law reads:

8 (b) Until the adoption of by-laws
9 fixing the time and place of regular
10 meetings and the manner in which special
11 meetings may be called, meetings of the
12 Board shall be held at such times and places
13 as five (5) of the directors may designate
14 in writing. . . .

15 (3) Section 2, Chapter 432, Acts of the 61st
16 Legislature, Regular Session, 1969, contains
17 transition procedures regarding the terms of certain
18 directors. The revised law omits that provision as
19 executed. The omitted law reads:

20 Sec. 2. Nothing in this Act shall be
21 construed to affect the present membership
22 of the Board of Directors of the
23 Guadalupe-Blanco River Authority, and each
24 member of the present Board of Directors
25 shall continue to serve as such until the
26 expiration of the term of office for which
27 he was appointed and thereafter until his
28 successor shall have been appointed and
29 qualified, unless sooner removed as
30 provided in said Section 4.

31 SUBCHAPTER C. POWERS AND DUTIES

32 Revised Law

33 Sec. 8512.0301. GENERAL POWERS. The authority has:

34 (1) the powers of government and the authority to
35 exercise the rights, privileges, and functions specified by this
36 chapter; and

37 (2) all powers, rights, privileges, and functions
38 conferred by general law on any district, other than a groundwater
39 conservation district, created under Section 59, Article XVI, Texas
40 Constitution, except as expressly limited by this chapter. (Acts
41 43rd Leg., 1st C.S., Ch. 75, Secs. 1 (part), 2 (part).)

1 Source Law

2 Sec. 1. . . . [Such District] . . . with such
3 powers of government and with the authority to
4 exercise such rights, privileges, and functions as may
5 be hereinafter specified, and

6 Sec. 2. Except as expressly limited by this Act,
7 the District shall have and is hereby authorized to
8 exercise all powers, rights, privileges, and functions
9 conferred by General Law, now in force or hereafter
10 enacted, upon any District or Districts created
11 pursuant to Section 59, of Article 16, of the
12 Constitution of the State of Texas (excluding
13 underground water conservation districts), and the
14 same are adopted by reference. . . .

15 Revisor's Note

16 (1) Section 2, Chapter 75, Acts of the 43rd
17 Legislature, 1st Called Session, 1933, refers to the
18 general laws of this state "now in force or hereafter
19 enacted." The revised law omits the quoted language as
20 unnecessary under accepted general principles of
21 statutory construction. The reference to the general
22 laws means those laws "in force" at the time the
23 provision was adopted. It is unnecessary to state that
24 the authority may be granted additional powers by
25 later enacted laws because those laws would apply on
26 their own terms.

27 (2) Section 2, Chapter 75, Acts of the 43rd
28 Legislature, 1st Called Session, 1933, refers to
29 "underground water." Throughout this chapter, the
30 revised law substitutes "groundwater" for
31 "underground water" or "underground waters" to conform
32 to the term used in Chapter 36, Water Code.

33 (3) Section 2, Chapter 75, Acts of the 43rd
34 Legislature, 1st Called Session, 1933, provides that
35 the authority has all powers, rights, privileges, and
36 functions conferred by general law on any district
37 created under Section 59, Article XVI, Texas
38 Constitution, other than an underground water
39 conservation district, "and the same are adopted by

1 reference." The revised law omits the quoted language
2 because a law that applies to or governs the authority
3 applies on its own terms without needing to be adopted
4 by reference.

5 Revised Law

6 Sec. 8512.0302. POWERS RELATED TO WATER OF RIVERS AND
7 STREAMS. The authority may:

8 (1) control, store, and preserve, in or adjoining the
9 authority's boundaries, the water of any rivers and streams,
10 including the Guadalupe and Blanco Rivers and their tributaries,
11 for all useful purposes; and

12 (2) use, distribute, and sell the water described by
13 Subdivision (1), in the authority, for all useful purposes. (Acts
14 43rd Leg., 1st C.S., Ch. 75, Sec. 2 (part).)

15 Source Law

16 Sec. 2. . . . the District shall have and is
17 hereby authorized to exercise the following powers,
18 rights, privileges, and functions;

19 (a) to control, store and preserve, within or
20 adjoining the boundaries of the District, the waters
21 of any rivers and streams, including the waters of the
22 Guadalupe and Blanco Rivers and their tributaries, for
23 all useful purposes, and to use, distribute and sell
24 the same, within the boundaries of the District, for
25 any such purposes;

26 . . .

27 Revised Law

28 Sec. 8512.0303. POWERS RELATED TO GROUNDWATER. The
29 authority may:

30 (1) conserve, preserve, and develop groundwater in the
31 authority, subject to any applicable regulation by this state or
32 any political subdivision, for all useful purposes; and

33 (2) use, distribute, and sell groundwater, in the
34 authority, for all useful purposes. (Acts 43rd Leg., 1st C.S., Ch.
35 75, Sec. 2 (part).)

36 Source Law

37 Sec. 2. . . . the District shall have and is
38 hereby authorized to exercise the following powers,
39 rights, privileges, and functions;

40 . . .
41 (b) to conserve, preserve and develop

1 underground waters within the boundaries of the
2 District (subject to any applicable regulation by the
3 State or any political subdivision) for all useful
4 purposes, and to use, distribute and sell the same,
5 within the boundaries of the District for any such
6 purposes;
7 . . .

8 Revised Law

9 Sec. 8512.0304. ACQUISITION OF WATER, WATER SUPPLY
10 FACILITIES, AND CONSERVATION STORAGE CAPACITY. The authority may
11 acquire water, water supply facilities, and conservation storage
12 capacity inside or outside the authority from any person. (Acts
13 43rd Leg., 1st C.S., Ch. 75, Sec. 2 (part).)

14 Source Law

15 Sec. 2. . . . the District shall have and is
16 hereby authorized to exercise the following powers,
17 rights, privileges, and functions;

18 . . .
19 (c) to acquire water, water supply facilities
20 and conservation storage capacity within or without
21 the District from any person, including the State or
22 any of its agencies and subdivisions and the United
23 States of America and any of its agencies and
24 subdivisions;
25 . . .

26 Revisor's Note

27 Section 2(c), Chapter 75, Acts of the 43rd
28 Legislature, 1st Called Session, 1933, authorizes the
29 authority to acquire certain property from any
30 "person, including the State or any of its agencies and
31 subdivisions and the United States of America and any
32 of its agencies and subdivisions." Throughout this
33 chapter, the revised law substitutes "person" for the
34 quoted or similar language because under Section
35 311.005(2), Government Code (Code Construction Act),
36 "person" is defined to include any legal entity.

37 Revised Law

38 Sec. 8512.0305. USE, DISTRIBUTION, AND SALE OF WATER
39 OUTSIDE AUTHORITY. (a) The authority may use, distribute, and
40 sell, outside the authority, any water the authority controls,
41 stores, preserves, conserves, develops, or acquires if the board
42 determines that adequate provision can be made to continue to serve

1 the water requirements inside the authority.

2 (b) Notwithstanding Subsection (a), the authority may not
3 enter into any agreement that contemplates or results in the
4 removal from the watershed of the Guadalupe and Blanco Rivers and
5 their tributaries of any surface water of the authority necessary
6 to supply the reasonably foreseeable future water requirements for
7 municipal uses inside the watershed during the next 50 years,
8 except on a temporary, interim basis. (Acts 43rd Leg., 1st C.S.,
9 Ch. 75, Sec. 2 (part).)

10 Source Law

11 Sec. 2. . . . the District shall have and is
12 hereby authorized to exercise the following powers,
13 rights, privileges, and functions;

14 . . .
15 (d) to use, distribute and sell, without the
16 boundaries of the District, any waters which may be
17 controlled, stored, preserved, conserved, developed
18 or acquired by the District, if the Board hereinafter
19 referred to determines that adequate provision can be
20 made to continue to serve the water requirements
21 within the boundaries of the District, provided the
22 District shall not enter into any agreement which
23 contemplates or results in the removal from the
24 watershed of the Guadalupe and Blanco Rivers and their
25 tributaries of any surface water of the District
26 necessary to supply the reasonably foreseeable future
27 water requirements for municipal uses during the next
28 ensuing fifty-year period within such watershed,
29 except on a temporary, interim basis;

30 . . .

31 Revised Law

32 Sec. 8512.0306. DEVELOPMENT, GENERATION, DISTRIBUTION, AND
33 SALE OF WATER POWER AND ELECTRIC ENERGY. The authority may:

34 (1) develop and generate water power and electric
35 energy inside the authority; and

36 (2) distribute and sell water power and electric
37 energy inside or outside the authority. (Acts 43rd Leg., 1st C.S.,
38 Ch. 75, Sec. 2 (part).)

39 Source Law

40 Sec. 2. . . . the District shall have and is
41 hereby authorized to exercise the following powers,
42 rights, privileges, and functions;

43 . . .
44 (e) to develop and generate water power and
45 electric energy within the boundaries of the District
46 and to distribute and sell water power and electric
47 energy, within or without the boundaries of the

1 District;
2 . . .

3 Revised Law

4 Sec. 8512.0307. PREVENTION OF DAMAGE TO PERSONS OR
5 PROPERTY. The authority may prevent or aid in the prevention of
6 damage to persons or property from the water of the Guadalupe and
7 Blanco Rivers and their tributaries. (Acts 43rd Leg., 1st C.S., Ch.
8 75, Sec. 2 (part).)

9 Source Law

10 Sec. 2. . . . the District shall have and is
11 hereby authorized to exercise the following powers,
12 rights, privileges, and functions;

13 . . .
14 (f) to prevent or aid in the prevention of
15 damage to person or property from the waters of the
16 Guadalupe and Blanco Rivers and their tributaries;
17 . . .

18 Revised Law

19 Sec. 8512.0308. FORESTATION AND REFORESTATION; PREVENTION
20 OF SOIL EROSION AND FLOODS. In the watershed of the Guadalupe and
21 Blanco Rivers and their tributaries, the authority may:

22 (1) forest, reforest, or aid in foresting or
23 reforesting; and

24 (2) prevent or aid in the prevention of soil erosion
25 and floods. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 2 (part).)

26 Source Law

27 Sec. 2. . . . the District shall have and is
28 hereby authorized to exercise the following powers,
29 rights, privileges, and functions;

30 . . .
31 (g) to forest and reforest and to aid in the
32 foresting and reforesting of the watershed area of the
33 Guadalupe and Blanco Rivers and their tributaries and
34 to prevent and to aid in the prevention of soil erosion
35 and floods within said watershed area;
36 . . .

37 Revisor's Note

38 Section 2(g), Chapter 75, Acts of the 43rd
39 Legislature, 1st Called Session, 1933, refers to "the
40 watershed area of the Guadalupe and Blanco Rivers and
41 their tributaries." The revised law omits the
42 reference to "area" because, in context, "area" is
43 included in the meaning of "watershed."

1 Revised Law

2 Sec. 8512.0309. DEVELOPMENT OF NAVIGATION AND RELATED
3 FACILITIES. The authority may develop the navigation of inland
4 water in the authority and any facility in aid of that navigation.
5 (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 2 (part).)

6 Source Law

7 Sec. 2. . . . the District shall have and is
8 hereby authorized to exercise the following powers,
9 rights, privileges, and functions;

10 . . .
11 (h) to develop the navigation of inland waters
12 within the boundaries of the District and any
13 facilities in aid thereof;

14 . . .

15 Revised Law

16 Sec. 8512.0310. DEVELOPMENT OF RECLAMATION AND DRAINAGE OF
17 CERTAIN LAND AND RELATED FACILITIES. The authority may develop the
18 reclamation and drainage of overflowed land and other land needing
19 drainage, other than coastal wetlands or inland marshes, in the
20 authority and any facility in aid of that reclamation and drainage.
21 (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 2 (part).)

22 Source Law

23 Sec. 2. . . . the District shall have and is
24 hereby authorized to exercise the following powers,
25 rights, privileges, and functions;

26 . . .
27 (i) to develop the reclamation and drainage of
28 overflowed lands and other lands needing drainage
29 within the boundaries of the District and any
30 facilities in aid thereof (but not to reclaim or drain
31 coastal wetlands or inland marshes);

32 . . .

33 Revised Law

34 Sec. 8512.0311. WASTE MANAGEMENT. (a) The authority may
35 develop the collection, transportation, treatment, disposal, and
36 handling of any waste, as that term is defined by general law, and
37 any facility in aid of those activities.

38 (b) The authority may construct or acquire sanitary sewer
39 facilities for the collection, treatment, and disposal of sewage in
40 a municipality's boundaries only with the municipality's consent.

41 (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 2 (part).)

1 Revised Law

2 Sec. 8512.0313. ACQUISITION OR OPERATION OF PROPERTY. (a)
3 The authority may acquire, maintain, use, and operate property of
4 any kind or any property interest, inside or outside the authority,
5 necessary or convenient to the exercise of the powers, rights,
6 privileges, and functions conferred on the authority by this
7 chapter.

8 (b) The authority may acquire property or a property
9 interest as provided by Subsection (a) by purchase, lease, gift, or
10 any other manner, other than by the exercise of the power of eminent
11 domain. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 2 (part).)

12 Source Law

13 Sec. 2. . . . the District shall have and is
14 hereby authorized to exercise the following powers,
15 rights, privileges, and functions;

16 . . .
17 (1) to acquire by purchase, lease, gift or in
18 any other manner (otherwise than by condemnation) and
19 to maintain, use and operate any and all property of
20 any kind, real, personal, or mixed, or any interest
21 therein, within or without the boundaries of the
22 District, necessary or convenient to the exercise of
23 the powers, rights, privileges and functions conferred
24 upon it by this Act;

25 . . .

26 Revisor's Note

27 (1) Section 2(1), Chapter 75, Acts of the 43rd
28 Legislature, 1st Called Session, 1933, prohibits the
29 authority from acquiring certain property or property
30 interests by "condemnation." The revised law
31 substitutes "the exercise of the power of eminent
32 domain" for the quoted language because the phrases
33 have the same meaning and the latter phrase is
34 consistent with modern usage in laws relating to
35 eminent domain.

36 (2) Section 2(1), Chapter 75, Acts of the 43rd
37 Legislature, 1st Called Session, 1933, refers to
38 "property of any kind, real, personal, or mixed."
39 Throughout this chapter, the revised law omits
40 references to "real, personal, or mixed" property

1 because under Section 311.005(4), Government Code
2 (Code Construction Act), "property" includes both real
3 and personal property, and "mixed" property is
4 property consisting of both real and personal
5 property.

6 Revised Law

7 Sec. 8512.0314. EMINENT DOMAIN. (a) The authority may
8 acquire by the exercise of the power of eminent domain property of
9 any kind or a property interest inside or outside the authority that
10 is necessary or convenient to the exercise of the powers, rights,
11 privileges, and functions conferred on the authority by this
12 chapter.

13 (b) The authority must exercise the power of eminent domain
14 in the manner provided by:

15 (1) Chapter 21, Property Code; or

16 (2) the statutes relating to the exercise of the power
17 of eminent domain by districts organized under general law under
18 Section 59, Article XVI, Texas Constitution.

19 (c) The authority may not exercise the power of eminent
20 domain to acquire property or a property interest that is:

21 (1) located outside the authority; and

22 (2) owned by a body politic.

23 (d) The authority's authority under this section to
24 exercise the power of eminent domain expired on September 1, 2013,
25 unless the authority submitted a letter to the comptroller in
26 accordance with Section 2206.101(b), Government Code, not later
27 than December 31, 2012. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 2
28 (part); New.)

29 Source Law

30 Sec. 2. . . . the District shall have and is
31 hereby authorized to exercise the following powers,
32 rights, privileges, and functions;

33 . . .
34 (m) to acquire by condemnation any and all
35 property of any kind, real, personal or mixed, or any
36 interest therein, within or without the boundaries of
37 the District (other than such property or any interest
38 therein without the boundaries of the District as may

1 at the time be owned by any body politic) necessary or
2 convenient to the exercise of the powers, rights,
3 privileges, and functions conferred upon it by this
4 Act, in the manner provided by General Law with respect
5 to condemnation or, at the option of the District, in
6 the manner provided by the Statutes relative to
7 condemnation by Districts organized under General Law
8 pursuant to Section 59, of Article 16, of the
9 Constitution of the State of Texas;

10 . . .

11 Revisor's Note

12 (1) Section 2(m), Chapter 75, Acts of the 43rd
13 Legislature, 1st Called Session, 1933, authorizes the
14 authority to acquire certain property or property
15 interests by "condemnation." The revised law
16 substitutes "the exercise of the power of eminent
17 domain" for the reason stated in Revisor's Note (1) to
18 Section 8512.0313.

19 (2) Section 2(m), Chapter 75, Acts of the 43rd
20 Legislature, 1st Called Session, 1933, authorizes the
21 authority to acquire certain property or property
22 interests by condemnation in the manner provided by
23 "General Law with respect to condemnation." The
24 revised law substitutes for the quoted language a
25 reference to Chapter 21, Property Code, because that
26 is the general law governing eminent domain for
27 governmental entities.

28 (3) Section 2(m), Chapter 75, Acts of the 43rd
29 Legislature, 1st Called Session, 1933, provides the
30 authority eminent domain authority. Section 2206.101,
31 Government Code, required an entity with eminent
32 domain authority to submit a letter with certain
33 information to the comptroller not later than December
34 31, 2012, to prevent the entity's eminent domain
35 authority from expiring on September 1, 2013. To avoid
36 the appearance that this revision recognizes authority
37 that the authority may not possess at the time of the
38 revision, the revised law includes a provision setting
39 out the requirements of Section 2206.101, Government

1 Code.

2 Revised Law

3 Sec. 8512.0315. SALE, LEASE, OR OTHER DISPOSITION OF
4 PROPERTY. Subject to the provisions of this chapter, the authority
5 may sell, lease, or otherwise dispose of property of any kind or any
6 property interest:

7 (1) that is not necessary authority business; or

8 (2) the sale, lease, or disposition of which, in the
9 board's judgment, is necessary or convenient to the exercise of the
10 powers, rights, privileges, and functions conferred on the
11 authority by this chapter or general law. (Acts 43rd Leg., 1st
12 C.S., Ch. 75, Sec. 2 (part).)

13 Source Law

14 Sec. 2. . . . the District shall have and is
15 hereby authorized to exercise the following powers,
16 rights, privileges, and functions;

17 . . .

18 (n) subject to the provisions of this Act from
19 time to time sell, lease, or otherwise dispose of any
20 property of any kind, real, personal, or mixed, or any
21 interest therein, which shall not be necessary to the
22 carrying on of the business of the District or the
23 sale, lease, or disposition of which, in the judgment
24 of the Board hereinafter referred to, is necessary or
25 convenient to the exercise of the powers, rights,
26 privileges and functions conferred upon the District
27 by this Act or by General Law;

28 . . .

29 Revisor's Note

30 Section 2(n), Chapter 75, Acts of the 43rd
31 Legislature, 1st Called Session, 1933, states that the
32 authority may sell, lease, or otherwise dispose of
33 property "from time to time." The revised law omits
34 the quoted language because the power to take an action
35 implies the power to take the action at any time.

36 Revised Law

37 Sec. 8512.0316. OVERFLOW OR INUNDATION OF PUBLIC PROPERTY;
38 RELOCATION OF FACILITIES. (a) In this section, "sole expense"
39 means the actual cost of relocating, raising, lowering, rerouting,
40 or changing the grade of or altering the construction of a facility
41 to provide comparable replacement without enhancement of the

1 facility, after deducting the net salvage value derived from the
2 old facility.

3 (b) The authority may overflow and inundate any public
4 property and require the relocation of a road, pipeline,
5 transmission line, railroad, cemetery, or highway in the manner and
6 to the extent permitted to a district organized under general law
7 under Section 59, Article XVI, Texas Constitution.

8 (c) If in the exercise of the power of eminent domain or any
9 other power the authority requires relocating, raising, lowering,
10 rerouting, or changing the grade of or altering the construction of
11 any railroad, transmission line, conduit, pole, property,
12 facility, or pipeline, the action shall be the authority's sole
13 expense. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 2 (part).)

14 Source Law

15 Sec. 2. . . . the District shall have and is
16 hereby authorized to exercise the following powers,
17 rights, privileges, and functions;

18 . . .
19 (o) to overflow and inundate any public lands
20 and public property and to require the relocation of
21 roads, pipelines, transmission lines, railroads,
22 cemeteries and highways in the manner and to the extent
23 permitted to Districts organized under General Law
24 pursuant to Section 59, of Article 16, of the
25 Constitution of the State of Texas; provided that if
26 the District requires the relocation, raising,
27 lowering, rerouting, or change in grade or alteration
28 in the construction of any railroad, transmission
29 lines, conduits, poles, properties, or facilities, or
30 pipelines in the exercise of the power of eminent
31 domain or any other power, all of the relocation,
32 raising, lowering, rerouting or changes in grade or
33 alteration of construction shall be the sole expense
34 of the District. The term "sole expense" means the
35 actual cost of relocation, raising, lowering,
36 rerouting, or change in grade or alteration of
37 construction to provide comparable replacement
38 without enhancement of facilities, after deducting the
39 net salvage value derived from the old facility;

40 . . .

41 Revisor's Note

42 Section 2(o), Chapter 75, Acts of the 43rd
43 Legislature, 1st Called Session, 1933, refers to
44 "public lands and public property." The revised law
45 omits the reference to "public lands" because under
46 Section 311.005(4), Government Code (Code

1 Construction Act), the definition of "property"
2 includes real property, and "land" is included in the
3 meaning of real property.

4 Revised Law

5 Sec. 8512.0317. CONSTRUCTION, MAINTENANCE, AND OPERATION
6 OF FACILITIES. The authority may construct, extend, improve,
7 maintain, reconstruct, and use and operate facilities of any kind
8 necessary or convenient to the exercise of the authority's powers,
9 rights, privileges, and functions. (Acts 43rd Leg., 1st C.S., Ch.
10 75, Sec. 2 (part).)

11 Source Law

12 Sec. 2. . . . the District shall have and is
13 hereby authorized to exercise the following powers,
14 rights, privileges, and functions;

15 . . .
16 (p) to construct, extend, improve, maintain,
17 and reconstruct, to cause to be constructed, extended,
18 improved, maintained and reconstructed, and to use and
19 operate, any and all facilities of any kind necessary
20 or convenient to the exercise of such powers, rights,
21 privileges and functions;

22 . . .

23 Revisor's Note

24 Section 2(p), Chapter 75, Acts of the 43rd
25 Legislature, 1st Called Session, 1933, grants the
26 authority the power to construct, extend, improve,
27 maintain, and reconstruct and "to cause to be
28 constructed, extended, improved, maintained and
29 reconstructed" certain facilities. The revised law
30 omits the quoted language as unnecessary because the
31 grant of a power implies the authority to provide for
32 the exercise of that power. In addition, the quoted
33 language duplicates, in substance, Section 49.213(b),
34 Water Code, which authorizes the authority to contract
35 with any person in the performance of an authority
36 purpose or function.

37 Revised Law

38 Sec. 8512.0318. GENERAL CONTRACT POWERS. (a) The
39 authority may enter into a contract or execute an instrument

1 necessary or convenient to the exercise of the powers, rights,
2 privileges, and functions conferred on the authority by this
3 chapter or general law, including a contract with any person as the
4 board considers necessary or proper for, or in connection with, any
5 corporate purpose to provide for the construction, acquisition,
6 ownership, financing, operation, maintenance, sale, leasing to or
7 from, or other use or disposition of any facility authorized to be
8 developed, preserved, conserved, acquired, or constructed under
9 this chapter or general law.

10 (b) The power to enter into a contract regarding a facility
11 under Subsection (a) includes the power to enter into a contract
12 regarding:

13 (1) any improvements, structures, facilities,
14 equipment, and other property of any kind in connection with the
15 contract's subject;

16 (2) any land, leaseholds, and easements; and

17 (3) any interests in property described by this
18 subsection.

19 (c) A contract entered into or instrument executed under
20 this section may be for the term and contain the provisions the
21 board determines to be in the authority's best interests. (Acts
22 43rd Leg., 1st C.S., Ch. 75, Sec. 2 (part).)

23 Source Law

24 Sec. 2. . . . the District shall have and is
25 hereby authorized to exercise the following powers,
26 rights, privileges, and functions;

27 . . .
28 (v) to make contracts and to execute instruments
29 necessary or convenient to the exercise of the powers,
30 rights, privileges, and functions conferred upon it by
31 this Act or General Law for such term and with such
32 provisions as the Board hereinafter referred to may
33 determine to be in the best interests of the District,
34 including, without in any way limiting the generality
35 of the foregoing, contracts with persons, including
36 the State of Texas, the United States of America and
37 any corporation or agency thereof and districts,
38 cities, towns, persons, organizations, associations,
39 firms, corporations, entities or others, as such Board
40 may deem necessary or proper for, or in connection
41 with, any corporate purpose to provide for the
42 construction, acquisition, ownership, financing,
43 operation, maintenance, sale, leasing to or from, or
44 other use or disposition of any facilities authorized

1 to be developed, preserved, conserved, acquired, or
2 constructed under this Act or General Law, including
3 any improvements, structures, facilities, equipment
4 and all other property of any kind in connection
5 therewith and any lands, leaseholds, easements and any
6 interests in any of the foregoing;
7 . . .

8 Revised Law

9 Sec. 8512.0319. JOINT PROJECTS RELATED TO PROPERTY. The
10 authority may:

11 (1) authorize any person to participate with the
12 authority in the joint construction, acquisition, ownership,
13 financing, operation, and maintenance of improvements, structures,
14 facilities, equipment, and any other property in connection with
15 the subject of the authorization, and all land, leaseholds,
16 easements, and interests in the property that the board determines
17 to be necessary or proper for, or in connection with, any corporate
18 purpose; and

19 (2) allow a joint participant to receive the portion
20 of the revenue derived from the property that the board considers
21 just, equitable, and proper. (Acts 43rd Leg., 1st C.S., Ch. 75,
22 Sec. 2 (part).)

23 Source Law

24 Sec. 2. . . . the District shall have and is
25 hereby authorized to exercise the following powers,
26 rights, privileges, and functions;

27 . . .
28 (w) to authorize and allow any of such persons,
29 including the State of Texas, the United States of
30 America and any corporation or agency thereof and
31 districts, agencies, cities, towns, persons,
32 organizations, associations, firms, corporations,
33 entities or others to participate with the District in
34 the joint construction, acquisition, ownership,
35 financing, operation, and maintenance of all of such
36 improvements, structures, facilities, equipment and
37 any other property in connection therewith, and all
38 such lands, leaseholds, easements and interests
39 therein as the Board hereinafter referred to may
40 determine is necessary or proper for, or in connection
41 with, any corporate purpose, and to allow such persons
42 to receive such portion of the revenues derived
43 therefrom as such Board shall deem just, equitable and
44 proper;

45 . . .

46 Revisor's Note

47 Section 2(w), Chapter 75, Acts of the 43rd
48 Legislature, 1st Called Session, 1933, refers to the

1 power of the authority to "authorize and allow" any
2 person to participate with the authority in certain
3 joint undertakings. The revised law omits "allow"
4 because the meaning of the term is included in the
5 meaning of "authorize."

6 Revised Law

7 Sec. 8512.0320. STATE SUPERVISION AND APPROVAL. The
8 commission shall consider the adequacy of, and approve or refuse to
9 approve, any flood control or conservation improvement plan that:

10 (1) the authority devises to achieve a plan or purpose
11 for which the authority was created; and

12 (2) contemplates an improvement that the commission
13 would supervise under general law. (Acts 43rd Leg., 1st C.S., Ch.
14 75, Sec. 3 (part).)

15 Source Law

16 Sec. 3. . . . the State Board of Water
17 Engineers, and in appropriate instances, by the State
18 Reclamation Engineer, each of which agencies shall be
19 charged with the authority and duty to approve, or to
20 refuse to approve, the adequacy of any plan or plans
21 for flood control or conservation improvement purposes
22 devised by the District for the achievement of the
23 plans and purposes intended in the creation of the
24 District, and which plans contemplate improvements
25 supervised by the respective State authorities under
26 the provisions of the General Law.

27 Revisor's Note

28 (1) Section 3, Chapter 75, Acts of the 43rd
29 Legislature, 1st Called Session, 1933, refers to the
30 "State Board of Water Engineers" and the "State
31 Reclamation Engineer." The powers and duties of the
32 State Reclamation Engineer were transferred to the
33 State Board of Water Engineers by Chapter 115, Acts of
34 the 57th Legislature, Regular Session, 1961. The
35 State Board of Water Engineers, created by Chapter
36 171, General Laws, Acts of the 33rd Legislature,
37 Regular Session, 1913, became the Texas Water
38 Commission under Chapter 4, Acts of the 57th
39 Legislature, 3rd Called Session, 1962. The name of the

1 agency was changed to the Texas Water Rights
2 Commission by Chapter 296, Acts of the 59th
3 Legislature, Regular Session, 1965. In 1977, Sections
4 1 and 9, Chapter 870, Acts of the 65th Legislature,
5 Regular Session, changed the name of the agency to the
6 Texas Water Commission. Subsequently, the name of the
7 Texas Water Commission was changed to the Texas
8 Natural Resource Conservation Commission by Section
9 1.085, Chapter 3, Acts of the 72nd Legislature, 1st
10 Called Session, 1991. The name of the Texas Natural
11 Resource Conservation Commission was changed to the
12 Texas Commission on Environmental Quality by Section
13 18.01, Chapter 965, Acts of the 77th Legislature,
14 Regular Session, 2001. The revised law is drafted
15 accordingly.

16 (2) Section 3, Chapter 75, Acts of the 43rd
17 Legislature, 1st Called Session, 1933, provides that
18 the authority's powers and duties are subject to the
19 supervision of the state, acting through the State
20 Board of Water Engineers and the State Reclamation
21 Engineer. The revised law omits that provision
22 because, as explained by Revisor's Note (1) to this
23 section, the Texas Commission on Environmental Quality
24 is the successor to the board of water engineers and
25 the reclamation engineer, and therefore it duplicates,
26 in substance, part of Section 12.081, Water Code,
27 which subjects certain special districts and
28 authorities, including the authority, to supervision
29 by the Texas Commission on Environmental Quality. The
30 omitted law reads:

31 Sec. 3. The powers and duties herein
32 devolved upon the said District shall be
33 subject to the continuing rights of
34 supervision by the State, which shall be
35 exercised through [the State Board of Water
36 Engineers, and in appropriate instances, by
37 the State Reclamation Engineer]

1 Revised Law

2 Sec. 8512.0321. ADDITIONAL POWERS RELATING TO CONTRACTS,
3 RULES, AND REGULATIONS. The authority may enter into and carry out
4 contracts or establish or comply with rules and regulations
5 concerning labor and materials and other related matters in
6 connection with any project the authority considers desirable or as
7 requested by this state, the United States, or any corporation or
8 agency created, designated, or established by this state or the
9 United States, that may assist in financing the project. (Acts 43rd
10 Leg., 1st C.S., Ch. 75, Sec. 13.)

11 Source Law

12 Sec. 13. The District may, but without
13 intending by this provision to limit any powers of the
14 District as granted to it by this Act, enter into and
15 carry out such contracts, or establish or comply with
16 such rules and regulations concerning labor and
17 materials and other related matters in connection with
18 any project or projects as the District may deem
19 desirable or as may be requested by the State of Texas,
20 the United States of America, or any corporation or
21 agency created, designated or established thereby,
22 which may assist in the financing of any such project
23 or projects.

24 Revised Law

25 Sec. 8512.0322. PUBLIC USE OF AUTHORITY'S SURPLUS LAND.
26 The authority may not prevent free public use of the authority's
27 surplus land for recreational purposes, hunting, or fishing except
28 to the extent to which, in the board's opinion, the use would
29 interfere with the proper conduct of the business. (Acts 43rd Leg.,
30 1st C.S., Ch. 75, Sec. 15.)

31 Source Law

32 Sec. 15. The District shall not prevent free
33 public use of its surplus lands for recreation
34 purposes and for hunting and fishing except at such
35 point where, in the opinion of the Directors, such use
36 would interfere with the proper conduct of the
37 business.

38 Revised Law

39 Sec. 8512.0323. EFFECT OF CHAPTER ON WATER RIGHTS AND
40 GROUNDWATER REGULATION. (a) This chapter does not confer any water
41 rights on the authority or set any priority of rights. The
42 authority must obtain its water rights by application to and permit

1 from the commission as provided by general statute.

2 (b) This chapter does not authorize the authority to
3 regulate the withdrawal of groundwater. (Acts 43rd Leg., 1st C.S.,
4 Ch. 75, Sec. 2(y) (part).)

5 Source Law

6 Sec. 2. . . .

7 . . .
8 (y) nothing herein shall be construed as
9 conferring any water rights on the District, or as
10 fixing any priority of rights, but said District shall
11 obtain its water rights by application to and permit
12 from the Texas Commission on Environmental Quality as
13 provided by General Statute; and nothing herein shall
14 be construed as authorizing the District to make any
15 regulation of the withdrawal of underground
16 waters. . . .

17 Revised Law

18 Sec. 8512.0324. APPLICABILITY OF CERTAIN STATUTES. The
19 rights, powers, privileges, and functions granted to the authority
20 under this chapter, and the authority itself, are expressly subject
21 to Chapters 5, 7, 11, 12, 17, 26, and 30, Water Code, and Chapter
22 366, Health and Safety Code. (Acts 43rd Leg., 1st C.S., Ch. 75,
23 Sec. 2 (part).)

24 Source Law

25 Sec. 2. . . . the District shall have and is
26 hereby authorized to exercise the following powers,
27 rights, privileges, and functions;

28 . . .
29 (y) . . . The rights, powers, privileges,
30 authority, and functions granted to the District under
31 this Act, and the District itself, are expressly
32 subject to Chapters 5, 7, 11, 12, 17, 26, and 30, Water
33 Code, and Chapter 366, Health and Safety Code.

34 Revisor's Note

35 Section 2(y), Chapter 75, Acts of the 43rd
36 Legislature, 1st Called Session, 1933, refers to the
37 authority's "powers" and "authority." The revised law
38 omits "authority" because, in context, it is included
39 in the meaning of "powers."

40 Revisor's Note
41 (End of Subchapter)

42 (1) Section 2(q), Chapter 75, Acts of the 43rd
43 Legislature, 1st Called Session, 1933, provides that

1 the authority may sue and be sued in its corporate
2 name. The revised law omits that provision because it
3 duplicates part of Section 49.066, Water Code. The
4 omitted law reads:

5 Sec. 2. . . . [Without limitation of
6 the generality of the foregoing, the
7 District shall have and is hereby
8 authorized to exercise the following
9 powers, rights, privileges, and functions;]

10 . . .
11 (q) to sue and to be sued in its
12 corporate name;
13 . . .

14 (2) Section 2(t), Chapter 75, Acts of the 43rd
15 Legislature, 1st Called Session, 1933, provides that
16 the authority may make bylaws for the management and
17 regulation of its affairs. The revised law omits that
18 provision because it duplicates, in substance, part of
19 Section 49.057(g), Water Code, which provides that a
20 district's board may adopt bylaws to govern the
21 district's affairs. The omitted law reads:

22 Sec. 2. . . . [the District shall
23 have and is hereby authorized to exercise
24 the following powers, rights, privileges,
25 and functions;]

26 . . .
27 (t) to make by-laws for the
28 management and regulation of its affairs;
29 . . .

30 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

31 Revised Law

32 Sec. 8512.0401. DISBURSEMENT OF MONEY. The authority may
33 disburse the authority's money only by a check, draft, order, or
34 other instrument signed by a person authorized to sign the
35 instrument by the bylaws or a resolution in which at least five
36 directors concur. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 6
37 (part).)

38 Source Law

39 Sec. 6. The moneys of the District shall be
40 disbursed only on checks, drafts, orders or other
41 instruments signed by such persons as shall be
42 authorized to sign the same by the by-laws or
43 resolution concurred in by not less than five (5)
44 directors. . . .

1 Revised Law

2 Sec. 8512.0402. ACCOUNTS, CONTRACTS, AND OTHER RECORDS;
3 PUBLIC INSPECTION. (a) The authority shall keep complete and
4 accurate accounts conforming to approved methods of bookkeeping.

5 (b) The accounts and all contracts, documents, and records
6 of the authority shall be kept at an official authority office.

7 (c) The contracts shall be open to public inspection at all
8 reasonable times. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 7
9 (part).)

10 Source Law

11 Sec. 7. . . . The District shall cause to be
12 kept complete and accurate accounts conforming to
13 approved methods of bookkeeping. Said accounts and
14 all contracts, documents and records of the District
15 shall be kept at an official office of the District.
16 Said accounts and contracts shall be open to public
17 inspection at all reasonable times. . . .

18 Revisor's Note

19 Section 7, Chapter 75, Acts of the 43rd
20 Legislature, 1st Called Session, 1933, provides that
21 accounts and contracts shall be open to public
22 inspection at all reasonable times. The revised law
23 omits that provision insofar as it pertains to
24 accounts as superseded by Sections 49.191(b) and
25 49.196(b), Water Code (enacted by Section 2, Chapter
26 715, Acts of the 74th Legislature, Regular Session,
27 1995), which provide that a district's fiscal records
28 shall be available for public inspection during
29 regular business hours.

30 Revised Law

31 Sec. 8512.0403. FILING OF AUDIT REPORT. Copies of the audit
32 report prepared under Subchapter G, Chapter 49, Water Code, shall
33 be certified to by the accountant who performed the audit and filed:

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

35 (2) with the comptroller. (Acts 43rd Leg., 1st C.S.,
36 Ch. 75, Sec. 7 (part); New.)

1 office of state treasurer effective September 1, 1996.
2 Under Sections 404.0011(a) and (b), Government Code,
3 the state treasurer's powers and duties were
4 transferred to the comptroller, and a reference in law
5 to the state treasurer means the comptroller. The
6 revised law is drafted accordingly.

7 The revised law omits the requirement that a copy
8 of the audit report be filed at an official office of
9 the authority because it duplicates or is superseded
10 by Section 49.194(c), Water Code.

11 (2) Section 7, Chapter 75, Acts of the 43rd
12 Legislature, 1st Called Session, 1933, provides that
13 the board shall cause a financial audit to be completed
14 within 90 days after the end of each calendar year.
15 The revised law omits that provision as superseded by
16 Sections 49.191(a), (b), and (d), Water Code, which
17 require an annual audit to be completed within 120 days
18 after the close of the authority's fiscal year. The
19 omitted law reads:

20 Sec. 7. . . . The Board shall cause
21 to be made and completed within ninety (90)
22 days after the end of each calendar year, an
23 audit of the books of account and financial
24 records of the District for such calendar
25 year,

26 (3) Section 7, Chapter 75, Acts of the 43rd
27 Legislature, 1st Called Session, 1933, provides that
28 the audit shall be prepared by the state auditor or an
29 independent certified public accountant or firm of
30 certified public accountants. The revised law omits
31 that provision as superseded by Sections 49.191(b) and
32 (c), Water Code, which provide that the person who
33 performs the audit shall be a certified public
34 accountant or public accountant holding a permit from
35 the Texas State Board of Public Accountancy. The
36 omitted law reads:

1 Sec. 7. . . . such audit to be made
2 by the State Auditor, an independent
3 Certified Public Accountant or firm of
4 Certified Public Accountants. . . .

5 (4) Section 7, Chapter 75, Acts of the 43rd
6 Legislature, 1st Called Session, 1933, provides that
7 the filed copies of the audit report shall be open to
8 public inspection at all reasonable times. The
9 revised law omits that provision for the reason stated
10 in the revisor's note to Section 8512.0402. The
11 omitted law reads:

12 Sec. 7. . . . [Copies of a written
13 report of such audit] . . . shall be open to
14 public inspection at all reasonable times.

15 Revised Law

16 Sec. 8512.0404. ASSET MANAGEMENT PLAN. (a) In this
17 section, "system" means a system for the:

18 (1) provision of water to the public for human
19 consumption; or

20 (2) collection and treatment of wastewater.

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

22 (1) preparing an asset inventory that identifies the
23 assets of each system and the asset's condition;

24 (2) developing criteria to prioritize assets for
25 repair or replacement, including:

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

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

30 (C) the importance of the asset to the effective
31 operation of the system; and

32 (D) other criteria the authority determines;

33 (3) estimating asset repair and replacement costs;

34 (4) identifying and evaluating potential financing
35 options; and

36 (5) prioritizing systems that are not in compliance
37 with federal or state regulatory standards, including water quality

1 standards.

2 (c) The authority shall review and revise the asset
3 management plan annually to account for regulatory changes and
4 other developments.

5 (d) The board shall approve the asset management plan
6 annually as part of its budgeting process.

7 (e) The asset management plan's findings must be posted on
8 the authority's publicly accessible Internet website. (Acts 43rd
9 Leg., 1st C.S., Ch. 75, Sec. 26.)

10 Source Law

11 Sec. 26. (a) In this section, "system" means a
12 system for the:

- 13 (1) provision of water to the public for
14 human consumption; or
15 (2) collection and treatment of
16 wastewater.

17 (b) The District shall adopt an asset management
18 plan by:

19 (1) preparing an asset inventory that
20 identifies the assets of each system and the condition
21 of the assets;

22 (2) developing criteria to prioritize
23 assets for repair or replacement, including:

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

26 (B) the importance of the asset in
27 providing safe drinking water and complying with
28 regulatory standards;

29 (C) the importance of the asset to
30 the effective operation of the system; and

31 (D) other criteria as determined by
32 the District;

33 (3) estimating asset repair and
34 replacement costs;

35 (4) identifying and evaluating potential
36 financing options; and

37 (5) prioritizing systems that are not in
38 compliance with federal or state regulatory standards,
39 including water quality standards.

40 (c) The District shall review and revise the
41 asset management plan annually to account for
42 regulatory changes and other developments.

43 (d) The Board shall approve the asset management
44 plan annually as part of its budgeting process.

45 (e) The findings of the asset management plan
46 must be posted on the District's publicly accessible
47 Internet website.

48 Revised Law

49 Sec. 8512.0405. RATES AND OTHER CHARGES. (a) The board
50 shall impose rates and other charges for the sale or use of water,
51 water connections, power, electric energy, or other services the
52 authority sells, provides, or supplies.

1 (b) The rates and other charges must be reasonable,
2 nondiscriminatory, and sufficient to provide revenue adequate to:

3 (1) pay all expenses necessary to the operation,
4 maintenance, and replacement of and the making of additions to the
5 authority's properties and facilities;

6 (2) pay the principal of, the interest on, and any
7 premium on all bonds issued under this chapter when they become due
8 and payable;

9 (3) pay all sinking fund or reserve fund payments
10 agreed to be made with respect to any of those bonds and payable out
11 of that revenue when and as they become due and payable;

12 (4) fulfill the terms of any agreements made with the
13 holders of those bonds or with any person in their behalf; and

14 (5) discharge all other lawful obligations of the
15 authority when they become due.

16 (c) The rates and other charges may not exceed the amount
17 that may be necessary to fulfill the obligations imposed on the
18 authority by this chapter. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec.
19 9 (part).)

20 Source Law

21 Sec. 9. The Board shall establish and collect
22 rates and other charges for the sale or use of water,
23 water connections, power, electric energy or all other
24 services sold, furnished, or supplied by the District
25 which fees and charges shall be reasonable and
26 nondiscriminatory and sufficient to produce revenues
27 adequate:

28 (a) to pay all expenses necessary to the
29 operation and maintenance and replacements and
30 additions to the properties and facilities of the
31 District;

32 (b) to pay the interest on, the principal of and
33 the premium, if any, on all bonds issued under this Act
34 when and as the same shall become due and payable;

35 (c) to pay all sinking fund and/or reserve fund
36 payments agreed to be made in respect of any such
37 bonds, and payable out of such revenues, when and as
38 the same shall become due and payable;

39 (d) to fulfill the terms of any agreements made
40 with the holders of such bonds and/or with any person
41 in their behalf; and

42 (e) to discharge all other lawful obligations of
43 the District as and when the same shall become due.

44 . . .
45 (g) It is the intention of this Act that the
46 rates and charges of the District shall not be in
47 excess of what may be necessary to fulfill the

1 obligations imposed upon it by this Act. . . .

2 Revisor's Note

3 (1) Section 9, Chapter 75, Acts of the 43rd
4 Legislature, 1st Called Session, 1933, provides that
5 the authority shall "establish and collect" rates and
6 other charges. Throughout this chapter, the revised
7 law substitutes "impose" or "imposed" for the quoted
8 and similar language because, in context, the language
9 has the same meaning and "impose" and "imposed" are
10 more commonly used.

11 (2) Section 9, Chapter 75, Acts of the 43rd
12 Legislature, 1st Called Session, 1933, refers
13 variously to "rates and other charges," "rates and
14 charges," and "fees and charges." Throughout this
15 chapter, the revised law substitutes "rates and other
16 charges" for "rates and charges," "fees and charges,"
17 and similar language for consistency of terminology.

18 Revised Law

19 Sec. 8512.0406. USE OF EXCESS REVENUE. If the authority
20 receives revenue in excess of that required for the purposes
21 specified by Sections 8512.0405(b)(1), (2), (3), and (5), the board
22 may:

23 (1) use the excess revenue to:

24 (A) establish a reasonable depreciation and
25 emergency fund; or

26 (B) retire bonds issued under this chapter by
27 purchase and cancellation or redemption; or

28 (2) apply the excess revenue to any corporate purpose.

29 (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 9(f).)

30 Source Law

31 (f) Of the revenues which may be received in
32 excess of those required for the purposes specified in
33 subparagraphs (a), (b), (c), and (e) above, the Board
34 may in its discretion establish a reasonable
35 depreciation and emergency fund, or retire (by
36 purchase and cancellation or redemption) bonds issued
37 under this Act, or apply the same to any corporate
38 purpose.

1 Revised Law

2 Sec. 8512.0407. PAYMENTS UNDER AGREEMENTS FOR USE OR SALE
3 OF PROPERTY. (a) If the authority enters into an agreement to
4 lease, sell, or otherwise dispose of any property or facilities to
5 any person, the person is subject to the regulations and control of
6 rates or other charges by this state as may be provided by agreement
7 or general law.

8 (b) Notwithstanding Subsection (a), the board shall set
9 payments under a lease or other contract or agreement for the use or
10 sale of any property so that the payments, together with any other
11 pledged revenue, will be sufficient to:

12 (1) pay the principal of, the interest on, and any
13 premium on all bonds to which the payments are pledged when they
14 become due and payable;

15 (2) pay all sinking fund or reserve fund payments
16 agreed to be made with respect to any bonds described by Subdivision
17 (1), and payable out of those payments, when they become due and
18 payable;

19 (3) fulfill the terms of any agreement made with the
20 holders of bonds described by Subdivision (1) or any person in their
21 behalf; and

22 (4) discharge all other obligations of the authority
23 in connection with bonds described by Subdivision (1) when they
24 become due. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 9(h).)

25 Source Law

26 (h) In the event the District enters into
27 agreements to lease, sell or otherwise dispose of any
28 property or facilities to any person, such person
29 shall be subject to such regulations and control of
30 fees and/or charges by the State of Texas as may be
31 provided by agreement or General Law, but the Board
32 shall fix payments under such leases or other
33 contracts and agreements for the use or sale of any
34 property in order that such payments, together with
35 any other pledged revenues, will be sufficient to pay
36 the interest on, the principal of and any premium on
37 all bonds to which such payments are pledged when and
38 as the same shall become due and payable; to pay all
39 sinking fund and/or reserve fund payments agreed to be
40 made in respect of any such bonds, and payable out of
41 such payments, when and as the same shall become due
42 and payable; and to fulfill the terms of any agreement

1 made with the holders of such bonds and/or any person
2 in their behalf and to discharge all other obligations
3 of the District in connection with such bonds as and
4 when the same shall become due.

5 Revised Law

6 Sec. 8512.0408. TAX, ASSESSMENT, OR PLEDGE OF CREDIT OF
7 STATE NOT AUTHORIZED BY CHAPTER. This chapter does not authorize
8 the authority to:

- 9 (1) impose a tax or assessment;
10 (2) create any debt payable out of taxes or
11 assessments; or
12 (3) pledge this state's credit. (Acts 43rd Leg., 1st
13 C.S., Ch. 75, Sec. 1 (part).)

14 Source Law

15 Sec. 1. . . .
16 Nothing in this Act or in any other Act or law
17 contained, however, shall be construed as authorizing
18 the District to levy or collect taxes or assessments,
19 or to create any indebtedness payable out of taxes or
20 assessments, or in any way to pledge the credit of the
21 State.

22 Revisor's Note

23 (1) Section 1, Chapter 75, Acts of the 43rd
24 Legislature, 1st Called Session, 1933, provides that
25 nothing in the act or "in any other Act or law
26 contained" may be construed as authorizing the
27 authority to levy or collect taxes or assessments, to
28 create any debt payable out of taxes or assessments, or
29 in any way to pledge the credit of this state. The
30 revised law omits the statement that nothing in any
31 other act or law may be construed as authorizing the
32 authority to take the stated actions because the
33 statement is both unnecessary and potentially
34 misleading. An accepted general principle of
35 statutory construction requires a statute to be given
36 cumulative effect with other statutes unless it
37 provides otherwise or unless the statutes are in
38 conflict. To the extent the statement means the act
39 prevails over other law in existence at the time the

1 act became effective and with which the act conflicts,
2 it merely restates general rules of statutory
3 construction. To the extent the statement implies the
4 act prevails over future enactments of the legislature
5 that may conflict with it, it is misleading. For
6 example, Section 49.107, Water Code (enacted in 1995),
7 authorizes a district to impose ad valorem taxes for
8 operation and maintenance purposes. Section 311.026,
9 Government Code (Code Construction Act), governs the
10 interpretation of the revised law in instances of
11 apparent conflict with other laws. See also the
12 revisor's note at the end of Subchapter A.

13 (2) Section 1, Chapter 75, Acts of the 43rd
14 Legislature, 1st Called Session, 1933, provides that
15 the act does not authorize the authority to "levy or
16 collect" a tax or assessment. The revised law
17 substitutes "impose" for "levy or collect" because
18 "impose" is the term generally used in Title 1, Tax
19 Code, the term includes the assessment, levying, and
20 collection of a tax or assessment, and the term is
21 consistent with modern usage in laws related to taxes
22 and assessments.

23 Revisor's Note
24 (End of Subchapter)

25 Section 2(s), Chapter 75, Acts of the 43rd
26 Legislature, 1st Called Session, 1933, authorizes the
27 authority to invest and reinvest the authority's
28 money. The revised law omits that provision as
29 superseded by Subchapter A, Chapter 2256, Government
30 Code (enacted as Chapter 889, Acts of the 70th
31 Legislature, Regular Session, 1987), which governs the
32 investments of certain public entities. The omitted
33 law reads:

34 Sec. 2. . . . [the District shall
35 have and is hereby authorized to exercise

1 the following powers, rights, privileges,
2 and functions;]

3 . . .
4 (s) to invest and re-invest its
5 funds;
6 . . .

7 SUBCHAPTER E. BORROWED MONEY AND GRANTS

8 Revised Law

9 Sec. 8512.0501. LOANS AND GRANTS. The authority may:

10 (1) borrow money for the authority's corporate
11 purposes;

12 (2) borrow money or accept a grant from any person,
13 including this state, the United States, or a corporation or agency
14 created or designated by this state or the United States;

15 (3) in connection with a loan or grant described by
16 Subdivision (2), enter into any agreement this state, the United
17 States, or the corporation or agency requires;

18 (4) make and issue the authority's bonds for money
19 borrowed, in the manner and to the extent provided by this chapter;
20 and

21 (5) refund or refinance any outstanding bonds and make
22 and issue the authority's bonds for those purposes in the manner and
23 to the extent provided by this chapter. (Acts 43rd Leg., 1st C.S.,
24 Ch. 75, Sec. 2 (part).)

25 Source Law

26 Sec. 2. . . . the District shall have and is
27 hereby authorized to exercise the following powers,
28 rights, privileges, and functions;

29 . . .
30 (x) to borrow money for its corporate purposes
31 and, without limitation of the generality of the
32 foregoing, to borrow money and accept grants from
33 persons, including the State of Texas, the United
34 States of America, or from any corporation or agency
35 created or designated by the State of Texas or the
36 United States of America, and, in connection with any
37 such loan or grant, to enter into such agreements as
38 the State of Texas or the United States of America or
39 such corporations or agency may require; and to make
40 and issue its negotiable bonds or notes for moneys
41 borrowed, in the manner and to the extent provided in
42 this Act, and to refund or refinance any outstanding
43 bonds or notes and to make and issue its negotiable
44 bonds or notes therefor in the manner and to the extent
45 provided in this Act. . . .

1 Revisor's Note

2 (1) Section 2(x), Chapter 75, Acts of the 43rd
3 Legislature, 1st Called Session, 1933, authorizes the
4 authority to issue "negotiable" bonds or notes. The
5 revised law omits the reference to "negotiable" bonds
6 or notes because Section 1201.041, Government Code,
7 provides that a public security is a negotiable
8 instrument. Throughout this chapter, the revised law
9 omits law that is superseded by or duplicates law in
10 Chapter 1201, Government Code (enacted as the Bond
11 Procedures Act of 1981 (Article 717k-6, Vernon's Texas
12 Civil Statutes)), which applies to authority bonds and
13 notes under Sections 1201.002 and 1201.003 of that
14 code.

15 (2) Section 2(x), Chapter 75, Acts of the 43rd
16 Legislature, 1st Called Session, 1933, provides that
17 the act does not authorize the issuance of authority
18 bonds, notes, or other evidences of indebtedness
19 except as specifically provided by the act and that an
20 issuance of authority bonds, notes, or other evidences
21 of indebtedness is not authorized except by the act or
22 general law. The revised law omits those provisions
23 because the limitations contained in the act and
24 general law apply to the issuance of authority bonds,
25 notes, or other evidences of indebtedness without an
26 express reference to those limitations in this
27 section. The omitted law reads:

28 Sec. 2. . . .
29 (x) . . . Nothing in this Act shall
30 authorize the issuance of any bonds, notes,
31 or other evidences of indebtedness of the
32 District, except as specifically provided
33 in this Act, and no issuance of bonds,
34 notes, or other evidences of indebtedness
35 of the District shall ever be authorized
36 except by this Act or General Law;
37 . . .

1 Revised Law

2 Sec. 8512.0502. STATE PLEDGE REGARDING RIGHTS AND REMEDIES
3 OF BONDHOLDERS. This chapter does not deprive this state of its
4 power to regulate and control rates or other charges to be imposed
5 for the use of water, water connections, power, electric energy, or
6 another service. This state pledges to and agrees with the
7 purchasers and successive holders of the bonds issued under this
8 chapter that this state will not limit or alter the power this
9 chapter gives the authority to impose rates and other charges that
10 will produce revenue sufficient to pay the items specified by
11 Section 8512.0405(b) or in any way impair the rights or remedies of
12 the bondholders, or of any person in their behalf, until the
13 following are fully discharged:

- 14 (1) the bonds;
15 (2) the interest on the bonds;
16 (3) any premium;
17 (4) interest on unpaid installments of interest;
18 (5) all costs and expenses in connection with any
19 action or proceeding by or on behalf of the bondholders; and
20 (6) all other authority obligations in connection with
21 the bonds. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 9(g) (part).)

22 Source Law

23 (g) . . . Nothing herein shall be construed as
24 depriving the State of Texas of its power to regulate
25 and control fees and/or charges to be collected for the
26 use of water, water connections, power, electric
27 energy, or other service, provided that the State of
28 Texas does hereby pledge to and agree with the
29 purchasers and successive holders of the bonds issued
30 hereunder that the State will not limit or alter the
31 power hereby vested in the District to establish and
32 collect such fees and charges as will produce revenues
33 sufficient to pay the items specified in subparagraphs
34 (a), (b), (c), (d), and (e) of this Section 9, or in any
35 way to impair the rights or remedies of the holders of
36 the bonds, or of any person in their behalf, until the
37 bonds, together with the interest thereon and any
38 premium, with interest on unpaid installments of
39 interest and all costs and expenses in connection with
40 any action or proceedings by or on behalf of the
41 bondholders and all other obligations of the District
42 in connection with such bonds are fully met and
43 discharged.

1 Revised Law

2 Sec. 8512.0503. OBLIGATION PAYABLE FROM REVENUE. An
3 authority debt, liability, or obligation for the payment of money,
4 however entered into or incurred and whether arising from an
5 express or implied contract or otherwise, is payable:

6 (1) out of the revenue the authority receives with
7 respect to the authority's properties, subject to any prior lien on
8 the revenue conferred by any resolution previously adopted as
9 provided by this chapter authorizing the issuance of bonds; or

10 (2) if the board so determines, out of the proceeds of
11 sale by the authority of bonds payable solely from revenue
12 described by Subdivision (1). (Acts 43rd Leg., 1st C.S., Ch. 75,
13 Sec. 10.)

14 Source Law

15 Sec. 10. Any and every indebtedness, liability
16 or obligation of the District, for the payment of
17 money, however entered into or incurred, and whether
18 arising from contract, implied contract or otherwise,
19 shall be payable (1) out of the revenues received by
20 the District in respect to its properties, subject to
21 any prior lien thereon conferred by any resolution or
22 resolutions theretofore adopted as in this Act
23 provided, authorizing the issuance of bonds or (2), if
24 the Board shall so determine, out of the proceeds of
25 sale by the District of bonds payable solely from such
26 revenues.

27 Revised Law

28 Sec. 8512.0504. POWER TO ISSUE BONDS. (a) The authority
29 may issue bonds for any corporate purpose.

30 (b) The bonds must be authorized by a board resolution.
31 (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 11 (part).)

32 Source Law

33 Sec. 11. The District shall have power and is
34 hereby authorized to issue, from time to time, bonds or
35 notes as herein authorized for any corporate
36 purpose. . . . All such bonds shall be authorized by
37 resolution or resolutions of the Board concurred in by
38 at least five (5) of the members thereof, and

39 Revisor's Note

40 (1) Section 11, Chapter 75, Acts of the 43rd
41 Legislature, 1st Called Session, 1933, permits the
42 authority to issue bonds or notes "from time to time."

1 The revised law omits the quoted language for the
2 reason stated in the revisor's note to Section
3 8512.0315.

4 (2) Section 11, Chapter 75, Acts of the 43rd
5 Legislature, 1st Called Session, 1933, permits the
6 authority to issue bonds or notes "as herein
7 authorized." The revised law omits the quoted
8 language because, to the extent the other provisions
9 of that act govern the issuance of authority bonds,
10 those provisions apply to the issuance of authority
11 bonds without an express reference to those provisions
12 in this section.

13 (3) Section 11, Chapter 75, Acts of the 43rd
14 Legislature, 1st Called Session, 1933, requires that
15 bonds issued by the authority be authorized by a
16 resolution of the board "concurring in by at least five
17 (5) of the members thereof." The revised law omits the
18 quoted language because it duplicates, in substance,
19 Section 4(b) of Chapter 75, revised in pertinent part
20 as Section 8512.0206(b)(2) of this chapter, which
21 provides that bonds, notes, or other evidence of
22 indebtedness must be authorized or ratified by the
23 affirmative vote of at least five directors.

24 Revised Law

25 Sec. 8512.0505. TERMS OF ISSUANCE. Authority bonds may be:

26 (1) sold for cash;

27 (2) issued on terms the board determines in exchange
28 for property of any kind, or any property interest, that the board
29 considers necessary or convenient for the corporate purpose for
30 which the bonds are issued; or

31 (3) issued in exchange for like principal amounts of
32 other matured or unmatured authority obligations. (Acts 43rd Leg.,
33 1st C.S., Ch. 75, Sec. 11 (part).)

1 general law because the amendments were not
 2 substantive or pertinent to the general law.
 3 Throughout this chapter, the revised law omits
 4 provisions of Section 11 that conflict with general
 5 law that, but for the 2019 amendments, was enacted or
 6 amended after the omitted provisions. The omitted law
 7 reads:

8 Sec. 11. . . . [Such bonds or notes
 9 . . . may either be (1) sold for cash,
 10 . . . at such price or prices as the Board
 11 shall determine, provided that

12 Revised Law

13 Sec. 8512.0506. DEPOSIT OF PROCEEDS. The proceeds of sale
 14 of authority bonds shall be deposited in one or more banks or trust
 15 companies, and shall be paid out according to the terms, on which
 16 the authority and the purchasers of the bonds agree. (Acts 43rd
 17 Leg., 1st C.S., Ch. 75, Sec. 11 (part).)

18 Source Law

19 Sec. 11. . . . The proceeds of sale of such
 20 bonds shall be deposited in such bank or banks or trust
 21 company or trust companies, and shall be paid out
 22 pursuant to such terms and conditions, as may be agreed
 23 upon between the District and the purchasers of such
 24 bonds. . . .

25 Revisor's Note

26 Section 11, Chapter 75, Acts of the 43rd
 27 Legislature, 1st Called Session, 1933, refers to the
 28 "terms and conditions" under which proceeds of the
 29 sale of authority bonds shall be paid out. The revised
 30 law omits "conditions" as included in the meaning of
 31 "terms."

32 Revised Law

33 Sec. 8512.0507. RESOLUTION PROVISIONS. (a) A resolution
 34 authorizing bonds may contain provisions:

- 35 (1) reserving the right to redeem the bonds or
 36 requiring the redemption of the bonds, at the time, in the amount,
 37 and at the price, not exceeding 105 percent of the principal amount
 38 of the bonds, plus accrued interest, as may be provided;

1 (2) providing for the setting aside of sinking funds
2 or reserve funds and the regulation and disposition of those funds;

3 (3) pledging, to secure the payment of the principal
4 of and interest on the bonds and of the sinking fund or reserve fund
5 payments agreed to be made with respect to the bonds:

6 (A) all or any part of the gross or net revenue
7 subsequently received by the authority with respect to the property
8 to be acquired or constructed with the bonds or the proceeds of the
9 bonds; or

10 (B) all or any part of the gross or net revenue
11 subsequently received by the authority from any source;

12 (4) prescribing the purposes to which the bonds or any
13 bonds subsequently to be issued, or the proceeds of the bonds, may
14 be applied;

15 (5) agreeing to impose rates and other charges
16 sufficient to produce revenue adequate to pay the items specified
17 by Section 8512.0405(b) and prescribing the use and disposition of
18 all revenue;

19 (6) prescribing limitations on the issuance of
20 additional bonds and subordinate lien bonds and on the agreements
21 that may be made with the purchasers and successive holders of those
22 bonds;

23 (7) with regard to the construction, extension,
24 improvement, reconstruction, operation, maintenance, and repair of
25 the authority's properties and the carrying of insurance on all or
26 any part of those properties covering loss or damage or loss of use
27 and occupancy resulting from specified risks;

28 (8) setting the procedure, if any, by which the
29 authority may change the terms of a contract with the bondholders,
30 the amount of bonds the holders of which must consent to that
31 change, and the manner in which the consent may be given;

32 (9) providing for the execution and delivery by the
33 authority to a bank or trust company authorized by law to accept
34 trusts, or to the United States or any officer of the United States,

1 of indentures and agreements for the benefit of the bondholders
2 setting forth any or all of the agreements authorized by this
3 chapter to be made with or for the benefit of the bondholders and
4 any other provisions that are customary in such indentures or
5 agreements; and

6 (10) approved by the board that are not inconsistent
7 with this chapter.

8 (b) A provision authorized by this section that is contained
9 in a bond resolution is part of the contract between the authority
10 and the bondholders. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 11
11 (part).)

12 Source Law

13 Sec. 11. . . . Any resolution or resolutions
14 authorizing any bonds may contain provisions, which
15 shall be part of the contract between the District and
16 the holders thereof from time to time.

17 (a) Reserving the right to redeem such bonds or
18 requiring the redemption of such bonds, at such time or
19 times, in such amounts and at such prices, not
20 exceeding one hundred and five per centum (105%) of the
21 principal amount thereof, plus accrued interest, as
22 may be provided;

23 (b) Providing for the setting aside of sinking
24 funds or reserve funds and the regulation and
25 disposition thereof;

26 (c) Pledging to secure the payment of the
27 principal of and interest on such bonds and of the
28 sinking fund or reserve fund payments agreed to be made
29 in respect of such bonds all or any part of the gross or
30 net revenues thereafter received by the District in
31 respect of the property, real, personal or mixed, to be
32 acquired and/or constructed with such bonds or the
33 proceeds thereof, or all or any part of the gross or
34 net revenues thereafter, received by the District from
35 whatever source derived;

36 (d) Prescribing the purposes to which such bonds
37 or any bonds thereafter to be issued, or the proceeds
38 thereof, may be applied;

39 (e) Agreeing to fix and collect rates and
40 charges sufficient to produce revenues adequate to pay
41 the items specified in subdivisions (a), (b), (c),
42 (d), and (e) of Section 9 hereof, and prescribing the
43 use and disposition of all revenues;

44 (f) Prescribing limitations upon the issuance
45 of additional bonds and subordinate lien bonds and
46 upon the agreements which may be made with the
47 purchasers and successive holders thereof;

48 (g) With regard to the construction, extension,
49 improvement, reconstruction, operation, maintenance
50 and repair of the properties of the District and
51 carrying of insurance upon all or any part of said
52 properties covering loss or damage or loss of use and
53 occupancy resulting from specified risks;

54 (h) Fixing the procedure, if any, by which, if
55 the District shall so desire, the terms of any contract

1 with the holders of such bonds may be amended or
2 abrogated, the amount of bonds the holders of which
3 must consent thereto, and the manner in which such
4 consent may be given;

5 (i) For the execution and delivery by the
6 District to a bank or trust company authorized by law
7 to accept trusts, or to the United States of America or
8 any officer or agency thereof, of indentures and
9 agreements for the benefit of the holders of such bonds
10 setting forth any or all of the agreements herein
11 authorized to be made with or for the benefit of the
12 holders of such bonds and such other provisions as may
13 be customary in such indentures or agreements; and

14 (j) Such other provisions, not inconsistent
15 with the provisions of this Act, as the Board may
16 approve.

17 . . .

18 Revisor's Note

19 (1) Section 11, Chapter 75, Acts of the 43rd
20 Legislature, 1st Called Session, 1933, provides that
21 provisions of the resolution authorizing bonds are
22 "part of the contract between the District and the
23 holders thereof from time to time." The revised law
24 omits "from time to time" because, to the extent the
25 language modifies "the contract [made]," the power to
26 make a contract includes the power to do so at any
27 time, and to the extent the language modifies "the
28 holders [of authority bonds]," "bondholder" includes
29 anyone holding a bond at any time the statute is read.

30 (2) Section 11(h), Chapter 75, Acts of the 43rd
31 Legislature, 1st Called Session, 1933, provides that
32 the authority may set the procedure, if any, by which
33 the terms of bond contracts may be "amended or
34 abrogated." The revised law substitutes "change" for
35 the quoted language because, in context, the terms
36 have the same meaning and "change" is more commonly
37 used.

38 (3) Section 11(i), Chapter 75, Acts of the 43rd
39 Legislature, 1st Called Session, 1933, refers to the
40 "United States of America or any . . . agency
41 thereof." The revised law omits the reference to an
42 agency of the United States because under Section

1 311.005(9), Government Code (Code Construction Act),
2 "United States" includes an agency of the United
3 States.

4 Revised Law

5 Sec. 8512.0508. DEFAULT PROCEDURES. (a) This section
6 applies only to a default in:

7 (1) the payment of the principal of bonds as they
8 become due and payable, whether at maturity, by call for
9 redemption, or otherwise;

10 (2) the payment of the interest on bonds as the
11 interest becomes due and payable; or

12 (3) the performance of an agreement made with the
13 purchasers or successive holders of bonds.

14 (b) A resolution authorizing bonds and any indenture or
15 agreement entered into under the resolution may provide that in the
16 event of a default described by Subsection (a) that continues for a
17 period, if any, prescribed by the resolution, the trustee under the
18 indenture entered into with respect to the bonds authorized by the
19 resolution, or, if there is no indenture, a trustee appointed in the
20 manner provided by the resolution by the holders of 25 percent in
21 aggregate principal amount of the bonds authorized by the
22 resolution and then outstanding, and on the written request of the
23 holders of 25 percent in aggregate principal amount of the bonds
24 authorized by the resolution then outstanding, shall, in the
25 trustee's own name, but for the equal and proportionate benefit of
26 the holders of all of the bonds, and with or without having
27 possession of the bonds:

28 (1) enforce by mandamus or other action or proceeding
29 at law or in equity all rights of the bondholders;

30 (2) bring an action on the bonds or the related
31 coupons;

32 (3) require by action in equity the authority to
33 account as if it were the trustee of an express trust for the
34 bondholders;

1 (4) enjoin by action in equity any acts or things that
2 may be unlawful or in violation of the rights of the bondholders; or

3 (5) after such notice to the authority as the
4 resolution may provide, declare the principal of all of the bonds
5 due and payable, and if all defaults have been satisfied, then with
6 the written consent of the holders of 25 percent in aggregate
7 principal amount of the bonds then outstanding, annul the
8 declaration and its consequences.

9 (c) Notwithstanding Subsection (b), the holders of more
10 than a majority in principal amount of the bonds authorized by the
11 resolution and then outstanding, by written instrument delivered to
12 the trustee, are entitled to direct and control any and all action
13 taken or to be taken by the trustee under this section.

14 (d) A resolution, indenture, or agreement relating to bonds
15 may provide that in an action or proceeding under this section, the
16 trustee, whether or not all of the bonds have been declared due and
17 payable and with or without possession of any of the bonds, is
18 entitled to the appointment of a receiver who may:

19 (1) enter and take possession of all or any part of the
20 properties of the authority;

21 (2) operate and maintain the properties;

22 (3) impose rates and other charges sufficient to
23 provide revenue adequate to pay the items specified by Section
24 8512.0405(b) and the costs and disbursements of the action or
25 proceeding; and

26 (4) apply the revenue in accordance with this chapter
27 and the resolution authorizing the bonds.

28 (e) In an action or proceeding by a trustee under this
29 section, the reasonable fees, attorney's fees, and expenses of the
30 trustee and of the receiver, if any, constitute taxable
31 disbursements, and all costs and disbursements allowed by the court
32 are a first charge on any revenue pledged to secure the payment of
33 the bonds.

34 (f) The courts of Comal County have jurisdiction of an

1 action or proceeding by a trustee on behalf of the bondholders and
2 of all property involved in the action or proceeding.

3 (g) In addition to the powers specifically provided by this
4 section, a trustee has all powers necessary or appropriate for the
5 exercise of the powers specifically provided or incident to the
6 general representation of the bondholders in the enforcement of
7 their rights. (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 11(j)
8 (part).)

9 Source Law

10 (j)

11 (1) Any such resolution and any indenture
12 or agreement entered into pursuant thereto may provide
13 that in the event that:

14 (a) default shall be made in the
15 payment of the interest on any or all bonds when and as
16 the same shall become due and payable, or;

17 (b) default shall be made in the
18 payment of the principal of any or all bonds when and
19 as the same shall become due and payable, whether at
20 the maturity thereof, by call for redemption or
21 otherwise, or;

22 (c) default shall be made in the
23 performance of any agreement made with the purchasers
24 or successive holders of any bonds;

25 (2) And such default shall have continued
26 such period, if any, as may be prescribed by said
27 resolution in respect thereof, the trustee under the
28 indenture or indentures entered into in respect of the
29 bonds authorized thereby, or, if there shall be no such
30 indenture, a trustee appointed in the manner provided
31 in such resolution or resolutions by the holders of
32 twenty-five per centum (25%) in aggregate principal
33 amount of the bonds authorized thereby and at that time
34 outstanding, and upon the written request of the
35 holders of twenty-five per centum (25%) in aggregate
36 principal amount of the bonds authorized by such
37 resolution or resolutions at the time outstanding,
38 shall, in his or its own name, but for the equal and
39 proportionate benefit of the holders of all the such
40 bonds; and with or without having possession thereof;

41 (a) by mandamus or other suit, action
42 or proceeding at law or in equity, enforce all rights
43 of the holders of such bonds;

44 (b) bring suit upon such bonds and/or
45 the appurtenant coupons;

46 (c) by action or suit in equity,
47 require the District to account as if it were the
48 trustee of an express trust for the bondholders;

49 (d) by action or suit in equity,
50 enjoin any acts or things which may be unlawful or in
51 violation of the rights of the holders of such bonds,
52 and/or;

53 (e) after such notice to the District
54 as such resolution may provide, declare the principal
55 of all of such bonds due and payable, and if all
56 defaults shall have been made good, then with the
57 written consent of the holders of twenty-five (25) per
58 centum in aggregate principal amount of such bonds at
59 the time outstanding, annul such declaration and its

1 consequences; provided, however, that the holders of
2 more than a majority in principal amount of the bonds
3 authorized thereby and at the time outstanding shall
4 by instrument or instruments in writing delivered to
5 such trustee have the right to direct and control any
6 and all action taken or to be taken by such trustee
7 under this paragraph. Any such resolution, indenture
8 or agreement may provide that in any such suit, action,
9 or proceeding, any such trustee, whether or not all of
10 such bonds shall have been declared due and payable,
11 and with or without possession of any thereof, shall be
12 entitled as of right to the appointment of a receiver
13 who may enter and take possession of all or any part of
14 the properties of the District, and operate and
15 maintain the same, and fix, collect, and receive rates
16 and charges sufficient to provide revenues adequate to
17 pay the items set forth in subparagraphs (a), (b), (c),
18 (d) and (e) of Section 9 hereof and the costs and
19 disbursements of such suit, action or proceeding, and
20 to apply such revenues in conformity with the
21 provisions of this Act and the resolution or
22 resolutions authorizing such bonds. In any suit,
23 action or proceeding by any such trustee, the
24 reasonable fees, counsel fees and expenses of such
25 trustee and of the receiver or receivers, if any, shall
26 constitute taxable disbursements and all costs and
27 disbursements allowed by the Court shall be a first
28 charge upon any revenues pledged to secure the payment
29 of such bonds. Subject to the provisions of the
30 Constitution of the State of Texas, the courts of the
31 County of Comal shall have jurisdiction of any suit,
32 action or proceeding by any such trustee on behalf of
33 the bondholders and of all property involved therein.
34 In addition to the powers hereinabove specifically
35 provided for, each such trustee shall have and possess
36 all powers necessary or appropriate for the exercise
37 of any thereof, or incident to the general
38 representation of the bondholders in the enforcement
39 of their rights.

40 . . .

41 Revisor's Note

42 (1) Sections 11(j)(2)(a) and (e), Chapter 75,
43 Acts of the 43rd Legislature, 1st Called Session,
44 1933, refer to a "suit" or "action." The revised law
45 omits "suit" because that term is included in the
46 meaning of "action."

47 (2) Section 11(j)(2)(e), Chapter 75, Acts of the
48 43rd Legislature, 1st Called Session, 1933, provides
49 that a resolution, indenture, or agreement may provide
50 that in a suit, action, or proceeding, a trustee "shall
51 be entitled as of right" to the appointment of a
52 receiver. The revised law substitutes "is entitled
53 to" for the quoted language because under Section
54 311.016(4), Government Code (Code Construction Act),

1 "is entitled to" creates or recognizes a right.

2 (3) Section 11(j)(2)(e), Chapter 75, Acts of the
3 43rd Legislature, 1st Called Session, 1933, refers to
4 "counsel fees" incurred in a suit, action, or
5 proceeding by a trustee. The revised law substitutes
6 "attorney's fees" for "counsel fees" because, in
7 context, the terms have the same meaning and
8 "attorney's fees" is more commonly used.

9 (4) Section 11(j)(2)(e), Chapter 75, Acts of the
10 43rd Legislature, 1st Called Session, 1933, provides
11 that "[s]ubject to the provisions of the Constitution
12 of the State of Texas," the courts of Comal County have
13 jurisdiction of a suit, action, or proceeding by a
14 trustee. The revised law omits the reference to the
15 Texas Constitution because the state cannot modify
16 constitutional requirements by statute.

17 Revised Law

18 Sec. 8512.0509. INTERIM BONDS. (a) Before issuing
19 definitive bonds, the authority may make and issue interim bonds.

20 (b) The interim bonds issued shall be taken up with the
21 proceeds of the definitive bonds, or the definitive bonds may be
22 issued and delivered in exchange for the interim bonds.

23 (c) After an exchange of definitive bonds for interim bonds,
24 the authority shall file certificates with the comptroller as to
25 the exchange and cancellation, and the comptroller shall register
26 the certificates in the same manner as the proceedings authorizing
27 the issuance of the bonds are registered. (Acts 43rd Leg., 1st
28 C.S., Ch. 75, Sec. 11(j)(3) (part).)

29 Source Law

30 (3) Pending the issuance of definitive
31 bonds, the District is authorized to make and issue
32 interim bonds. The interim bonds so issued will be
33 taken up with the proceeds of the definitive bonds, or
34 the definitive bonds may be issued and delivered in
35 exchange for and in substitution of such interim
36 bonds. After any such exchange and substitution the
37 District shall file proper certificates with the
38 Comptroller of Public Accounts of the State of Texas as

1 to such exchange, substitution and cancellation, and
2 such certificates shall be recorded by the Comptroller
3 of Public Accounts in the same manner as the record of
4 proceedings authorizing the issuance of the
5 bonds. . . .

6 Revisor's Note

7 (1) Section 11(j)(3), Chapter 75, Acts of the
8 43rd Legislature, 1st Called Session, 1933, refers to
9 the issuance and delivery of definitive bonds "in
10 exchange for and in substitution of" interim bonds.
11 The revised law omits the references to "substitution"
12 because, in context, "substitution" is included in the
13 meaning of "exchange."

14 (2) Section 11(j)(3), Chapter 75, Acts of the
15 43rd Legislature, 1st Called Session, 1933, refers to
16 the filing of "proper certificates" with the
17 comptroller as to the exchange of definitive bonds for
18 interim bonds and the cancellation of the interim
19 bonds. The revised law omits "proper" because an
20 improper certificate would not satisfy the
21 requirements of law.

22 (3) Section 11(j)(3), Chapter 75, Acts of the
23 43rd Legislature, 1st Called Session, 1933, refers to
24 the "Comptroller of Public Accounts of the State of
25 Texas." The revised law substitutes "comptroller" for
26 the quoted language because Section 403.001,
27 Government Code, defines "comptroller" in any state
28 statute to mean the comptroller of public accounts of
29 the State of Texas.

30 (4) Section 11(j)(3), Chapter 75, Acts of the
31 43rd Legislature, 1st Called Session, 1933, provides
32 that the certificates as to the exchange of definitive
33 bonds for interim bonds and the cancellation of the
34 interim bonds shall be "recorded" by the comptroller
35 in the same manner as the record of proceedings
36 authorizing the issuance of the bonds. The revised law

1 requires the comptroller to "register" the
2 certificates in the same manner as the proceedings
3 authorizing the issuance of the bonds are "registered"
4 because Section 1202.005, Government Code (enacted in
5 1987 as Section 3.002(c), Chapter 53, Acts of the 70th
6 Legislature, 2nd Called Session (Article 717k-8,
7 Vernon's Texas Civil Statutes)), requires the
8 comptroller to "register" the record of proceedings.
9 Throughout this chapter, the revised law omits law
10 that is superseded by or duplicates law in Chapter
11 1202, Government Code, which applies to authority
12 bonds under Sections 1202.001 and 1202.003 of that
13 code.

14 Revised Law

15 Sec. 8512.0510. TEMPORARY BONDS. The authority may make
16 and issue temporary bonds for the purpose of interim financing and
17 make agreements or other provision to refinance the temporary bonds
18 with bonds to provide permanent financing at the time, in the
19 manner, and on the conditions the board determines. (Acts 43rd
20 Leg., 1st C.S., Ch. 75, Sec. 11(j)(3) (part).)

21 Source Law

22 (3) . . . The District is also authorized
23 to make and issue temporary bonds for the purpose of
24 interim financing and to make agreements or other
25 provision to refinance such temporary bonds with bonds
26 to provide permanent financing at such time, in such
27 manner and on such conditions as may be determined by
28 the Board.

29 Revised Law

30 Sec. 8512.0511. REFUNDING BONDS. (a) The authority may
31 make and issue refunding bonds for the purpose of refunding or
32 refinancing outstanding bonds authorized and issued by the
33 authority under this chapter or other law and the interest and
34 premium, if any, on the bonds to maturity or on any earlier
35 redemption date specified in the resolution authorizing the
36 issuance of the refunding bonds.

37 (b) Refunding bonds may:

1 bonds. Refunding bonds shall be registered by the
2 Comptroller upon surrender and cancellation of the
3 bonds to be refunded, but in lieu thereof, the
4 resolution authorizing the issuance of refunding bonds
5 may provide that they shall be sold and the proceeds
6 thereof deposited at the places at which the original
7 bonds are payable, in which case the refunding bonds
8 may be issued in an amount sufficient to pay the
9 interest and premium, if any, on the original bonds to
10 their maturity date or specified earlier redemption
11 date, and the Comptroller will register them without
12 concurrence, surrender and cancellation of the
13 original bonds. The District may also refund any
14 outstanding bonds in the manner provided by any
15 applicable General Law.

16 Revisor's Note

17 (1) Section 11(j)(7), Chapter 75, Acts of the
18 43rd Legislature, 1st Called Session, 1933, refers to
19 provisions of Chapter 75 referencing the "approval [of
20 authority bonds] by the Attorney General" and applies
21 those provisions to refunding bonds. The revised law
22 omits the quoted language because that language and
23 the provisions of the chapter it refers to are
24 superseded by Section 1202.003, Government Code
25 (enacted in 1987 as Section 3.002(a), Chapter 53, Acts
26 of the 70th Legislature, 2nd Called Session (Article
27 717k-8, Vernon's Texas Civil Statutes)), which
28 provides for approval of public securities by the
29 attorney general.

30 (2) Section 11(j)(7), Chapter 75, Acts of the
31 43rd Legislature, 1st Called Session, 1933, refers to
32 the comptroller's registration of certain refunding
33 bonds "without concurrence, surrender and
34 cancellation of the original bonds." It is clear from
35 the context that "concurrence" is a typographical
36 error and that the legislature intended to use the
37 phrase "without concurrent surrender and cancellation
38 of the original bonds." The revised law is drafted
39 accordingly.

40 Revised Law

41 Sec. 8512.0512. POWER OF AUTHORITY TO PURCHASE BONDS ISSUED

1 BY AUTHORITY. (a) Using any money available for the purpose, the
2 authority may purchase bonds issued by the authority at a price not
3 exceeding the redemption price applicable at the time of the
4 purchase, or, if the bonds are not redeemable, at a price not
5 exceeding the principal amount of the bonds plus accrued interest.

6 (b) All bonds purchased under this section shall be
7 cancelled, and bonds may not be issued in lieu of those bonds.
8 (Acts 43rd Leg., 1st C.S., Ch. 75, Sec. 14.)

9 Source Law

10 Sec. 14. The District shall have power out of
11 any funds available therefor to purchase any bonds
12 issued by it at a price not exceeding the redemption
13 price applicable at the time of such purchase, or if
14 such bonds shall not be redeemable, at a price not
15 exceeding the principal amount thereof plus accrued
16 interest. All bonds so purchased shall be cancelled
17 and no bonds shall ever be issued in lieu thereof.

18 Revisor's Note

19 Section 14, Chapter 75, Acts of the 43rd
20 Legislature, 1st Called Session, 1933, refers to
21 "funds" available to the authority. The revised law
22 substitutes "money" for "funds" for the reason stated
23 in Revisor's Note (1) to Section 8512.0208.

24 Revised Law

25 Sec. 8512.0513. BONDS EXEMPT FROM TAXATION. A bond issued
26 under this chapter and the interest on the bond are exempt from
27 taxation, except inheritance taxes, by this state or by any
28 political subdivision of this state. (Acts 43rd Leg., 1st C.S., Ch.
29 75, Sec. 16 (part).)

30 Source Law

31 Sec. 16. All bonds and the interest thereon
32 issued pursuant to the provisions of this Act shall be
33 exempt from taxation (except inheritance taxes) by the
34 State of Texas or by any municipal corporation, county
35 or other political subdivision or taxing district of
36 the State. . . .

37 Revisor's Note

38 Section 16, Chapter 75, Acts of the 43rd
39 Legislature, 1st Called Session, 1933, refers to a
40 "municipal corporation, county or other political

1 subdivision or taxing district of the State." The
2 revised law omits the references to "municipal
3 corporation," "county," and "taxing district"
4 because, in context, the terms are included in the
5 meaning of "political subdivision" of this state.

6 Revisor's Note
7 (End of Subchapter)

8 (1) Section 11, Chapter 75, Acts of the 43rd
9 Legislature, 1st Called Session, 1933, provides that
10 the interest cost of money received for authority
11 bonds or notes, computed to maturity, may not exceed 10
12 percent per year. That section also provides that the
13 interest rate on authority bonds may not exceed 10
14 percent per year. The revised law omits those
15 provisions as superseded by other law. Chapter 3, Acts
16 of the 61st Legislature, Regular Session, 1969
17 (Article 717k-2, Vernon's Texas Civil Statutes), now
18 Chapter 1204, Government Code, established a maximum
19 interest rate for public securities. Section
20 1204.006, Government Code, reflecting the 1981
21 amendment of Article 717k-2 by Section 1, Chapter 61,
22 Acts of the 67th Legislature, Regular Session, permits
23 a public agency to issue public securities at any net
24 effective interest rate of 15 percent or less. Section
25 1204.006, Government Code, applies to authority bonds
26 under Sections 1204.001 and 1204.002 of that code. The
27 omitted law reads:

28 Sec. 11. . . . [Such bonds or notes
29 . . . may either be (1) sold for cash, . . .
30 at such price or prices as the Board shall
31 determine, provided that] the interest cost
32 of the money received therefor, computed to
33 maturity, shall not exceed ten (10) percent
34 per annum, or [All such bonds . . .
35 shall . . . bear interest at such rate or
36 rates] . . . (not exceeding ten (10) per
37 centum per annum), . . . [as such
38 resolution or resolutions may provide.]
39 . . .

40 (2) Section 11, Chapter 75, Acts of the 43rd

1 Legislature, 1st Called Session, 1933, provides that a
2 resolution authorizing the issuance of bonds by the
3 authority may specify the date or dates of the bonds
4 and the date of maturity of the bonds. The revised law
5 omits that provision because it duplicates, in
6 substance, parts of Sections 1201.021, 1201.022, and
7 1201.024, Government Code, which provide for the
8 characteristics, terms of issuance, and form of a
9 public security. The omitted law reads:

10 Sec. 11. . . . [All such bonds] . . .
11 shall bear such date or dates, mature at
12 such time or times, . . . as such resolution
13 or resolutions may provide. . . .

14 (3) Section 11, Chapter 75, Acts of the 43rd
15 Legislature, 1st Called Session, 1933, provides that
16 authority bonds may bear interest at the rate or rates
17 as provided by the bond resolution and that the
18 interest rate may be fixed, variable, floating, or
19 otherwise. The revised law omits that provision
20 because it duplicates Sections 1201.021(2) and
21 1201.025, Government Code. The omitted law reads:

22 Sec. 11. . . . [All such bonds . . .
23 shall] . . . bear interest at such rate or
24 rates which may be fixed, variable,
25 floating or otherwise . . . [as such
26 resolution or resolutions may provide.]
27 . . .

28 (4) Section 11, Chapter 75, Acts of the 43rd
29 Legislature, 1st Called Session, 1933, provides that
30 interest on authority bonds may be payable annually,
31 semiannually, or otherwise, as provided by the bond
32 resolution. The revised law omits that provision
33 because it duplicates, in substance, Section
34 1201.021(5), Government Code, which provides that a
35 public security may be payable at the times and in the
36 amounts specified by the governing body of the issuer.
37 The omitted law reads:

38 Sec. 11. . . . [All such bonds . . .

1 shall . . . bear interest at such rate or
2 rates . . . ,] payable annually,
3 semiannually or otherwise, . . . [as such
4 resolution or resolutions may provide.]
5 . . .

6 (5) Section 11, Chapter 75, Acts of the 43rd
7 Legislature, 1st Called Session, 1933, provides that
8 authority bonds may be in the denominations provided
9 by the bond resolution. The revised law omits that
10 provision because it duplicates, in substance, Section
11 1201.021(1), Government Code, which provides that a
12 public security may be issued in any denomination. The
13 omitted law reads:

14 Sec. 11. . . . [All such bonds . . .
15 shall] . . . be in such denominations,
16 . . . [as such resolution or resolutions
17 may provide.] . . .

18 (6) Section 11, Chapter 75, Acts of the 43rd
19 Legislature, 1st Called Session, 1933, provides that a
20 resolution authorizing the issuance of bonds by the
21 authority may specify the form of the bonds. The
22 revised law omits the provision because it is
23 superseded by or duplicates law in Sections 1201.021
24 and 1201.024, Government Code, which provide for the
25 form and characteristics of a public security. The
26 omitted law reads:

27 Sec. 11. . . . [All such bonds . . .
28 shall] . . . be in such form, either coupon
29 or registered, . . . [as such resolution or
30 resolutions may provide.] . . .

31 (7) Section 11, Chapter 75, Acts of the 43rd
32 Legislature, 1st Called Session, 1933, describes
33 registration and exchange privileges for authority
34 bonds. The revised law omits those provisions because
35 they duplicate, in substance, Section 1201.022(a)(4),
36 Government Code, and part of Section 1201.024,
37 Government Code. Section 1201.022(a)(4), Government
38 Code, provides that a public security may be issued
39 with specified characteristics, on specified terms, or

1 in a specified manner, and that law is sufficient
2 authority for authority bonds to be exchangeable for
3 bonds of another denomination. Section 1201.024,
4 Government Code, provides that a public security may
5 be registrable as to principal and interest or only as
6 to principal and that an issuer may provide that coupon
7 bonds are exchangeable for registered bonds and vice
8 versa. The omitted law reads:

9 Sec. 11. . . . [All such bonds . . .
10 shall] . . . carry such registration
11 privileges as to principal only or as to
12 both principal and interest, and as to
13 exchange of coupon bonds for registered
14 bonds or vice versa, and exchange of bonds
15 of one denomination for bonds of other
16 denominations, . . . [as such resolution or
17 resolutions may provide.] . . .

18 (8) Section 11, Chapter 75, Acts of the 43rd
19 Legislature, 1st Called Session, 1933, provides that a
20 resolution that authorizes the issuance of authority
21 bonds may specify the manner of execution of the bonds
22 issued. The revised law omits that provision because
23 it duplicates, in substance, Section 1201.026,
24 Government Code, which provides for execution of a
25 public security. The omitted law reads:

26 Sec. 11. . . . [All such bonds . . .
27 shall] . . . be executed in such manner and
28 . . . [as such resolution or resolutions
29 may provide.] . . .

30 (9) Section 11, Chapter 75, Acts of the 43rd
31 Legislature, 1st Called Session, 1933, provides that
32 authority bonds may be payable at the place or places
33 inside or outside this state as provided by the bond
34 resolution. The revised law omits that provision
35 because it duplicates, in substance, Section
36 1201.021(5)(C), Government Code, which provides that a
37 public security may be payable at a specified place or
38 places. The omitted law reads:

39 Sec. 11. . . . [All such bonds . . .
40 shall] . . . be payable at such place or

1 places within or without the State of Texas,
2 [as such resolution or resolutions may
3 provide.] . . .

4 (10) Section 11(j)(4), Chapter 75, Acts of the
5 43rd Legislature, 1st Called Session, 1933, provides
6 that before bonds may be sold by the authority, a
7 certified copy of the proceedings for the issuance of
8 the bonds and other information must be submitted to
9 the attorney general. It also provides that if the
10 attorney general finds that the bonds have been issued
11 in accordance with law and approves the bonds, the
12 attorney general shall execute a certificate to that
13 effect. In addition, it requires that the certificate
14 be filed and recorded in the office of the comptroller
15 and prohibits the issuance of bonds until they have
16 been registered by the comptroller. Section 11(j)(4)
17 also requires the comptroller to register the bonds if
18 the attorney general files with the comptroller the
19 attorney general's certificate approving the bonds and
20 the proceedings for the issuance of the bonds.
21 Finally, Section 11(j)(6), Chapter 75, Acts of the
22 43rd Legislature, 1st Called Session, 1933, provides
23 that the attorney general shall approve bonds that
24 have been authorized in compliance with law. The
25 revised law omits those provisions because they are
26 superseded by or duplicate law in Chapter 1202,
27 Government Code (enacted as Article 3, Chapter 53,
28 Acts of the 70th Legislature, 2nd Called Session, 1987
29 (Article 717k-8, Vernon's Texas Civil Statutes)).
30 Section 1202.003(a), Government Code, requires bonds
31 to be submitted to the attorney general. Section
32 1202.003(b), Government Code, provides for approval of
33 the bonds by the attorney general and requires the
34 attorney general to submit the approved bonds to the
35 comptroller for registration. Section 1202.005,

1 Government Code, requires registration of the bonds by
2 the comptroller. The omitted law reads:

3 (4) Before any bonds shall be
4 sold by the District, a certified copy of
5 the proceedings for the issuance thereof,
6 including the form of such bonds, together
7 with any other information which the
8 Attorney General of the State of Texas may
9 require, shall be submitted to the Attorney
10 General, and if he shall find that such
11 bonds have been issued in accordance with
12 law, and if he shall approve such bonds, he
13 shall execute a certificate to that effect
14 which shall be filed in the office of the
15 Comptroller of the State of Texas and be
16 recorded in a record kept for that purpose.
17 No bonds shall be issued until the same
18 shall have been registered by the
19 Comptroller, who shall so register the same
20 if the Attorney General shall have filed
21 with the Comptroller his certificate
22 approving the bonds and the proceedings for
23 the issuance thereof as hereinabove
24 provided.

25 (6) . . . If such bonds have
26 been authorized and [such contracts made]
27 in compliance with law, the Attorney
28 General shall approve the bonds and . . .
29 the bonds shall then be registered by the
30 Comptroller of Public Accounts. . . .

31 (11) Section 11(j)(5), Chapter 75, Acts of the
32 43rd Legislature, 1st Called Session, 1933, provides
33 that after approval and registration, authority bonds
34 are incontestable and binding obligations. The
35 revised law omits that provision because it is
36 superseded by or duplicates law in Section 1202.006,
37 Government Code (enacted as Section 3.002(d), Chapter
38 53, Acts of the 70th Legislature, 2nd Called Session,
39 1987 (Article 717k-8, Vernon's Texas Civil Statutes)),
40 which provides that after approval and registration,
41 bonds are incontestable and binding obligations. The
42 omitted law reads:

43 (5) All bonds approved by the
44 Attorney General as aforesaid, and
45 registered by the Comptroller as aforesaid,
46 and issued in accordance with the
47 proceedings so approved shall be valid and
48 binding obligations of the District and
49 shall be incontestable for any cause from
50 and after the time of such registration.

1 (12) Section 11(j)(6), Chapter 75, Acts of the
2 43rd Legislature, 1st Called Session, 1933, details
3 various procedures regarding the submission of
4 contracts the proceeds of which are pledged to the
5 payment of bonds, together with related proceedings,
6 to the attorney general, the attorney general's
7 approval of the bond contracts, and the validity and
8 incontestability of the approved bonds and bond
9 contracts. The revised law omits the part of Section
10 11(j)(6) regarding the submission of bond contracts
11 and related proceedings to the attorney general and
12 the attorney general's approval of the bond contracts
13 as duplicative of or superseded by Section 1202.003,
14 Government Code (enacted as Section 3.002(a), Chapter
15 53, Acts of the 70th Legislature, 2nd Called Session,
16 1987 (Article 717k-8, Vernon's Texas Civil Statutes)),
17 which provides that the issuer of a public security
18 shall submit to the attorney general the public
19 security and record of proceedings and provides for
20 the attorney general's approval of the public
21 security. The revised law omits the part of Section
22 11(j)(6) regarding the validity and incontestability
23 of bonds and bond contracts as duplicative of or
24 superseded by Section 1202.006, Government Code
25 (enacted as Section 3.002(d), Chapter 53, Acts of the
26 70th Legislature, 2nd Called Session, 1987 (Article
27 717k-8, Vernon's Texas Civil Statutes)), which
28 provides that after approval and registration of
29 bonds, the bonds and bond contracts are not
30 contestable for any reason. The omitted law reads:

31 (6) If any bonds recite that
32 they are secured by a pledge of the proceeds
33 of a contract, lease, sale or other
34 agreement (herein called 'contract'), a copy
35 of such contract and the proceedings of the
36 contracting parties will also be submitted
37 to the Attorney General. [If such bonds

1 have been authorized and] such contracts
2 made [in compliance with law, the Attorney
3 General shall approve the bonds and]
4 contracts, and When so approved,
5 such bonds and the contracts shall be valid
6 and binding and shall be incontestable for
7 any cause from and after the time of such
8 registration.

9 (13) Section 12, Chapter 75, Acts of the 43rd
10 Legislature, 1st Called Session, 1933, provides that
11 authority bonds are investment securities within the
12 meaning of the Uniform Commercial Code. The revised
13 law omits that provision because it duplicates Section
14 1201.041(2), Government Code. The omitted law reads:

15 Sec. 12. All bonds issued by the
16 District pursuant to the provisions of this
17 Act shall constitute investment securities
18 within the meaning of the Uniform
19 Commercial Code.

20 (14) Section 16, Chapter 75, Acts of the 43rd
21 Legislature, 1st Called Session, 1933, lists the
22 entities for which authority bonds are legal
23 investments and provides that authority bonds may
24 secure deposits of public funds of this state or
25 political subdivisions of this state. The revised law
26 omits the provision relating to the eligibility of
27 authority bonds to be considered as investments for
28 various entities because it duplicates, in substance,
29 Section 49.186(a), Water Code, which provides that
30 bonds, notes, and other obligations of a district are
31 legal and authorized investments for public funds of
32 this state and certain investors. While Section 16
33 lists "guardians" and Section 49.186(a), Water Code,
34 does not, Section 49.186(a) includes "fiduciaries,"
35 and a guardian is a fiduciary. The revised law omits
36 the provision relating to the use of authority bonds as
37 security for deposits of state funds as impliedly
38 repealed by Section 404.0221, Government Code (enacted
39 in 1995), which lists eligible collateral for deposits
40 of state funds by the comptroller, and by Section

1 404.031, Government Code (enacted in 1985 as Section
2 3.001, Article 4393-1, Vernon's Texas Civil Statutes),
3 which provides for the valuation of that collateral.
4 As to securing deposits of other funds, the provision
5 is impliedly repealed by Chapter 2257, Government Code
6 (enacted in 1989 as Article 2529d, Vernon's Texas Civil
7 Statutes), which governs eligible collateral for
8 deposits of funds of other public agencies, including
9 political subdivisions, and permits those deposits to
10 be secured by obligations issued by conservation and
11 reclamation districts. The omitted law reads:

12 Sec. 16. . . . All bonds of the
13 District shall be and are hereby declared to
14 be legal, eligible and authorized
15 investments for banks, savings and loan
16 associations, insurance companies,
17 fiduciaries, trustees, guardians, and for
18 the sinking funds of cities, towns,
19 villages, counties, school districts, or
20 other political corporations or
21 subdivisions of the State of Texas. Such
22 bonds shall be eligible to secure the
23 deposit of any and all public funds of the
24 State of Texas, cities, towns, villages,
25 counties, school districts, or other
26 political corporations or subdivisions of
27 the State of Texas; and such bonds shall be
28 lawful and sufficient security for said
29 deposits to the extent of their face value,
30 when accompanied by all unmatured coupons
31 appurtenant thereto.

32 Revisor's Note
33 (End of Chapter)

34 (1) Section 2(y), Chapter 75, Acts of the 43rd
35 Legislature, 1st Called Session, 1933, provides that
36 the act prevails over the provisions of general law
37 that are adopted by reference in the act unless the
38 general law is made cumulative. The revised law omits
39 the provision because it duplicates, in substance,
40 Section 311.026(b), Government Code (Code
41 Construction Act), which provides that if there is an
42 irreconcilable conflict between a general provision of
43 law and a special or local provision, the special or
44 local provision prevails unless the general provision

1 is the later enactment and the manifest intent is that
2 the general provision prevail. The omitted law reads:

3 Sec. 2. . . . [Without limitation of
4 the generality of the foregoing, the
5 District shall have and is hereby
6 authorized to exercise the following
7 powers, rights, privileges, and functions;]

8 (y) . . . To the extent the
9 provisions of General Law which are adopted
10 by reference in this Act may be in conflict
11 with the express provisions of this Act, the
12 provisions of this Act shall prevail unless
13 the General Law is made cumulative. . . .
14

15 (2) Section 19, Chapter 75, Acts of the 43rd
16 Legislature, 1st Called Session, 1933, appropriated
17 money to the authority and required that the authority
18 repay any appropriated money withdrawn by the
19 authority. The revised law omits the provision
20 appropriating money to the authority as executed. The
21 revised law omits the provision requiring the
22 authority to repay any appropriated money withdrawn by
23 the authority because the authority has confirmed that
24 any money withdrawn has been repaid. The omitted law
25 reads:

26 Sec. 19. There is hereby
27 appropriated for the use of the District out
28 of any funds in the State Treasury not
29 heretofore otherwise appropriated the sum
30 of Five Thousand Dollars (\$5,000) which may
31 be withdrawn from time to time on warrant
32 signed by the General Manager and Treasurer
33 of the District. Provided however, that
34 this money shall be repaid the State of
35 Texas.

36 (3) Section 20, Chapter 75, Acts of the 43rd
37 Legislature, 1st Called Session, 1933, and Section 4,
38 Chapter 432, Acts of the 61st Legislature, Regular
39 Session, 1969, provide that those acts are severable.
40 The revised law omits those provisions because the
41 same result is produced by the application of Section
42 311.032, Government Code (Code Construction Act),
43 which provides that a provision of a statute is
44 severable from each other provision of the statute

1 that can be given effect. The omitted law reads:

2 [Acts 43rd Leg., 1st C.S., Ch. 75]

3 Sec. 20. If any provision of this Act
4 or the application thereof to any person or
5 circumstances shall be held to be invalid,
6 the remainder of the Act, and the
7 application of such provision to other
8 persons or circumstances, shall not be
9 affected thereby.

10 [Acts 61st Leg., R.S., Ch. 432]

11 Sec. 4. If any word, phrase, clause,
12 sentence or part of this Act shall be held
13 by any court of competent jurisdiction to be
14 invalid or unconstitutional, it shall not
15 affect any other word, phrase, clause,
16 sentence or part of this Act, and such
17 remaining portions shall remain in full
18 force and effect.

19 (4) Section 21, Chapter 75, Acts of the 43rd
20 Legislature, 1st Called Session, 1933, was added to
21 Chapter 75 by Chapter 410, Acts of the 44th
22 Legislature, 1st Called Session, 1935. Chapter 75 as
23 originally enacted created the Guadalupe River
24 Authority. Chapter 410 amended Chapter 75 in its
25 entirety. As amended by Chapter 410, Chapter 75
26 created the Guadalupe-Blanco River Authority. Section
27 21 provides that Chapter 410 does not have the effect
28 of repealing Chapter 75 and that the Guadalupe River
29 Authority continues with all the powers, rights, and
30 duties conferred by Chapter 75 but that the Guadalupe
31 River Authority may, by resolution of its board of
32 directors, dissolve and merge with the
33 Guadalupe-Blanco River Authority. On December 14,
34 1935, the board of directors of the Guadalupe River
35 Authority adopted a resolution dissolving that
36 authority and merging it with the Guadalupe-Blanco
37 River Authority. Accordingly, the revised law omits
38 Section 21 as executed. The omitted law reads:

39 Sec. 21. This Act shall not have the
40 effect of repealing the Act passed by the
41 Forty-third Legislature at the First Called
42 Session, being Chapter 75 of said Acts, but
43 the Guadalupe River Authority, a
44 conservation and reclamation district

1 created by virtue thereof, shall continue
2 with all the powers, rights and duties
3 conferred by said Act; provided, however,
4 that said Guadalupe River Authority may, by
5 resolution of its board of directors,
6 dissolve and merge with the district hereby
7 created.

8 (5) Section 22, Chapter 75, Acts of the 43rd
9 Legislature, 1st Called Session, 1933, provides a
10 short title for that chapter. The revised law omits
11 the short title because Chapter 75 is not a statute of
12 wide application that is frequently referred to by its
13 short title, and the heading to this chapter is
14 sufficient to describe the revised law to the reader.
15 The omitted law reads:

16 Sec. 22. This Act may be cited as the
17 Guadalupe-Blanco River Authority Act.

18 (6) Section 3, Chapter 432, Acts of the 61st
19 Legislature, Regular Session, 1969, Section 2, Chapter
20 433, Acts of the 64th Legislature, Regular Session,
21 1975, and Section 13, Chapter 22, Acts of the 86th
22 Legislature, Regular Session, 2019, contain
23 legislative findings relating to the performance of
24 certain requirements under the constitution and other
25 laws and rules, including proper legal notice and the
26 filing of recommendations. The revised law omits
27 those provisions as executed. The omitted law reads:

28 [Acts 61st Leg., R.S., Ch. 432]

29 Sec. 3. It is determined and found
30 that a proper and written notice of the
31 intention to introduce this Act setting
32 forth the general substance of this Act has
33 been published at least thirty (30) days and
34 not more than ninety (90) days prior to the
35 introduction of this Act in the Legislature
36 of Texas in a newspaper having a general
37 circulation in the counties in which said
38 District or part thereof is located; that a
39 copy of such notice and a copy of this Act
40 have been delivered to the Governor of Texas
41 who has submitted such notice and Act to the
42 Texas Water Rights Commission, and said
43 Texas Water Rights Commission has filed its
44 recommendation as to this Act with the
45 Governor, Lieutenant Governor and Speaker
46 of the House of Representatives within
47 thirty (30) days from the date such notice
48 and Act were received by the Texas Water

1 Rights Commission; and that all the
2 requirements and provisions of Article XVI,
3 Section 59d, Constitution of the State of
4 Texas, have been fulfilled and accomplished
5 as herein provided.

6 [Acts 64th Leg., R.S., Ch. 433]

7 Sec. 2. It is determined and found
8 that a proper and written notice of the
9 intention to introduce this Act setting
10 forth the general substance of this Act has
11 been published at least 30 days and not more
12 than 90 days prior to the introduction of
13 this Act in the Legislature of Texas in a
14 newspaper having a general circulation in
15 the counties in which said district or part
16 thereof is located; that a copy of such
17 notice and a copy of this Act have been
18 delivered to the Governor of Texas who has
19 submitted such notice and Act to the Texas
20 Water Rights Commission, and said Texas
21 Water Rights Commission has filed its
22 recommendations as to this Act with the
23 governor, lieutenant governor and speaker
24 of the house of representatives within 30
25 days from the date such notice and Act were
26 received by the Texas Water Rights
27 Commission; and that all the requirements
28 and provisions of Article XVI, Section 59d,
29 Constitution of the State of Texas, have
30 been fulfilled and accomplished as herein
31 provided, and that any applicable
32 requirements and provisions of Article XVI,
33 Section 59e, Constitution of the State of
34 Texas, have been fulfilled and
35 accomplished.

36 [Acts 86th Leg., R.S., Ch. 22]

37 Sec. 13. (a) The legal notice of the
38 intention to introduce this Act, setting
39 forth the general substance of this Act, has
40 been published as provided by law, and the
41 notice and a copy of this Act have been
42 furnished to all persons, agencies,
43 officials, or entities to which they are
44 required to be furnished under Section 59,
45 Article XVI, Texas Constitution, and
46 Chapter 313, Government Code.

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

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

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

63 (7) Section 3, Chapter 433, Acts of the 64th
64 Legislature, Regular Session, 1975, provides that

1 Chapter 433 does not apply to or affect any litigation
2 instituted before the effective date of Chapter 433
3 that questions the legality of any acts taken or
4 proceedings had by the board or the authority before
5 that effective date. The revised law omits the
6 provision as executed and because Section 311.031(a),
7 Government Code (Code Construction Act), provides that
8 the reenactment, revision, amendment, or repeal of a
9 statute does not affect matters occurring before or
10 pending on the reenactment, revision, amendment, or
11 repeal of the statute. The omitted law reads:

12 Sec. 3. This Act does not apply to or
13 affect any litigation instituted prior to
14 the effective date of this Act which
15 questions the legality of any acts taken or
16 proceedings had by the board or the district
17 prior to said effective date.

18 (8) Section 12, Chapter 22, Acts of the 86th
19 Legislature, Regular Session, 2019, provides that the
20 repeal of Section 8, Chapter 75, Acts of the 43rd
21 Legislature, 1st Called Session, 1933, does not apply
22 to an offense committed before the effective date of
23 Chapter 22. The revised law omits Section 12 of
24 Chapter 22 because it is executed law and because under
25 Section 311.031(a)(3), Government Code (Code
26 Construction Act), the reenactment, revision,
27 amendment, or repeal of a statute does not affect any
28 violation of the statute or any penalty, forfeiture,
29 or punishment incurred under the statute before its
30 amendment or repeal. The omitted law reads:

31 Sec. 12. The repeal by this Act of
32 Section 8, Chapter 75, Acts of the 43rd
33 Legislature, 1st Called Session, 1933, does
34 not apply to an offense committed before the
35 effective date of this Act. An offense
36 committed before the effective date of this
37 Act is governed by the law as it existed on
38 the date the offense was committed, and the
39 former law is continued in effect for that
40 purpose. For purposes of this section, an
41 offense was committed before the effective
42 date of this Act if any element of the

1 offense occurred before that date.

2 (9) Section 1, Chapter 45, Acts of the 58th
3 Legislature, Regular Session, 1963, authorizes the
4 West Side Calhoun County Navigation District to sell
5 its water supply system to the Guadalupe-Blanco River
6 Authority. The navigation district sold the Calhoun
7 Canal System to the authority in 1963. Accordingly,
8 the revised law omits the provision as executed. The
9 omitted law reads:

10 Sec. 1. That West Side Calhoun County
11 Navigation District, a political
12 subdivision of the State of Texas with
13 principal office in Long Mott, Texas, is
14 hereby authorized to sell its properties
15 and facilities constituting its water
16 supply system for the supply of water for
17 irrigation, industrial and other beneficial
18 uses, and everything appurtenant thereto,
19 to Guadalupe-Blanco River Authority, a
20 political subdivision of the State of Texas
21 with principal office in New Braunfels,
22 Texas, upon such terms and conditions as may
23 be approved by the respective governing
24 bodies of said District and said Authority.

25 (10) Section 2, Chapter 45, Acts of the 58th
26 Legislature, Regular Session, 1963, validates the
27 lease-purchase option agreement between the West Side
28 Calhoun County Navigation District and the authority
29 dated November 21, 1962, and supplements to the
30 agreement dated December 14, 1962, under which the
31 district leased its water supply system to the
32 authority and granted the authority an option to
33 purchase the system. The revised law omits that
34 section because it served its purpose on the day it
35 took effect and, thus, is executed law. Section
36 311.031(a)(2), Government Code (Code Construction
37 Act), provides that the repeal of a statute does not
38 affect any validation previously made under the
39 statute. Therefore, the omission of the executed
40 validation provision does not affect the validation.
41 The omitted law reads:

1 Sec. 2. That certain "Lease-Purchase
2 Option Agreement" executed for and on
3 behalf of said District and said Authority
4 bearing date of November 21, 1962, and
5 supplements thereto dated December 14,
6 1962, under which said District leased said
7 water supply properties, facilities and
8 appurtenances to said Authority and granted
9 the Authority an option to purchase the same
10 upon the terms and provisions therein
11 stated, is hereby validated, ratified and
12 confirmed.