

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL  
Special District Local  
Laws Code  
Chapter 6611  
9/6/14

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2 CHAPTER 6611. WILLACY COUNTY DRAINAGE DISTRICT NO. 2

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Revised Law

5 Sec. 6611.001. DEFINITIONS. In this chapter:

6 (1) "Board" means the board of supervisors of the  
7 district.

8 (2) "District" means the Willacy County Drainage  
9 District No. 2.

10 (3) "Supervisor" means a member of the board. (Acts  
11 61st Leg., R.S., Ch. 11, Sec. 1 (part); New.)

12 Source Law

13 Sec. 1. . . . a . . . district to be known as  
14 "Willacy County Drainage District No. 2," hereinafter  
15 called the "district," . . . .

16 Revisor's Note

17 The definitions of "board" and "supervisor" are  
18 added to the revised law for drafting convenience and  
19 to eliminate frequent, unnecessary repetition of the  
20 substance of the definitions.

21 Revised Law

22 Sec. 6611.002. NATURE OF DISTRICT. The district is a  
23 conservation and reclamation district created under Section 59,  
24 Article XVI, Texas Constitution, for the sole purpose of the  
25 reclamation and drainage of the district's overflowed lands and  
26 other lands needing drainage. (Acts 61st Leg., R.S., Ch. 11, Secs.  
27 1 (part), 3 (part).)

28 Source Law

29 Sec. 1. That, pursuant to authority conferred  
30 by Article XVI, Section 59, of the Texas Constitution,  
31 there is hereby created within the State of Texas, in  
32 addition to the districts into which the state has  
33 heretofore been divided, a conservation and  
34 reclamation district [to be known as "Willacy County  
35 Drainage District No. 2,"] . . . which shall be a  
36 governmental agency and a body politic and corporate.

37 Sec. 3. Said district shall be considered to be  
38 organized and existing for the sole purpose of the  
39 reclamation and drainage of its overflowed lands and  
40 other lands needing drainage, and . . . .

1 Revisor's Note

2 (1) Section 1, Chapter 11, Acts of the 61st  
3 Legislature, Regular Session, 1969, states that the  
4 district is created "within the State of Texas, in  
5 addition to the districts into which the state has  
6 heretofore been divided." The revised law omits the  
7 quoted language because the absence of the language  
8 does not imply that the legislature could create a  
9 district outside this state or that the district is not  
10 in addition to other districts created in this state.

11 (2) Section 1, Chapter 11, Acts of the 61st  
12 Legislature, Regular Session, 1969, refers to the  
13 district as "a governmental agency and a body politic  
14 and corporate." The revised law omits the quoted  
15 language because it duplicates a portion of Section  
16 59(b), Article XVI, Texas Constitution, which provides  
17 that a conservation and reclamation district is a  
18 governmental agency and a body politic and corporate.

19 Revised Law

20 Sec. 6611.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

21 (a) The district is created to serve a public use and benefit.

22 (b) All land and other property included in the district  
23 will benefit from the creation of the district and the improvements  
24 the district will purchase, construct, or otherwise acquire.

25 (c) The district is essential to accomplish the purposes of  
26 Section 59, Article XVI, Texas Constitution. (Acts 61st Leg.,  
27 R.S., Ch. 11, Secs. 11, 13.)

28 Source Law

29 Sec. 11. It is hereby found and determined that  
30 all of the lands and other property included within the  
31 district are and will be benefited by the creation of  
32 the district and by the improvements that the district  
33 will purchase, construct, or otherwise acquire, and  
34 that the district is created to serve a public use and  
35 benefit.

36 Sec. 13. The Legislature hereby exercises the  
37 authority conferred upon it by Article XVI, Section  
38 59, of the Texas Constitution, and declares that the

1 district created by this Act is essential to the  
2 accomplishment of the purposes of said constitutional  
3 provision; finds that all of the land and other  
4 property included therein are, and will be, benefited  
5 thereby and by the improvements that the district will  
6 purchase, construct, or otherwise acquire.

7 Revisor's Note

8 Section 13, Chapter 11, Acts of the 61st  
9 Legislature, Regular Session, 1969, states that the  
10 legislature "hereby exercises the authority conferred  
11 upon it by Article XVI, Section 59, of the Texas  
12 Constitution, and declares that" the district "created  
13 by this Act" is essential to accomplish the purposes of  
14 that constitutional provision. The revised law omits  
15 the quoted language as executed.

16 Revised Law

17 Sec. 6611.004. DISTRICT TERRITORY. The district is  
18 composed of the territory described by Section 2, Chapter 11, Acts  
19 of the 61st Legislature, Regular Session, 1969, as that territory  
20 may have been modified under:

21 (1) Subchapter G, Chapter 53, Water Code, before  
22 September 1, 1995;

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

24 (3) other law. (New.)

25 Revisor's Note

26 The revised law does not revise the statutory  
27 language describing the territory of the district to  
28 avoid the lengthy recitation of the description and  
29 because that description may not be accurate on the  
30 effective date of the revision or at the time of a  
31 later reading. For the reader's convenience, the  
32 revised law includes references to the statutory  
33 description of the district's territory and to the  
34 statutory authority to change the district's territory  
35 under Subchapter G, Chapter 53, Water Code, which  
36 applied to the district under Section 3, Chapter 11,  
37 Acts of the 61st Legislature, Regular Session, 1969

1 (see Section 6611.101 of this chapter), until that  
2 subchapter was repealed in 1995, and under Subchapter  
3 J, Chapter 49, Water Code, applicable to the district  
4 under Sections 49.001 and 49.002 of that chapter. The  
5 revised law also includes a reference to the general  
6 authority of the legislature to enact other laws to  
7 change the district's territory.

8 Revisor's Note  
9 (End of Subchapter)

10 Section 6, Chapter 11, Acts of the 61st  
11 Legislature, Regular Session, 1969, provides  
12 procedures for holding an election to confirm the  
13 creation of the district. Section 8(c), Chapter 11,  
14 Acts of the 61st Legislature, Regular Session, 1969,  
15 provides procedures for holding a bond election at a  
16 confirmation election. Because the creation of the  
17 district was approved at the confirmation election,  
18 the revised law omits the relevant provisions as  
19 executed. The omitted law reads:

20 Sec. 6. Within 90 days after this Act  
21 becomes effective, the board of supervisors  
22 shall call an election for the purpose of  
23 submitting to a vote of the duly qualified  
24 electors of the district the question of  
25 whether or not the creation of the district  
26 shall be confirmed. The cost of such an  
27 election shall be paid by Willacy County out  
28 of the county general fund. If a majority  
29 of the qualified electors voting at such  
30 election vote against the confirmation of  
31 the district, the district hereby created  
32 shall be abolished and this Act shall be of  
33 no further force or effect. If a majority  
34 vote in favor of the confirmation, said  
35 district shall be permanently created.

36 [Sec. 8]

37 (c) . . . If the proposition of  
38 issuing bonds is submitted at the  
39 confirmation election, the form of ballot  
40 at such first election shall be  
41 substantially as follows: "For the  
42 confirmation of the district, the issuance  
43 of bonds and the levy of taxes in payment  
44 thereof," and the contrary of such  
45 proposition. . . .

1 SUBCHAPTER B. DISTRICT ADMINISTRATION

2 Revised Law

3 Sec. 6611.051. COMPOSITION OF BOARD. The board consists of  
4 five elected supervisors. (Acts 61st Leg., R.S., Ch. 11, Sec. 5  
5 (part).)

6 Source Law

7 Sec. 5. (a) The management and control of the  
8 district is hereby vested in a board of five  
9 supervisors . . . .

10 (b) . . . elections for supervisors shall be  
11 held . . . .

12 Revisor's Note

13 Section 5(a), Chapter 11, Acts of the 61st  
14 Legislature, Regular Session, 1969, provides that  
15 "[t]he management and control of the district is  
16 hereby vested" in the board of supervisors. The  
17 revised law omits the quoted language because it  
18 duplicates, in substance, parts of Sections 49.051 and  
19 49.057, Water Code. Throughout this chapter, the  
20 revised law omits law that is superseded by Chapter 49,  
21 Water Code, or that duplicates law contained in that  
22 chapter. Chapter 49 (enacted in 1995) applies to the  
23 district under Sections 49.001 and 49.002, Water Code.

24 Revised Law

25 Sec. 6611.052. DUTIES OF COUNTY OFFICIALS IN CONNECTION  
26 WITH DISTRICT; DISTRICT OFFICERS, EMPLOYEES, AND AGENTS. (a) The  
27 county tax assessor-collector, county treasurer, and county  
28 depository of Willacy County shall perform all duties in connection  
29 with the district that they are required to perform by law in  
30 connection with official matters for Willacy County.

31 (b) The board may employ a general manager for the district  
32 and any other agents, attorneys, engineers, and employees  
33 considered necessary in connection with the purposes of this  
34 chapter. All compensation for a person employed under this  
35 subsection may be payable from funds created under this chapter for  
36 the maintenance and operation of the district. (Acts 61st Leg.,

1 R.S., Ch. 11, Sec. 7.)

2 Source Law

3 Sec. 7. The assessor and collector of taxes, the  
4 county treasurer, and the county depository of Willacy  
5 County are authorized to, and shall be required to,  
6 perform all duties in connection with the district  
7 required of them by law in connection with official  
8 matters for Willacy County. Said board of supervisors  
9 may employ a general manager for said district and such  
10 other agents, attorneys, engineers, and employees as  
11 may be considered necessary in connection with the  
12 purposes of this Act, and all compensation for such  
13 persons may be payable from funds herein created for  
14 the maintenance and operation of the district.

15 Revisor's Note

16 Section 7, Chapter 11, Acts of the 61st  
17 Legislature, Regular Session, 1969, provides that the  
18 county tax assessor-collector, county treasurer, and  
19 county depository "are authorized to, and shall be  
20 required to" perform their county duties for the  
21 district. The revised law substitutes "shall" for the  
22 quoted language because under Section 311.016(2),  
23 Government Code (Code Construction Act), the word  
24 "shall" imposes a duty on the actor, and it is not  
25 necessary to authorize a person to perform an act that  
26 the person is required to perform.

27 Revisor's Note  
28 (End of Subchapter)

29 (1) Section 5(a), Chapter 11, Acts of the 61st  
30 Legislature, Regular Session, 1969, provides that the  
31 board has the powers and duties provided to a board of  
32 supervisors of a fresh water supply district organized  
33 under Chapter 4, Title 128, Revised Civil Statutes of  
34 Texas, 1925. The relevant provisions of Chapter 4,  
35 Title 128, Revised Statutes, were codified as part of  
36 Chapter 53, Water Code, by Chapter 58, Acts of the 62nd  
37 Legislature, Regular Session, 1971. Chapter 715, Acts  
38 of the 74th Legislature, Regular Session, 1995,  
39 repealed many of the provisions in Chapter 53 relating  
40 to the powers and duties of the board and enacted

1 similar provisions in Chapter 49, Water Code. Because  
2 both Chapter 49 (through Sections 49.001 and 49.002,  
3 Water Code) and Chapter 53 (through Section 3, Chapter  
4 11, Acts of the 61st Legislature, Regular Session,  
5 1969, codified in pertinent part as Section 6611.101)  
6 already apply to the district, the revised law omits  
7 that provision as unnecessary. The omitted law reads:

8 (a) [The management and control of  
9 the district is hereby vested in a board of  
10 five supervisors] which shall have all of  
11 the powers and authority and duties  
12 conferred and imposed upon boards of  
13 supervisors of fresh water supply districts  
14 organized under the provisions of Chapter  
15 4, Title 128, Revised Civil Statutes of  
16 Texas, 1925, together with all amendments  
17 thereof and additions thereto.

18 (2) Section 5(b), Chapter 11, Acts of the 61st  
19 Legislature, Regular Session, 1969, requires an  
20 election of supervisors to be held on the second  
21 Tuesday in January 1972 and requires subsequent  
22 supervisor elections to be held on the second Tuesday  
23 of each succeeding year. The revised law omits the  
24 provision relating to the 1972 supervisor election as  
25 executed. The revised law omits the provision  
26 requiring elections on the second Tuesday of each year  
27 as superseded by Section 49.103(b), Water Code,  
28 enacted in 1995. Section 49.103(b) requires board  
29 elections to be held on the uniform election date  
30 established by the Election Code in May of each  
31 even-numbered year. The omitted law reads:

32 (b) The next election for supervisors  
33 shall be held on the second Tuesday in  
34 January, 1972. . . . Thereafter, on the  
35 second Tuesday in each year an election  
36 shall be held to elect the appropriate  
37 number of supervisors to the board, and  
38 . . . .

39 (3) Section 5(b), Chapter 11, Acts of the 61st  
40 Legislature, Regular Session, 1969, provides the  
41 procedures by which two-year terms of office are

1 established for district supervisors. The revised law  
2 omits those procedures as superseded by Section  
3 49.103(a), Water Code, enacted in 1995, which provides  
4 for staggered four-year terms of office for members of  
5 the board of a district. The omitted law reads:

6 (b) [The next election for  
7 supervisors shall be held on the second  
8 Tuesday in January, 1972.] At that election  
9 the three persons receiving the largest  
10 number of votes shall serve for terms of two  
11 years and the two other persons elected to  
12 the board shall serve for a term of one  
13 year. [Thereafter, on the second Tuesday in  
14 each year an election shall be held to elect  
15 the appropriate number of supervisors to  
16 the board, and] these supervisors shall  
17 serve for two-year terms. . . .

18 (4) Section 5(b), Chapter 11, Acts of the 61st  
19 Legislature, Regular Session, 1969, provides that  
20 board elections shall be held in the manner provided  
21 for the election of supervisors of fresh water supply  
22 districts. The revised law omits that provision  
23 because Subchapter D, Chapter 49, Water Code, governs  
24 those board elections. That subchapter applies to the  
25 district under Sections 49.001 and 49.002, Water Code.  
26 The omitted law reads:

27 (b) . . . Except as provided in this  
28 subsection, [elections for supervisors  
29 shall be held] in the manner provided for  
30 election of supervisors of fresh water  
31 supply districts.

#### 32 SUBCHAPTER C. POWERS AND DUTIES

##### 33 Revised Law

34 Sec. 6611.101. GENERAL POWERS AND DUTIES. To accomplish  
35 the purpose of reclaiming and draining the district's overflowed  
36 lands and other lands needing drainage, the district has all the  
37 rights, powers, privileges, and duties provided by general law  
38 applicable to a fresh water supply district created under Section  
39 59, Article XVI, Texas Constitution, including the power to  
40 conserve, transport, and distribute fresh water. (Acts 61st Leg.,  
41 R.S., Ch. 11, Sec. 3 (part).)



1 enacted." The revised law omits the quoted language as  
2 unnecessary under accepted general principles of  
3 statutory construction. The "general laws of the  
4 State of Texas" means those laws "in force" at the time  
5 the provision was adopted. It is unnecessary to state  
6 that the district may be granted additional powers by  
7 later enacted laws because those laws apply on their  
8 own terms.

9 (4) Section 3, Chapter 11, Acts of the 61st  
10 Legislature, Regular Session, 1969, provides that  
11 Chapter 11 prevails over the general laws applicable  
12 to fresh water supply districts in case of a conflict  
13 and that those general laws are incorporated by  
14 reference. The revised law omits the portion of the  
15 provision relating to the chapter prevailing over  
16 those general laws because it duplicates, in  
17 substance, Section 311.026(b), Government Code (Code  
18 Construction Act). The revised law omits the portion  
19 of the provision relating to the incorporation of  
20 those general laws by reference because Section 3 of  
21 Chapter 11 (revised in part as this section) provides  
22 that those laws apply to the district, and it is  
23 unnecessary to repeat that authority. The omitted law  
24 reads:

25 Sec. 3. . . . [the district shall  
26 have, and is hereby vested with, all of the  
27 rights, powers, privileges, and duties  
28 conferred and imposed by the general laws of  
29 the State of Texas, now in force or  
30 hereafter enacted, applicable to fresh  
31 water supply districts created under  
32 authority of Article XVI, Section 59, of the  
33 Texas Constitution, but] to the extent that  
34 the provisions of such general laws may be  
35 in conflict with the provisions of this Act,  
36 the provisions of this Act shall prevail.  
37 All such general laws are hereby  
38 incorporated by reference with the same  
39 effect as if incorporated in full in this  
40 Act. . . .

41 (5) Section 3, Chapter 11, Acts of the 61st

1 Legislature, Regular Session, 1969, provides that  
2 "[w]ithout limiting the generalization of the  
3 foregoing" powers and duties provided by general law  
4 applicable to fresh water supply districts, the  
5 district has certain express powers. The revised law  
6 omits the quoted language as unnecessary because an  
7 accepted principle of statutory construction requires  
8 a statute to be given cumulative effect with other  
9 statutes unless it provides otherwise or unless the  
10 statutes are in conflict. The general principle  
11 applies to this revision.

12 Revised Law

13 Sec. 6611.102. DISTRICT POWERS. (a) The district may  
14 construct, acquire, improve, enlarge, extend, repair, maintain, or  
15 replace any wall, dam, dike, levee, embankment, canal, drain, tank,  
16 lateral, or pump that the board considers necessary to carry out the  
17 district's purpose.

18 (b) The district may make, construct, or otherwise acquire  
19 an improvement inside or outside the district's boundaries as  
20 necessary to carry out the powers granted by this chapter or general  
21 law. (Acts 61st Leg., R.S., Ch. 11, Sec. 3 (part).)

22 Source Law

23 Sec. 3. . . . said district shall be authorized  
24 to build, construct, purchase, acquire, improve,  
25 enlarge, extend, repair, maintain, or replace all  
26 walls, dams, dikes, levees, embankments, canals,  
27 drains, tanks, laterals, and pumps which its board of  
28 supervisors deems necessary to carry out the purpose  
29 of such district's creation. . . . Said district  
30 shall also have the power to make, construct, or  
31 otherwise acquire improvements either within or  
32 without the boundaries thereof necessary to carry out  
33 the powers and authority granted by this Act and said  
34 general laws. . . .

35 Revisor's Note

36 (1) Section 3, Chapter 11, Acts of the 61st  
37 Legislature, Regular Session, 1969, refers to the  
38 district's authority to "build, construct, purchase,  
39 acquire, improve, enlarge, extend, repair, maintain,

1 or replace" certain items. The revised law omits  
2 "build" because it is included in the meaning of  
3 "construct" and omits "purchase" because it is  
4 included in the meaning of "acquire."

5 (2) Section 3, Chapter 11, Acts of the 61st  
6 Legislature, Regular Session, 1969, refers to the  
7 "powers and authority" granted by the Act. The revised  
8 law omits "authority" as included in the meaning of  
9 "powers."

10 Revised Law

11 Sec. 6611.103. EMINENT DOMAIN. The district's power of  
12 eminent domain is confined to Willacy County. (Acts 61st Leg.,  
13 R.S., Ch. 11, Sec. 4.)

14 Source Law

15 Sec. 4. The power of eminent domain of the  
16 district shall be confined to the boundaries of  
17 Willacy County, Texas.

18 Revised Law

19 Sec. 6611.104. COST OF RELOCATING OR ALTERING  
20 PROPERTY. (a) In this section, "sole expense" means the actual  
21 cost of relocating, raising, lowering, rerouting, changing the  
22 grade of, or altering the construction of a facility described by  
23 Subsection (b) in providing comparable replacement without  
24 enhancement of the facility, after deducting from that cost the net  
25 salvage value of the old facility.

26 (b) If the district's exercise of the power of eminent  
27 domain, the power of relocation, or any other power granted under  
28 this chapter makes necessary relocating, raising, rerouting,  
29 changing the grade of, or altering the construction of a highway,  
30 railroad, electric transmission line, telephone or telegraph  
31 property or facility, or pipeline, the necessary action shall be  
32 accomplished at the sole expense of the district. (Acts 61st Leg.,  
33 R.S., Ch. 11, Sec. 3 (part).)

34 Source Law

35 Sec. 3. . . . In the event that the district,

1 in the exercise of the power of eminent domain or power  
2 of relocation, or any other power granted hereunder,  
3 makes necessary the relocation, raising, rerouting, or  
4 changing the grade of or altering the construction of  
5 any highway, railroad, electric transmission line,  
6 telephone or telegraph properties and facilities, or  
7 pipeline, all such necessary relocation, raising,  
8 rerouting, or changing of grade or alteration of  
9 construction shall be accomplished at the sole expense  
10 of the district. The term "sole expense" shall mean the  
11 actual cost of such relocation, raising, lowering,  
12 rerouting, or change in grade or alteration of  
13 construction in providing comparable replacement  
14 without enhancement of such facilities, after  
15 deducting therefrom the net salvage value derived from  
16 the old facility.

17 Revised Law

18 Sec. 6611.105. ADDITION OF TERRITORY TO DISTRICT. (a) In  
19 addition to adding land as provided by Subchapter J, Chapter 49,  
20 Water Code, the district may add land as provided by this section.  
21 Land added to the district need not be contiguous to the district.

22 (b) The owner or owners of land may request by petition that  
23 the board include the land in the district.

24 (c) A petition under Subsection (b) must be filed with the  
25 board and describe the land to be added to the district. The  
26 description may be by metes and bounds or by lot and block number.  
27 The petition must be signed and executed in the manner provided by  
28 law for the conveyance of real estate.

29 (d) The board shall hear and consider a petition filed under  
30 this section. The board may grant the petition and add the land to  
31 the district if the board considers the addition to be to the  
32 advantage of the district.

33 (e) A petition granted under this section shall be filed and  
34 recorded in the deed records of Willacy County. (Acts 61st Leg.,  
35 R.S., Ch. 11, Sec. 12.)

36 Source Law

37 Sec. 12. Land, contiguous to said district or  
38 otherwise, may be added to said district not only in  
39 the manner now provided by Chapter 4, Title 128,  
40 Revised Civil Statutes of Texas, 1925, as amended, but  
41 also land may be added to such district and become a  
42 part thereof upon petition of the owner or owners  
43 thereof in the following manner: the owner or owners of  
44 the land shall file with the board of supervisors a  
45 petition praying that the lands described be added to  
46 and become a part of said district, and said petition  
47 may describe said land by metes and bounds or by lot

1 and block number and shall be signed and executed in  
2 the same manner provided by law for the conveyance of  
3 real estate. Such petition shall be heard and  
4 considered by the board of supervisors and may be  
5 granted and said land added to the district if same is  
6 considered to be to the advantage of the district. Any  
7 such petition which may be granted so adding lands to  
8 the district shall be filed for record and be recorded  
9 in the Willacy County deed records.

10 Revisor's Note

11 Section 12, Chapter 11, Acts of the 61st  
12 Legislature, Regular Session, 1969, refers to the  
13 district's authority to add land to the district in the  
14 manner provided by "Chapter 4, Title 128, Revised  
15 Civil Statutes of Texas, 1925, as amended." Chapter  
16 58, Acts of the 62nd Legislature, Regular Session,  
17 1971, codified the relevant provisions of Chapter 4,  
18 Title 128, in Subchapter G, Chapter 53, Water Code.  
19 Chapter 715, Acts of the 74th Legislature, Regular  
20 Session, 1995, repealed the Chapter 53 provisions  
21 relating to the addition of land and enacted similar  
22 provisions as part of Subchapter J, Chapter 49, Water  
23 Code. Therefore, the revised law substitutes  
24 "Subchapter J, Chapter 49, Water Code," as the  
25 successor to the relevant provisions of Chapter 4,  
26 Title 128. The revised law omits the reference to "as  
27 amended" because under Section 311.027, Government  
28 Code (Code Construction Act), a reference to a statute  
29 applies to all reenactments, revisions, or amendments  
30 of that statute unless expressly provided otherwise.

31 Revisor's Note  
32 (End of Subchapter)

33 Section 3, Chapter 11, Acts of the 61st  
34 Legislature, Regular Session, 1969, refers to the  
35 district's authority to act jointly with other  
36 entities. The revised law omits the provision because  
37 it duplicates, in substance, provisions in Section  
38 49.227, Water Code, that provide the district with  
39 authority to act jointly. The omitted law reads:

1                   Sec. 3. . . . Said district shall  
2                   have authority to act jointly with  
3                   individuals, with firms, with corporations,  
4                   with partnerships, with other districts,  
5                   with any department or agency of the State  
6                   of Texas and with any political  
7                   subdivisions thereof, with other states,  
8                   with cities and towns, and with the federal  
9                   government in the performance and  
10                  accomplishment of any of the things  
11                  permitted hereunder upon such terms and  
12                  conditions as may be deemed advisable by  
13                  said district's board of supervisors. . . .

14   SUBCHAPTER D. TAXES

15   Revised Law

16                  Sec. 6611.151. AD VALOREM TAX FOR MAINTENANCE AND  
17 OPERATIONS. (a) The board may impose a tax at a rate not to exceed  
18 25 cents on each \$100 valuation of taxable property in the district  
19 to pay the cost of maintaining district property and operating the  
20 district.

21                  (b) An election to authorize the imposition of the tax must  
22 be called by the board in the manner provided by Section 6611.204.  
23 (Acts 61st Leg., R.S., Ch. 11, Sec. 10 (part).)

24   Source Law

25                  Sec. 10. In addition to the levy and collection  
26 of taxes to pay bonds, as heretofore provided, said  
27 board of supervisors may levy and cause to be collected  
28 a tax not exceeding 25 cents on each \$100 valuation of  
29 taxable property within the district for the purpose  
30 of paying the cost of operating the district and  
31 maintaining its properties; [provided, however, that  
32 no such tax shall be levied or assessed, until  
33 authorized at] an election called for such purpose by  
34 said board of supervisors in the manner provided by  
35 Section 8 hereof, . . . .

36   Revisor's Note

37                  (1) Section 10, Chapter 11, Acts of the 61st  
38 Legislature, Regular Session, 1969, provides that  
39 "[i]n addition to the levy and collection of taxes to  
40 pay bonds, as heretofore provided," the board of  
41 supervisors may impose a tax for maintenance and  
42 operations. Section 8 of Chapter 11 (revised as  
43 Section 6611.201) authorizes the district to impose  
44 taxes to pay for bonds. Therefore, the revised law  
45 omits the quoted language because an accepted general

1 principle of statutory construction requires that a  
2 statute be given cumulative effect with other statutes  
3 unless the statute provides otherwise or unless the  
4 statute conflicts with another statute. That general  
5 principle applies to the revised law.

6 (2) Section 10, Chapter 11, Acts of the 61st  
7 Legislature, Regular Session, 1969, authorizes the  
8 board of supervisors to "levy and cause to be  
9 collected" a tax. Throughout this chapter, the  
10 revised law substitutes "impose" for "assess," "levy,"  
11 "cause to be collected," and similar terms because  
12 "impose" is the term generally used in Title 1, Tax  
13 Code, and includes the assessment, levying, and  
14 collection of a tax.

15 (3) Section 10, Chapter 11, Acts of the 61st  
16 Legislature, Regular Session, 1969, provides for the  
17 imposition of a tax for maintenance and operations if  
18 the tax is authorized by a majority of the voters  
19 voting at an election held for that purpose. The  
20 revised law omits that provision because it  
21 duplicates, in substance, Section 49.107, Water Code.  
22 Section 10 also refers to "qualified property  
23 taxpaying" voters. The revised law omits the quoted  
24 language because Chapter 11, Election Code, governs  
25 eligibility to vote in an election in this state and  
26 allows only "qualified" voters to vote in an election,  
27 and, in Hill v. Stone, 421 U.S. 289 (1975), the United  
28 States Supreme Court determined that property  
29 ownership as a qualification for voting is an  
30 unconstitutional denial of equal protection. The  
31 omitted law reads:

32 Sec. 10. . . . provided, however,  
33 that no such tax shall be levied or  
34 assessed, until authorized at [an election]  
35 . . . at which a majority of the qualified  
36 property taxpaying electors voting at such

1 election, vote in favor of the levy and  
2 collection of such tax. . . .

3 (4) Section 10, Chapter 11, Acts of the 61st  
4 Legislature, Regular Session, 1969, provides that an  
5 election must be called as provided by "Section 8  
6 hereof." The relevant provisions of Section 8,  
7 Chapter 11, Acts of the 61st Legislature, Regular  
8 Session, 1969, are revised as Section 6611.204 of this  
9 chapter. For the reader's convenience, the revised law  
10 substitutes a reference to Section 6611.204 for the  
11 quoted language.

12 Revised Law

13 Sec. 6611.152. TAX ASSESSOR-COLLECTOR. The Willacy County  
14 tax assessor-collector is the tax assessor-collector for the  
15 district. (Acts 61st Leg., R.S., Ch. 11, Sec. 10 (part); New.)

16 Source Law

17 Sec. 10. . . . the county tax  
18 assessor-collector is hereby named and appointed tax  
19 assessor-collector for said district; and . . . .

20 Revisor's Note

21 (1) Section 10, Chapter 11, Acts of the 61st  
22 Legislature, Regular Session, 1969, refers to the  
23 "county tax assessor-collector." The revised law adds  
24 a reference to "Willacy County" because Willacy County  
25 is the county in which the district is located.

26 (2) Section 10, Chapter 11, Acts of the 61st  
27 Legislature, Regular Session, 1969, provides that the  
28 district's tax assessor-collector is "hereby named and  
29 appointed." The revised law omits the quoted language  
30 as executed.

31 Revisor's Note  
32 (End of Subchapter)

33 (1) Section 10, Chapter 11, Acts of the 61st  
34 Legislature, Regular Session, 1969, provides that the  
35 assessed valuation of taxable property for district  
36 purposes shall be the same as that for state and county

1 purposes. The revised law omits the provision because  
2 it duplicates Section 18(b), Article VIII, Texas  
3 Constitution, and Section 6.01, Tax Code. Section  
4 18(b) requires the legislature by general law to  
5 provide for a single appraisal in each county of all  
6 property subject to ad valorem taxation by the county  
7 and all other taxing units located in the county.  
8 Section 6.01 establishes an appraisal district to  
9 appraise property in each county and requires each  
10 taxing unit that imposes ad valorem taxes on property  
11 in the appraisal district to use that appraisal.  
12 Section 6.01, Tax Code, applies to the district under  
13 Section 1.02, Tax Code. The omitted law reads:

14           Sec. 10. . . . The assessed  
15 valuation of taxable property for district  
16 purposes shall be the same as that for state  
17 and county purposes; and . . . .

18           (2) Section 10, Chapter 11, Acts of the 61st  
19 Legislature, Regular Session, 1969, provides that the  
20 board of equalization of the county is the board of  
21 equalization for the district. The revised law omits  
22 the references to a board of equalization because  
23 boards of equalization were abolished and their  
24 functions and duties transferred to appraisal review  
25 boards by the 1979 enactment of the Property Tax Code,  
26 Title 1, Tax Code (Section 1, Chapter 841, Acts of the  
27 66th Legislature, Regular Session). The omitted law  
28 reads:

29           Sec. 10. . . . the board of  
30 equalization of the county is hereby named,  
31 constituted, and appointed the board of  
32 equalization for said district. . . .

33           (3) Section 10, Chapter 11, Acts of the 61st  
34 Legislature, Regular Session, 1969, provides that the  
35 state laws relating to the assessment and collection  
36 of state and county taxes apply to the assessment and  
37 collection of taxes of the district except where they

1 conflict with that chapter. The revised law omits that  
2 provision as repealed by Chapter 841, Acts of the 66th  
3 Legislature, Regular Session, 1979, enacting Title 1,  
4 Tax Code, a comprehensive, substantive codification of  
5 the laws governing the administration of ad valorem  
6 taxes, and repealing all other general, local, and  
7 special laws in conflict with that act and as  
8 superseded by Section 1.02, Tax Code, which provides  
9 for the applicability of Title 1, Tax Code, to all  
10 taxing units in this state, including the district.  
11 The omitted law reads:

12           Sec. 10. . . . All laws of the State  
13 of Texas relating to the assessing and  
14 collecting of state and county taxes are by  
15 this Act made available for, and shall be  
16 applied to, the assessing of current taxes  
17 and to the collection of both current and  
18 delinquent taxes of said district, except  
19 where same are in conflict with the  
20 provision of this Act. . . .

21           (4) Section 10, Chapter 11, Acts of the 61st  
22 Legislature, Regular Session, 1969, provides that the  
23 county tax assessor-collector shall be paid a fee for  
24 the assessment and collection of current and  
25 delinquent taxes. The revised law omits that  
26 provision for the reason stated in Revisor's Note (3)  
27 to the end of this subchapter. Section 6.27(b), Tax  
28 Code, provides for the compensation of a county tax  
29 assessor-collector assessing and collecting taxes for  
30 another taxing unit, and Chapter 33, Tax Code, governs  
31 the collection of delinquent taxes, including the fees  
32 the county tax assessor-collector may charge. The  
33 omitted law reads:

34           Sec. 10. . . . The tax  
35 assessor-collector is entitled to a fee as  
36 compensation for his services of not more  
37 than three-fifths of one percent of the  
38 taxes collected for assessing, and not to  
39 exceed one-half of one percent for  
40 collecting, said compensation for  
41 collecting and assessing taxes not to  
42 exceed \$5,000 in any one fiscal year. The

1 tax assessor-collector shall be paid not to  
2 exceed five percent for collecting  
3 delinquent taxes. The board of supervisors  
4 shall fix the exact amount of compensation  
5 by contract or agreement with the tax  
6 assessor-collector. The assessor-collector  
7 shall deduct this fee from the payments made  
8 to the district of the taxes collected, and  
9 deposit that amount in the general fund of  
10 the county as a fee of office of the tax  
11 assessor-collector.

12 SUBCHAPTER E. BONDS

13 Revised Law

14 Sec. 6611.201. AUTHORITY TO ISSUE BONDS; TAXES FOR BONDS.

15 (a) The board may issue district bonds to acquire money to  
16 accomplish any district purpose or carry out any power granted  
17 under this chapter to the district.

18 (b) The board may impose a tax on all taxable property in the  
19 district, as shown by the most recent certified appraisal roll of  
20 the district, sufficient to:

21 (1) provide for the payment of the interest on the  
22 bonds as the interest accrues; and

23 (2) create a sinking fund for the redemption of the  
24 bonds as the bonds mature. (Acts 61st Leg., R.S., Ch. 11, Sec. 8(a)  
25 (part).)

26 Source Law

27 Sec. 8. (a) The board of supervisors shall be  
28 authorized, from time to time, in behalf of said  
29 drainage district, to issue the bonds of said  
30 district, within the limitations hereinafter stated,  
31 for the purpose of acquiring funds with which to  
32 accomplish and carry out any one or more of the powers  
33 and purposes herein granted to the district, and to  
34 provide for the payment of the interest on such bonds  
35 as it accrues and to create a sinking fund for the  
36 redemption of said bonds as they mature, by levying and  
37 causing to be collected a tax on all taxable property  
38 within the district, as shown by the then current  
39 approved county assessment rolls, sufficient for such  
40 purposes. . . .

41 Revisor's Note

42 (1) Section 8(a), Chapter 11, Acts of the 61st  
43 Legislature, Regular Session, 1969, authorizes the  
44 board of supervisors to issue district bonds "from  
45 time to time." The revised law omits "from time to  
46 time" because the power to issue bonds implies the

1 power to do so at any time.

2 (2) Section 8(a), Chapter 11, Acts of the 61st  
3 Legislature, Regular Session, 1969, authorizes the  
4 board of supervisors to issue district bonds "within  
5 the limitations hereinafter stated." The revised law  
6 omits the quoted language because the limitations  
7 contained in that chapter apply to the issuance of  
8 district bonds on their own terms without an express  
9 reference to those limitations in this section.

10 (3) Section 8(a), Chapter 11, Acts of the 61st  
11 Legislature, Regular Session, 1969, refers to the  
12 district's "funds." The revised law substitutes  
13 "money" for "funds" because, in the context of  
14 district funds, the meaning is the same and "money" is  
15 the more commonly used term.

16 (4) Section 8(a), Chapter 11, Acts of the 61st  
17 Legislature, Regular Session, 1969, refers to the  
18 "then current approved county assessment rolls." The  
19 revised law substitutes a reference to the "most  
20 recent certified appraisal roll of the district" to  
21 conform to the terminology of Title 1, Tax Code,  
22 including Section 26.01 of that code, requiring the  
23 chief appraiser of an appraisal district to certify to  
24 the assessor for each taxing unit participating in the  
25 district an appraisal roll that lists the properties  
26 taxable by that taxing unit and the values of those  
27 properties.

28 (5) Section 8(b), Chapter 11, Acts of the 61st  
29 Legislature, Regular Session, 1969, authorizes the  
30 district to issue additional bonds in the same manner  
31 as the initially issued bonds. The revised law omits  
32 that provision because the power to issue bonds  
33 implies the power to do so at more than one time, and  
34 the provisions specifying the manner for issuing bonds

1 impliedly apply to any issuance of district bonds. The  
2 omitted law reads:

3 (b) . . . Subject to the limitations  
4 contained in this Act, additional bonds may  
5 be issued, from time to time, in like  
6 manner, and under the same procedure.

7 Revised Law

8 Sec. 6611.202. LIMITATION ON DEBT. The total principal  
9 amount of bonds issued under Section 6611.201 that the district may  
10 have outstanding at any time may not exceed 15 percent of the  
11 assessed value of all taxable property in the district as shown by  
12 the most recent appraisal roll of the district. (Acts 61st Leg.,  
13 R.S., Ch. 11, Sec. 8(a) (part).)

14 Source Law

15 (a) . . . It is expressly provided, however,  
16 that the total principal amount of bonds issued by the  
17 district at any one time, together with all previously  
18 issued bonds then outstanding, shall never exceed a  
19 sum equal to 15 percent of the assessed valuation of  
20 all taxable property within the district, as shown by  
21 the then current county assessment rolls.

22 Revisor's Note

23 (1) Section 8(a), Chapter 11, Acts of the 61st  
24 Legislature, Regular Session, 1969, refers to bonds  
25 that are "issued" and "outstanding." The revised law  
26 omits the reference to "issued" as unnecessary because  
27 for a bond to be "outstanding" it must have been  
28 issued.

29 (2) Section 8(a), Chapter 11, Acts of the 61st  
30 Legislature, Regular Session, 1969, refers to the  
31 "then current county assessment rolls." For the  
32 reason stated in Revisor's Note (4) to Section  
33 6611.201, the revised law substitutes "most recent  
34 appraisal roll of the district" for the quoted  
35 language.

36 Revised Law

37 Sec. 6611.203. MATURITY. District bonds issued under  
38 Section 6611.201 must mature not later than 30 years after their

1 date of issuance. (Acts 61st Leg., R.S., Ch. 11, Sec. 8(e) (part).)

2 Source Law

3 (e) Such bonds shall mature serially or  
4 otherwise over a period of not to exceed 30 years from  
5 their date or dates. . . .

6 Revisor's Note

7 Section 8(e), Chapter 11, Acts of the 61st  
8 Legislature, Regular Session, 1969, provides that  
9 district bonds shall mature "serially or otherwise."  
10 The revised law omits the quoted language because it is  
11 superseded by Section 1201.021, Government Code  
12 (enacted as Section 3, Bond Procedures Act of 1981  
13 (Article 717k-6, Vernon's Texas Civil Statutes)),  
14 which provides that the governing body of an issuer may  
15 determine the time of payment of public securities it  
16 issues, and by Section 1201.022, Government Code  
17 (enacted as Section 5(a), Bond Procedures Act of 1981  
18 (Article 717k-6, Vernon's Texas Civil Statutes)),  
19 which provides that a public security may be issued  
20 with specified characteristics, on specified terms, or  
21 in a specified manner. Sections 1201.021 and  
22 1201.022, Government Code, apply to district bonds  
23 under Sections 1201.002 and 1201.003, Government Code.

24 Revised Law

25 Sec. 6611.204. BOND ELECTION. (a) The board may submit a  
26 proposition for the issuance of district bonds under Section  
27 6611.201 at an election called for that purpose at any time the  
28 board considers proper.

29 (b) Chapter 1251, Government Code, applies to a district  
30 bond election except to the extent of any conflict with this  
31 chapter.

32 (c) If a majority of the voters voting at a district bond  
33 election vote in favor of the issuance of bonds and the imposition  
34 of taxes, the board may:

- 35 (1) issue, sell, and deliver the bonds;



1 Legislature, Regular Session, 1969, refers to a  
2 majority of the "qualified electors" voting at an  
3 election. The revised law omits "qualified" for the  
4 reason stated in Revisor's Note (3) to Section  
5 6611.151. The revised law also substitutes "voters"  
6 for "electors" because "voters" is the term used in the  
7 Election Code.

8 (3) Section 8(c), Chapter 11, Acts of the 61st  
9 Legislature, Regular Session, 1969, provides that the  
10 proposition for the issuance of district bonds may be  
11 submitted "at the election called for confirmation of  
12 the creation of said district under Section 6 of this  
13 Act" or at any time the board of supervisors considers  
14 proper. Because the creation of the district was  
15 approved at the confirmation election, the revised law  
16 omits the quoted language as executed.

17 (4) Section 8(c), Chapter 11, Acts of the 61st  
18 Legislature, Regular Session, 1969, provides that the  
19 levy of maintenance taxes may be submitted as a  
20 proposition at "such" election. It is unclear whether  
21 the reference to "such" election means the  
22 confirmation election or any district bond election.  
23 If the reference is to the confirmation election, the  
24 provision may be omitted as executed because the  
25 confirmation election has been held. Regardless of  
26 whether the reference is specifically to the  
27 confirmation election, however, the provision may be  
28 omitted because it duplicates, in substance, Section  
29 49.107(c), Water Code. The omitted law reads:

30 (c) . . . The levy of maintenance  
31 taxes may be submitted as a further  
32 proposition at such election. . . .

33 (5) Section 8(c), Chapter 11, Acts of the 61st  
34 Legislature, Regular Session, 1969, provides that  
35 "Chapter 1, Title 22, Revised Civil Statutes of Texas,

1 1925, as amended," applies to a district bond  
2 election. The election provisions of Chapter 1, Title  
3 22, Revised Statutes, are revised as Chapter 1251,  
4 Government Code, and the revised law is drafted  
5 accordingly. The revised law omits the reference to  
6 "as amended" for the reason stated in the revisor's  
7 note to Section 6611.105.

8 Revisor's Note  
9 (End of Subchapter)

10 (1) Section 3, Chapter 11, Acts of the 61st  
11 Legislature, Regular Session, 1969, provides that,  
12 before issuing any construction bonds, the district  
13 shall submit plans to the Texas Water Rights  
14 Commission for approval in accordance with Article  
15 7880-139, Vernon's Texas Civil Statutes, and that the  
16 district's project is subject to inspection during  
17 construction as provided by that article. Article  
18 7880-139 was codified by Chapter 58, Acts of the 62nd  
19 Legislature, Regular Session, 1971, as Sections 51.421  
20 and 51.422, Water Code. Chapter 715, Acts of the 74th  
21 Legislature, Regular Session, 1995, repealed Sections  
22 51.421 and 51.422, Water Code, and enacted Sections  
23 49.181 and 49.182, Water Code, to govern the authority  
24 of the Texas Commission on Environmental Quality over  
25 the issuance of district bonds and supervision by the  
26 commission of projects and improvements,  
27 respectively. The revised law therefore omits the  
28 provision because Sections 49.181 and 49.182, Water  
29 Code, apply to the district on their own terms. The  
30 omitted law reads:

31 Sec. 3. . . . Provided, however,  
32 that before issuing any construction bonds  
33 said district shall submit plans and  
34 specifications therefor to the Texas Water  
35 Rights Commission for approval in the  
36 manner required by Chapter 336, Acts of the  
37 57th Legislature, Regular Session, 1961  
38 (Article 7880-139, Vernon's Texas Civil

1 Statutes), and said district's project and  
2 improvements during the course of  
3 construction shall be subject to inspection  
4 in the manner provided by said Act. . . .

5 (2) Section 8(d), Chapter 11, Acts of the 61st  
6 Legislature, Regular Session, 1969, provides that  
7 district bonds may not be delivered to the purchasers  
8 until they have been approved by the attorney general  
9 and registered by the comptroller. Section 8(e),  
10 Chapter 11, Acts of the 61st Legislature, Regular  
11 Session, 1969, provides that after approval,  
12 registration, and sale the bonds are valid and binding  
13 obligations of the district. The revised law omits  
14 those provisions as duplicative of or superseded by  
15 Chapter 1202, Government Code (enacted as Article 3,  
16 Chapter 53, Acts of the 70th Legislature, 2nd Called  
17 Session, 1987). Section 1202.003(a), Government Code,  
18 requires bonds to be submitted to the attorney  
19 general. Section 1202.003(b), Government Code,  
20 provides for approval of the bonds by the attorney  
21 general and requires the attorney general to submit  
22 the approved bonds to the comptroller for  
23 registration. Section 1202.005, Government Code,  
24 requires registration of the bonds by the comptroller.  
25 Section 1202.006, Government Code, provides that after  
26 approval and registration the bonds are incontestable  
27 and binding obligations. Chapter 1202, Government  
28 Code, applies to district bonds under Sections  
29 1202.001 and 1202.003, Government Code. The omitted  
30 law reads:

31 (d) Such bonds shall not be delivered  
32 to the purchasers until they have been  
33 approved as to legality by the Attorney  
34 General of Texas and registered by the  
35 Comptroller of Public Accounts of Texas.  
36 . . .

37 (e) . . . after having been approved  
38 by the attorney general and registered by  
39 the comptroller of public accounts and sold  
40 . . . such bonds shall be held in any suit  
41 or proceeding in which their validity may be

1 questioned to be valid, binding obligations  
2 on such district, subject only to the  
3 defense of fraud, forgery, or  
4 constitutional violation. No suit shall be  
5 brought attacking the validity of such  
6 bonds, except upon the ground stated, after  
7 such bonds have been delivered and the  
8 proceeds of sale have been received by the  
9 district.

10 (3) Section 8(d), Chapter 11, Acts of the 61st  
11 Legislature, Regular Session, 1969, provides that the  
12 cost of issuing, selling, and delivering district  
13 bonds may be paid out of the proceeds of sale of the  
14 bonds. The revised law omits that provision because it  
15 duplicates, in substance, part of Section 49.155(a),  
16 Water Code. The omitted law reads:

17 (d) . . . The cost of issuing,  
18 selling, and delivering such bonds may be  
19 paid out of the proceeds of sale thereof.

20 (4) Section 8(e), Chapter 11, Acts of the 61st  
21 Legislature, Regular Session, 1969, provides that  
22 district bonds shall be sold for not less than par and  
23 accrued interest. The revised law omits that  
24 provision because it is superseded by provisions of  
25 general law. Section 1204.006(b), Government Code  
26 (enacted as Section 2, Chapter 3, Acts of the 61st  
27 Legislature, Regular Session, 1969 (Article 717k-2,  
28 Vernon's Texas Civil Statutes)), provides that an  
29 issuer may sell public securities at any price.  
30 Section 1204.006(b) applies to district bonds under  
31 Sections 1204.001 and 1204.002, Government Code.  
32 Section 1201.022, Government Code, as amended in 2001,  
33 provides that an issuer may sell public securities  
34 "under the terms determined by the governing body of  
35 the issuer to be in the issuer's best interests."  
36 Section 1201.022 applies to district bonds under  
37 Sections 1201.002 and 1201.003, Government Code. The  
38 omitted law reads:

39 (e) . . . They shall be sold for not  
40 less than par and accrued interest and,

1 [after having been approved by the attorney  
2 general and registered by the comptroller  
3 of public accounts and sold] for not less  
4 than par and accrued interest, [such bonds  
5 shall be held in any suit or proceeding in  
6 which their validity may be questioned to be  
7 valid, binding obligations on such  
8 district] . . . .

9 (5) Section 9, Chapter 11, Acts of the 61st  
10 Legislature, Regular Session, 1969, lists the entities  
11 for which district bonds are legal investments and  
12 provides that district bonds may secure deposits of  
13 public funds of the state or political subdivisions.  
14 The revised law omits the provision relating to the  
15 eligibility of district bonds to be considered as  
16 investments for various entities because it  
17 duplicates, in substance, Section 49.186(a), Water  
18 Code. The revised law omits the provision relating to  
19 the use of district bonds as security for deposits of  
20 state funds as impliedly repealed by Section 404.0221,  
21 Government Code (enacted in 1995), which lists  
22 eligible collateral for deposits of state funds by the  
23 comptroller, and by Section 404.031, Government Code  
24 (enacted in 1985 as Section 3.001, Article 4393-1,  
25 Vernon's Texas Civil Statutes), which provides for the  
26 valuation of that collateral. As to securing deposits  
27 of other funds, the provision is impliedly repealed by  
28 Chapter 2257, Government Code (enacted in 1989 as  
29 Article 2529d, Vernon's Texas Civil Statutes), which  
30 governs eligible collateral for deposits of funds of  
31 other public agencies, including political  
32 subdivisions, and permits those deposits to be secured  
33 by obligations issued by conservation and reclamation  
34 districts. The omitted law reads:

35 Sec. 9. All bonds issued under this  
36 Act shall be legal and authorized  
37 investments for banks, savings banks, trust  
38 companies, building and loan associations,  
39 insurance companies, fiduciaries,  
40 trustees, and for any sinking funds of  
41 cities, towns, villages, counties, school

1 districts, and other political corporations  
2 or subdivisions of the State of Texas. The  
3 bonds shall be eligible to secure the  
4 deposit of any and all public funds of the  
5 State of Texas and any and all public funds  
6 of cities, towns, villages, counties,  
7 school districts, and other political  
8 corporations or subdivisions of the State  
9 of Texas, and the bonds shall be lawful and  
10 sufficient security for the deposits at  
11 their face value when accompanied by all  
12 unmatured coupons appurtenant thereto.

13 Revisor's Note  
14 (End of Chapter)

15 (1) Section 14, Chapter 11, Acts of the 61st  
16 Legislature, Regular Session, 1969, provides that the  
17 act is severable. The revised law omits that provision  
18 because the same result is produced by the application  
19 of Section 311.032(c), Government Code (Code  
20 Construction Act), which provides that a provision of  
21 a statute is severable from each other provision of the  
22 statute that can be given effect. The omitted law  
23 reads:

24 Sec. 14. If any word, phrase, clause,  
25 sentence, paragraph, section, or other part  
26 of this Act or the application thereof to  
27 any person or circumstance shall ever be  
28 held by a court of competent jurisdiction to  
29 be invalid or unconstitutional, the  
30 remainder of the Act and the application of  
31 such word, phrase, clause, sentence,  
32 paragraph, section, or other part of this  
33 Act to other persons or circumstances shall  
34 not be affected thereby.

35 (2) Section 15, Chapter 11, Acts of the 61st  
36 Legislature, Regular Session, 1969, and Section 3,  
37 Chapter 280, Acts of the 62nd Legislature, Regular  
38 Session, 1971, contain legislative findings relating  
39 to the performance of the requirements of Section  
40 59(d), Article XVI, Texas Constitution, and to the  
41 authority of the legislature to enact those chapters.  
42 The revised law omits those provisions as executed.  
43 The omitted law reads:

44 [Acts 61st Leg., R.S., Ch. 11]  
45 Sec. 15. It is determined and found  
46 that a proper and legal notice of intention  
47 to introduce this Act, setting forth the

1 general substance of this Act, has been  
2 published at least 30 days and not more than  
3 90 days prior to the introduction of this  
4 Act in the Legislature of Texas, in a  
5 newspaper having general circulation in  
6 Willacy County, and a copy of such notice  
7 and copy of this Act have been delivered to  
8 the Governor of Texas who has submitted such  
9 notice and Act to the Texas Water Rights  
10 Commission, and said Texas Water Rights  
11 Commission has filed its recommendation as  
12 to such Act with the governor, lieutenant  
13 governor, and Speaker of the House of  
14 Representatives of Texas within 30 days  
15 from the date such notice and Act were  
16 received by the Texas Water Rights  
17 Commission; and it is further determined  
18 and found that all the requirements and  
19 provisions of Article XVI, Section 59(d),  
20 of the Texas Constitution have been  
21 fulfilled and accomplished as therein  
22 provided.

23 [Acts 62nd Leg., R.S., Ch. 280]

24 Sec. 3. The proof of publication of  
25 the constitutional notice required in  
26 Subsection (d) of Article XVI, Section 59,  
27 of the Texas Constitution, has been made in  
28 the manner provided and a copy of the notice  
29 and the bill as originally introduced have  
30 been delivered to the Governor of the State  
31 of Texas. The notice and delivery are found  
32 and declared to be proper and sufficient to  
33 satisfy constitutional requirements.