

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Special District Local
Laws Code
Chapter 6910
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16 CHAPTER 6910. HULL FRESH WATER SUPPLY DISTRICT

17 SUBCHAPTER A. GENERAL PROVISIONS

18 Revised Law

19 Sec. 6910.001. DEFINITIONS. In this chapter:

20 (1) "Board" means the board of supervisors of the

21 district.

22 (2) "District" means the Hull Fresh Water Supply

23 District.

24 (3) "Supervisor" means a member of the board. (Acts

25 57th Leg., R.S., Ch. 533, Sec. 1 (part); New.)

1 district as "a governmental agency, a body politic and
2 corporate." The revised law omits the quoted language
3 because it duplicates a portion of Section 59(b),
4 Article XVI, Texas Constitution, which provides that a
5 conservation and reclamation district is a
6 governmental agency and a body politic and corporate.

7 Revised Law

8 Sec. 6910.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
9 The district is created to serve a public use and benefit.

10 (b) All land and other property included in the district
11 will benefit from the creation of the district and the improvements
12 that the district will purchase, construct, or otherwise acquire.

13 (c) The district is essential to accomplish the purposes of
14 Section 59, Article XVI, Texas Constitution. (Acts 57th Leg.,
15 R.S., Ch. 533, Secs. 5 (part), 6 (part).)

16 Source Law

17 Sec. 5. It is hereby found and determined that
18 all of the lands and other property included within the
19 District are, and will be, benefited by the creation of
20 the District and by the improvements that the District
21 will purchase, construct, or otherwise acquire, and
22 that the District is created to serve a public use and
23 benefit. . . .

24 Sec. 6. The Legislature hereby exercises the
25 authority conferred upon it by Section 59 of Article
26 XVI, Constitution of Texas, and declares that the
27 District created by this Act is essential to the
28 accomplishment of the purposes of said Constitutional
29 provisions; finds that all of the lands and other
30 property included therein are, and will be, benefited
31 thereby and by the improvements the District will
32 purchase, construct, or otherwise acquire; and

33 Revisor's Note

34 Section 6, Chapter 533, Acts of the 57th
35 Legislature, Regular Session, 1961, states that the
36 legislature "hereby exercises the authority conferred
37 upon it by Section 59 of Article XVI, Constitution of
38 Texas, and declares that" the district "created by
39 this Act" is essential to accomplish the purposes of
40 that constitutional provision. The revised law omits
41 the quoted language as executed.

1 already apply to the district, the revised law omits
2 that provision as unnecessary. The omitted law reads:

3 Sec. 3. [The management and control
4 of the District is hereby vested in a Board
5 of five (5) supervisors] which shall have
6 all of the powers and authority and duties
7 conferred and imposed upon boards of
8 supervisors of fresh water supply districts
9 organized under the provisions of Chapter 4
10 of Title 128, Revised Civil Statutes of
11 Texas, 1925, together with all amendments
12 thereto and additions thereto. . . .

13 (2) Section 3, Chapter 533, Acts of the 57th
14 Legislature, Regular Session, 1961, provides for the
15 election of the board of supervisors of the district.
16 The revised law omits as executed those provisions
17 that relate to the establishment of the first board,
18 that board's vacancy procedures, and the 1963
19 supervisor election. The omitted law reads:

20 Sec. 3. . . . The members of the
21 first Board of Supervisors shall be: George
22 Richards, E. A. Hendrick, Douglas Emanuel,
23 Floyd Finklea, and Jimmy Best, Sr. Said
24 members shall become supervisors
25 immediately after this Act becomes
26 effective, and said first Board of
27 Supervisors shall meet and organize as soon
28 as practicable after the effective date of
29 this Act, and shall file their official
30 bonds. If any of the aforementioned members
31 of said first Board of Supervisors shall
32 die, become incapacitated, or otherwise not
33 qualify to assume their duties under this
34 Act, the County Judge of Liberty County,
35 Texas, shall appoint his or their
36 successors. . . . The first election of
37 supervisors of such District shall be held
38 on the first Tuesday in January, 1963, and
39 in accordance with Article 7897, Revised
40 Civil Statutes of Texas, 1925. . . .

41 (3) Section 3, Chapter 533, Acts of the 57th
42 Legislature, Regular Session, 1961, provides that the
43 board of supervisors must be selected by general law
44 for fresh water supply districts and that elections
45 for supervisors must be held in accordance with the
46 provisions of general laws relating to fresh water
47 supply districts. The revised law omits these
48 provisions because Subchapter D, Chapter 49, Water

1 Code, governs those board elections. That subchapter
2 applies to the district under Sections 49.001 and
3 49.002, Water Code. Any other general law relating to
4 board elections applies by its own terms. The omitted
5 law reads:

6 Sec. 3. . . . With the exception of
7 said first Board of Supervisors, the Board
8 of Supervisors shall be selected by General
9 Law for fresh water supply districts. . . .
10 Thereafter, Supervisors of the District
11 shall be chosen, and [elections for
12 Supervisors shall be held] in accordance
13 with the provisions of General Laws
14 relating to fresh water supply districts.

15 SUBCHAPTER C. POWERS AND DUTIES

16 Revised Law

17 Sec. 6910.101. GENERAL POWERS AND DUTIES. The district has
18 all the rights, powers, privileges, and duties provided by general
19 law applicable to a fresh water supply district created under
20 Section 59, Article XVI, Texas Constitution, including Chapters 49
21 and 53, Water Code. (Acts 57th Leg., R.S., Ch. 533, Sec. 2 (part).)

22 Source Law

23 Sec. 2. The District shall have and exercise,
24 and is hereby vested with, all of the rights, powers,
25 privileges and duties conferred and imposed by the
26 General Laws of the State of Texas now in force or
27 hereafter enacted, applicable to fresh water supply
28 districts created under authority of Section 59 of
29 Article XVI, Constitution of Texas, but
30 Without in any way limiting the generalization of the
31 foregoing, it is expressly provided the District shall
32 have and exercise, and is hereby vested with, all of
33 the rights, powers, privileges and duties conferred
34 and imposed by Chapter 4 of Title 128, Revised Civil
35 Statutes of Texas, 1925, together with all amendments
36 thereto and additions thereto,

37 Revisor's Note

38 (1) Section 2, Chapter 533, Acts of the 57th
39 Legislature, Regular Session, 1961, states that the
40 district "shall have and exercise, and is hereby
41 vested with," certain rights, powers, privileges, and
42 duties. The revised law substitutes "has" for the
43 quoted language because, in context, the terms are
44 synonymous and "has" is more commonly used.

1 (2) Section 2, Chapter 533, Acts of the 57th
2 Legislature, Regular Session, 1961, states that the
3 district has the rights, powers, privileges, and
4 duties "conferred and imposed" by general law. The
5 revised law substitutes "provided" for the quoted
6 language because regardless of whether a right, power,
7 privilege, or duty is "conferred" by general law or
8 "imposed" by general law, it is not necessary to
9 characterize in the revised law the nature of the
10 granting of that authority. In context, "provided" is
11 synonymous with "conferred and imposed" and "provided"
12 is more commonly used.

13 (3) Section 2, Chapter 533, Acts of the 57th
14 Legislature, Regular Session, 1961, refers to the
15 general laws of this state "now in force or hereafter
16 enacted." The revised law omits the quoted language as
17 unnecessary under accepted general principles of
18 statutory construction. The "General Laws of the
19 State of Texas" means those laws "in force" at the time
20 the provision was adopted. It is unnecessary to state
21 that the district may be granted additional powers by
22 later enacted laws because those laws apply on their
23 own terms.

24 (4) Section 2, Chapter 533, Acts of the 57th
25 Legislature, Regular Session, 1961, provides that
26 Chapter 533 prevails over the general laws applicable
27 to fresh water supply districts in case of a conflict
28 and that those general laws are incorporated by
29 reference. The revised law omits the portion of the
30 provision relating to the chapter prevailing over
31 those general laws because it duplicates, in
32 substance, Section 311.026(b), Government Code (Code
33 Construction Act). The revised law omits the portion
34 of the provision relating to the incorporation of

1 those general laws by reference because Section 2 of
2 Chapter 533 (revised in part as this section) provides
3 that those laws apply to the district, and it is
4 unnecessary to repeat that authority. The omitted law
5 reads:

6 Sec. 2. [The District shall have and
7 exercise, and is hereby vested with, all of
8 the rights, powers, privileges and duties
9 conferred and imposed by the General Laws of
10 the State of Texas now in force or hereafter
11 enacted, applicable to fresh water supply
12 districts created under authority of
13 Section 59 of Article XVI, Constitution of
14 Texas, but] to the extent that the
15 provisions of such General Laws may be in
16 conflict or inconsistent with provisions of
17 this Act, the provisions of this Act shall
18 prevail. All such General Laws are hereby
19 incorporated by reference with the same
20 effect as if incorporated in full in this
21 Act. . . .

22 (5) Section 2, Chapter 533, Acts of the 57th
23 Legislature, Regular Session, 1961, provides that
24 "[w]ithout in any way limiting the generalization of
25 the foregoing" rights, powers, privileges, and duties
26 provided by general law applicable to fresh water
27 supply districts, the district has certain express
28 rights, powers, privileges, and duties. The revised
29 law omits the quoted language as unnecessary because
30 an accepted principle of statutory construction
31 requires a statute to be given cumulative effect with
32 other statutes unless it provides otherwise or unless
33 the statutes are in conflict. The general principle
34 applies to this revision.

35 (6) Section 2, Chapter 533, Acts of the 57th
36 Legislature, Regular Session, 1961, refers to "Chapter
37 4 of Title 128, Revised Civil Statutes of Texas, 1925,
38 together with all amendments thereto and additions
39 thereto." The revised law substitutes a reference to
40 Chapter 53, Water Code, for the quoted language
41 because Chapter 4 was codified in 1971 as part of

1 Chapter 53, Water Code, a general law applicable to
2 fresh water supply districts. For the reader's
3 convenience, the revised law includes a reference to
4 Chapter 49, Water Code, because Chapter 715, Acts of
5 the 74th Legislature, Regular Session, 1995, repealed
6 many provisions of Chapter 53 and enacted similar
7 provisions in Chapter 49, Water Code. The revised law
8 omits the phrase "together with all amendments thereto
9 and additions thereto" because under Section 311.027,
10 Government Code (Code Construction Act), a reference
11 to a statute applies to all reenactments, revisions,
12 or amendments of that statute unless expressly
13 provided otherwise.

14 (7) Section 2, Chapter 533, Acts of the 57th
15 Legislature, Regular Session, 1961, refers to certain
16 powers granted by Articles 7930-4 and 7941-c, Vernon's
17 Texas Civil Statutes. The revised law omits those
18 references because the provisions, under which the
19 powers were granted, were included in the 1971
20 codification of Chapter 53, Water Code, and now are
21 contained in Chapter 53, Water Code (applicable to the
22 district under Section 2, Chapter 533, revised in
23 pertinent part as this section), or have been replaced
24 by provisions of Chapter 49, Water Code (applicable to
25 the district under Sections 49.001 and 49.002, Water
26 Code). The omitted law reads:

27 Sec. 2. . . . [the District shall
28 have . . . all of the rights, powers,
29 privileges and duties] . . . including all
30 powers and authority relating to sanitary
31 sewer systems and the issuance of bonds
32 therefor as authorized by and provided in
33 Chapter 129, Acts of the Forty-seventh
34 Legislature of Texas, Regular Session, 1941
35 (Article 7930-4, Vernon's Texas Civil
36 Statutes, 1925, as amended), even though
37 said District is located within a county of
38 less than five hundred thousand (500,000)
39 inhabitants, and including the power and
40 authority to issue tax bonds, revenue bonds
41 or tax-revenue bonds as authorized by and

1 provided in Chapter 233, Acts of the
2 Fifty-second Legislature of Texas, Regular
3 Session, 1951 (Article 7941-c, Vernon's
4 Texas Civil Statutes, as amended). . . .

5 Revised Law

6 Sec. 6910.102. ACQUISITION OF IMPROVEMENTS. The district
7 may make, construct, or otherwise acquire improvements inside or
8 outside the district that are necessary to carry out a power granted
9 to the district under this chapter or a general law described by
10 Section 6910.101. (Acts 57th Leg., R.S., Ch. 533, Sec. 2 (part).)

11 Source Law

12 Sec. 2. . . . Said District shall have the power
13 to make, construct, or otherwise acquire improvements
14 either within or without the boundaries thereof
15 necessary to carry out the powers and authority
16 created by this Act and said General Laws;

17 Revisor's Note

18 Section 2, Chapter 533, Acts of the 57th
19 Legislature, Regular Session, 1961, refers to the
20 district's "powers and authority." The revised law
21 omits "authority" as included in the meaning of
22 "powers."

23 Revised Law

24 Sec. 6910.103. LIMIT ON EMINENT DOMAIN POWER. The district
25 may not exercise the power of eminent domain outside the district.
26 (Acts 57th Leg., R.S., Ch. 533, Sec. 2 (part).)

27 Source Law

28 Sec. 2. . . . provided, however, that the
29 exercise of the power of eminent domain shall not
30 extend beyond the boundaries of the District, as
31 defined herein. . . .

32 Revised Law

33 Sec. 6910.104. COST OF RELOCATING OR ALTERING PROPERTY.
34 (a) In this section, "sole expense" means the actual cost of
35 relocating, raising, lowering, rerouting, changing the grade of, or
36 altering the construction of a facility described by Subsection (b)
37 in providing comparable replacement without enhancement of the
38 facility, after deducting from that cost the net salvage value of
39 the old facility.

1 (b) If the district's exercise of the power of eminent
2 domain, the power of relocation, or any other power granted under
3 this chapter makes necessary relocating, raising, rerouting,
4 changing the grade of, or altering the construction of a highway,
5 railroad, electric transmission line, telephone or telegraph
6 property or facility, or pipeline, the necessary action shall be
7 accomplished at the sole expense of the district. (Acts 57th Leg.,
8 R.S., Ch. 533, Sec. 2 (part).)

9 Source Law

10 Sec. 2. . . . In the event that the District in
11 the exercise of the power of eminent domain or power of
12 relocation, or any other power created hereunder,
13 makes necessary the relocation, raising, rerouting or
14 changing the grade of, altering the construction of,
15 any highway, railroad, electric transmission line,
16 telephone or telegraph properties or facilities, or
17 pipeline, all such necessary relocation, raising,
18 rerouting, changing of grade or alteration of
19 construction shall be accomplished at the sole expense
20 of the District. The term "sole expense" shall mean
21 the actual cost of such relocation, raising, lowering,
22 rerouting, or change in grade or alteration of
23 construction in providing comparable replacement
24 without enhancement of such facilities, after
25 deducting therefrom the net salvage value derived from
26 the old facilities.

27 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

28 Revised Law

29 Sec. 6910.151. DISTRICT TAX ASSESSOR-COLLECTOR. (a) The
30 board shall appoint a tax assessor-collector for the district for a
31 term not to exceed the term of office of the supervisors making the
32 appointment.

33 (b) The district's tax assessor-collector is not required
34 to be a resident or voter of the district. (Acts 57th Leg., R.S.,
35 Ch. 533, Sec. 4 (part).)

36 Source Law

37 Sec. 4. . . . the District's Tax
38 Assessor-Collector shall be appointed by the Board of
39 Supervisors for a term not to exceed the term of office
40 of the members of the Board making such appointment,
41 and, further, that said Tax Assessor-Collector need
42 not be a resident or voter of the District.

43 Revisor's Note
44 (End of Subchapter)

45 Section 4, Chapter 533, Acts of the 57th

1 Legislature, Regular Session, 1961, provides that all
2 laws relative to the assessment, levy, and collection
3 of ad valorem taxes apply to the district. Because
4 Section 2 of Chapter 533 (revised in pertinent part as
5 Section 6910.101 of this chapter) provides that the
6 district has all of the powers and duties provided by
7 the general laws applicable to fresh water supply
8 districts, it is unnecessary to provide in this
9 chapter that the levying of taxes by the district is
10 governed by the general laws applicable to such
11 districts. In addition, because Section 1.02, Tax
12 Code, requires all taxing units of government,
13 including fresh water supply districts, to administer
14 the assessment and collection of ad valorem taxes in
15 conformity with Title 1, Tax Code, it is unnecessary to
16 provide in this chapter that the assessment and
17 collection of taxes by the district is governed by the
18 general laws applicable to such districts. The
19 omitted law reads:

20 Sec. 4. All provisions of the General
21 Laws relative to the assessment, levy, and
22 collection of ad valorem taxes shall apply
23 to the District, except that

24 Revisor's Note
25 (End of Chapter)

26 Section 7, Chapter 533, Acts of the 57th
27 Legislature, Regular Session, 1961, provides that the
28 act is severable. The revised law omits that provision
29 because the same result is produced by the application
30 of Section 311.032(c), Government Code (Code
31 Construction Act), which provides that a provision of
32 a statute is severable from each other provision of the
33 statute that can be given effect. The omitted law
34 reads:

35 Sec. 7. If any word, phrase, clause,
36 sentence, paragraph, or other part of this
37 Act or the application thereof shall ever be

1 held by a court of competent jurisdiction to
2 be invalid or unconstitutional, the
3 remainder of the Act and the application of
4 such word, phrase, clause, sentence, part,
5 section, paragraph, or other part of this
6 Act to other persons or circumstances shall
7 not be affected thereby.