

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Special District Local
Laws Code
Chapter 8411
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12 CHAPTER 8411. SPRING MEADOWS MUNICIPAL UTILITY DISTRICT

13 SUBCHAPTER A. GENERAL PROVISIONS

14 Revised Law

15 Sec. 8411.001. DEFINITIONS. In this chapter:

16 (1) "Board" means the district's board of directors.

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

18 (3) "District" means the Spring Meadows Municipal

19 Utility District. (Acts 76th Leg., R.S., Ch. 35, Sec. 2; New.)

20 Source Law

21 Sec. 2. In this Act, "district" means the Spring
22 Meadows Municipal Utility District.

23 Revisor's Note

24 The definitions of "board" and "director" are

25 added to the revised law for drafting convenience and

26 to eliminate frequent, unnecessary repetition of the

27 substance of the definitions.

1 Revised Law

2 Sec. 8411.002. NATURE OF DISTRICT. The district is a
3 conservation and reclamation district in Harris County created
4 under Section 59, Article XVI, Texas Constitution. (Acts 76th
5 Leg., R.S., Ch. 35, Secs. 1(a) (part), (b) (part).)

6 Source Law

7 Sec. 1. (a) A conservation and reclamation
8 district, to be known as the Spring Meadows Municipal
9 Utility District, is created in Harris County,

10 (b) The district is created under and . . .
11 Section 59, Article XVI, Texas Constitution.

12 Revisor's Note

13 (1) Section 1(a), Chapter 35, Acts of the 76th
14 Legislature, Regular Session, 1999, refers to a
15 confirmation election. Because the confirmation
16 election has already been held, the revised law omits
17 the provision as executed. The omitted law reads:

18 (a) . . . subject to approval at a
19 confirmation election under Section 9 of
20 this Act. . . .

21 (2) Section 1(a), Chapter 35, Acts of the 76th
22 Legislature, Regular Session, 1999, provides that the
23 district is a governmental agency and a body politic
24 and corporate. The revised law omits the provision
25 because it duplicates a portion of Section 59(b),
26 Article XVI, Texas Constitution, which provides that a
27 conservation and reclamation district is a
28 governmental agency and a body politic and corporate.
29 The omitted law reads:

30 (a) . . . The district is a
31 governmental agency and a body politic and
32 corporate.

33 Revised Law

34 Sec. 8411.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
35 The district is created to serve a public use and benefit.

36 (b) All land and other property included in the boundaries
37 of the district will benefit from the works and projects
38 accomplished by the district under powers conferred by Section 59,

1 Article XVI, Texas Constitution.

2 (c) The creation of the district is essential to accomplish
3 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
4 76th Leg., R.S., Ch. 35, Secs. 1(b) (part), 5.)

5 Source Law

6 [Sec. 1]

7 (b) [The district is created under and] is
8 essential to accomplish the purposes of Section 59,
9 Article XVI, Texas Constitution.

10 Sec. 5. All of the land and other property
11 included within the boundaries of the district will be
12 benefited by the works and projects that are to be
13 accomplished by the district under powers conferred by
14 Section 59, Article XVI, Texas Constitution. The
15 district is created to serve a public use and benefit.

16 Revised Law

17 Sec. 8411.004. DISTRICT TERRITORY. (a) The district is
18 composed of the territory described by Section 3, Chapter 35, Acts
19 of the 76th Legislature, Regular Session, 1999, as that territory
20 may have been modified under:

- 21 (1) Subchapter H, Chapter 54, Water Code;
22 (2) Subchapter J, Chapter 49, Water Code; or
23 (3) other law.

24 (b) The boundaries and field notes of the district form a
25 closure. A mistake in the field notes or in copying the field notes
26 in the legislative process does not affect:

- 27 (1) the district's organization, existence, or
28 validity;
29 (2) the district's right to impose a tax; or
30 (3) the legality or operation of the district or its
31 governing body. (Acts 76th Leg., R.S., Ch. 35, Sec. 4; New.)

32 Source Law

33 Sec. 4. The legislature finds that the
34 boundaries and field notes of the district form a
35 closure. A mistake in the field notes or in copying the
36 field notes in the legislative process does not affect
37 the organization, existence, or validity of the
38 district, the right of the district to levy and collect
39 taxes, or the legality or operation of the district or
40 its governing body.

1 Revisor's Note

2 (1) The revision of the law governing the
3 district does not revise the statutory language
4 describing the territory of the district to avoid the
5 lengthy recitation of the description and because that
6 description may not be accurate on the effective date
7 of the revision or at the time of a later reading. For
8 the reader's convenience, the revised law includes
9 references to the statutory description of the
10 district's territory and to the authority to change the
11 district's territory under Subchapter H, Chapter 54,
12 Water Code, applicable to municipal utility districts,
13 and under Subchapter J, Chapter 49, Water Code,
14 applicable to the district under Sections 49.001 and
15 49.002 of that chapter. The revised law also includes
16 a reference to the general authority of the
17 legislature to enact a law to change the district's
18 territory.

19 (2) Section 4, Chapter 35, Acts of the 76th
20 Legislature, Regular Session, 1999, refers to the
21 district's authority to "levy and collect" taxes. The
22 revised law substitutes "impose" for "levy and
23 collect" because "impose" is the term generally used
24 in Title 1, Tax Code, and includes the levy and
25 collection of a tax.

26 SUBCHAPTER B. BOARD OF DIRECTORS

27 Revised Law

28 Sec. 8411.051. COMPOSITION OF BOARD; TERMS. (a) The
29 district is governed by a board of five directors.

30 (b) Directors serve staggered four-year terms. (Acts 76th
31 Leg., R.S., Ch. 35, Secs. 7(a), (d).)

32 Source Law

33 Sec. 7. (a) The district is governed by a board
34 of five directors.

1 (d) Permanent directors serve staggered
2 four-year terms.

3 Revisor's Note

4 (1) Section 7(d), Chapter 35, Acts of the 76th
5 Legislature, Regular Session, 1999, refers to
6 "[p]ermanent" directors. The revised law omits
7 "[p]ermanent." Sections 7(b), (c), and (d) refer to
8 "temporary," "initial," and "permanent" directors to
9 distinguish between the original "temporary"
10 directors, the "initial" directors who immediately
11 succeeded the "temporary" directors after the first
12 election of directors, and subsequently serving
13 "permanent" directors. For the reasons stated in the
14 revisor's notes at the end of this subchapter, the
15 revised law omits provisions regarding "temporary" and
16 "initial" directors. It is therefore no longer
17 necessary to distinguish between "temporary,"
18 "initial," and "permanent" directors, and the revised
19 law is drafted accordingly.

20 (2) Section 7(e), Chapter 35, Acts of the 76th
21 Legislature, Regular Session, 1999, provides that each
22 director must qualify as provided by Section 49.055,
23 Water Code. The revised law omits Section 7(e) because
24 it duplicates in substance Section 49.055, which
25 provides for the qualification of directors and
26 applies to the district under Section 6(a), Chapter
27 35, Acts of the 76th Legislature, Regular Session,
28 1999 (revised in this chapter as Section 8411.101),
29 and under Sections 49.001 and 49.002, Water Code. The
30 omitted law reads:

31 (e) Each director must qualify to
32 serve as director in the manner provided by
33 Section 49.055, Water Code.

34 (3) Section 7(f), Chapter 35, Acts of the 76th
35 Legislature, Regular Session, 1999, provides that a
36 director serves until a successor has qualified. The

1 revised law omits the provision because it duplicates
2 Section 17, Article XVI, Texas Constitution, which
3 provides that an officer in this state continues to
4 perform the officer's official duties until a
5 successor has qualified. The omitted law reads:

6 (f) A director serves until the
7 director's successor has qualified.

8 Revisor's Note
9 (End of Subchapter)

10 (1) Sections 7(b) and (c), Chapter 35, Acts of
11 the 76th Legislature, Regular Session, 1999, provide
12 for the terms of office of "temporary" and "initial"
13 directors of the district. The revised law omits
14 Sections 7(b) and (c) as executed because the terms of
15 the temporary and initial directors have expired. The
16 omitted law reads:

17 (b) Temporary directors serve until
18 initial directors are elected under Section
19 9 of this Act.

20 (c) Initial directors serve until
21 permanent directors are elected under
22 Section 10 of this Act.

23 (2) Section 8, Chapter 35, Acts of the 76th
24 Legislature, Regular Session, 1999, names the
25 temporary directors. Because the temporary directors
26 were appointed and the terms of the temporary
27 directors have expired, the revised law omits that
28 provision as executed. The omitted law reads:

29 Sec. 8. The temporary board of
30 directors is composed of:

- 31 (1) Frank Cope;
32 (2) Riley Verdine;
33 (3) Trent Slovak;
34 (4) _____; and
35 (5) _____.

36 (3) Section 9, Chapter 35, Acts of the 76th
37 Legislature, Regular Session, 1999, provides for the
38 "temporary" board to hold an election to confirm the
39 district's creation and to elect the "initial"
40 directors for the district. The revised law omits that

1 provision as executed because the confirmation and
2 initial directors' elections have been held. The
3 omitted law reads:

4 Sec. 9. (a) The temporary board of
5 directors shall call and hold an election to
6 confirm establishment of the district and
7 to elect five initial directors as provided
8 by Chapter 49, Water Code.

9 (b) Section 41.001(a), Election
10 Code, does not apply to a confirmation
11 election held as provided by this section.

12 (4) Sections 10(a) and (b), Chapter 35, Acts of
13 the 76th Legislature, Regular Session, 1999, provide
14 for the first permanent directors' election following
15 the confirmation election. The revised law omits
16 those provisions as executed because the first
17 permanent directors' election has been held. The
18 omitted law reads:

19 Sec. 10. (a) On the first Saturday
20 in May that occurs in an even-numbered year
21 after the date on which the confirmation
22 election is held, an election shall be held
23 in the district for the election of two
24 directors who shall each serve two-year
25 terms and three directors who shall each
26 serve four-year terms.

27 (b) The board of directors by order
28 may postpone the election for two years if:

29 (1) the election will occur
30 within 60 days after the date on which the
31 confirmation election is held; or

32 (2) the board determines that
33 there is not sufficient time to comply with
34 the requirements of law and to order the
35 election.

36 (5) Section 10(c), Chapter 35, Acts of the 76th
37 Legislature, Regular Session, 1999, requires
38 permanent directors' elections to be held on the first
39 Saturday in May of each even-numbered year following
40 the first permanent directors' election. The revised
41 law omits the reference to the year in which the first
42 permanent directors' election was held as executed.
43 The revised law omits the remainder of the provision
44 because it duplicates in substance Section 49.103(b),
45 Water Code. Chapter 49, Water Code, applies to the

1 district under Sections 49.001 and 49.002 of that
2 chapter. Although Section 49.103 refers to the
3 "uniform election date" in May and Section 10(c)
4 refers to the "first Saturday in May," it is clear that
5 the legislature meant the former because "the first
6 Saturday in May" was the uniform election date in 1999.
7 The omitted law reads:

8 (c) On the first Saturday in May of
9 each even-numbered year following the first
10 election held under this section, the
11 appropriate number of directors shall be
12 elected to the board.

13 SUBCHAPTER C. POWERS AND DUTIES

14 Revised Law

15 Sec. 8411.101. MUNICIPAL UTILITY DISTRICT POWERS AND
16 DUTIES. The district has the rights, powers, privileges,
17 functions, and duties provided by the general law of this state,
18 including Chapters 49 and 54, Water Code, applicable to a municipal
19 utility district created under Section 59, Article XVI, Texas
20 Constitution. (Acts 76th Leg., R.S., Ch. 35, Sec. 6(a) (part).)

21 Source Law

22 Sec. 6. (a) The district has all of the rights,
23 powers, privileges, authority, functions, and duties
24 provided by the general law of this state, including
25 Chapters 49 and 54, Water Code, applicable to
26 municipal utility districts created under Section 59,
27 Article XVI, Texas Constitution. . . .

28 Revisor's Note

29 (1) Section 6(a), Chapter 35, Acts of the 76th
30 Legislature, Regular Session, 1999, refers to the
31 "rights, powers, privileges, [and] authority" of the
32 district. The revised law omits "authority" because,
33 in context, "authority" is included in the meaning of
34 "rights, powers, [and] privileges."

35 (2) Section 6(a), Chapter 35, Acts of the 76th
36 Legislature, Regular Session, 1999, provides that the
37 act prevails over general law in case of a conflict or
38 other inconsistency. The revised law omits the

1 provision because it duplicates in substance Section
2 311.026, Government Code (Code Construction Act). The
3 omitted law reads:

4 (a) . . . This Act prevails over any
5 provision of general law that is in conflict
6 or inconsistent with this Act.

7 (3) Section 6(b), Chapter 35, Acts of the 76th
8 Legislature, Regular Session, 1999, refers to the
9 continuing supervision to be exercised by the Texas
10 Natural Resource Conservation Commission. The revised
11 law omits the provision because the Texas Commission
12 on Environmental Quality is the successor to the Texas
13 Natural Resource Conservation Commission and
14 therefore the provision duplicates in substance part
15 of Section 12.081, Water Code, which is a general law
16 that applies to the district. The name of the Texas
17 Natural Resource Conservation Commission was changed
18 to the Texas Commission on Environmental Quality by
19 Section 18.01, Chapter 965, Acts of the 77th
20 Legislature, Regular Session, 2001. The omitted law
21 reads:

22 (b) The rights, powers, privileges,
23 authority, functions, and duties of the
24 district are subject to the continuing
25 right of supervision of the state to be
26 exercised by and through the Texas Natural
27 Resource Conservation Commission.

28 Revisor's Note
29 (End of Chapter)

30 Section 11, Chapter 35, Acts of the 76th
31 Legislature, Regular Session, 1999, recites
32 legislative findings regarding procedural
33 requirements for the creation of the district under
34 the constitution and other laws and rules, including
35 proper legal notice and the filing of recommendations.
36 The revised law omits those provisions as executed.
37 The omitted law reads:

38 Sec. 11. (a) The proper and legal

1 notice of the intention to introduce this
2 Act, setting forth the general substance of
3 this Act, has been published as provided by
4 law, and the notice and a copy of this Act
5 have been furnished to all persons,
6 agencies, officials, or entities to which
7 they are required to be furnished by the
8 constitution and other laws of this state,
9 including the governor, who has submitted
10 the notice and Act to the Texas Natural
11 Resource Conservation Commission.

12 (b) The Texas Natural Resource
13 Conservation Commission has filed its
14 recommendations relating to this Act with
15 the governor, lieutenant governor, and
16 speaker of the house of representatives
17 within the required time.

18 (c) All requirements of the
19 constitution and laws of this state and the
20 rules and procedures of the legislature
21 with respect to the notice, introduction,
22 and passage of this Act are fulfilled and
23 accomplished.