

PRELIMINARY DRAFT

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15 CHAPTER 9045. FALLBROOK UTILITY DISTRICT

16 SUBCHAPTER A. GENERAL PROVISIONS

17 Revised Law

18 Sec. 9045.001. DEFINITIONS. In this chapter:

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

20 (2) "Director" means a board member.

21 (3) "District" means the Fallbrook Utility District of

22 Harris County, Texas. (Acts 61st Leg., R.S., Ch. 633, Sec. 1

23 (part); New.)

24 Source Law

25 Sec. 1. . . . [a . . . district] . . . to be

26 known as "Fallbrook Utility District" of Harris

27 County, Texas, hereinafter called the "district,"

28

29 Revisor's Note

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

31 added to the revised law for drafting convenience and

32 to eliminate frequent, unnecessary repetition of the

33 substance of the definitions.

34 Revised Law

35 Sec. 9045.002. NATURE OF DISTRICT. The district is a

1 conservation and reclamation district in Harris County created
2 under Section 59, Article XVI, Texas Constitution. (Acts 61st
3 Leg., R.S., Ch. 633, Sec. 1 (part).)

4 Source Law

5 Sec. 1. Under and pursuant to the provisions of
6 Article XVI, Section 59, Constitution of Texas, a
7 conservation and reclamation district is hereby
8 created and established in Harris County, Texas, . . .
9 which shall be a governmental agency and a body politic
10 and corporate. . . .

11 Revisor's Note

12 (1) Section 1, Chapter 633, Acts of the 61st
13 Legislature, Regular Session, 1969, provides that the
14 district is "created and established" in Harris
15 County, Texas. The revised law omits "established"
16 because the meaning of that word is included in the
17 meaning of "created."

18 (2) Section 1, Chapter 633, Acts of the 61st
19 Legislature, Regular Session, 1969, refers to the
20 district as "a governmental agency and a body politic
21 and corporate." The revised law omits the quoted
22 language because it duplicates a portion of Section
23 59(b), Article XVI, Texas Constitution, which provides
24 that a conservation and reclamation district is a
25 governmental agency and a body politic and corporate.

26 Revised Law

27 Sec. 9045.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
28 The district is created to serve a public use and benefit.

29 (b) All land and other property included in the boundaries
30 of the district will benefit from the works and projects
31 accomplished by the district under the powers conferred by Section
32 59, Article XVI, Texas Constitution.

33 (c) The district is essential to accomplish the purposes of
34 Section 59, Article XVI, Texas Constitution.

35 (d) The accomplishment of the purposes stated in this
36 chapter will benefit the people of this state and improve their

1 property and industries.

2 (e) The district in carrying out the purposes of this
3 chapter will be performing an essential public function under the
4 Texas Constitution. (Acts 61st Leg., R.S., Ch. 633, Secs. 1 (part),
5 4, 21 (part).)

6 Source Law

7 Sec. 1. . . . The creation and establishment of
8 the district is hereby declared to be essential to the
9 accomplishment of the purposes of Article XVI, Section
10 59, Constitution of Texas.

11 Sec. 4. It is determined and found that all of
12 the land and other property included within the
13 boundaries of the district will be benefited by the
14 works and project which are to be accomplished by the
15 district pursuant to the powers conferred by the
16 provisions of Article XVI, Section 59, Constitution of
17 Texas, and that said district was and is created to
18 serve a public use and benefit.

19 Sec. 21. The accomplishment of the purposes
20 stated in this Act being for the benefit of the people
21 of this state and for the improvement of their
22 properties and industries, the district in carrying
23 out the purposes of this Act will be performing an
24 essential public function under the Constitution,
25 and

26 Revisor's Note

27 Section 1, Chapter 633, Acts of the 61st
28 Legislature, Regular Session, 1969, states that the
29 "creation and establishment" of the district is
30 "hereby declared to be" essential to accomplish the
31 purposes of Section 59, Article XVI, Texas
32 Constitution. The revised law omits the quoted
33 language as executed.

34 Revised Law

35 Sec. 9045.004. DISTRICT TERRITORY. (a) The district is
36 composed of the territory described by Section 2, Chapter 633, Acts
37 of the 61st Legislature, Regular Session, 1969, as that territory
38 may have been modified under:

- 39 (1) Subchapter O, Chapter 51, Water Code;
40 (2) Subchapter J, Chapter 49, Water Code;
41 (3) Section 9045.005 or its predecessor statute,
42 former Section 9, Chapter 633, Acts of the 61st Legislature,

1 Regular Session, 1969; or

2 (4) other law.

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

6 (1) the district's organization, existence, or
7 validity;

8 (2) the district's right to issue any type of bond for
9 a purpose for which the district is created or to pay the principal
10 of and interest on the bond;

11 (3) the district's right to impose a tax; or

12 (4) in any other manner, the legality or operation of
13 the district or the board. (Acts 61st Leg., R.S., Ch. 633, Sec. 3;
14 New.)

15 Source Law

16 Sec. 3. It is determined and found that the
17 boundaries and field notes of the district form a
18 closure; and if any mistake is made in copying the
19 field notes in the legislative process, or otherwise a
20 mistake is made in the field notes, it shall in no way
21 affect the organization, existence and validity of the
22 district, or the right of the district to issue any
23 type of bonds or refunding bonds for the purposes for
24 which the district is created, or to pay the principal
25 and interest thereon, or the right to assess, levy and
26 collect taxes, or in any other manner affect the
27 legality or operation of the district or its governing
28 body.

29 Revisor's Note

30 (1) The revision of the law governing the
31 district does not revise the statutory language
32 describing the territory of the district to avoid the
33 lengthy recitation of the description and because that
34 description may not be accurate on the effective date
35 of the revision or at the time of a later reading. For
36 the reader's convenience, the revised law includes
37 references to the statutory description of the
38 district's territory and to statutory authority to
39 change the district's territory under Subchapter O,
40 Chapter 51, Water Code, applicable to water control

1 and improvement districts, Subchapter J, Chapter 49,
2 Water Code, applicable to the district under Sections
3 49.001 and 49.002 of that chapter, and Section
4 9045.005 of this chapter or Section 9, Chapter 633,
5 Acts of the 61st Legislature, Regular Session, 1969,
6 from which Section 9045.005 is derived. The revised
7 law also includes a reference to the general authority
8 of the legislature to enact other laws to change the
9 district's territory.

10 (2) Section 3, Chapter 633, Acts of the 61st
11 Legislature, Regular Session, 1969, provides that a
12 mistake in the description of the district's
13 boundaries does not affect the right of the district to
14 issue "any type of bonds or refunding bonds." The
15 revised law omits "refunding bonds" because refunding
16 bonds are included in the meaning of "any type of
17 bonds."

18 (3) Section 3, Chapter 633, Acts of the 61st
19 Legislature, Regular Session, 1969, refers to the
20 district's right to "assess, levy and collect" a tax.
21 Throughout this chapter, the revised law substitutes
22 "impose" for "levy" or "assess, levy and collect"
23 because "impose" is the term generally used in Title 1,
24 Tax Code, and includes the assessment, levying, and
25 collection of a tax.

26 Revised Law

27 Sec. 9045.005. EXPANSION OF DISTRICT. (a) If land is
28 annexed to the district under Section 49.301 or 51.714, Water Code,
29 the board may require the petitioners to:

30 (1) assume the petitioners' pro rata share of the voted
31 but unissued bonds of the district; and

32 (2) authorize the board to impose a tax on the
33 petitioners' property to pay for the bonds after the bonds have been
34 issued.

1 (b) If land is annexed to the district under Section 49.302,
2 Water Code, the board may submit to the voters of the area to be
3 annexed a proposition on the question of the assumption by the area
4 to be annexed of its part of the voted but not yet issued or sold tax
5 or tax-revenue bonds of the district and the imposition of an ad
6 valorem tax on taxable property in the area to be annexed along with
7 a tax in the rest of the district for the payment of the bonds.

8 (c) If the petitioners consent or if the election results
9 favorably, the district may issue its voted but unissued tax or
10 tax-revenue bonds regardless of changes to district boundaries
11 since the voting or authorization of those bonds. (Acts 61st Leg.,
12 R.S., Ch. 633, Sec. 9 (part).)

13 Source Law

14 Sec. 9. [Land may be added to or annexed to the
15 district] . . . provided, however, that the board of
16 directors may require the petitioners, if land is
17 being added in the manner provided by Article 7880-75,
18 Vernon's Texas Civil Statutes to assume their pro rata
19 share of the voted but unissued bonds of the district
20 and authorize the board to levy a tax on their property
21 in payment for such unissued bonds, when issued, or if
22 land is being annexed in the manner provided by Article
23 7880-75b, Vernon's Texas Civil Statutes, the board may
24 also submit a proposition to the property taxpaying
25 voters of the area to be annexed on the question of the
26 assumption by the area to be annexed of its part of the
27 tax or tax-revenue bonds of the district theretofore
28 voted but not yet issued or sold and the levy of an ad
29 valorem tax on all taxable property within the area to
30 be annexed along with the tax in the rest of the
31 district for the payment thereof. If the petitioners
32 consent or if the election results favorably, the
33 district shall be authorized to issue its voted but
34 unissued tax or tax-revenue bonds even though the
35 boundaries of the district have been changed since the
36 voting or authorization of such bonds.

37 Revisor's Note

38 (1) Section 9, Chapter 633, Acts of the 61st
39 Legislature, Regular Session, 1969, provides that the
40 district may add or annex land in the manner provided
41 by Chapter 3A, Title 128, Vernon's Texas Civil
42 Statutes, as amended. The revised law omits that
43 provision as unnecessary. The relevant provisions of
44 that statute were codified by Chapter 58, Acts of the
45 62nd Legislature, Regular Session, 1971, as Subchapter

1 O, Chapter 51, Water Code. Chapter 715, Acts of the
2 74th Legislature, Regular Session, 1995, repealed some
3 of the relevant provisions of Subchapter O, Chapter
4 51, Water Code, and enacted Subchapter J, Chapter 49,
5 Water Code, to govern the addition of land to a water
6 control and improvement district and certain other
7 districts. Subchapter J, Chapter 49, Water Code,
8 applies to the district without an express reference
9 to Subchapter J by this chapter. The remaining
10 relevant provisions of Subchapter O, Chapter 51, Water
11 Code, apply to the district under Section 5, Chapter
12 633, Acts of the 61st Legislature, Regular Session,
13 1969, revised in this chapter as Section 9045.101,
14 without an express reference to those provisions.

15 The revised law omits "as amended" because, under
16 Section 311.027, Government Code (Code Construction
17 Act), a reference to a statute applies to all
18 reenactments, revisions, or amendments of that
19 statute, unless expressly provided otherwise. The
20 omitted law reads:

21 Sec. 9. Land may be added to or
22 annexed to the district in the manner now or
23 hereafter provided by Chapter 3A, Title
24 128, Vernon's Texas Civil Statutes, as
25 amended;

26 (2) Section 9, Chapter 633, Acts of the 61st
27 Legislature, Regular Session, 1969, refers to Article
28 7880-75, Vernon's Texas Civil Statutes. Article
29 7880-75 was codified by Chapter 58, Acts of the 62nd
30 Legislature, Regular Session, 1971, as Sections
31 51.714-51.717, Water Code. Section 2, Chapter 778,
32 Acts of the 74th Legislature, Regular Session, 1995,
33 amended Section 51.714, Water Code, relating to the
34 addition of land to a water control and improvement
35 district by the petition of the landowner. Without
36 reference to that amendment, Chapter 715, Acts of the

1 74th Legislature, Regular Session, 1995, repealed
2 Sections 51.714-51.717, Water Code, and enacted
3 Section 49.301, Water Code, to govern the addition of
4 land to certain districts by the petition of the
5 landowner. The revised law is drafted accordingly.

6 (3) Section 9, Chapter 633, Acts of the 61st
7 Legislature, Regular Session, 1969, refers to Article
8 7880-75b, Vernon's Texas Civil Statutes. Article
9 7880-75b was codified by Chapter 58, Acts of the 62nd
10 Legislature, Regular Session, 1971, as Sections
11 51.718-51.724, Water Code, relating to the addition of
12 land to a water control and improvement district by the
13 petition of less than all the landowners. Chapter 715,
14 Acts of the 74th Legislature, Regular Session, 1995,
15 repealed Sections 51.718-51.724, Water Code, and
16 enacted Section 49.302, Water Code, to govern the
17 addition of land to certain water districts, including
18 water control and improvement districts, by the
19 petition of less than all the landowners. The revised
20 law is drafted accordingly.

21 (4) Section 9, Chapter 633, Acts of the 61st
22 Legislature, Regular Session, 1969, refers to
23 "property taxpaying voters." The revised law omits
24 "property taxpaying" because in Hill v. Stone, 421
25 U.S. 289 (1975), the United States Supreme Court
26 determined that property ownership as a qualification
27 for voting is an unconstitutional denial of equal
28 protection.

29 Revised Law

30 Sec. 9045.006. HEARINGS FOR EXCLUSION OF LAND. (a) The
31 board is not required to call or hold a hearing on the exclusion of
32 land or other property from the district; provided, however, that
33 the board shall hold a hearing if an owner of land or other property
34 located in the district files a written petition for a hearing with

1 the board secretary before the district's first bond election is
2 called.

3 (b) The board may act on the petition in the same manner that
4 it may act on a petition for the addition of land under Section
5 49.301 or 51.714, Water Code. A notice of hearing is not required.

6 (c) The board on its own motion may call and hold an
7 exclusion hearing under general law. (Acts 61st Leg., R.S., Ch.
8 633, Sec. 7.)

9 Source Law

10 Sec. 7. It shall not be necessary for the board
11 of directors to call or hold a hearing on the
12 exclusions of land or other property from the
13 district; provided, however, that the board shall hold
14 such hearing upon the written petition of any
15 landowner or other property owner within the district
16 filed with the secretary of the board prior to the
17 calling of the first bond election for the district.
18 The board may act on said petition in the same manner
19 that it may act on a petition for the addition of land
20 under Article 7880-75, Vernon's Texas Civil Statutes
21 and no notice of hearing shall be required. The board
22 on its own motion may call and hold an exclusions
23 hearing or hearings in the manner provided by the
24 general law.

25 Revisor's Note

26 (1) Section 7, Chapter 633, Acts of the 61st
27 Legislature, Regular Session, 1969, provides that it
28 is not necessary for the board to call or hold a
29 hearing on the exclusion of land or other property from
30 the district unless the board receives a written
31 petition for such a hearing from an owner of land or
32 other property in the district before the calling of
33 the district's first bond election. The section also
34 provides the manner by which the board may act on the
35 petition and provides that the authority not to call or
36 hold an exclusion hearing does not prevent the board on
37 its own motion from calling and holding such a hearing
38 under general law. While the provisions relating to
39 the holding of an exclusion hearing on receipt of a
40 petition before the calling of the district's first
41 bond election and the manner by which the board may act

1 on that petition would normally be omitted as executed
2 because the district has held a bond election and the
3 provision relating to the applicability of general law
4 would normally be omitted as applicable on its own
5 terms, the revised law retains those provisions to
6 preserve the ambiguity created by the provision giving
7 the board discretion not to call or hold an exclusion
8 hearing. It is unclear whether that provision was
9 intended to apply only until the first bond election
10 was called or whether it was intended to continue to
11 apply after that election was called. The revised law
12 is drafted accordingly.

13 (2) Section 7, Chapter 633, Acts of the 61st
14 Legislature, Regular Session, 1969, refers to "Article
15 7880-75, Vernon's Texas Civil Statutes." The revised
16 law substitutes references to Sections 49.301 and
17 51.714, Water Code, for the quoted language for the
18 reason stated in Revisor's Note (2) to Section
19 9045.005.

20 Revised Law

21 Sec. 9045.007. STATE POLICY REGARDING WASTE DISPOSAL. The
22 district's powers and duties are subject to the state policy of
23 encouraging the development and use of integrated area-wide waste
24 collection, treatment, and disposal systems to serve the waste
25 disposal needs of this state's residents, if integrated systems can
26 reasonably be provided for an area, so as to avoid the economic
27 burden on residents and the impact on state water quality caused by
28 the construction and operation of numerous small waste collection,
29 treatment, and disposal facilities. (Acts 61st Leg., R.S., Ch.
30 633, Sec. 5 (part).)

31 Source Law

32 Sec. 5. . . . The powers and duties conferred on
33 the district are granted subject to the policy of the
34 state to encourage the development and use of
35 integrated area-wide waste collection, treatment and
36 disposal systems to serve the waste disposal needs of

1 the citizens of the state, it being an objective of the
2 policy to avoid the economical burden to the people and
3 the impact on the quality of the waters in the state
4 which result from the construction and operation of
5 numerous small waste collection, treatment and
6 disposal facilities to serve an area when an
7 integrated area-wide waste collection, treatment and
8 disposal system for the area can be reasonably
9 provided.

10 Revisor's Note

11 Section 5, Chapter 633, Acts of the 61st
12 Legislature, Regular Session, 1969, refers to
13 "citizens" of the state. The revised law substitutes
14 "residents" for "citizens" because, in the context of
15 this section, "citizens" and "residents" are
16 synonymous and "residents" is more commonly used.

17 Revisor's Note
18 (End of Subchapter)

19 (1) Section 5, Chapter 633, Acts of the 61st
20 Legislature, Regular Session, 1969, provides that the
21 act prevails over any general law that applies to a
22 water control and improvement district and that is in
23 conflict or inconsistent with the act. The revised law
24 omits the provision because the provision duplicates
25 in substance Section 311.026(b), Government Code (Code
26 Construction Act), which provides that if there is a
27 conflict between a general provision of law and a
28 special or local provision, the special or local
29 provision prevails unless the general provision is the
30 later enactment and the manifest intent is that the
31 general provision prevail. The omitted law reads:

32 Sec. 5. [The district shall have and
33 exercise, and is hereby vested with, all of
34 the rights, powers, privileges, authority
35 and functions conferred and imposed by the
36 general laws of this state now in force or
37 hereafter enacted, applicable to water
38 control and improvement districts created
39 under authority of Article XVI, Section 59,
40 Constitution of Texas, including without
41 limitation those conferred by Chapter 3A,
42 Title 128, Vernon's Texas Civil Statutes;
43 but] to the extent that the provisions of
44 any such general laws may be in conflict or
45 inconsistent with the provisions of this
46 Act, the provisions of this Act shall

1 prevail. . . .

2 (2) Section 5, Chapter 633, Acts of the 61st
3 Legislature, Regular Session, 1969, provides that any
4 general law applicable to water control and
5 improvement districts is adopted and incorporated by
6 reference. The revised law omits the language because
7 it is not necessary to duplicate by means of adoption
8 and incorporation the substance of general laws
9 applicable to the district. The omitted law reads:

10 Sec. 5. . . . All such general laws
11 are hereby adopted and incorporated by
12 reference with the same effect as if
13 incorporated in full in this Act. . . .

14 (3) Section 5, Chapter 633, Acts of the 61st
15 Legislature, Regular Session, 1969, refers to the
16 continuing right of this state to supervise the
17 district through the Texas Water Rights Commission.
18 The revised law omits the provision because the Texas
19 Commission on Environmental Quality is the successor
20 to the Texas Water Rights Commission, and therefore
21 the provision duplicates in substance part of Section
22 12.081, Water Code, which subjects certain special
23 districts and authorities, including the district, to
24 supervision by the Texas Commission on Environmental
25 Quality. The omitted law reads:

26 Sec. 5. . . . The rights, powers,
27 privileges, authority and functions herein
28 granted to the district shall be subject to
29 the continuing right of supervision of the
30 state, to be exercised by and through the
31 Texas Water Rights Commission. . . .

32 (4) Section 20, Chapter 633, Acts of the 61st
33 Legislature, Regular Session, 1969, provides that
34 Article 970a, Vernon's Texas Civil Statutes (Municipal
35 Annexation Act), does not apply to the creation of the
36 district. The revised law omits that provision as
37 executed. The omitted law reads:

38 Sec. 20. This district is hereby
39 created notwithstanding any of the

1 provisions of the Municipal Annexation Act,
2 being Article 970a, Vernon's Texas Civil
3 Statutes, as amended, and to the extent of
4 the creation of the district only, said
5 Article 970a shall have no
6 application. . . .

7 (5) Section 20, Chapter 633, Acts of the 61st
8 Legislature, Regular Session, 1969, provides that the
9 district is subject to certain other laws. The revised
10 law omits that provision because the laws cited, as
11 codified, apply by their own terms. In 1987, Article
12 970a, Vernon's Texas Civil Statutes (Municipal
13 Annexation Act), was codified as Chapters 42 and 43,
14 Local Government Code, and Section 212.003, Local
15 Government Code, and Article 1182c-1, Vernon's Texas
16 Civil Statutes, was codified as Sections 43.074,
17 43.075, and 43.081, Local Government Code.

18 The revised law omits the reference to "as
19 amended" with respect to Article 1182c-1 for the
20 reason stated in Revisor's Note (1) to Section
21 9045.005. The omitted law reads:

22 Sec. 20. . . . In all other respects,
23 the district hereby created is expressly
24 made subject to all provisions of said
25 Article 970a. District shall also be
26 subject to the provisions of Article
27 1182c-1, Vernon's Texas Civil Statutes, as
28 amended.

29 SUBCHAPTER B. DISTRICT ADMINISTRATION

30 Revised Law

31 Sec. 9045.051. COMPOSITION OF BOARD. The board consists of
32 five elected directors. (Acts 61st Leg., R.S., Ch. 633, Sec. 10
33 (part).)

34 Source Law

35 Sec. 10. All powers of the district shall be
36 exercised by a board of five directors. . . .
37 Succeeding directors shall be elected or

38 Revisor's Note

39 (1) Section 10, Chapter 633, Acts of the 61st
40 Legislature, Regular Session, 1969, provides that
41 "[a]ll powers of the district shall be exercised by"

1 the board. The revised law omits that provision
2 because it duplicates in substance provisions of
3 Sections 49.051 and 49.057, Water Code. Throughout
4 this chapter, the revised law omits law that is
5 superseded by Chapter 49, Water Code, or that
6 duplicates law contained in that chapter. Chapter 49,
7 Water Code, applies to the district under Sections
8 49.001 and 49.002 of that chapter.

9 (2) Section 10, Chapter 633, Acts of the 61st
10 Legislature, Regular Session, 1969, refers to
11 "[s]ucceeding directors" to distinguish the
12 succeeding directors from the initial directors named
13 in that section. The revised law omits "succeeding"
14 because all provisions referring to initial directors
15 are omitted as executed and the distinction is no
16 longer required.

17 Revised Law

18 Sec. 9045.052. APPOINTMENT OF TREASURER. The board may
19 appoint the treasurer. (Acts 61st Leg., R.S., Ch. 633, Sec. 10
20 (part).)

21 Source Law

22 Sec. 10. . . . The treasurer may be appointed
23 by the board, and

24 Revised Law

25 Sec. 9045.053. DIRECTOR AND TREASURER BONDS. (a) Each
26 director shall qualify by giving bond in the amount of \$5,000 for
27 the faithful performance of the director's duties.

28 (b) The directors' bonds shall be recorded in a record kept
29 for that purpose in the district's office.

30 (c) The treasurer shall give bond in the amount required by
31 the board. The treasurer's bond shall be conditioned on the
32 treasurer's faithful accounting for all money that comes into the
33 treasurer's custody as treasurer of the district. (Acts 61st Leg.,
34 R.S., Ch. 633, Sec. 10 (part).)

1 Revisor's Note

2 (1) Section 10, Chapter 633, Acts of the 61st
3 Legislature, Regular Session, 1969, refers to Article
4 7880-38, Vernon's Texas Civil Statutes. Article
5 7880-38 was codified by Chapter 58, Acts of the 62nd
6 Legislature, Regular Session, 1971, as Section 51.082,
7 Water Code. Chapter 715, Acts of the 74th Legislature,
8 Regular Session, 1995, repealed Section 51.082, Water
9 Code, and enacted Section 49.105, Water Code, to
10 govern a vacancy in the office of director of certain
11 districts, including water control and improvement
12 districts. The revised law is drafted accordingly.

13 (2) Section 10, Chapter 633, Acts of the 61st
14 Legislature, Regular Session, 1969, refers to a
15 vacancy in the office of director "because of the
16 failure or refusal of one or more directors to qualify
17 or serve, or because of his or their death or
18 incapacitation, or for any other reason." The revised
19 law omits the quoted language because it merely
20 describes every manner in which a vacancy may occur
21 without limiting in any way the board's duty to fill a
22 vacancy.

23 (3) Section 10, Chapter 633, Acts of the 61st
24 Legislature, Regular Session, 1969, requires that
25 certain vacancies on the board be filled by the county
26 judge of "the county in which the district is located."
27 Throughout this chapter, the revised law substitutes
28 "Harris County" for the quoted language because Harris
29 County is the county in which the district is located.

30 Revised Law

31 Sec. 9045.055. BOARD PRESIDENT'S POWER TO EXECUTE
32 CONTRACTS. The board president may execute all contracts,
33 including construction contracts, entered into by the board on
34 behalf of the district. (Acts 61st Leg., R.S., Ch. 633, Sec. 10

1 (part).)

2 Source Law

3 Sec. 10. . . . The president may execute all
4 contracts, construction or otherwise, entered into by
5 the board of directors on behalf of the district. . . .

6 Revised Law

7 Sec. 9045.056. ABSENCE OR INACTION OF BOARD PRESIDENT. (a)
8 When the board president is absent or fails or declines to act, the
9 board vice president shall perform all duties and exercise all
10 power that this chapter or general law gives the president.

11 (b) If the board president is absent from a board meeting,
12 the board vice president may sign an order adopted or other action
13 taken at the meeting, or the board may authorize the president to
14 sign the order or other action. (Acts 61st Leg., R.S., Ch. 633,
15 Sec. 10 (part).)

16 Source Law

17 Sec. 10. . . . The vice president shall perform
18 all duties and exercise all power conferred by this Act
19 or the general law upon the president when the
20 president is absent or fails or declines to act. Any
21 order adopted or other action taken at a meeting of the
22 board of directors at which the president is absent may
23 be signed by the vice president, or the board may
24 authorize the president to sign such order or other
25 action. . . .

26 Revised Law

27 Sec. 9045.057. DISTRICT OFFICE. (a) The board shall
28 designate, establish, and maintain a district office as provided by
29 Section 49.062, Water Code.

30 (b) The board may establish a second district office outside
31 the district. If the board establishes a district office outside
32 the district, the board shall give notice of the location of that
33 office by:

34 (1) filing a copy of the board resolution that
35 establishes the location of the office:

36 (A) with the Texas Commission on Environmental
37 Quality; and

38 (B) in the water control and improvement district
39 records of Harris County; and

1 (2) publishing the location of the office in a
2 newspaper of general circulation in Harris County.

3 (c) A district office may be a private residence, office, or
4 dwelling. A district office that is a private residence, office, or
5 dwelling is a public place for matters relating to the district's
6 business.

7 (d) The board shall give notice of any change in the
8 location of the district office outside the district in the manner
9 required by Subsection (b). (Acts 61st Leg., R.S., Ch. 633, Sec.
10 15.)

11 Source Law

12 Sec. 15. The board of directors shall
13 designate, establish and maintain a district office as
14 provided by Article 7880-44, Vernon's Texas Civil
15 Statutes, and, in addition, may establish a second
16 district office outside the district. Either or both
17 district offices so established and maintained may be
18 a private residence, office or dwelling in which event
19 such private residence, office or dwelling is hereby
20 declared a public place for matters relating to the
21 district's business.

22 If the board of directors establishes a district
23 office outside the district, it shall give notice of
24 the location of that district office by filing a true
25 copy of its resolution establishing the location of
26 such district office with the Texas Water Rights
27 Commission, by filing a true copy in the Water Control
28 and Improvement District records of the county in
29 which the district is located and also by publishing
30 the location in a newspaper of general circulation in
31 said county.

32 If the location of the district office outside
33 the district is thereafter changed, notice of such
34 change shall be given in the same manner.

35 Revisor's Note

36 (1) Section 15, Chapter 633, Acts of the 61st
37 Legislature, Regular Session, 1969, refers to Article
38 7880-44, Vernon's Texas Civil Statutes. Article
39 7880-44 was codified by Chapter 58, Acts of the 62nd
40 Legislature, Regular Session, 1971, as Sections 51.094
41 and 51.096, Water Code, relating to the district
42 office and the minutes and records of the district,
43 respectively. Chapter 1248, Acts of the 71st
44 Legislature, Regular Session, 1989, repealed Section
45 51.096, Water Code, and enacted Section 50.029, Water

1 Code, relating to the keeping of minutes and records
2 for the district. Chapter 715, Acts of the 74th
3 Legislature, Regular Session, 1995, repealed Sections
4 50.029 and 51.094, Water Code, and enacted Section
5 49.062, Water Code, to govern the designation of
6 offices for certain districts, including water control
7 and improvement districts. The revised law is drafted
8 accordingly.

9 (2) Section 15, Chapter 633, Acts of the 61st
10 Legislature, Regular Session, 1969, refers to a "true
11 copy" of a document. The revised law omits "true"
12 because a copy, by definition, accurately reflects the
13 content of the original document.

14 (3) Section 15, Chapter 633, Acts of the 61st
15 Legislature, Regular Session, 1969, refers to the
16 "Texas Water Rights Commission." The revised law
17 substitutes "Texas Commission on Environmental
18 Quality" for "Texas Water Rights Commission" to
19 reflect the current name of the agency with the
20 relevant regulatory authority.

21 Revisor's Note
22 (End of Subchapter)

23 (1) Section 10, Chapter 633, Acts of the 61st
24 Legislature, Regular Session, 1969, provides that each
25 director shall serve until the director's successor is
26 elected or appointed and qualified. The revised law
27 omits that provision because Section 17, Article XVI,
28 Texas Constitution, requires an officer in this state
29 to continue to perform the officer's duties until a
30 successor has qualified. The omitted law reads:

31 Sec. 10. . . . Each director shall
32 serve for his term of office as herein
33 provided, and thereafter until his
34 successor shall be elected or appointed and
35 qualified. . . .

36 (2) Section 10, Chapter 633, Acts of the 61st

1 Legislature, Regular Session, 1969, names the initial
2 directors, requires them to qualify to serve as
3 directors before the first board meeting, and provides
4 that the named directors or their successors shall
5 serve until the second Tuesday in January 1971. The
6 revised law omits those provisions as executed. The
7 omitted law reads:

8 Sec. 10. . . . Immediately after
9 this Act becomes effective, the following
10 named persons shall be the directors of the
11 district and shall constitute the board of
12 directors of the district:

13 L. B. Rutledge
14 William S. O'Donnell
15 Fred W. Boulware
16 Gerard E. O'Donnell
17 John V. Carlson

18 Said persons shall file their bonds as soon
19 as practicable after the effective date of
20 this Act and shall otherwise be fully
21 qualified to serve as director prior to the
22 first meeting of the board of directors.
23 . . . The directors named above or their
24 duly appointed successor or successors
25 shall serve until the second Tuesday in
26 January, 1971. . . .

27 (3) Section 10, Chapter 633, Acts of the 61st
28 Legislature, Regular Session, 1969, provides for
29 directors to be elected or appointed and to serve for
30 the term and in the manner provided by Article 7880-37,
31 Vernon's Texas Civil Statutes. Article 7880-37 was
32 codified by Chapter 58, Acts of the 62nd Legislature,
33 Regular Session, 1971, as Section 51.073, Water Code.
34 Chapter 715, Acts of the 74th Legislature, Regular
35 Session, 1995, repealed Section 51.073, Water Code,
36 and enacted Section 49.103, Water Code, to govern the
37 terms of office of a director of a water control and
38 improvement district and certain other water districts
39 that are required by law to elect their directors.
40 Section 49.103, Water Code, applies to the district
41 without an express reference to that section by this
42 chapter. The revised law omits "appointed" because it
43 is clear from the context of Section 10 that the

1 reference applies only to directors appointed to fill
2 vacancies as provided by Chapter 49, Water Code. The
3 omitted law reads:

4 Sec. 10. . . . [Succeeding directors
5 shall be elected or] appointed and shall
6 serve for the term and in the manner
7 provided by Article 7880-37, Vernon's Texas
8 Civil Statutes. . . .

9 (4) Section 10, Chapter 633, Acts of the 61st
10 Legislature, Regular Session, 1969, provides that
11 three directors constitute a quorum and that a
12 concurrence of three directors is sufficient in all
13 matters relating to the business of the district,
14 including certain construction matters. The revised
15 law omits that provision because it duplicates in
16 substance Section 49.053, Water Code. The omitted law
17 reads:

18 Sec. 10. . . . Three directors shall
19 constitute a quorum of any meeting, and a
20 concurrence of three shall be sufficient in
21 all matters pertaining to the business of
22 the district including the letting of
23 construction contracts and the drawing of
24 warrants in payment for construction work,
25 the purchase of existing facilities, and
26 matters relating to construction
27 work. . . .

28 (5) Section 10, Chapter 633, Acts of the 61st
29 Legislature, Regular Session, 1969, provides for the
30 selection of officers by the board. The revised law
31 omits those provisions because they duplicate in
32 substance Section 49.054, Water Code. The omitted law
33 reads:

34 Sec. 10. . . . The board shall select
35 from its number a president, vice
36 president, secretary and such other
37 officers as in the judgment of the board are
38 necessary. . . .

39 SUBCHAPTER C. POWERS AND DUTIES

40 Revised Law

41 Sec. 9045.101. WATER CONTROL AND IMPROVEMENT DISTRICT
42 POWERS. The district has all of the rights, powers, privileges, and

1 functions provided by general law applicable to water control and
2 improvement districts created under Section 59, Article XVI, Texas
3 Constitution, including Chapters 49 and 51, Water Code. (Acts 61st
4 Leg., R.S., Ch. 633, Sec. 5 (part).)

5 Source Law

6 Sec. 5. The district shall have and exercise,
7 and is hereby vested with, all of the rights, powers,
8 privileges, authority and functions conferred and
9 imposed by the general laws of this state now in force
10 or hereafter enacted, applicable to water control and
11 improvement districts created under authority of
12 Article XVI, Section 59, Constitution of Texas,
13 including without limitation those conferred by
14 Chapter 3A, Title 128, Vernon's Texas Civil Statutes;
15 but

16 Revisor's Note

17 (1) Section 5, Chapter 633, Acts of the 61st
18 Legislature, Regular Session, 1969, provides that the
19 district "shall have and exercise, and is hereby
20 vested with" certain powers. The revised law
21 substitutes "has" for the quoted language because, in
22 context, the terms are synonymous and "has" is more
23 commonly used.

24 (2) Section 5, Chapter 633, Acts of the 61st
25 Legislature, Regular Session, 1969, refers to "rights,
26 powers, privileges, [and] authority" of the district.
27 The revised law omits "authority" as included in the
28 meaning of "powers."

29 (3) Section 5, Chapter 633, Acts of the 61st
30 Legislature, Regular Session, 1969, states that the
31 district has the rights, powers, privileges,
32 authority, and functions "conferred and imposed" by
33 general law. The revised law substitutes "provided"
34 for the quoted language because regardless of whether
35 a right, power, privilege, authority, or function is
36 "conferred" by general law or "imposed" by general
37 law, it is not necessary to characterize in the revised
38 law the nature of the granting of that authority. In

1 context, "provided" is synonymous with "conferred and
2 imposed" and "provided" is more commonly used.

3 (4) Section 5, Chapter 633, Acts of the 61st
4 Legislature, Regular Session, 1969, states that the
5 district has the rights, powers, privileges,
6 authority, and functions conferred by the general laws
7 of this state "now in force or hereafter enacted." The
8 revised law omits the quoted language as unnecessary
9 under accepted general principles of statutory
10 construction. The "general laws of this state" means
11 those laws "in force" at the time the provision was
12 adopted. It is unnecessary to state that the district
13 may be granted additional powers by later enacted laws
14 because those laws apply on their own terms.

15 (5) Section 5, Chapter 633, Acts of the 61st
16 Legislature, Regular Session, 1969, grants the
17 district certain powers, "including without
18 limitation" the powers conferred by Chapter 3A, Title
19 128, Vernon's Texas Civil Statutes. The revised law
20 omits "without limitation" because Section
21 311.005(13), Government Code (Code Construction Act),
22 provides that "includes" and "including" are terms of
23 enlargement and not limitation and do not create a
24 presumption that components not expressed are
25 excluded.

26 (6) Section 5, Chapter 633, Acts of the 61st
27 Legislature, Regular Session, 1969, refers to "Chapter
28 3A, Title 128, Vernon's Texas Civil Statutes." The
29 relevant provisions of that statute were codified by
30 Chapter 58, Acts of the 62nd Legislature, Regular
31 Session, 1971, as Chapter 51, Water Code. In 1995,
32 Chapter 715, Acts of the 74th Legislature, Regular
33 Session, repealed many provisions of Chapter 51, Water
34 Code, and enacted similar provisions in Chapter 49,

1 Water Code. To reflect those changes, the revised law
2 substitutes a reference to Chapters 49 and 51, Water
3 Code, for the reference to "Chapter 3A, Title 128,
4 Vernon's Texas Civil Statutes."

5 Revised Law

6 Sec. 9045.102. ADDITIONAL POWERS. (a) The district may:

7 (1) make, purchase, construct, lease, or otherwise
8 acquire property, works, facilities, or improvements, existing or
9 to be made, constructed, or acquired, inside or outside the
10 district's boundaries and necessary to carry out the powers granted
11 by this chapter or general law; or

12 (2) enter into a contract with a person on terms the
13 board considers desirable, fair, and advantageous for:

14 (A) the purchase or sale of water;

15 (B) the transportation, treatment, and disposal
16 of the domestic, industrial, or communal wastes of the district or
17 others;

18 (C) the continuing and orderly development of
19 land and property in the district through the purchase,
20 construction, or installation of facilities, works, or
21 improvements that the district is otherwise authorized to do or
22 perform so that, to the greatest extent reasonably possible,
23 considering sound engineering and economic practices, all of the
24 land and property may ultimately receive the services of the
25 facilities, works, or improvements; and

26 (D) the performance of any of the rights or
27 powers granted by this chapter or general law relating to water
28 control and improvement districts.

29 (b) A contract under Subsection (a)(2) may not have a
30 duration of more than 40 years. (Acts 61st Leg., R.S., Ch. 633,
31 Sec. 5 (part).)

32 Source Law

33 Sec. 5. . . . Not by way of limitation, the
34 district shall have and is hereby expressly granted
35 the following rights, powers, privileges and

1 functions:

2 (a) The power and authority to make, purchase,
3 construct, lease, or otherwise acquire property,
4 works, facilities and improvements (whether
5 previously existing or to be made, constructed or
6 acquired) within or without the boundaries of the
7 district necessary to carry out the powers and
8 authority granted by this Act and the general laws.

9 (b) The right, power and authority to enter into
10 contracts of not exceeding 40 years' duration with
11 persons, corporations, public or private, municipal
12 corporations, political subdivisions of the State of
13 Texas, and others, on such terms and conditions as the
14 board of directors may deem desirable, fair and
15 advantageous for:

16 (1) the purchase and sale of water, or
17 either;

18 (2) the transportation, treatment and
19 disposal of its domestic, industrial or communal
20 wastes or the transportation, treatment and disposal
21 of domestic, industrial or communal wastes of others;

22 (3) the continuing and orderly development
23 of the lands and property within the district through
24 the purchase, construction or installation of
25 facilities, works or improvements which the district
26 may otherwise be empowered and authorized to do or
27 perform so that, to the greatest extent reasonably
28 possible, considering sound engineering and economic
29 practices, all of such lands and property may be placed
30 in a position to ultimately receive the services of
31 such facilities, works or improvements; and

32 (4) the performance of any of the rights or
33 powers granted in this Act and the general laws
34 relating to water control and improvement
35 districts. . . .

36 Revisor's Note

37 (1) Section 5, Chapter 633, Acts of the 61st
38 Legislature, Regular Session, 1969, provides that,
39 "[n]ot by way of limitation," the district is granted
40 certain specified rights, powers, privileges, and
41 functions. The revised law omits the quoted language
42 because it is an accepted general principle of
43 statutory construction that a grant of a right, power,
44 privilege, or function does not act as a limitation.
45 The general principle applies to this revision.

46 (2) Section 5, Chapter 633, Acts of the 61st
47 Legislature, Regular Session, 1969, provides that the
48 district "shall have and is hereby expressly granted
49 the following rights, powers, privileges and
50 functions" and that the district has the "power and
51 authority" and the "right, power and authority" to

1 take certain actions. The revised law substitutes
2 "may" for the quoted language because that term is more
3 concise and is the substantive equivalent of the
4 quoted language.

5 (3) Section 5, Chapter 633, Acts of the 61st
6 Legislature, Regular Session, 1969, refers to the
7 district's "powers and authority granted by this Act
8 and the general laws." The revised law omits
9 "authority" for the reason stated in Revisor's Note (2)
10 to Section 9045.101.

11 (4) Section 5, Chapter 633, Acts of the 61st
12 Legislature, Regular Session, 1969, refers to the
13 power of the district to enter into contracts with
14 persons and with "corporations, public or private,
15 municipal corporations, political subdivisions of the
16 State of Texas, and others." The revised law omits the
17 quoted language because under Section 311.005(2),
18 Government Code (Code Construction Act), "person" is
19 defined to include any legal entity.

20 (5) Section 5, Chapter 633, Acts of the 61st
21 Legislature, Regular Session, 1969, provides that the
22 district may enter into a contract on "terms and
23 conditions" the board considers desirable, fair, and
24 advantageous. The revised law omits "conditions"
25 because "conditions" is included in the meaning of
26 "terms."

27 (6) Section 5, Chapter 633, Acts of the 61st
28 Legislature, Regular Session, 1969, refers to
29 activities the district is "empowered and authorized"
30 to do or perform. The revised law omits "empowered" in
31 this context as included in the meaning of
32 "authorized."

33 Revised Law

34 Sec. 9045.103. LIMIT ON EMINENT DOMAIN. The district may

1 exercise the power of eminent domain only:

2 (1) in Harris County; and

3 (2) when necessary to carry out the purposes for which
4 the district was created. (Acts 61st Leg., R.S., Ch. 633, Sec. 13
5 (part).)

6 Source Law

7 Sec. 13. The power of eminent domain of the
8 district shall be limited to the county in which the
9 district is situated, and to situations where the
10 exercise of such power is necessary to carry out the
11 purposes of its creation. . . .

12 Revised Law

13 Sec. 9045.104. COST OF RELOCATING OR ALTERING PROPERTY.

14 (a) In this section, "sole expense" means the actual cost of
15 relocating, raising, lowering, rerouting, changing the grade of, or
16 altering the construction of a facility described by Subsection (b)
17 in providing comparable replacement without enhancement of the
18 facility, after deducting from that cost the net salvage value
19 derived from the old facility.

20 (b) If the district's exercise of the power of eminent
21 domain makes necessary relocating, raising, lowering, rerouting,
22 changing the grade of, or altering the construction of a highway,
23 railroad, electric transmission line, telegraph or telephone
24 property or facility, or pipeline, the necessary action shall be
25 accomplished at the sole expense of the district. (Acts 61st Leg.,
26 R.S., Ch. 633, Sec. 13 (part).)

27 Source Law

28 Sec. 13. . . . In the event that the district,
29 in the exercise of the power granted hereunder, makes
30 necessary the relocation, raising, lowering,
31 rerouting or changing the grade of or altering the
32 construction of, any highway, railroad, electric
33 transmission line, telegraph or telephone properties
34 and facilities, or pipeline, all such necessary
35 relocation, raising, lowering, rerouting, changing of
36 grade or alteration of construction shall be
37 accomplished at the sole expense of the district. The
38 term "sole expense" shall mean the actual cost of such
39 relocation, raising, lowering, rerouting, or change in
40 grade or alteration of construction in providing
41 comparable replacement without enhancement of such
42 facilities, after deducting therefrom the net salvage
43 value derived from the old facility.

1 Revised Law

2 Sec. 9045.105. NOTICE OF ELECTION. Notice of an election
3 may be given under the hand of the board president or secretary.
4 (Acts 61st Leg., R.S., Ch. 633, Sec. 18 (part).)

5 Source Law

6 Sec. 18. Notice of all elections may be given
7 under the hand of either the president or the secretary
8 of the district. . . .

9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

10 Revised Law

11 Sec. 9045.151. TAX METHOD. (a) The district shall use the
12 ad valorem plan of taxation.

13 (b) The board is not required to call or hold a hearing on
14 the adoption of a plan of taxation. (Acts 61st Leg., R.S., Ch. 633,
15 Sec. 8.)

16 Source Law

17 Sec. 8. The ad valorem plan of taxation shall be
18 used by the district and it shall not be necessary for
19 the board of directors to call or hold a hearing on the
20 adoption of a plan of taxation.

21 Revised Law

22 Sec. 9045.152. DISTRICT ACCOUNTS. The district shall keep
23 a complete system of the district's accounts. (Acts 61st Leg.,
24 R.S., Ch. 633, Sec. 14 (part).)

25 Source Law

26 Sec. 14. . . . A complete system of accounts
27 shall be kept by the district and

28 Revised Law

29 Sec. 9045.153. COPY OF AUDIT REPORT. A copy of the audit
30 report prepared under Subchapter G, Chapter 49, Water Code, shall
31 be delivered:

- 32 (1) to each director; and
33 (2) to a holder of at least 25 percent of the
34 outstanding bonds of the district, on request. (Acts 61st Leg.,
35 R.S., Ch. 633, Sec. 14 (part); New.)

36 Source Law

37 Sec. 14. . . . A written report of the audit

1 shall be delivered to each member of the board of
2 directors . . . a copy of such audit report shall be
3 delivered upon request to the holder or holders of at
4 least 25 percent of the then outstanding bonds of the
5 district; and

6 Revisor's Note

7 (1) Section 14, Chapter 633, Acts of the 61st
8 Legislature, Regular Session, 1969, refers to various
9 audit procedures, including who may receive a copy of
10 the audit report. As detailed in the revisor's notes
11 that follow, procedures contained in Section 14 that
12 conflict with Subchapter G, Chapter 49, Water Code,
13 have been omitted as superseded by Section 49.191(b),
14 Water Code, which states that Subchapter G "shall take
15 precedence over all prior statutory enactments."
16 Subchapter G, Chapter 49, Water Code, was enacted in
17 1995 by Section 2, Chapter 715, Acts of the 74th
18 Legislature, Regular Session. For context and the
19 convenience of the reader, the revised law adds a
20 reference to the audit report required by Subchapter
21 G, Chapter 49, Water Code.

22 (2) Section 14, Chapter 633, Acts of the 61st
23 Legislature, Regular Session, 1969, provides that an
24 annual audit of the district's affairs shall be
25 prepared by an independent certified public accountant
26 or a firm of independent certified public accountants
27 of recognized integrity and ability. The revised law
28 omits that provision as superseded by Sections
29 49.191(b) and (c), Water Code (enacted by Section 2,
30 Chapter 715, Acts of the 74th Legislature, Regular
31 Session, 1995). The omitted law reads:

32 Sec. 14. . . . an audit of its
33 affairs for each year shall be prepared by
34 an independent certified public accountant,
35 or a firm of independent certified public
36 accountants, of recognized integrity and
37 ability. . . .

38 (3) Section 14, Chapter 633, Acts of the 61st
39 Legislature, Regular Session, 1969, provides that a

1 written report of the audit shall be delivered to each
2 board member not later than 90 days after the close of
3 each fiscal year. The revised law omits the deadline
4 for delivery of the report as superseded by Sections
5 49.191(b) and (d), Water Code (enacted by Section 2,
6 Chapter 715, Acts of the 74th Legislature, Regular
7 Session, 1995). The omitted law reads:

8 Sec. 14. . . . [A written report of
9 the audit shall be delivered to each member
10 of the board of directors] not later than 90
11 days after the close of each fiscal year;
12 and

13 (4) Section 14, Chapter 633, Acts of the 61st
14 Legislature, Regular Session, 1969, provides that at
15 least five copies of the audit report shall be
16 delivered to the district office and that one of those
17 copies shall constitute a public record. The revised
18 law omits those provisions as superseded by Sections
19 49.191(b), 49.194(c), and 49.196(b), Water Code
20 (enacted by Section 2, Chapter 715, Acts of the 74th
21 Legislature, Regular Session, 1995). The omitted law
22 reads:

23 Sec. 14. . . . at least five
24 additional copies of said audit shall be
25 delivered to the office of the district, one
26 of which shall be kept on file, and shall
27 constitute a public record open to
28 inspection by any interested person or
29 persons within normal office hours;
30 and

31 (5) Section 14, Chapter 633, Acts of the 61st
32 Legislature, Regular Session, 1969, provides that one
33 copy of the audit report shall be filed with the Texas
34 Water Rights Commission. The revised law omits that
35 provision as superseded by Sections 49.191(b) and
36 49.194(a), Water Code (enacted by Section 2, Chapter
37 715, Acts of the 74th Legislature, Regular Session,
38 1995). The omitted law reads:

39 Sec. 14. . . . one copy of such audit
40 report shall be filed with the Texas Water

1 Rights Commission. . . .

2 (6) Section 14, Chapter 633, Acts of the 61st
3 Legislature, Regular Session, 1969, provides that the
4 district shall pay the cost of the audit. The revised
5 law omits that provision because it duplicates Section
6 49.191(a), Water Code. The omitted law reads:

7 Sec. 14. . . . The cost of such audit
8 shall be paid for by the district.

9 Revised Law

10 Sec. 9045.154. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED.

11 The district is not required to pay a tax or assessment on:

12 (1) district property; or

13 (2) a purchase made by the district. (Acts 61st Leg.,
14 R.S., Ch. 633, Sec. 21 (part).)

15 Source Law

16 Sec. 21. . . . the district shall not be
17 required to pay any tax or assessment on its properties
18 or any part thereof or on any purchases made by the
19 district.

20 Revised Law

21 Sec. 9045.155. DEPOSITORY. (a) The board shall select one
22 or more banks in this state to act as depository for the district's
23 money.

24 (b) To the extent that money in the depository bank is not
25 insured by the Federal Deposit Insurance Corporation, the money
26 must be secured in the manner provided by law for the security of
27 county funds.

28 (c) A director may be a shareholder in a bank that is a
29 depository of district money. (Acts 61st Leg., R.S., Ch. 633, Sec.
30 14 (part).)

31 Source Law

32 Sec. 14. The board of directors of the district
33 shall select any bank or banks in the State of Texas to
34 act as depository or depositories for the funds of the
35 district. To the extent that funds in the depository
36 bank or banks are not insured by the Federal Deposit
37 Insurance Corporation, they shall be secured in the
38 manner provided by law for the security of county
39 funds. Any director of the district may be a
40 shareholder in said depository bank or banks. . . .

1 Revisor's Note

2 Section 14, Chapter 633, Acts of the 61st
3 Legislature, Regular Session, 1969, refers to the
4 district's "funds." Throughout this chapter, the
5 revised law substitutes "money" for "funds" because,
6 in the context of district funds, the meaning is the
7 same and "money" is the more commonly used term.

8 Revisor's Note
9 (End of Subchapter)

10 Section 14, Chapter 633, Acts of the 61st
11 Legislature, Regular Session, 1969, provides that the
12 district's fiscal year is January 1 to December 31
13 unless changed by the board. The revised law omits the
14 provision specifying the dates of the fiscal year as
15 executed because the board has already changed the
16 district's fiscal year. The revised law omits the
17 provision allowing the board to change the district's
18 fiscal year because it duplicates Section 49.158,
19 Water Code. The omitted law reads:

20 Sec. 14. . . . The fiscal year of the
21 district shall be from January 1 to December
22 31 of the same year, unless and until
23 changed by the board of directors. . . .

24 SUBCHAPTER E. BONDS

25 Revised Law

26 Sec. 9045.201. ISSUANCE OF BONDS. (a) The district may
27 issue tax bonds, revenue bonds, or tax and revenue bonds to provide
28 money for any purpose of this chapter, including the acquisition of
29 land.

30 (b) The district must issue bonds in the manner provided by
31 Chapters 49 and 51, Water Code, except that the district may issue
32 bonds payable solely from net revenue by resolution or order of the
33 board without an election.

34 (c) Bonds issued under this subchapter may be payable from
35 all or any designated part of the revenue of district property and
36 facilities or under a specific contract, as provided in the order or

1 resolution authorizing the issuance of the bonds. (Acts 61st Leg.,
2 R.S., Ch. 633, Sec. 12 (part).)

3 Source Law

4 Sec. 12. The district is hereby authorized to
5 issue its negotiable tax bonds, revenue bonds, or tax
6 and revenue bonds to provide funds for any or all of
7 the purposes set out or incorporated by reference
8 herein, including the acquisition of land therefor,
9 and said bonds shall be issued in the manner provided
10 and as authorized by Article 7880-90a, Vernon's Texas
11 Civil Statutes and Chapter 3A of Title 128, Vernon's
12 Texas Civil Statutes, as presently or hereafter
13 amended, provided, however, that bonds payable solely
14 from net revenues may be issued by resolution or order
15 of the board of directors and no election therefor
16 shall be necessary.

17 The bonds issued hereunder may be payable from
18 all or any designated part or parts of the revenues of
19 the district's properties and facilities or under
20 specific contracts, as may be provided in the orders or
21 resolutions authorizing the issuance of such bonds;
22 and,

23 Revisor's Note

24 (1) Section 12, Chapter 633, Acts of the 61st
25 Legislature, Regular Session, 1969, authorizes the
26 district to issue "negotiable" bonds. The revised law
27 omits "negotiable" because, under Section 1201.041,
28 Government Code, a public security is a negotiable
29 instrument. Section 1201.041 applies to district
30 bonds under Sections 1201.002 and 1201.003, Government
31 Code.

32 (2) Section 12, Chapter 633, Acts of the 61st
33 Legislature, Regular Session, 1969, provides that
34 district bonds shall be issued in the manner provided
35 and as authorized by "Article 7880-90a, Vernon's Texas
36 Civil Statutes and Chapter 3A of Title 128, Vernon's
37 Texas Civil Statutes." The revised law substitutes a
38 reference to Chapters 49 and 51, Water Code, for the
39 source law reference to Chapter 3A, Title 128, Vernon's
40 Texas Civil Statutes, for the reasons stated in
41 Revisor's Note (6) to Section 9045.101. Further,
42 because Article 7880-90a was codified by Chapter 58,
43 Acts of the 62nd Legislature, Regular Session, 1971,

1 as Sections 51.450-51.454, Water Code, the revised law
2 omits an additional reference to those specific
3 sections of Chapter 51 as unnecessary.

4 (3) Section 12, Chapter 633, Acts of the 61st
5 Legislature, Regular Session, 1969, refers to the
6 district's authority to issue bonds under Chapter 3A,
7 Title 128, and Article 7880-90a, Vernon's Texas Civil
8 Statutes, "as presently or hereafter amended." The
9 revised law omits the quoted language because, as
10 explained in Revisor's Note (1) to Section 9045.005,
11 Section 311.027, Government Code (Code Construction
12 Act), already provides that a reference to a statute
13 applies to all reenactments, revisions, or amendments
14 of that statute, unless expressly provided otherwise.

15 (4) Section 12, Chapter 633, Acts of the 61st
16 Legislature, Regular Session, 1969, provides that
17 Chapter 3A, Title 128, Vernon's Texas Civil Statutes,
18 applies to district bonds except when Chapter 3A is
19 inconsistent or in conflict with Section 12. The
20 revised law omits this provision for the reason stated
21 in Revisor's Note (1) to the end of Subchapter A. The
22 omitted law reads:

23 Sec. 12. . . . except as the same may
24 be inconsistent or in conflict with the
25 provisions of this Act, the provisions of
26 said Chapter 3A of Title 128, Vernon's Texas
27 Civil Statutes, as presently or hereafter
28 amended, shall apply to all bonds issued
29 under the provisions of this Act (the
30 provisions of this Act to govern and take
31 precedence in the event of any such
32 inconsistency or conflict). . . .

33 Revised Law

34 Sec. 9045.202. ADDITIONAL SECURITY. (a) Within the
35 discretion of the board, bonds issued under this subchapter may be
36 additionally secured by a deed of trust or mortgage lien on physical
37 property of the district and franchises, easements, water rights
38 and appropriation permits, leases, contracts, and all rights

1 appurtenant to that property, vesting in the trustee:

2 (1) the power to sell the property for payment of the
3 debt;

4 (2) the power to operate the property; and

5 (3) all other powers to further secure the bonds.

6 (b) A purchaser under a sale under the deed of trust or
7 mortgage lien, if one is given:

8 (1) is the absolute owner of the property, facilities,
9 and rights purchased; and

10 (2) may maintain and operate the property and
11 facilities. (Acts 61st Leg., R.S., Ch. 633, Sec. 12 (part).)

12 Source Law

13 Sec. 12. . . . Such bonds, within the
14 discretion of the board of directors, may be
15 additionally secured by a deed of trust or mortgage
16 lien upon part or all of the physical properties of the
17 district, and franchises, easements, water rights and
18 appropriation permits, leases, and contracts and all
19 rights appurtenant to such properties, vesting in the
20 trustee power to sell such properties for payment of
21 the indebtedness, power to operate the properties and
22 all other powers and authority for the further
23 security of the bonds. . . . Any purchaser under a
24 sale under the deed of trust or mortgage lien, where
25 one is given, shall be absolute owner of the
26 properties, facilities and rights so purchased and
27 shall have the right to maintain and operate
28 same. . . .

29 Revisor's Note

30 Section 12, Chapter 633, Acts of the 61st
31 Legislature, Regular Session, 1969, refers to a
32 trustee's "powers and authority" to further secure the
33 bonds. The revised law omits "authority" for the
34 reason stated in Revisor's Note (2) to Section
35 9045.101.

36 Revised Law

37 Sec. 9045.203. TRUST INDENTURE. A trust indenture created
38 under Section 9045.202, regardless of the existence of a deed of
39 trust or mortgage lien on the property, may:

40 (1) contain provisions prescribed by the board for the
41 security of the bonds and the preservation of the trust estate;

1 interest and sinking fund, reserve fund, or other fund;

2 (2) make additional covenants with respect to the
3 bonds and the pledged revenue and the operation and maintenance of
4 the improvements and facilities the revenue of which is pledged,
5 including provisions for the operation or leasing of all or part of
6 the improvements and facilities and the use or pledge of money
7 received from the operation contract or lease as the board
8 considers appropriate;

9 (3) prohibit the further issuance of bonds or other
10 obligations payable from the pledged revenue or reserve the right
11 to issue additional bonds to be secured by a pledge of and payable
12 from the revenue on a parity with, or subordinate to, the lien and
13 pledge in support of the bonds being issued, subject to any
14 conditions set forth in the order or resolution; and

15 (4) include any other provision or covenant, as the
16 board determines, that is not prohibited by the Texas Constitution
17 or this chapter.

18 (b) The board may adopt and cause to be executed any other
19 proceeding or instrument necessary or convenient in the issuance of
20 the bonds. (Acts 61st Leg., R.S., Ch. 633, Sec. 12 (part).)

21 Source Law

22 Sec. 12. . . . In the orders or resolutions
23 authorizing the issuance of any revenue, tax-revenue,
24 revenue refunding, or tax-revenue refunding bonds
25 authorized hereunder, the district's board of
26 directors may provide for the flow of funds, the
27 establishment and maintenance of the interest and
28 sinking fund or funds, reserve fund or funds, and other
29 funds, and may make additional covenants with respect
30 to the bonds and the pledged revenues and the operation
31 and maintenance of those improvements and facilities
32 (the revenues of which are pledged), including
33 provisions for the operation or for the leasing of all
34 or any part of said improvements and facilities and the
35 use or pledge of moneys derived from such operation
36 contracts and leases, as such board may deem
37 appropriate. Such orders or resolutions may also
38 prohibit the further issuance of bonds or other
39 obligations payable from the pledged revenues, or may
40 reserve the right to issue additional bonds to be
41 secured by a pledge of and payable from said revenues
42 on a parity with, or subordinate to, the lien and
43 pledge in support of the bonds being issued, subject to
44 such conditions as are set forth in such orders or
45 resolutions. Such orders or resolutions may contain
46 other provisions and covenants, as the district's

1 board may determine, not prohibited by the
2 Constitution of Texas or by this Act, and said board
3 may adopt and cause to be executed any other
4 proceedings or instruments necessary and/or
5 convenient in the issuance of any such bonds. . . .

6 Revised Law

7 Sec. 9045.205. USE OF BOND PROCEEDS. (a) The district may
8 appropriate or set aside out of proceeds from the sale of district
9 bonds an amount for:

10 (1) the payment of interest, administrative, and
11 operating expenses expected to accrue during the period of
12 construction, as may be provided in the bond orders or resolutions;
13 and

14 (2) the payment of all expenses incurred and to be
15 incurred in the issuance, sale, and delivery of the bonds.

16 (b) For purposes of this section, the period of construction
17 may not exceed three years. (Acts 61st Leg., R.S., Ch. 633, Sec. 12
18 (part).)

19 Source Law

20 Sec. 12. . . . From the proceeds of sale of any
21 bonds issued hereunder, the district may appropriate
22 or set aside out of the bond proceeds an amount for the
23 payment of interest, administrative and operating
24 expenses expected to accrue during the period of
25 construction, (such period not to exceed three years),
26 as may be provided in the bond orders or resolutions,
27 and an amount necessary to pay all expenses incurred
28 and to be incurred in the issuance, sale and delivery
29 of the bonds. . . .

30 Revisor's Note
31 (End of Subchapter)

32 (1) Section 11, Chapter 633, Acts of the 61st
33 Legislature, Regular Session, 1969, provides that the
34 district shall comply with the requirements of Article
35 7880-139, Vernon's Texas Civil Statutes. Article
36 7880-139 was codified by Chapter 58, Acts of the 62nd
37 Legislature, Regular Session, 1971, as Sections 51.421
38 and 51.422, Water Code. Chapter 715, Acts of the 74th
39 Legislature, Regular Session, 1995, repealed Sections
40 51.421 and 51.422, Water Code, and enacted Sections
41 49.181 and 49.182, Water Code, to govern the authority
42 of the Texas Commission on Environmental Quality over

1 the issuance of district bonds and supervision by the
2 commission of projects and improvements,
3 respectively. The revised law omits this provision
4 because Sections 49.181 and 49.182, Water Code, apply
5 to the district on their own terms, without an express
6 reference to those sections in this chapter. The
7 omitted law reads:

8 Sec. 11. The district shall comply
9 with the requirements of Article 7880-139,
10 Vernon's Texas Civil Statutes as it
11 presently exists or as it may be hereafter
12 amended.

13 (2) Section 12, Chapter 633, Acts of the 61st
14 Legislature, Regular Session, 1969, provides for the
15 investment or placement of money established in a bond
16 order. The revised law omits that provision because it
17 duplicates in substance Section 49.157, Water Code,
18 and is superseded by Subchapter A, Chapter 2256,
19 Government Code (enacted as Chapter 889, Acts of the
20 70th Legislature, Regular Session, 1987). The omitted
21 law reads:

22 Sec. 12. . . . Moneys in the interest
23 and sinking fund or funds and the reserve
24 fund or funds, and in the other fund or
25 funds established or provided for in the
26 bond orders or resolutions may be invested
27 in such manner and in such securities as may
28 be provided in the bond order or orders or
29 may be placed on interest-bearing time
30 deposit. . . .

31 (3) Section 12, Chapter 633, Acts of the 61st
32 Legislature, Regular Session, 1969, provides that bond
33 proceeds may be invested in securities of the United
34 States or placed on interest-bearing time deposit.
35 The revised law omits that provision as superseded by
36 Subchapter A, Chapter 2256, Government Code (enacted
37 as Chapter 889, Acts of the 70th Legislature, Regular
38 Session, 1987). The omitted law reads:

39 Sec. 12. . . . Until such time as the
40 bond proceeds are needed to carry out the
41 bond purpose, such proceeds may be invested

1 in securities of the United States
2 Government or any agency thereof or may be
3 placed on interest-bearing time deposit,
4 either or both. . . .

5 (4) Section 12, Chapter 633, Acts of the 61st
6 Legislature, Regular Session, 1969, provides that
7 district bonds may be registered as to principal or as
8 to principal and interest. The revised law omits that
9 provision because it duplicates in substance Section
10 1201.024, Government Code, which applies to district
11 bonds under Sections 1201.002 and 1201.003, Government
12 Code. The omitted law reads:

13 Sec. 12. . . . Any such revenue
14 bonds, tax bonds, revenue refunding bonds,
15 or tax-revenue refunding bonds hereinafter
16 mentioned may be registrable as to
17 principal, or as to both principal and
18 interest. . . .

19 (5) Section 12, Chapter 633, Acts of the 61st
20 Legislature, Regular Session, 1969, authorizes the
21 district to issue refunding bonds for district bonds
22 and provides procedures applicable to refunding bonds.
23 The revised law omits those provisions because they
24 duplicate in substance Section 51.438, Water Code,
25 which provides general authority for a district to
26 issue refunding securities and prescribes procedures
27 applicable to those refunding securities. Section
28 51.438 applies to the district under Section 5,
29 Chapter 633, Acts of the 61st Legislature, Regular
30 Session, 1969, revised as Section 9045.101 of this
31 chapter. The omitted law reads:

32 Sec. 12. . . . By orders or
33 resolutions adopted by its board of
34 directors, said district shall have the
35 power and authority to issue tax or revenue
36 refunding bonds or tax-revenue refunding
37 bonds to refund revenue bonds or
38 tax-revenue bonds (either original bonds or
39 refunding bonds) theretofore issued by such
40 district. Said refunding bonds shall be
41 approved by the attorney general as in the
42 case of original bonds, and shall be
43 registered by the comptroller of public
44 accounts upon the surrender and
45 cancellation of the bonds to be refunded,

1 but in lieu thereof, the orders or
2 resolutions authorizing their issuance may
3 provide that they shall be sold and the
4 proceeds thereof deposited in the place or
5 places where the underlying bonds are
6 payable, in which case the refunding bonds
7 may be issued provided an amount sufficient
8 to pay the interest and principal on the
9 underlying bonds to their maturity dates,
10 or to their option dates if said bonds have
11 been duly called for payment prior to
12 maturity according to their terms, has been
13 so deposited in the place or places where
14 said underlying bonds are payable, and the
15 comptroller of public accounts shall
16 register them without the surrender and
17 cancellation of the underlying bonds. . . .

18 (6) Section 12, Chapter 633, Acts of the 61st
19 Legislature, Regular Session, 1969, requires district
20 bonds to be examined and approved by the attorney
21 general and registered with the comptroller. Those
22 provisions are omitted because they duplicate in
23 substance Sections 1202.003 and 1202.005, Government
24 Code. Section 1202.003 provides for the review and
25 approval of obligations by the attorney general.
26 Section 1202.005 provides for the registration of the
27 obligations with the comptroller. Chapter 1202,
28 Government Code, applies to district bonds under
29 Sections 1202.001 and 1202.003(c), Government Code.
30 The omitted law reads:

31 Sec. 12. . . . After any bonds have
32 been authorized by the district hereunder,
33 such bonds and the record relating to their
34 issuance shall be submitted to the Attorney
35 General of the State of Texas for his
36 examination as to the validity thereof, and
37 after said attorney general has approved
38 the same, such bonds shall be registered by
39 the Comptroller of Public Accounts of the
40 State of Texas. . . .

41 (7) Section 12, Chapter 633, Acts of the 61st
42 Legislature, Regular Session, 1969, provides that
43 after approval and registration, district bonds are
44 incontestable except for forgery or fraud. The
45 revised law omits that provision as impliedly repealed
46 by Section 1202.006, Government Code (enacted as
47 Section 3.002(d), Chapter 53, Acts of the 70th

1 Legislature, 2nd Called Session, 1987). Section
2 1202.006, Government Code, provides that after
3 approval and registration, bonds are incontestable for
4 any reason. Section 1202.006 applies to district
5 bonds under Sections 1202.001 and 1202.003(c),
6 Government Code. The omitted law reads:

7 Sec. 12. . . . When such bonds have
8 been approved by the attorney general,
9 registered by the comptroller of public
10 accounts, and delivered to the purchasers,
11 they shall thereafter be incontestable
12 except for forgery or fraud. . . .

13 (8) Section 12, Chapter 633, Acts of the 61st
14 Legislature, Regular Session, 1969, details various
15 procedures regarding approval of bond contracts and
16 proceedings by the attorney general. The revised law
17 omits the portion of Section 12 regarding the validity
18 and incontestability of a contract the proceeds of
19 which are pledged to the payment of a bond as impliedly
20 repealed by Section 1202.006, Government Code (enacted
21 as Section 3.002(d), Chapter 53, Acts of the 70th
22 Legislature, 2nd Called Session, 1987). Section
23 1202.006, Government Code, provides that after
24 approval and registration of the bond, the bond and
25 contract are incontestable for any reason. Section
26 1202.006 applies to district bonds under Sections
27 1202.001 and 1202.003(c), Government Code. The
28 omitted law reads:

29 Sec. 12. . . . When any bonds recite
30 that they are secured partially or
31 otherwise by a pledge of the proceeds of a
32 contract or contracts made between the
33 district and another party or parties
34 (private or public) a copy of such contract
35 or contracts and the proceedings
36 authorizing the same may or may not be
37 submitted to the attorney general along
38 with the bond record and, if so submitted,
39 the approval by the attorney general of the
40 bonds shall constitute an approval of such
41 contract or contracts, and thereafter the
42 contract or contracts shall be
43 incontestable for any cause except for
44 forgery or fraud.

1 (9) Section 16, Chapter 633, Acts of the 61st
2 Legislature, Regular Session, 1969, provides that the
3 district's board of directors may sell bonds at a price
4 and on terms determined by the board of directors of
5 the district, except that the bonds may not be sold for
6 an amount less than provided by law. The revised law
7 omits those provisions as duplicative of other law or
8 unnecessary. The revised law omits the price and terms
9 provision because it duplicates language in Section
10 1204.006(b), Government Code, that allows an issuer to
11 sell bonds at any price, and Section 1201.022(a),
12 Government Code, which provides that a public security
13 may be issued with specified characteristics, on
14 specified terms, or in a specified manner. Section
15 1204.006, Government Code, applies to district bonds
16 under Sections 1204.001 and 1204.002 of that code.
17 Section 1201.022, Government Code, applies to district
18 bonds under Sections 1201.002 and 1201.003 of that
19 code.

20 The revised law omits the provision prohibiting
21 the sale of bonds for an amount less than provided by
22 law because a law that sets a minimum price for
23 district bonds would apply by its own terms and does
24 not require a reference. The omitted law reads:

25 Sec. 16. Bonds of the district may be
26 sold at a price and upon the terms
27 determined by the board of directors of the
28 district, except that such bonds shall not
29 be sold for a less amount than provided by
30 law. . . .

31 (10) Section 16, Chapter 633, Acts of the 61st
32 Legislature, Regular Session, 1969, provides that the
33 district may sell bonds only after soliciting bids.
34 The revised law omits that provision because it
35 duplicates in substance Section 49.183(a), Water Code.
36 The omitted law reads:

1 Sec. 16. . . . No bonds shall be sold
2 by the district until it has solicited bids
3 therefor.

4 (11) Section 17, Chapter 633, Acts of the 61st
5 Legislature, Regular Session, 1969, provides that
6 elections to authorize district bonds must be held
7 under applicable general law. Section 17 also
8 provides that if the first bond election fails, any
9 provision of the general law relating to the
10 dissolution of a district when a bond election fails
11 does not apply to the district. The revised law omits
12 the provision relating to the first bond election as
13 executed. The revised law omits the provision
14 requiring bond elections to be held under applicable
15 general law because the provision duplicates in
16 substance Section 49.101, Water Code. The omitted law
17 reads:

18 Sec. 17. All elections to authorize
19 the issuance of bonds by the district shall
20 be held pursuant to the general law
21 applicable to water control and improvement
22 districts; provided, however, that if the
23 first bond election fails, Article
24 7880-77b, Vernon's Texas Civil Statutes, or
25 any other provision of the general law
26 pertaining to dissolution of the district
27 when a bond election fails, shall not apply.

28 (12) Section 19, Chapter 633, Acts of the 61st
29 Legislature, Regular Session, 1969, lists the entities
30 for which district bonds are legal investments and
31 provides that district bonds may secure deposits of
32 public funds of the state or political subdivisions.
33 The revised law omits the provision relating to the
34 eligibility of district bonds to be considered as
35 investments for various entities because it duplicates
36 Section 49.186(a), Water Code. The revised law omits
37 the provision relating to deposits of state funds as
38 impliedly repealed by Section 404.0221, Government
39 Code (enacted in 1995), which lists eligible
40 collateral for deposits of state funds by the

1 comptroller. As to deposits of other funds, the
2 provision is impliedly repealed by Chapter 2257,
3 Government Code (enacted as Chapter 627, Acts of the
4 71st Legislature, Regular Session, 1989), which
5 governs eligible collateral for deposits of funds of
6 other public agencies, including political
7 subdivisions, and permits those deposits to be secured
8 by obligations issued by conservation and reclamation
9 districts. The omitted law reads:

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

32 Revisor's Note
33 (End of Chapter)

34 (1) Section 6, Chapter 633, Acts of the 61st
35 Legislature, Regular Session, 1969, provides that it
36 is unnecessary for the board of directors to hold an
37 election to confirm the district's organization and
38 that the district is validly created from and after the
39 passage of that act. The revised law omits that
40 provision as executed. The omitted law reads:

41 Sec. 6. It shall not be necessary for
42 the board of directors to call or hold an
43 election to confirm the organization of the
44 district and such district shall be validly
45 created from and after the passage of this
46 Act.

47 (2) Section 18, Chapter 633, Acts of the 61st

1 Legislature, Regular Session, 1969, provides that the
2 board shall canvass the returns of all elections. The
3 revised law omits that requirement because it
4 duplicates in substance Section 67.002, Election Code,
5 which requires the governing body of a political
6 subdivision that orders an election to canvass the
7 returns. Section 18 also provides that the board shall
8 canvass the election returns "as soon as reasonably
9 practicable after an election." The revised law omits
10 that provision as superseded by Section 67.003,
11 Election Code (enacted by Section 1, Chapter 211, Acts
12 of the 69th Legislature, Regular Session, 1985).
13 Chapter 67, Election Code, applies to district
14 elections under Sections 1.002(a) and 67.001 of that
15 code and supersedes that provision of Section 18
16 because Section 1.002(b), Election Code, provides that
17 the Election Code supersedes a conflicting statute
18 unless the statute expressly provides otherwise. The
19 omitted law reads:

20 Sec. 18. . . . The returns of all
21 elections shall be canvassed by the board of
22 directors of the district as soon as
23 reasonably practicable after an election.

24 (3) Section 22, Chapter 633, Acts of the 61st
25 Legislature, Regular Session, 1969, provides that the
26 act is severable. The revised law omits that provision
27 because it duplicates Section 311.032, Government Code
28 (Code Construction Act), which states that a provision
29 of a statute is severable from each other provision of
30 the statute that can be given effect. The omitted law
31 reads:

32 Sec. 22. If any word, phrase, clause,
33 paragraph, sentence, part, portion or
34 provision of this Act or the application
35 thereof to any person or circumstance shall
36 be held to be invalid or unconstitutional,
37 the remainder of the Act shall nevertheless
38 be valid, and the Legislature hereby
39 declares that this Act would have been

1 enacted without such invalid or
2 unconstitutional word, phrase, clause,
3 paragraph, sentence, part, portion or
4 provision.

5 (4) Section 23, Chapter 633, Acts of the 61st
6 Legislature, Regular Session, 1969, contains
7 legislative findings relating to the performance of
8 certain requirements under Section 59(d), Article XVI,
9 Texas Constitution. The revised law omits that
10 provision as executed. The omitted law reads:

11 Sec. 23. It is determined and found
12 that a proper and legal notice of the
13 intention to introduce this Act, setting
14 forth the general substance of this Act, has
15 been published at least 30 days and not more
16 than 90 days prior to the introduction of
17 this Act in the Legislature of Texas, in a
18 newspaper having general circulation in
19 Harris County, Texas; that a copy of such
20 notice and a copy of this Act have been
21 delivered to the Governor of Texas who has
22 submitted such notice and Act to the Texas
23 Water Rights Commission, and said Texas
24 Water Rights Commission has filed its
25 recommendation as to such Act with the
26 Governor, Lieutenant Governor and Speaker
27 of the House of Representatives of Texas
28 within 30 days from the date such notice and
29 Act were received by the Texas Water Rights
30 Commission; and that all the requirements
31 and provisions of Article XVI, Section
32 59(d), Constitution of the State of Texas
33 have been fulfilled and accomplished as
34 therein provided.