

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Special District Local
Laws Code
Chapter 9050
9/18/14

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1 Legislature, Regular Session, 1965, provides that the
2 district is "created and established" in Harris
3 County, Texas. The revised law omits "established"
4 because the meaning of that word is included in the
5 meaning of "created."

6 (2) Section 1, Chapter 605, Acts of the 59th
7 Legislature, Regular Session, 1965, refers to the
8 district as "a governmental agency and a body politic
9 and corporate." The revised law omits the quoted
10 language because it duplicates a portion of Section
11 59(b), Article XVI, Texas Constitution, which provides
12 that a conservation and reclamation district is a
13 governmental agency and a body politic and corporate.

14 Revised Law

15 Sec. 9050.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
16 The district is created to serve a public use and benefit.

17 (b) All land and other property included in the boundaries
18 of the district will benefit from the works and projects
19 accomplished by the district under the powers conferred by Section
20 59, Article XVI, Texas Constitution.

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

23 (d) The accomplishment of the purposes stated in this
24 chapter will benefit the people of this state and improve their
25 property and industries.

26 (e) The district in carrying out the purposes of this
27 chapter will be performing an essential public function under the
28 Texas Constitution. (Acts 59th Leg., R.S., Ch. 605, Secs. 1 (part),
29 4, 22 (part).)

30 Source Law

31 Sec. 1. . . . The creation and establishment of
32 the District is hereby declared to be essential to the
33 accomplishment of the purposes of Article 16, Section
34 59 of the Constitution of Texas.

35 Sec. 4. It is determined and found that all of
36 the land and other property included within the area

1 and boundaries of the District will be benefited by the
2 works and project which are to be accomplished by the
3 District pursuant to the powers conferred by the
4 provisions of Article 16, Section 59, of the
5 Constitution of Texas, and that said District was and
6 is created to serve a public use and benefit.

7 Sec. 22. The accomplishment of the purposes
8 stated in this Act being for the benefit of the people
9 of this State and for the improvement of their
10 properties and industries, the District in carrying
11 out the purpose of this Act will be performing an
12 essential public function under the Constitution,
13 and

14 Revisor's Note

15 (1) Section 1, Chapter 605, Acts of the 59th
16 Legislature, Regular Session, 1965, states that the
17 "creation and establishment" of the district is
18 "hereby declared to be" essential to accomplish the
19 purposes of Section 59, Article XVI, Texas
20 Constitution. The revised law omits the quoted
21 language as executed.

22 (2) Section 4, Chapter 605, Acts of the 59th
23 Legislature, Regular Session, 1965, refers to land and
24 other property included "within the area and
25 boundaries of the District." The revised law omits the
26 reference to "area" because property included in the
27 "area . . . of the District" is synonymous with
28 property included in the "boundaries of the District."

29 Revised Law

30 Sec. 9050.004. DISTRICT TERRITORY. (a) The district is
31 composed of the territory described by Section 2, Chapter 605, Acts
32 of the 59th Legislature, Regular Session, 1965, as that territory
33 may have been modified under:

34 (1) Subchapter O, Chapter 51, Water Code;

35 (2) Subchapter J, Chapter 49, Water Code;

36 (3) Section 9050.005 of this chapter or its
37 predecessor statute, former Section 16, Chapter 605, Acts of the
38 59th Legislature, Regular Session, 1965; or

39 (4) other law.

40 (b) The boundaries and field notes of the district form a

1 closure. A mistake in the field notes or in copying the field notes
2 in the legislative process does not affect:

3 (1) the district's organization, existence, or
4 validity;

5 (2) the district's right to issue any type or kind of
6 bond for a purpose for which the district is created or to pay the
7 principal of and interest on the bond;

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

9 (4) the legality or operation of the district or the
10 board. (Acts 59th Leg., R.S., Ch. 605, Sec. 3; New.)

11 Source Law

12 Sec. 3. It is determined and found that the
13 boundaries and field notes of the District form a
14 closure, and if any mistake is made in copying the
15 field notes in the legislative process, or otherwise a
16 mistake is made in the field notes, it shall in no way
17 or manner affect the organization, existence and
18 validity of the District, or the right of the District
19 to issue any type or kind of bonds or refunding bonds
20 for the purposes for which the District is created, or
21 to pay the principal and interest thereon, or the right
22 to access, levy and collect taxes, or the legality or
23 operation of the District or its governing body, which
24 shall be a Board of Directors as hereinafter provided.

25 Revisor's Note

26 (1) The revision of the law governing the
27 district does not revise the statutory language
28 describing the territory of the district to avoid the
29 lengthy recitation of the description and because that
30 description may not be accurate on the effective date
31 of the revision or at the time of a later reading. For
32 the reader's convenience, the revised law includes a
33 reference to the statutory description of the
34 district's territory and references to statutory
35 authority to change the district's territory under
36 Subchapter O, Chapter 51, Water Code, applicable to
37 water control and improvement districts, Subchapter J,
38 Chapter 49, Water Code, applicable to the district
39 under Sections 49.001 and 49.002 of that chapter, and
40 Section 9050.005 of this chapter or Section 16,

1 Chapter 605, Acts of the 59th Legislature, Regular
2 Session, 1965, from which Section 9050.005 was
3 derived. The revised law also includes a reference to
4 the general authority of the legislature to enact
5 other laws to change the district's territory.

6 (2) Section 3, Chapter 605, Acts of the 59th
7 Legislature, Regular Session, 1965, provides that a
8 mistake in the description of the district's
9 boundaries does not affect the right of the district to
10 issue "any type or kind of bonds or refunding bonds."
11 The revised law omits "refunding bonds" because
12 refunding bonds are included in the meaning of "any
13 type or kind of bonds."

14 (3) Section 3, Chapter 605, Acts of the 59th
15 Legislature, Regular Session, 1965, refers to the
16 district's right to "access, levy and collect" a tax.
17 It is clear from the context of the section that
18 "access" is a typographical error and that the
19 legislature intended to use the word "assess." The
20 revised law substitutes "impose" for "access, levy and
21 collect" because "impose" is the term generally used
22 in Title 1, Tax Code, and includes the assessment,
23 levying, and collection of a tax.

24 Revised Law

25 Sec. 9050.005. EXPANSION OF DISTRICT. (a) Except as
26 otherwise provided by this section, the district may annex
27 territory as provided by Section 49.302, Water Code.

28 (b) Territory may not be annexed to the district without the
29 written consent of at least a three-fourths majority of all
30 landowners in the territory to be annexed whose land must also
31 constitute at least three-fourths of the value of all land in the
32 territory to be annexed, as shown by the tax rolls of the county in
33 which the territory to be annexed is located.

34 (c) A person who owns land or an interest in land affected by

1 the annexation may, on or before the 30th day after the date of the
2 canvassing order of the election for the annexation, file in the
3 district court in the county in which the district is located a
4 petition to review, set aside, modify, or suspend the annexation.
5 After the period for filing the suit has expired, the annexation is:
6 (1) conclusive for all purposes; and
7 (2) not subject to judicial review. (Acts 59th Leg.,
8 R.S., Ch. 605, Sec. 16 (part).)

9 Source Law

10 Sec. 16. Article 7880-75b, Revised Civil
11 Statutes of Texas, 1925, as amended, shall be
12 applicable to this District in all respects except
13 that no territory may be annexed to this District
14 pursuant to said Article without the written consent
15 of at least a three-fourths majority of the landowners
16 within the territory to be annexed, such three-fourths
17 majority to be both in number of landowners and in
18 value of land as shown by the tax rolls of the county in
19 which is situated the territory to be annexed. . . .
20 Anyone owning land or an interest in land affected by
21 such annexation may within thirty (30) days of the date
22 of the canvassing order of such elections file a
23 petition to review, set aside, modify or suspend such
24 annexation in the district court in the county where
25 the District lies. After said thirty (30) days has
26 expired for the filing of such suit, there shall be no
27 judicial review of said annexation and said annexation
28 shall be conclusive for all purposes.

29 Revisor's Note

30 (1) Section 16, Chapter 605, Acts of the 59th
31 Legislature, Regular Session, 1965, refers to "Article
32 7880-75b, Revised Civil Statutes of Texas, 1925, as
33 amended." Article 7880-75b was codified by Chapter
34 58, Acts of the 62nd Legislature, Regular Session,
35 1971, as Sections 51.718-51.724, Water Code, relating
36 to the addition of land to a water control and
37 improvement district and certain other districts by
38 the petition of less than all the landowners. Chapter
39 715, Acts of the 74th Legislature, Regular Session,
40 1995, repealed Sections 51.718-51.724, Water Code, and
41 enacted Section 49.302, Water Code, to govern the
42 addition of land to certain water districts, including
43 water control and improvement districts, by the

1 petition of less than all the landowners. The revised
2 law is drafted accordingly. The revised law omits the
3 reference to "as amended" throughout this chapter
4 because under Section 311.027, Government Code (Code
5 Construction Act), a reference to a statute applies to
6 all reenactments, revisions, or amendments of that
7 statute unless expressly provided otherwise.

8 (2) Section 16, Chapter 605, Acts of the 59th
9 Legislature, Regular Session, 1965, specifies that
10 certain annexation procedures related to hearings and
11 elections provided by Article 7880-75b, Revised Civil
12 Statutes of Texas, apply to the district. Section
13 49.302, Water Code, is the successor statute to
14 Article 7880-75b, as explained by Revisor's Note (1).
15 The revised law provides that, with certain
16 exceptions, Section 49.302, Water Code, applies to the
17 annexation of property by the district. Accordingly,
18 a reference to the specific procedures provided by
19 Section 49.302, Water Code, is unnecessary. The
20 omitted law reads:

21 Sec. 16. . . . The provisions of said
22 Article 7880-75b pertaining to the holding
23 of a hearing on the proposed annexation and
24 for having an election within the District
25 and a separate election within the
26 territory to be annexed and requiring said
27 annexation to be ratified by the vote
28 required in said Act, shall be applicable to
29 this District. . . .

30 Revised Law

31 Sec. 9050.006. HEARINGS FOR EXCLUSION OF LAND. (a) The
32 board is not required to call or hold a hearing on the exclusion of
33 land or other property from the district; provided, however, that
34 the board shall hold a hearing if an owner of land or other property
35 located in the district files a written request for a hearing with
36 the board secretary before the district's first bond election is
37 called.

38 (b) This section may not be construed to prevent the board

1 on its own motion from calling and holding an exclusion hearing
2 under general law. (Acts 59th Leg., R.S., Ch. 605, Sec. 7.)

3 Source Law

4 Sec. 7. It shall not be necessary for the Board
5 of Directors to call or hold a hearing on the
6 exclusions of land or other property from the
7 District; provided, however, that the Board of
8 Directors shall hold such hearing upon the written
9 request of any land or other property owner within the
10 District filed with the Secretary of the Board prior to
11 the calling of the first bond election for the
12 District. Nothing in this Section shall be construed
13 to prevent the Board on its own motion from calling and
14 holding an exclusions hearing or hearings pursuant to
15 the provisions of the General Law.

16 Revisor's Note

17 Section 7, Chapter 605, Acts of the 59th
18 Legislature, Regular Session, 1965, provides that it
19 is not necessary for the board to call or hold a
20 hearing on the exclusion of land or other property from
21 the district unless the board receives a written
22 request for such a hearing from an owner of land or
23 other property in the district before the calling of
24 the district's first bond election. The section also
25 provides that the authority not to call or hold an
26 exclusion hearing does not prevent the board on its own
27 motion from calling and holding such a hearing under
28 general law. While the provision relating to the
29 holding of an exclusion hearing on receipt of a request
30 before the calling of the district's first bond
31 election would normally be omitted as executed because
32 the district has held a bond election and the provision
33 relating to the applicability of general law would
34 normally be omitted as applicable on its own terms, the
35 revised law retains those provisions to preserve the
36 ambiguity created by the provision giving the board
37 discretion not to call or hold an exclusion hearing.
38 It is unclear whether that provision was intended to
39 apply only until the first bond election was called or

1 whether it was intended to continue to apply after that
2 election was called. The revised law is drafted
3 accordingly.

4 Revisor's Note
5 (End of Subchapter)

6 (1) Section 13, Chapter 605, Acts of the 59th
7 Legislature, Regular Session, 1965, states that
8 Article 970a, Revised Civil Statutes of Texas
9 (Municipal Annexation Act), does not apply to the
10 creation of the district. The revised law omits that
11 provision as executed. The omitted law reads:

12 Sec. 13. This District is hereby
13 created notwithstanding any of the
14 provisions of the Municipal Annexation Act,
15 being Article 970a, Revised Civil Statutes
16 of Texas, 1925, as amended, and to the
17 extent of the creation of the District only,
18 said Article 970a shall have no
19 application. . . .

20 (2) Section 13, Chapter 605, Acts of the 59th
21 Legislature, Regular Session, 1965, provides that
22 Article 970a, Revised Civil Statutes of Texas
23 (Municipal Annexation Act), applies to the district in
24 all respects other than creation. In 1987, Article
25 970a was codified as part of Chapters 42 and 43, Local
26 Government Code, and Section 212.003, Local Government
27 Code. The revised law omits the provision because the
28 relevant provisions of Chapters 42 and 43, Local
29 Government Code, and Section 212.003, Local Government
30 Code, apply on their own terms. The omitted law reads:

31 Sec. 13. . . . In all other respects,
32 the District hereby created is expressly
33 made subject to all provisions of said
34 Article 970a.

35 SUBCHAPTER B. DISTRICT ADMINISTRATION

36 Revised Law

37 Sec. 9050.051. BOARD OF DIRECTORS. (a) The board consists
38 of five elected directors.

39 (b) To be appointed as a director, a person must:

1 (1) be at least 18 years of age; and

2 (2) reside in this state.

3 (c) Such director is not required to reside in the district.

4 (d) Such director is not required to own land in the
5 district, but before the district awards any construction
6 contracts, each director must own land in the district subject to
7 district taxation. (Acts 59th Leg., R.S., Ch. 605, Sec. 9 (part).)

8 Source Law

9 Sec. 9. All powers of the District shall be
10 exercised by a board of five (5) directors. . . . No
11 person shall be appointed a Director unless such
12 person is twenty-one (21) years of age or over and a
13 resident of the State of Texas. Such Director shall not
14 be required to reside within the boundaries of the
15 District. Such Director shall not be required to own
16 land in the District prior to the awarding of
17 construction contracts by the District, but before any
18 such contract is awarded, each Director shall be
19 required to own land situated within the District and
20 subject to taxation by the District. . . . Succeeding
21 Directors shall be elected or . . . as provided for in
22 this Act. . . .

23 Revisor's Note

24 (1) Section 9, Chapter 605, Acts of the 59th
25 Legislature, Regular Session, 1965, provides that
26 "[a]ll powers of the District shall be exercised by"
27 the board. The revised law omits the quoted language
28 because it duplicates in substance provisions of
29 Sections 49.051 and 49.057, Water Code. Throughout
30 this chapter, the revised law omits law that is
31 superseded by Chapter 49, Water Code, or that
32 duplicates law contained in that chapter. Chapter 49,
33 Water Code, applies to the district under Sections
34 49.001 and 49.002 of that chapter.

35 (2) Section 9, Chapter 605, Acts of the 59th
36 Legislature, Regular Session, 1965, states that a
37 person must be "twenty-one (21) years of age or over"
38 to qualify for appointment to the board. The revised
39 law substitutes "18" for "21" because Section 129.001,
40 Civil Practice and Remedies Code, establishes 18 years

1 as the age of majority in this state. Section 129.002,
2 Civil Practice and Remedies Code, provides that a law
3 adopted before August 27, 1973, that extends a right,
4 privilege, or obligation to an individual on the basis
5 of a minimum age of 19, 20, or 21 years shall be
6 interpreted as prescribing a minimum age of 18 years.
7 Section 9 was enacted in 1965 and has not been amended.

8 (3) Section 9, Chapter 605, Acts of the 59th
9 Legislature, Regular Session, 1965, refers to
10 "[s]ucceeding Directors" to distinguish the
11 succeeding directors from the initial directors named
12 in that section. The revised law omits "succeeding"
13 because all provisions referring to initial directors
14 are omitted as executed and the distinction is no
15 longer required.

16 Revised Law

17 Sec. 9050.052. DIRECTOR'S BOND. Each director shall give a
18 bond in the amount of \$5,000 for the faithful performance of the
19 director's duties. (Acts 59th Leg., R.S., Ch. 605, Sec. 9 (part).)

20 Source Law

21 Sec. 9. . . . Each Director shall . . . give
22 bond in the amount of Five Thousand Dollars (\$5,000)
23 for the faithful performance of his duties,

24 Revisor's Note

25 (1) Section 9, Chapter 605, Acts of the 59th
26 Legislature, Regular Session, 1965, provides that a
27 director shall subscribe to the oath of office. The
28 revised law omits that provision because Section 1,
29 Article XVI, Texas Constitution, requires all officers
30 in this state to take the oath (or affirmation) before
31 assuming office. The omitted law reads:

32 Sec. 9. . . . [Each Director shall]
33 subscribe to the oath of office and

34 (2) Section 9, Chapter 605, Acts of the 59th
35 Legislature, Regular Session, 1965, requires the

1 district to pay the cost of a director's bond. The
2 revised law omits that provision because it duplicates
3 in substance Section 49.055(c), Water Code. The
4 omitted law reads:

5 Sec. 9. . . . [Each Director shall
6 . . . give bond] . . . the cost of which
7 shall be paid by the District. . . .

8 Revised Law

9 Sec. 9050.053. DUTY OF SECRETARY; ABSENCE OF SECRETARY FROM
10 BOARD MEETING. (a) The board secretary shall sign the minutes of
11 each board meeting.

12 (b) If the board secretary is absent from a board meeting,
13 the board shall name a secretary pro tem for the meeting who may:

14 (1) exercise all powers and duties of the secretary
15 for the meeting;

16 (2) sign the minutes of the meeting; and

17 (3) attest all orders passed or other action taken at
18 the meeting. (Acts 59th Leg., R.S., Ch. 605, Sec. 9 (part).)

19 Source Law

20 Sec. 9. . . . The secretary shall keep and sign
21 the minutes of the meetings of the Board of Directors;
22 and in his absence at any board meeting, a secretary
23 pro tem shall be named for that meeting who may
24 exercise all the duties and powers of the secretary for
25 such meeting, sign the minutes thereof, and attest all
26 orders passed or other action taken at such meeting.
27 The secretary shall be the custodian of all minutes and
28 records of the District. . . .

29 Revisor's Note

30 Section 9, Chapter 605, Acts of the 59th
31 Legislature, Regular Session, 1965, provides that the
32 board secretary shall "keep" the minutes of board
33 meetings and that "[t]he secretary shall be the
34 custodian of all minutes and records of the District."
35 The revised law omits the quoted language because it
36 duplicates in substance part of Section 49.054(c),
37 Water Code.

38 Revised Law

39 Sec. 9050.054. VOTE BY BOARD PRESIDENT. The board

1 president has the same right to vote as any other director. (Acts
2 59th Leg., R.S., Ch. 605, Sec. 9 (part).)

3 Source Law

4 Sec. 9. . . . The president . . . shall have the
5 same right to vote as any other Director. . . .

6 Revised Law

7 Sec. 9050.055. ABSENCE OR INACTION OF BOARD PRESIDENT.

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 this chapter or general law gives the president. (Acts 59th
11 Leg., R.S., Ch. 605, Sec. 9 (part).)

12 Source Law

13 Sec. 9. . . . The vice president shall perform
14 all duties and exercise all power conferred by this Act
15 or the General Law upon the president when the
16 president is absent or fails or declines to act. . . .

17 Revisor's Note
18 (End of Subchapter)

19 (1) Section 9, Chapter 605, Acts of the 59th
20 Legislature, Regular Session, 1965, provides that each
21 director shall serve until the director's successor is
22 elected or appointed and qualified. The revised law
23 omits that provision because Section 17, Article XVI,
24 Texas Constitution, requires an officer to continue to
25 perform the officer's duties until a successor has
26 qualified. The omitted law reads:

27 Sec. 9. . . . Each director shall
28 serve for his term of office as herein
29 provided, and thereafter until his
30 successor shall be elected or appointed and
31 qualified. . . .

32 (2) Section 9, Chapter 605, Acts of the 59th
33 Legislature, Regular Session, 1965, provides that a
34 majority of directors constitutes a quorum. The
35 revised law omits that provision because it duplicates
36 Section 49.053, Water Code. The omitted law reads:

37 Sec. 9. . . . A majority of Directors
38 shall constitute a quorum. . . .

39 (3) Section 9, Chapter 605, Acts of the 59th

1 Legislature, Regular Session, 1965, names the initial
2 board members, provides for filling a vacancy on that
3 board, and provides for their terms of office. Because
4 the initial board members' terms have expired, the
5 revised law omits the language as executed. The
6 omitted law reads:

7 Sec. 9. . . . Immediately after this
8 Act becomes effective, the following named
9 persons, all of whom are twenty-one (21)
10 years of age or over and residents of the
11 State of Texas, shall be the Directors of
12 the District and shall constitute the Board
13 of Directors of the District:

14 Donald McGregor, Jr.
15 Ernest W. Roe
16 Bert B. Adkins
17 H. H. Dupre, Jr.
18 Donald McGregor, Sr.

19 If any of the aforementioned persons shall
20 fail or refuse to serve, die, become
21 incapacitated or otherwise not be qualified
22 to assume the duties of a Director of the
23 District under this Act, the remaining
24 Directors shall appoint a successor or
25 successors. . . . The first two of the
26 above-named Directors shall serve until the
27 second Tuesday in January 1966, or as herein
28 provided; and the following three of the
29 above-named Directors shall serve until the
30 second Tuesday in January 1967, or as herein
31 provided. . . .

32 (4) Section 9, Chapter 605, Acts of the 59th
33 Legislature, Regular Session, 1965, describes the
34 procedure for filling a board vacancy. The revised law
35 omits that provision because it duplicates in
36 substance Section 49.105, Water Code, which
37 establishes procedures for filling a board vacancy.
38 The revised law also omits "appointed" from the
39 provision on electing or appointing succeeding
40 directors under Section 9 because the term can refer
41 only to an appointment to fill a vacancy, which
42 duplicates Section 49.105(a), Water Code. The omitted
43 law reads:

44 Sec. 9. . . . [Succeeding Directors
45 shall be elected or] appointed [as provided
46 for in this Act.] . . . Any vacancy
47 occurring in the Board of Directors shall be
48 filled for the unexpired term by a majority

1 of the remaining Directors. . . .

2 (5) Section 9, Chapter 605, Acts of the 59th
3 Legislature, Regular Session, 1965, provides that
4 director elections shall be held "on the second
5 Tuesday in January" of each year. The revised law
6 omits that provision as superseded by Section
7 49.103(b), Water Code, enacted in 1995. That section
8 requires board elections to be held on the uniform
9 election date provided by Section 41.001, Election
10 Code, in May of each even-numbered year. In addition,
11 Chapter 1318, Acts of the 82nd Legislature, Regular
12 Session, 2011, amended Section 41.0052, Election Code,
13 to allow a political subdivision, not later than
14 December 31, 2012, to change the date of its general
15 election for officers to the November uniform election
16 date. The omitted law reads:

17 Sec. 9. . . . An election for
18 Directors shall be held on the second
19 Tuesday in January of each year beginning in
20 1966, and two Directors shall be elected in
21 that year and in each even-numbered year
22 thereafter, and three in each odd-numbered
23 year thereafter. . . .

24 (6) Section 9, Chapter 605, Acts of the 59th
25 Legislature, Regular Session, 1965, provides that the
26 board of directors shall order annual director
27 elections. The revised law omits the reference to
28 annual elections as superseded by Section 49.103(b),
29 Water Code, for the reason stated in Revisor's Note
30 (5). The revised law omits the requirement that the
31 board order the elections because it duplicates in
32 substance Section 3.004, Election Code, which provides
33 that the governing body of a political subdivision
34 that has elective offices shall order the general
35 election for those officers. The omitted law reads:

36 Sec. 9. . . . The annual elections
37 shall be ordered by the Board of
38 Directors. . . .

1 (7) Section 9, Chapter 605, Acts of the 59th
2 Legislature, Regular Session, 1965, requires the board
3 to elect officers and assigns certain powers and
4 duties to the board's president. The revised law omits
5 those provisions because they duplicate in substance
6 Sections 49.054(a) and (c), Water Code. The omitted
7 law reads:

8 Sec. 9. . . . The Board of Directors
9 shall elect from its number a president, a
10 vice president and a secretary of the Board
11 of Directors and of the District, and such
12 other officers as in the judgment of the
13 Board are necessary. [The president] shall
14 be the chief executive officer of the
15 District and the presiding officer of the
16 Board, and

17 (8) Section 9, Chapter 605, Acts of the 59th
18 Legislature, Regular Session, 1965, requires the board
19 to adopt a seal for the district. The revised law
20 omits that provision because it duplicates Section
21 49.061, Water Code. The omitted law reads:

22 Sec. 9. . . . The Board shall adopt a
23 seal for the District.

24 SUBCHAPTER C. POWERS AND DUTIES

25 Revised Law

26 Sec. 9050.101. WATER CONTROL AND IMPROVEMENT DISTRICT
27 POWERS. The district has the rights, powers, privileges, and
28 duties provided by general law applicable to a water control and
29 improvement district created under Section 59, Article XVI, Texas
30 Constitution, including Chapters 49 and 51, Water Code. (Acts 59th
31 Leg., R.S., Ch. 605, Sec. 5 (part); New.)

32 Source Law

33 Sec. 5. The District shall have and exercise,
34 and is hereby vested with, all of the rights, powers,
35 privileges, authority and duties conferred and imposed
36 by the General Laws of this State now in force or
37 hereafter enacted, applicable to water control and
38 improvement districts created under authority of
39 Article 16, Section 59 of the Constitution; but

40 Revisor's Note

41 (1) Section 5, Chapter 605, Acts of the 59th

1 Legislature, Regular Session, 1965, states that the
2 district "shall have and exercise, and is hereby
3 vested with," certain rights, powers, privileges,
4 authority, and duties. The revised law substitutes
5 "has" for the quoted language because, in context, the
6 terms are synonymous and "has" is more commonly used.

7 (2) Section 5, Chapter 605, Acts of the 59th
8 Legislature, Regular Session, 1965, refers to "rights,
9 powers, privileges, [and] authority" of the district.
10 The revised law omits "authority" as included in the
11 meaning of "powers."

12 (3) Section 5, Chapter 605, Acts of the 59th
13 Legislature, Regular Session, 1965, states that the
14 district has the rights, powers, privileges,
15 authority, and duties "conferred and imposed" by
16 general law. The revised law substitutes "provided"
17 for the quoted language because regardless of whether
18 a right, power, privilege, authority, or duty is
19 "conferred" by general law or "imposed" by general
20 law, it is not necessary to characterize in the revised
21 law the nature of the granting of that authority. In
22 context, "provided" is synonymous with "conferred and
23 imposed" and "provided" is more commonly used.

24 (4) Section 5, Chapter 605, Acts of the 59th
25 Legislature, Regular Session, 1965, refers to the
26 general laws of this state "now in force or hereafter
27 enacted." The revised law omits the quoted language as
28 unnecessary under accepted general principles of
29 statutory construction. The "General Laws of this
30 State" means those laws "in force" at the time the
31 provision was adopted. It is unnecessary to state that
32 the district may be granted additional powers by later
33 enacted laws because those laws apply on their own
34 terms.

1 (5) Section 5, Chapter 605, Acts of the 59th
2 Legislature, Regular Session, 1965, refers to the
3 general laws "applicable to water control and
4 improvement districts." For the reader's convenience,
5 the revised law adds references to Chapter 51, Water
6 Code, applicable to water control and improvement
7 districts, and to Chapter 49, Water Code, applicable
8 under Sections 49.001 and 49.002 of that chapter to
9 many types of districts created under Section 59,
10 Article XVI, Texas Constitution, including water
11 control and improvement districts.

12 (6) Section 5, Chapter 605, Acts of the 59th
13 Legislature, Regular Session, 1965, provides that the
14 act prevails over general law that applies to water
15 control and improvement districts and that is in
16 conflict or inconsistent with the act, and that all
17 general laws applicable to water control and
18 improvement districts are adopted and incorporated by
19 reference. The revised law omits the portion of the
20 provision relating to the act prevailing over general
21 law because it duplicates in substance Section
22 311.026(b), Government Code (Code Construction Act),
23 which provides that if there is a conflict between a
24 general provision of law and a special or local
25 provision, the special or local provision prevails
26 unless the general provision is the later enactment
27 and the manifest intent is that the general provision
28 prevail. The revised law omits the portion of the
29 provision relating to adoption and incorporation of
30 general laws because Section 5 of Chapter 605 (revised
31 as this section) already provides that those laws
32 apply to the district, and it is unnecessary to repeat
33 that authority by adopting and incorporating those
34 laws by reference. The omitted law reads:

1 The District may exercise any of the rights, powers,
2 and authorities granted in this Act within or without
3 the boundaries of the District, but only within the
4 boundaries of Harris County, Texas. . . .

5 Revisor's Note

6 (1) Section 17, Chapter 605, Acts of the 59th
7 Legislature, Regular Session, 1965, provides that
8 "[i]n no manner limiting the right, power or authority
9 of the District, as heretofore granted," the district
10 has certain powers. The revised law omits the quoted
11 language because it is an accepted general principle
12 of statutory construction that a grant of a right,
13 power, or authority does not act as a limitation. The
14 general principle applies to this revision.

15 (2) Section 17, Chapter 605, Acts of the 59th
16 Legislature, Regular Session, 1965, provides that the
17 act is "specifically granting to the District the
18 right, power and authority to" take certain actions.
19 The revised law substitutes "the district may" for the
20 quoted language because the substitution is more
21 concise and is a substantive equivalent of the
22 language it replaces.

23 (3) Section 17, Chapter 605, Acts of the 59th
24 Legislature, Regular Session, 1965, refers to "rights,
25 powers, and authorities." The revised law omits
26 "authorities" because, in context, "authorities" is
27 included in the meaning of "powers."

28 Revised Law

29 Sec. 9050.103. LIMIT ON EMINENT DOMAIN POWER. The district
30 may exercise the power of eminent domain only in Harris County.
31 (Acts 59th Leg., R.S., Ch. 605, Sec. 12 (part).)

32 Source Law

33 Sec. 12. The power of eminent domain of the
34 District shall be limited to Harris County,
35 Texas. . . .

36 Revised Law

37 Sec. 9050.104. COST OF RELOCATING OR ALTERING PROPERTY.

1 (a) In this section, "sole expense" means the actual cost of
2 relocating, raising, lowering, rerouting, changing the grade of, or
3 altering the construction of a facility described by Subsection (b)
4 in providing comparable replacement without enhancement of the
5 facility, after deducting from that cost the net salvage value
6 derived from the old facility.

7 (b) If the district's exercise of the power of eminent
8 domain, the power of relocation, or any other power granted by this
9 chapter makes necessary relocating, raising, rerouting, changing
10 the grade of, or altering the construction of a highway, railroad,
11 electric transmission line, telegraph or telephone property or
12 facility, or pipeline, the necessary action shall be accomplished
13 at the sole expense of the district. (Acts 59th Leg., R.S., Ch.
14 605, Sec. 12 (part).)

15 Source Law

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

33 Revised Law

34 Sec. 9050.105. NOTICE OF ELECTION. Notice of an election
35 may be given under the hand of the board president or secretary.
36 (Acts 59th Leg., R.S., Ch. 605, Sec. 20.)

37 Source Law

38 Sec. 20. Notice of all elections may be given
39 under the hand of either the president or the secretary
40 of the District.

41 Revised Law

42 Sec. 9050.106. EFFECT OF ANNEXATION BY MUNICIPALITY. (a)
43 Notwithstanding Section 43.075(d)(3), Local Government Code, if a

1 municipality annexes all of the territory in the district, the
2 municipality is not required to assume the duties of the district to
3 provide flood control services or to operate or maintain the
4 levees, retainage ponds, pumps, mitigation channel, or other flood
5 control facilities, improvements, or properties that the district
6 operates and maintains or is required to operate and maintain.

7 (b) The municipality may elect to assume none, part, or all
8 of the duties described by Subsection (a). The municipality shall
9 state in the ordinance annexing the territory which duties, if any,
10 the municipality elects to assume.

11 (c) If the municipality elects to assume none or part of the
12 duties described by Subsection (a), the district is not abolished
13 and continues to exist for the exclusive purpose of performing the
14 duties the municipality does not assume. The district is not
15 required to transfer to the municipality money received from
16 maintenance taxes before the date of annexation and may continue to
17 impose a maintenance tax as necessary to perform the duties the
18 municipality does not assume. The district may retain other
19 property and assets, including money from the district's operation
20 and maintenance account, as the district considers necessary to
21 perform those duties.

22 (d) At any time after annexation the municipality by
23 ordinance may assume the remaining duties and assets retained by
24 the district and the district's debts, liabilities, and
25 obligations. The municipality shall provide the board written
26 notice of the assumption at least 120 days before the date the
27 assumption takes effect. The district is abolished on the date the
28 assumption takes effect. (Acts 59th Leg., R.S., Ch. 605, Sec. 17B.)

29 Source Law

30 Sec. 17B. (a) Notwithstanding Section
31 43.075(d)(3), Local Government Code, if a municipality
32 annexes all of the territory included in the District,
33 the municipality is not required to assume the duties
34 of the District to provide flood control services or to
35 operate or maintain the levees, retainage ponds,
36 pumps, mitigation channel, or other flood control
37 facilities, improvements, or properties that the
38 District operates and maintains or is required to

1 operate and maintain. The municipality may elect to
2 assume none, part, or all of those duties. The
3 municipality shall state in the ordinance annexing the
4 territory which duties, if any, the municipality
5 elects to assume.

6 (b) If the municipality elects to assume none or
7 only part of the duties described in Subsection (a) of
8 this section, the District is not abolished and
9 continues to exist for the exclusive purpose of
10 performing the duties the municipality does not
11 assume. The District is not required to transfer to the
12 municipality funds received from maintenance taxes
13 before the date of annexation and may continue to levy
14 and collect a maintenance tax as prescribed by Section
15 17A of this Act as necessary to perform the duties the
16 municipality does not assume. The District may also
17 retain other property and assets, including funds from
18 the District's operation and maintenance account, as
19 the District considers necessary to perform those
20 duties.

21 (c) At any time after annexation the
22 municipality by ordinance may assume the remaining
23 duties and assets retained by the District and the
24 District's debts, liabilities, and obligations. The
25 municipality shall provide the directors of the
26 District written notice of the assumption at least 120
27 days before the date the assumption takes effect. The
28 District is abolished on the date the assumption takes
29 effect.

30 Revisor's Note

31 (1) Section 17B(b), Chapter 605, Acts of the
32 59th Legislature, Regular Session, 1965, authorizes
33 the district to "levy and collect" a tax. The revised
34 law substitutes "impose" for "levy and collect" for
35 the reason stated in Revisor's Note (3) to Section
36 9050.004.

37 (2) Section 17B(b), Chapter 605, Acts of the
38 59th Legislature, Regular Session, 1965, refers to the
39 district's "funds." The revised law substitutes
40 "money" for "funds" because, in the context of
41 district funds, the meaning is the same and "money" is
42 the more commonly used term.

43 (3) Section 17B(b), Chapter 605, Acts of the
44 59th Legislature, Regular Session, 1965, authorizes
45 the district to impose a maintenance tax "as
46 prescribed by Section 17A of this Act" for certain
47 purposes. The revised law omits the quoted language
48 because Section 17A, Chapter 605, Acts of the 59th

1 Legislature, Regular Session, 1965, is omitted from
2 the revised law for the reason stated in the revisor's
3 note at the end of Subchapter D.

4 Revisor's Note
5 (End of Subchapter)

6 (1) Section 9, Chapter 605, Acts of the 59th
7 Legislature, Regular Session, 1965, requires the board
8 to employ certain employees. The revised law omits
9 that provision because it duplicates in substance part
10 of Section 49.057, Water Code. The omitted law reads:

11 Sec. 9. . . . The Board shall appoint
12 all necessary engineers, attorneys,
13 auditors and other employees. . . .

14 (2) Section 21, Chapter 605, Acts of the 59th
15 Legislature, Regular Session, 1965, provides that the
16 board shall canvass the returns of all elections. The
17 revised law omits that requirement because it
18 duplicates in substance Section 67.002, Election Code,
19 which requires the governing body of a political
20 subdivision that orders an election to canvass the
21 returns. Section 21 also provides a time frame for the
22 canvass to take place. The revised law omits that
23 provision as superseded by Section 67.003, Election
24 Code (enacted by Section 1, Chapter 211, Acts of the
25 69th Legislature, Regular Session, 1985). Chapter 67,
26 Election Code, applies to district elections under
27 Sections 1.002(a) and 67.001 of that code and
28 supersedes that provision of Section 21 because
29 Section 1.002(b), Election Code, provides that the
30 Election Code supersedes a conflicting statute unless
31 the statute expressly provides otherwise. The omitted
32 law reads:

33 Sec. 21. The returns of all elections
34 may be canvassed by the Board of Directors
35 of the District at any time within seven (7)
36 days after the holding of an election, or as
37 soon thereafter as reasonably practicable.

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Revised Law

3 Sec. 9050.151. TAX METHOD. (a) The district shall use the
4 ad valorem plan of taxation.

5 (b) The board is not required to call or hold a hearing on
6 the adoption of a plan of taxation. (Acts 59th Leg., R.S., Ch. 605,
7 Sec. 8.)

8 Source Law

9 Sec. 8. It shall not be necessary for the Board
10 of Directors to call or hold a hearing on the adoption
11 of a plan of taxation, but the ad valorem plan of
12 taxation shall be used by the District.

13 Revised Law

14 Sec. 9050.152. DEPOSITORY. (a) The board shall select one
15 or more banks or trust companies in this state to act as a
16 depository of bond proceeds or of revenue derived from the
17 operation of district facilities.

18 (b) The depository shall, as determined by the board:

19 (1) furnish indemnity bonds;

20 (2) pledge securities; or

21 (3) meet any other requirements. (Acts 59th Leg.,
22 R.S., Ch. 605, Sec. 15.)

23 Source Law

24 Sec. 15. The Board of Directors of the District
25 shall select any bank or trust company in the State of
26 Texas to act as depository of the proceeds of the bonds
27 or revenues derived from the operation of the
28 facilities of the District, and said depository shall
29 furnish such indemnity bonds or pledge such securities
30 or meet such other requirements as determined by the
31 Board of Directors of the District. The District may
32 select one or more depositories.

33 Revised Law

34 Sec. 9050.153. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED.
35 The district is not required to pay a tax or assessment on:

36 (1) a district project or any part of the project; or

37 (2) a district purchase. (Acts 59th Leg., R.S., Ch.
38 605, Sec. 22 (part).)

1 Revisor's Note

2 (1) Section 17, Chapter 605, Acts of the 59th
3 Legislature, Regular Session, 1965, provides that
4 "[i]n addition to the powers and purposes authorized
5 by the General Law pertaining to water control and
6 improvement districts," the district may issue bonds
7 for certain purposes. The revised law omits the quoted
8 language as unnecessary because an accepted general
9 principle of statutory construction requires a statute
10 to be given cumulative effect with other statutes
11 unless it provides otherwise or unless the statutes
12 are in conflict. That general principle applies to the
13 revised law.

14 (2) Section 17, Chapter 605, Acts of the 59th
15 Legislature, Regular Session, 1965, authorizes the
16 district to issue "any kind of bonds or refunding
17 bonds." The revised law omits "refunding bonds" for
18 the reason stated in Revisor's Note (2) to Section
19 9050.004.

20 Revised Law

21 Sec. 9050.202. FAILED BOND ELECTION. (a) A general law,
22 including Sections 51.781-51.791, Water Code, that provides for
23 calling a hearing on the dissolution of a district after a failed
24 district bond election does not apply to the district.

25 (b) After the expiration of six months from the date of a
26 failed bond election, the board may call a subsequent bond
27 election.

28 (c) The district continues to exist and retain its full
29 power to function and operate regardless of the outcome of a bond
30 election. (Acts 59th Leg., R.S., Ch. 605, Sec. 19.)

31 Source Law

32 Sec. 19. The provisions of Article 7880-77b,
33 Revised Civil Statutes of Texas, 1925, as amended, or
34 any other general law, pertaining to the calling of a
35 hearing for the determination of the dissolution of a
36 District where a bond election has failed shall be

1 inapplicable to this District, and this District shall
2 continue to exist and shall have full power to function
3 and operate regardless of the outcome of any bond
4 election. Upon the failure of any bond election, a
5 subsequent bond election may be called after the
6 expiration of six months from the date of the bond
7 election which failed.

8 Revisor's Note

9 Section 19, Chapter 605, Acts of the 59th
10 Legislature, Regular Session, 1965, provides that
11 "[t]he provisions of Article 7880-77b, Revised Civil
12 Statutes of Texas, 1925, as amended," do not apply to
13 the district. Article 7880-77b was codified by
14 Chapter 58, Acts of the 62nd Legislature, Regular
15 Session, 1971, as Sections 51.781-51.792, Water Code,
16 which address the dissolution of a district before the
17 issuance of bonds. The revised law does not refer to
18 Section 51.792, Water Code, because that section was
19 repealed by Section 85(6), Chapter 1248, Acts of the
20 71st Legislature, Regular Session, 1989. The revised
21 law is drafted accordingly.

22 Revised Law

23 Sec. 9050.203. BONDS EXEMPT FROM TAXATION. A bond issued
24 under this chapter, the transfer of the bond, and income from the
25 bond, including profits made on the sale of the bond, are exempt
26 from taxation in this state. (Acts 59th Leg., R.S., Ch. 605, Sec.
27 22 (part).)

28 Source Law

29 Sec. 22. . . . the bonds issued hereunder and
30 their transfer and the income therefrom, including the
31 profits made on the sale thereof, shall at all times be
32 free from taxation within this State.

33 Revisor's Note
34 (End of Subchapter)

35 (1) Section 10, Chapter 605, Acts of the 59th
36 Legislature, Regular Session, 1965, provides that,
37 before issuing any construction bonds, the district
38 shall submit plans to the Texas Water Commission for
39 approval in accordance with Article 7880-139, Vernon's

1 Texas Civil Statutes, and that the district's project
2 is subject to inspection during construction as
3 provided by that article. Article 7880-139 was
4 codified by Chapter 58, Acts of the 62nd Legislature,
5 Regular Session, 1971, as Sections 51.421 and 51.422,
6 Water Code. Chapter 715, Acts of the 74th Legislature,
7 Regular Session, 1995, repealed Sections 51.421 and
8 51.422, Water Code, and enacted Sections 49.181 and
9 49.182, Water Code, to govern the authority of the
10 Texas Commission on Environmental Quality over the
11 issuance of district bonds and supervision by the
12 commission of projects and improvements,
13 respectively. The revised law therefore omits Section
14 10 because Sections 49.181 and 49.182, Water Code,
15 apply to the district on their own terms. The omitted
16 law reads:

17 Sec. 10. Before issuing any
18 construction bonds, the District shall
19 submit plans and specifications therefor to
20 the Texas Water Commission for approval in
21 the manner required by Article 7880-139,
22 Revised Civil Statutes of Texas, as
23 amended; and District's project and
24 improvements during the course of
25 construction shall be subject to inspection
26 in the manner provided by said Article
27 7880-139.

28 (2) Section 11, Chapter 605, Acts of the 59th
29 Legislature, Regular Session, 1965, provides that
30 after approval and registration district bonds are
31 negotiable, valid, and binding obligations and
32 incontestable for any reason. The revised law omits
33 the reference to the bonds being negotiable because
34 Section 1201.041, Government Code, applicable to
35 district bonds under Sections 1201.002 and 1201.003,
36 Government Code, provides that a public security is a
37 negotiable instrument. The revised law omits the rest
38 of this provision because it duplicates in substance
39 Section 1202.006, Government Code. Section 1202.006,

1 Government Code, applies to district bonds under
2 Sections 1202.001 and 1202.003(c), Government Code.

3 The omitted law reads:

4 Sec. 11. When any kind of bonds or
5 refunding bonds have been approved by the
6 Attorney General of Texas, registered by
7 the Comptroller of Public Accounts of the
8 State of Texas, and issued by the District,
9 such bonds or refunding bonds shall be
10 negotiable, legal, valid and binding
11 obligations of the District and shall be
12 incontestable for any cause.

13 (3) Section 18, Chapter 605, Acts of the 59th
14 Legislature, Regular Session, 1965, provides that the
15 district's board of directors may sell bonds at a price
16 and on terms determined by the board of directors of
17 the district, except that the bonds may not be sold for
18 an amount less than provided by law. The revised law
19 omits those provisions as duplicative of other law or
20 unnecessary. The revised law omits the price and terms
21 provision because it duplicates language in Section
22 1204.006(b), Government Code, that allows an issuer to
23 sell bonds at any price, and Section 1201.022(a),
24 Government Code, which provides that a public security
25 may be issued with specified characteristics, on
26 specified terms, or in a specified manner. Section
27 1204.006, Government Code, applies to district bonds
28 under Sections 1204.001 and 1204.002 of that code.
29 Section 1201.022, Government Code, applies to district
30 bonds under Sections 1201.002 and 1201.003 of that
31 code.

32 The revised law omits the provision prohibiting
33 the sale of bonds for an amount less than provided by
34 law because a law that sets a minimum price for
35 district bonds would apply by its own terms and does
36 not require a reference. The omitted law reads:

37 Sec. 18. Bonds of the District may be
38 sold at a price and upon the terms
39 determined by the Board of Directors of the

1 District, except that such bonds shall not
2 be sold for a less amount than provided by
3 law.

4 (4) Section 23, Chapter 605, Acts of the 59th
5 Legislature, Regular Session, 1965, lists the entities
6 for which district bonds are legal investments and
7 provides that district bonds may secure deposits of
8 public funds of political subdivisions of this state.
9 The revised law omits the provision relating to the
10 eligibility of district bonds to be considered as
11 investments for various entities because it duplicates
12 Section 49.186(a), Water Code. While Section 23 lists
13 "guardians" and Section 49.186(a), Water Code, does
14 not, Section 49.186(a) includes "fiduciaries," and a
15 guardian is a fiduciary. The revised law omits the
16 provision relating to securing deposits of funds of
17 political subdivisions because the provision is
18 impliedly repealed by Chapter 2257, Government Code
19 (enacted in 1989 as Article 2529d, Vernon's Texas Civil
20 Statutes), which governs eligible collateral for
21 deposits of funds of certain public agencies,
22 including political subdivisions, and permits those
23 deposits to be secured by obligations issued by
24 conservation and reclamation districts. The omitted
25 law reads:

26 Sec. 23. All bonds and refunding
27 bonds of the District shall be and are
28 hereby declared to be legal, eligible and
29 authorized investments for banks, savings
30 and loan associations, insurance companies,
31 fiduciaries, trustees, guardians, and for
32 the sinking funds of cities, towns,
33 villages, counties, school districts, or
34 other political corporations or
35 subdivisions of the State of Texas. Such
36 bonds and refunding bonds shall be eligible
37 to secure the deposit of any and all public
38 funds of cities, towns, villages, counties,
39 school districts, or other political
40 corporations or subdivisions of the State
41 of Texas; and such bonds shall be lawful and
42 sufficient security for said deposits to
43 the extent of their value, when accompanied
44 by all unmatured coupons appurtenant
45 thereto.

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

23 [Acts 61st Leg., R.S., Ch. 579]

24 Sec. 2. The Legislature specifically
25 finds and declares that the requirements of
26 Article XVI, Section 59(d), Constitution of
27 Texas, have been done and accomplished in
28 due course and time, and in due order, and
29 that the Legislature has the power and
30 authority to enact this Act.

31 (3) Section 24, Chapter 605, Acts of the 59th
32 Legislature, Regular Session, 1965, Section 3, Chapter
33 101, Acts of the 60th Legislature, Regular Session,
34 1967, and Section 3, Chapter 579, Acts of the 61st
35 Legislature, Regular Session, 1969, provide that those
36 acts are severable. The revised law omits those
37 provisions because the same result is produced by
38 application of Section 311.032, Government Code (Code
39 Construction Act), which provides that a provision of
40 a statute is severable from each other provision of the
41 statute that can be given effect. The omitted law
42 reads:

43 [Acts 59th Leg., R.S., Ch. 605]

44 Sec. 24. If any word, phrase, clause,
45 paragraph, sentence, part, portion, or
46 provision of this Act or the application
47 thereof to any person or circumstance shall
48 be held to be invalid or unconstitutional,
49 the remainder of the Act shall nevertheless
50 be valid, and the Legislature hereby
51 declares that this Act would have been
52 enacted without such invalid or
53 unconstitutional word, phrase, clause,
54 paragraph, sentence, part, portion, or

1 provision.

2 [Acts 60th Leg., R.S., Ch. 101]
3 Sec. 3. If any word, phrase, clause,
4 paragraph, sentence, part, portion, or
5 provision of this Act or the application
6 thereof to any person or circumstance shall
7 be held to be invalid or unconstitutional,
8 the remainder of the Act shall nevertheless
9 be valid, and the Legislature hereby
10 declares that this Act would have been
11 enacted without such invalid or
12 unconstitutional word, phrase, clause,
13 paragraph, sentence, part, portion, or
14 provision.

15 [Acts 61st Leg., R.S., Ch. 579]
16 Sec. 3. If any word, phrase, clause,
17 paragraph, sentence, part, portion, or
18 provision of this Act or the application
19 thereof to any person or circumstance shall
20 be held to be invalid or unconstitutional,
21 the remainder of the Act shall nevertheless
22 be valid, and the Legislature hereby
23 declares that this Act would have been
24 enacted without such invalid or
25 unconstitutional word, phrase, clause,
26 paragraph, sentence, part, portion, or
27 provision.