

1 CHAPTER 9052. FLAMINGO ISLES MUNICIPAL UTILITY DISTRICT OF
2 GALVESTON COUNTY, TEXAS

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Revised Law

5 Sec. 9052.001. DEFINITIONS. In this chapter:

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

7 (2) "District" means the Flamingo Isles Municipal
8 Utility District of Galveston County, Texas. (Acts 59th Leg., R.S.,
9 Ch. 613, Sec. 1 (part); New.)

10 Source Law

11 Sec. 1. . . . [a . . . district] . . . to be
12 known as "Flamingo Isles Municipal Utility District of
13 Galveston County, Texas," hereinafter referred to as
14 the "District," and

15 Revisor's Note

16 The definition of "board" is added to the revised
17 law for drafting convenience and to eliminate
18 frequent, unnecessary repetition of the substance of
19 the definition.

20 Revised Law

21 Sec. 9052.002. NATURE OF DISTRICT. The district is:

22 (1) a conservation and reclamation district in
23 Galveston County under Section 59, Article XVI, Texas Constitution;

24 (2) a water control and improvement district; and

25 (3) a municipal corporation. (Acts 59th Leg., R.S.,
26 Ch. 613, Secs. 1 (part), 7 (part), 9 (part).)

27 Source Law

28 Sec. 1. Under and pursuant to the provisions of
29 Section 59 of Article XVI, Constitution of Texas, a
30 conservation and reclamation district is hereby
31 created and incorporated in Galveston County, Texas,
32

33 Sec. 7. . . . Upon the adoption of this Act,
34 said District shall be a fully created and established
35 water control and improvement district. . . .

36 Sec. 9. [The Legislature] . . . declares the
37 District to be a governmental agency, a body politic
38 and corporate, and a municipal corporation.

1 Revisor's Note

2 (1) Sections 1 and 7, Chapter 613, Acts of the
3 59th Legislature, Regular Session, 1965, refer to the
4 creation, incorporation, and establishment of the
5 district. The revised law omits "created and
6 incorporated" and "[u]pon the adoption of this Act,
7 [said District shall be a] fully created and
8 established" water control and improvement district as
9 executed.

10 (2) Section 9, Chapter 613, Acts of the 59th
11 Legislature, Regular Session, 1965, refers to the
12 district as a "governmental agency, a body politic and
13 corporate." The revised law omits the quoted language
14 because it duplicates in substance a portion of
15 Section 59(b), Article XVI, Texas Constitution, which
16 provides that a conservation and reclamation district
17 is a governmental agency and a body politic and
18 corporate.

19 Revised Law

20 Sec. 9052.003. FINDINGS OF BENEFIT AND PUBLIC
21 PURPOSE. (a) The district is created to serve a public use and
22 benefit.

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

26 (c) The district is essential to accomplish the purposes of
27 Section 59, Article XVI, Texas Constitution. (Acts 59th Leg.,
28 R.S., Ch. 613, Secs. 7 (part), 9 (part).)

29 Source Law

30 Sec. 7. It is hereby found and determined that
31 all of the lands and other property included within the
32 District are, and will be, benefited by the creation of
33 the District and by the improvements that the District
34 will purchase, construct, or otherwise acquire, and
35 that the District is created to serve a public use and
36 benefit. . . .

37 Sec. 9. The Legislature hereby exercises the

1 authority conferred upon it by Section 59 of Article
2 XVI, Constitution of Texas, and declares that the
3 District created by this Act is essential to the
4 accomplishment of the purposes of said Constitutional
5 provisions; finds that all of the land and other
6 property included therein are, and will be, benefited
7 thereby and by the improvements that the District will
8 purchase, construct, or otherwise acquire; and

9 Revisor's Note

10 Section 9, Chapter 613, Acts of the 59th
11 Legislature, Regular Session, 1965, provides that the
12 legislature "hereby exercises the authority conferred
13 upon it by Section 59 of Article XVI, Constitution of
14 Texas, and declares that" the district "created by
15 this Act" is essential to accomplish the purposes of
16 that constitutional provision. The revised law omits
17 the quoted language as executed.

18 Revised Law

19 Sec. 9052.004. DISSOLUTION OF DISTRICT. The district may
20 be dissolved by the board in accordance with Sections
21 51.781-51.791, Water Code. (Acts 59th Leg., R.S., Ch. 613, Sec. 5
22 (part).)

23 Source Law

24 Sec. 5. . . . Said District may be dissolved by
25 its Board of Directors in accordance with the
26 provisions of Section 77b, Chapter 25, General Laws,
27 Acts of the 39th Legislature, Regular Session, 1925
28 (Article 7880-77b, Vernon's Texas Civil Statutes).

29 Revisor's Note

30 Section 5, Chapter 613, Acts of the 59th
31 Legislature, Regular Session, 1965, refers to the
32 dissolution provisions of "Section 77b, Chapter 25,
33 General Laws, Acts of the 39th Legislature, Regular
34 Session, 1925 (Article 7880-77b, Vernon's Texas Civil
35 Statutes)." Article 7880-77b was codified by Chapter
36 58, Acts of the 62nd Legislature, Regular Session,
37 1971, as Sections 51.781-51.792, Water Code. Section
38 51.792, Water Code, was repealed by Section 85(6),
39 Chapter 1248, Acts of the 71st Legislature, Regular
40 Session, 1989. The revised law is drafted

1 accordingly.

2 SUBCHAPTER B. DISTRICT TERRITORY

3 Revised Law

4 Sec. 9052.051. DISTRICT TERRITORY. (a) The district is
5 composed of the territory described by Section 1, Chapter 613, Acts
6 of the 59th Legislature, Regular Session, 1965, as that territory
7 may have been modified under:

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

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

10 (3) Section 9052.052 or its predecessor statute,
11 former Section 5, Chapter 613, Acts of the 59th Legislature,
12 Regular Session, 1965; or

13 (4) other law.

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

17 (1) the district's organization, existence, or
18 validity;

19 (2) the district's right to issue bonds or to pay the
20 principal of and interest on the bonds;

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

22 (4) the legality or operation of the district or its
23 governing body. (Acts 59th Leg., R.S., Ch. 613, Sec. 2; New.)

24 Source Law

25 Sec. 2. It is expressly determined, and the
26 Legislature hereby finds that the boundaries of said
27 District form a closure, and if any mistake is made in
28 copying the field notes in the legislative process, or
29 otherwise a mistake is found to have occurred in the
30 field notes, it shall in no way or manner affect the
31 organization, existence or validity of said District,
32 or its right to issue bonds or refunding bonds, or to
33 pay the principal and interest thereon, or the right to
34 assess, levy and collect taxes, or in any other manner
35 affect the legality or operation of the District or its
36 governing body.

37 Revisor's Note

38 (1) The revision of the law governing the
39 district does not revise the statutory language

1 describing the territory of the district to avoid the
2 lengthy recitation of the description and because that
3 description may not be accurate on the effective date
4 of the revision or at the time of a later reading. For
5 the reader's convenience, the revised law includes
6 references to the statutory description of the
7 district's territory and to statutory authority to
8 change the district's territory under Subchapter O,
9 Chapter 51, Water Code, applicable to water control
10 and improvement districts, Subchapter J, Chapter 49,
11 Water Code, applicable to the district under Sections
12 49.001 and 49.002 of that chapter, and Section
13 9052.052 of this chapter or its predecessor statute,
14 Section 5, Chapter 613, Acts of the 59th Legislature,
15 Regular Session, 1965. The revised law also includes a
16 reference to the general authority of the legislature
17 to enact a law to change the district's territory.

18 (2) Section 2, Chapter 613, Acts of the 59th
19 Legislature, Regular Session, 1965, provides that a
20 mistake does not affect the right of the district to
21 issue "bonds or refunding bonds." The revised law
22 omits the reference to "refunding bonds" because
23 refunding bonds are included in the meaning of
24 "bonds."

25 (3) Section 2, Chapter 613, Acts of the 59th
26 Legislature, Regular Session, 1965, refers to the
27 district's right to "assess, levy and collect" a tax.
28 The revised law substitutes "impose" for "assess, levy
29 and collect" because "impose" is the term generally
30 used in Title 1, Tax Code, and includes the assessment,
31 levying, or collection of a tax.

32 Revised Law

33 Sec. 9052.052. ADDITION OF LAND TO DISTRICT. The district
34 may not add land to the district unless:

1 (1) an owner of land adjacent or contiguous to the
2 district requests in writing that the district add land;

3 (2) the owner of the land to be added consents to the
4 addition; and

5 (3) the land is adjacent or contiguous to the district
6 when added. (Acts 59th Leg., R.S., Ch. 613, Sec. 5 (part).)

7 Source Law

8 Sec. 5. . . . Land may be added to the District
9 only by written request of an adjacent, or contiguous,
10 landowner or landowners; and no land may be added
11 without the consent of the owner thereof. No land may
12 be added which is not adjacent or contiguous to the
13 District when added. . . .

14 Revisor's Note
15 (End of Subchapter)

16 Section 5, Chapter 613, Acts of the 59th
17 Legislature, Regular Session, 1965, provides that the
18 district may exclude land in the manner provided by
19 Chapter 3A, Title 128, Revised Civil Statutes of
20 Texas, 1925. The revised law omits that provision as
21 unnecessary. The relevant provisions of that statute
22 were codified by Chapter 58, Acts of the 62nd
23 Legislature, Regular Session, 1971, as Subchapter O,
24 Chapter 51, Water Code. Chapter 715, Acts of the 74th
25 Legislature, Regular Session, 1995, repealed some of
26 the relevant provisions of Subchapter O, Chapter 51,
27 Water Code, and enacted Subchapter J, Chapter 49,
28 Water Code, to govern the addition of land to or the
29 exclusion of land from a water control and improvement
30 district and certain other districts. Subchapter J,
31 Chapter 49, Water Code, applies to the district
32 without an express reference to Subchapter J by this
33 chapter. The remaining relevant provisions of
34 Subchapter O, Chapter 51, Water Code, apply to the
35 district under Section 3, Chapter 613, Acts of the 59th
36 Legislature, Regular Session, 1965, revised in this
37 chapter as Section 9052.151, without an express

1 reference to those provisions. The omitted law reads:

2 Sec. 5. Land may be excluded from
3 said District in the manner now provided by
4 Chapter 3A, Title 128, Revised Civil
5 Statutes of Texas, 1925, as amended. . . .

6 SUBCHAPTER C. BOARD OF DIRECTORS

7 Revised Law

8 Sec. 9052.101. COMPOSITION OF BOARD. The board is composed
9 of five elected directors. (Acts 59th Leg., R.S., Ch. 613, Sec. 4
10 (part).)

11 Source Law

12 Sec. 4. The management and control of the
13 District is hereby vested in a Board of five (5)
14 directors elections for Directors shall be
15 held

16 Revisor's Note

17 Section 4, Chapter 613, Acts of the 59th
18 Legislature, Regular Session, 1965, provides that the
19 "management and control of the District is hereby
20 vested" in the board. The revised law omits the quoted
21 language because it duplicates in substance Sections
22 49.051 and 49.057, Water Code. Throughout this
23 chapter, the revised law omits law that is superseded
24 by Chapter 49, Water Code, or that duplicates law
25 contained in that chapter. Chapter 49, Water Code,
26 applies to the district under Sections 49.001 and
27 49.002 of that code.

28 Revisor's Note
29 (End of Subchapter)

30 (1) Section 4, Chapter 613, Acts of the 59th
31 Legislature, Regular Session, 1965, refers to the
32 powers, authority, and duties conferred and imposed on
33 the board under Chapter 3A, Title 128, Revised Civil
34 Statutes of Texas, 1925. The revised law omits the
35 reference to Chapter 3A, Title 128, Revised Statutes,
36 because the relevant parts of that chapter were
37 codified in 1971 as Chapter 51, Water Code. In 1995,

1 the legislature enacted Chapter 715, Acts of the 74th
2 Legislature, Regular Session, which repealed many
3 provisions of Chapter 51 and enacted similar
4 provisions in Chapter 49, Water Code. Chapters 51 and
5 49, Water Code, including provisions relating to the
6 board's powers, authority, and duties, apply to the
7 district on their own terms. The omitted law reads:

8 Sec. 4. . . . [a Board] . . . which
9 shall have all of the powers and authority
10 and duties conferred and imposed upon
11 boards of directors of water control and
12 improvement districts organized under the
13 provisions of Chapter 3A of Title 128,
14 Revised Civil Statutes of Texas, 1925,
15 together with all amendments thereof and
16 additions thereto. . . .

17 (2) Section 4, Chapter 613, Acts of the 59th
18 Legislature, Regular Session, 1965, provides for the
19 appointment of the initial board of directors of the
20 district, the initial meeting and organization of the
21 board, and the election of subsequent directors. The
22 revised law omits the provisions pertaining to the
23 appointment of initial directors and the initial board
24 meeting and organization as executed. The provisions
25 of Section 4 that require the election of subsequent
26 directors to be held as provided by general laws
27 relating to water control and improvement districts
28 are omitted because those provisions duplicate
29 Subchapter D, Chapter 49, Water Code, and parts of
30 Subchapter C, Chapter 51, Water Code, which govern
31 director elections and apply to the district on their
32 own terms. The omitted law reads:

33 Sec. 4. . . . The members of the
34 first Board of Directors shall be
35 appointed, as soon as practicable after
36 this Act becomes effective, by the County
37 Judge of Galveston County, Texas, and said
38 first Board of Directors shall meet and
39 organize as soon as practicable after their
40 appointment and shall file their official
41 bonds. If any of the aforementioned members
42 of said first Board of Directors shall die,
43 become incapacitated or otherwise not

1 qualify to assume their duties under this
2 Act, the remaining members of said Board of
3 Directors shall appoint his or their
4 successors. With the exception of said
5 first Board of Directors, the Board of
6 Directors shall be selected as provided by
7 the General Laws for water control and
8 improvement districts. The first election
9 of Directors of such District shall be held
10 on the second Tuesday in January, 1967, and
11 in accordance with Article 7880-37, Revised
12 Civil Statutes of Texas, 1925. Thereafter,
13 Directors of the District shall be chosen,
14 and [elections for Directors shall be held]
15 in accordance with the provisions of the
16 General Laws relating to water control and
17 improvement districts.

18 SUBCHAPTER D. POWERS AND DUTIES

19 Revised Law

20 Sec. 9052.151. WATER CONTROL AND IMPROVEMENT DISTRICT
21 POWERS. The district has the rights, powers, privileges, and
22 duties provided by general law applicable to a water control and
23 improvement district created under Section 59, Article XVI, Texas
24 Constitution, including Chapters 49 and 51, Water Code. (Acts 59th
25 Leg., R.S., Ch. 613, Sec. 3 (part).)

26 Source Law

27 Sec. 3. The District shall have and exercise,
28 and is hereby vested with, all of the rights, powers,
29 privileges and duties conferred and imposed by the
30 General Laws of the State of Texas now in force or
31 hereafter enacted, applicable to water control and
32 improvement districts created under authority of
33 Section 59 of Article XVI, Constitution of Texas, but
34 Without in any way limiting the generalization
35 of the foregoing, it is expressly provided the
36 District shall have and exercise, and is hereby vested
37 with, all of the rights, powers, privileges and duties
38 conferred and imposed by Chapter 3A of Title 128,
39 Revised Civil Statutes of Texas, 1925, together with
40 all amendments thereto and additions thereto,

41 Revisor's Note

42 (1) Section 3, Chapter 613, Acts of the 59th
43 Legislature, Regular Session, 1965, states that the
44 district "shall have and exercise, and is hereby
45 vested with," certain rights, powers, privileges, and
46 duties. The revised law substitutes "has" for the
47 quoted language because, in context, the terms are
48 synonymous and "has" is more commonly used.

49 (2) Section 3, Chapter 613, Acts of the 59th

1 Legislature, Regular Session, 1965, states that the
2 district has the rights, powers, privileges, and
3 duties "conferred and imposed" by general law. The
4 revised law substitutes "provided" for the quoted
5 language because regardless of whether a right, power,
6 privilege, or duty is "conferred" by general law or
7 "imposed" by general law, it is not necessary to
8 characterize in the revised law the nature of the
9 granting of that authority. In context, "provided" is
10 synonymous with "conferred and imposed" and "provided"
11 is more commonly used.

12 (3) Section 3, Chapter 613, Acts of the 59th
13 Legislature, Regular Session, 1965, refers to the
14 general laws of this state "now in force or hereafter
15 enacted." The revised law omits the quoted language
16 because it duplicates in substance accepted general
17 principles of statutory construction. The "[g]eneral
18 [l]aws of the State of Texas" means those laws "in
19 force" at the time the provision was adopted. It is
20 unnecessary to state that an entity may be granted
21 additional powers by later enacted laws because those
22 laws apply on their own terms.

23 (4) Section 3, Chapter 613, Acts of the 59th
24 Legislature, Regular Session, 1965, provides that the
25 act prevails over general law in case of a conflict or
26 other inconsistency and that all general laws
27 applicable to water control and improvement districts
28 not in conflict or inconsistent with the provisions of
29 the act are incorporated by reference. The revised law
30 omits the portion of the provision relating to the act
31 prevailing over general law because it duplicates in
32 substance Section 311.026(b), Government Code (Code
33 Construction Act). The revised law omits the portion
34 of the provision relating to incorporation of general

1 laws because Section 3 of Chapter 613 (revised in part
2 as this section) provides that those laws apply to the
3 district, and it is unnecessary to repeat that
4 authority. The omitted law reads:

5 Sec. 3. [The District shall have and
6 exercise, and is hereby vested with, all of
7 the rights, powers, privileges and duties
8 conferred and imposed by the General Laws of
9 the State of Texas now in force or hereafter
10 enacted, applicable to water control and
11 improvement districts created under
12 authority of Section 59 of Article XVI,
13 Constitution of Texas, but] to the extent
14 that the provisions of such General Laws may
15 be in conflict or inconsistent with the
16 provisions of this Act, the provisions of
17 this Act shall prevail. All such General
18 Laws are hereby incorporated by reference
19 with the same effect as if incorporated in
20 full in this Act. . . .

21 (5) Section 3, Chapter 613, Acts of the 59th
22 Legislature, Regular Session, 1965, provides that
23 "[w]ithout in any way limiting the generalization of
24 the foregoing" powers and duties provided by general
25 law applicable to water control and improvement
26 districts, the district has certain rights, powers,
27 privileges, and duties provided by specified law. The
28 revised law omits the quoted language because an
29 accepted principle of statutory construction requires
30 a statute to be given cumulative effect with other
31 statutes unless it provides otherwise or unless the
32 statutes are in conflict. The general principle
33 applies to this revision.

34 (6) Section 3, Chapter 613, Acts of the 59th
35 Legislature, Regular Session, 1965, refers to "Chapter
36 3A of Title 128, Revised Civil Statutes of Texas, 1925,
37 together with all amendments thereto and additions
38 thereto." The revised law substitutes a reference to
39 Chapters 49 and 51, Water Code, for the quoted language
40 for the reasons stated in Revisor's Note (1) at the end
41 of Subchapter C. In addition, the revised law omits

1 the reference to "all amendments thereto and additions
2 thereto" because under Section 311.027, Government
3 Code (Code Construction Act), a reference to a statute
4 applies to all reenactments, revisions, or amendments
5 of that statute unless expressly provided otherwise.

6 (7) Section 3, Chapter 613, Acts of the 59th
7 Legislature, Regular Session, 1965, refers to certain
8 powers granted by Chapter 3A, Title 128, Revised Civil
9 Statutes of Texas, and by Article 7880-90a, Vernon's
10 Texas Civil Statutes. The revised law omits those
11 references because the provisions, under which the
12 powers were granted, were included in the 1971
13 codification of Chapter 51, Water Code, and now are
14 contained in Chapter 51, Water Code, or have been
15 replaced by provisions of Chapter 49, Water Code, both
16 of which apply to the district on their own terms. The
17 omitted law reads:

18 Sec. 3. . . . [the District shall
19 have . . . all of the rights, powers,
20 privileges and duties conferred and imposed
21 by Chapter 3A of Title 128, Revised Civil
22 Statutes of Texas, 1925] . . . including
23 all powers and authority relating to the
24 navigation of its coastal and inland waters
25 and . . . including all power and authority
26 relating to sanitary sewer systems and the
27 issuance of bonds therefor as authorized by
28 and provided in said Chapter, including the
29 power and authority to issue tax bonds,
30 revenue bonds or tax-revenue bonds as
31 authorized by and provided in Article
32 7880-90a, Vernon's Texas Civil Statutes, as
33 amended. . . .

34 Revised Law

35 Sec. 9052.152. RECLAMATION AND DRAINAGE. The district may
36 provide for the reclamation and drainage of overflowed land and
37 other land needing drainage in the district. (Acts 59th Leg., R.S.,
38 Ch. 613, Sec. 3 (part).)

39 Source Law

40 Sec. 3. . . . [Without in any way limiting the
41 generalization of the foregoing,] it is expressly
42 provided the District shall have and exercise, and is
43 hereby vested with, all of the rights, powers,

1 privileges and duties . . . including all powers and
2 authority relating to . . . the reclamation and
3 drainage of overflowed lands and other lands needing
4 drainage in said District, and

5 Revisor's Note

6 Section 3, Chapter 613, Acts of the 59th
7 Legislature, Regular Session, 1965, states that the
8 district "shall have and exercise, and is hereby
9 vested with," all rights, powers, privileges, and
10 duties relating to the reclamation and drainage of
11 certain lands. The revised law substitutes "may
12 provide for" for the quoted language because, in
13 context, the language is synonymous and "may provide
14 for" is more commonly used.

15 Revised Law

16 Sec. 9052.153. ACQUISITION OF IMPROVEMENTS. The district
17 may make, construct, or otherwise acquire existing improvements or
18 improvements to be made, constructed, or acquired, inside or
19 outside the district, that are necessary to carry out a power
20 granted to the district under this chapter or a general law
21 described by Section 9052.151. (Acts 59th Leg., R.S., Ch. 613, Sec.
22 3 (part).)

23 Source Law

24 Sec. 3. . . . Said District shall have the power
25 to make, construct, or otherwise acquire improvements
26 (whether previously existing or to be made,
27 constructed or acquired) either within or without the
28 boundaries thereof necessary to carry out the powers
29 and authority granted by this Act and said General
30 Laws;

31 Revisor's Note

32 (1) Section 3, Chapter 613, Acts of the 59th
33 Legislature, Regular Session, 1965, provides that the
34 district "shall have the power" to take certain
35 actions regarding improvements. The revised law
36 substitutes "may" for the quoted language because that
37 term is more concise and is the substantive equivalent
38 of the quoted language.

39 (2) Section 3, Chapter 613, Acts of the 59th

1 Legislature, Regular Session, 1965, refers to the
2 district's "powers and authority." The revised law
3 omits the reference to "authority" because, in
4 context, it is included in the meaning of "powers."

5 Revised Law

6 Sec. 9052.154. COST OF RELOCATING OR ALTERING PROPERTY.

7 (a) In this section, "sole expense" means the actual cost of
8 relocating, raising, lowering, rerouting, changing the grade of, or
9 altering the construction of a facility described by Subsection (b)
10 in providing comparable replacement without enhancement of the
11 facility, after deducting from that cost the net salvage value
12 derived from the old facility.

13 (b) If the district's exercise of the power of eminent
14 domain, the power of relocation, or any other power granted by this
15 chapter makes necessary relocating, raising, rerouting, changing
16 the grade of, or altering the construction of a highway, railroad,
17 electric transmission line, telephone or telegraph property or
18 facility, or pipeline, the necessary action shall be accomplished
19 at the sole expense of the district. (Acts 59th Leg., R.S., Ch.
20 613, Sec. 3 (part).)

21 Source Law

22 Sec. 3. . . . In the event that the District in
23 the exercise of the power of eminent domain or power of
24 relocation, or any other power granted hereunder,
25 makes necessary the relocation, raising, re-routing or
26 changing the grade of, or altering the construction
27 of, any highway, railroad, electric transmission line,
28 telephone or telegraph properties and facilities, or
29 pipeline, all such necessary relocation, raising,
30 re-routing, changing of grade or alteration of
31 construction shall be accomplished at the sole expense
32 of the District. The term "sole expense" shall mean
33 the actual cost of such relocation, raising, lowering,
34 re-routing, or change in grade or alteration of
35 construction in providing comparable replacement
36 without enhancement of such facilities after deducting
37 therefrom the net salvage value derived from the old
38 facility.

39 Revised Law

40 Sec. 9052.155. LIMIT ON EMINENT DOMAIN POWER. The district
41 may not exercise the power of eminent domain outside the district.
42 (Acts 59th Leg., R.S., Ch. 613, Sec. 3 (part).)

1 shall designate one or more banks inside or outside the district to
2 serve as the district's depository. A designated bank serves for
3 two years and until a successor is designated.

4 (b) All district money shall be secured in the manner
5 provided for securing county funds. (Acts 59th Leg., R.S., Ch. 613,
6 Sec. 8.)

7 Source Law

8 Sec. 8. As soon as practicable after the
9 election and qualification of the first Board of
10 Directors of said District, said Board shall by
11 resolution designate one or more banks within or
12 without the District to serve as the District's
13 depository, and all funds of said District shall be
14 secured in the manner now provided for the security of
15 County funds. Such bank or banks shall serve for a
16 period of two (2) years and until a successor has been
17 selected.

18 Revisor's Note

19 Section 8, Chapter 613, Acts of the 59th
20 Legislature, Regular Session, 1965, requires the board
21 to select a depository bank "[a]s soon as practicable
22 after the election and qualification of the first
23 Board of Directors." The revised law omits the quoted
24 language as executed.

25 Revisor's Note
26 (End of Subchapter)

27 (1) Section 6, Chapter 613, Acts of the 59th
28 Legislature, Regular Session, 1965, lists the entities
29 for which district bonds are legal investments and
30 provides that district bonds may secure deposits of
31 public funds of the state or political subdivisions.
32 The revised law omits the provision relating to the
33 eligibility of district bonds to be considered as
34 investments for various entities because it duplicates
35 Section 49.186(a), Water Code. While Section 6 lists
36 "guardians" and Section 49.186(a), Water Code, does
37 not, Section 49.186(a) includes "fiduciaries," and a
38 guardian is a fiduciary. The revised law omits the
39 provision relating to deposits of state funds as

1 impliedly repealed by Section 404.0221, Government
2 Code (enacted in 1995), which lists eligible
3 collateral for deposits of state funds by the
4 comptroller. As to deposits of other funds, the
5 provision is impliedly repealed by Chapter 2257,
6 Government Code (enacted as Chapter 627, Acts of the
7 71st Legislature, Regular Session, 1989), which
8 governs eligible collateral for deposits of funds of
9 other public agencies, including political
10 subdivisions, and permits those deposits to be secured
11 by obligations issued by conservation and reclamation
12 districts. The omitted law reads:

13 Sec. 6. The bonds of the District
14 shall be and are hereby declared to be legal
15 and authorized investments for banks,
16 savings banks, trust companies, building
17 and loan associations, savings and loan
18 associations, insurance companies,
19 fiduciaries, trustees, guardians, and for
20 the sinking funds of cities, towns,
21 villages, counties, school districts, or
22 other political corporations or
23 subdivisions of the State of Texas. Such
24 bonds shall be eligible to secure the
25 deposit of any and all public funds of the
26 State of Texas, and any and all public funds
27 of cities, towns, villages, counties,
28 school districts, or other political
29 corporations or subdivisions of the State
30 of Texas; and such bonds shall be lawful and
31 sufficient security for said deposits to
32 the extent of their value, when accompanied
33 by all unmatured coupons appurtenant
34 thereto. . . .

35 (2) Section 6, Chapter 613, Acts of the 59th
36 Legislature, Regular Session, 1965, provides that
37 district bonds may be in denominations of \$1,000 or
38 multiples of \$1,000. The revised law omits that
39 provision as impliedly repealed by Section 3, Chapter
40 845, Acts of the 67th Legislature, Regular Session,
41 1981 (Article 717k-6, Vernon's Texas Civil Statutes),
42 which was revised as Section 1201.021, Government
43 Code, by Section 1, Chapter 227, Acts of the 76th
44 Legislature, Regular Session, 1999. Section 1201.021,

1 Government Code, allows a public security to be issued
2 in any denomination and applies to a district bond by
3 application of Section 1201.002, Government Code. The
4 omitted law reads:

5 Sec. 6. . . . Said bonds may be in
6 the denomination of \$1,000 or in multiples
7 thereof, and

8 (3) Section 6, Chapter 613, Acts of the 59th
9 Legislature, Regular Session, 1965, provides that bond
10 proceeds may be invested in obligations of the United
11 States or placed on time deposit. The revised law
12 omits that provision as superseded by Chapter 2256,
13 Government Code (enacted as Chapter 889, Acts of the
14 70th Legislature, Regular Session, 1987). The omitted
15 law reads:

16 Sec. 6. . . . until such time as the
17 bond proceeds are needed to carry out the
18 bond purpose, such proceeds may be invested
19 in direct obligations of the United States
20 of America or may be placed on time deposit,
21 either or both.

22 Revisor's Note
23 (End of Chapter)

24 (1) Section 10, Chapter 613, Acts of the 59th
25 Legislature, Regular Session, 1965, 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 provides that a
29 provision of a statute is severable from each other
30 provision of the statute that can be given effect. The
31 omitted law reads:

32 Sec. 10. If any word, phrase, clause,
33 sentence, paragraph, section, or other part
34 of this Act or the application thereof to
35 any person or circumstance, shall ever be
36 held by a court of competent jurisdiction to
37 be invalid or unconstitutional, the
38 remainder of the Act and the application of
39 such word, phrase, clause, sentence,
40 paragraph, section, or other part of this
41 Act to other persons or circumstances shall
42 not be affected thereby.

43 (2) Section 11, Chapter 613, Acts of the 59th

1 Legislature, Regular Session, 1965, provides that
2 proof of publication of the constitutionally required
3 notice has been made. The revised law omits that
4 provision as executed. The omitted law reads:

5 Sec. 11. Proof of Publication of the
6 Constitutional notice required in the
7 enactment hereof under the provisions of
8 paragraph (d) of Section 59 of Article XVI
9 of the Texas Constitution has been made in
10 the manner provided therein and a copy of
11 said notice and the bill as originally
12 introduced have been delivered to the
13 Governor of the State of Texas as required
14 in such Constitutional provision, and such
15 notice and delivery are hereby found and
16 declared to be proper and sufficient to
17 satisfy such requirements.