

PRELIMINARY DRAFT

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1 CHAPTER 9062. TREASURE ISLAND MUNICIPAL UTILITY DISTRICT OF
2 BRAZORIA COUNTY, TEXAS

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Revised Law

5 Sec. 9062.001. DEFINITIONS. In this chapter:

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

7 (2) "District" means the Treasure Island Municipal
8 Utility District of Brazoria County, Texas. (Acts 59th Leg., R.S.,
9 Ch. 532, Sec. 1 (part); New.)

10 Source Law

11 Sec. 1. . . . [a . . . district] . . . to be
12 known as "Treasure Island Municipal Utility District
13 of Brazoria 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. 9062.002. NATURE OF DISTRICT. The district is:

22 (1) a conservation and reclamation district in
23 Brazoria 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. 532, Secs. 1 (part), 6 (part), 8 (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 Brazoria County, Texas,
32

33 Sec. 6. . . . Upon the adoption of this Act,
34 said District shall be a fully created and established
35 water control and improvement district. . . .

36 Sec. 8. [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 6, Chapter 532, 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 8, Chapter 532, 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. 9062.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
21 The district is created to serve a public use and benefit.

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

25 (c) The district is essential to accomplish the purposes of
26 Section 59, Article XVI, Texas Constitution. (Acts 59th Leg.,
27 R.S., Ch. 532, Secs. 6 (part), 8 (part).)

28 Source Law

29 Sec. 6. It is hereby found and determined that
30 all of the lands and other property included within the
31 District are, and will be, benefited by the creation of
32 the District and by the improvements that the District
33 will purchase, construct, or otherwise acquire, and
34 that the District is created to serve a public use and
35 benefit. . . .

36 Sec. 8. The Legislature hereby exercises the
37 authority conferred upon it by Section 59 of Article
38 XVI, Constitution of Texas, and declares that the

1 District created by this Act is essential to the
2 accomplishment of the purposes of said constitutional
3 provisions; finds that all of the land and other
4 property included therein are, and will be, benefited
5 thereby and by the improvements that the District will
6 purchase, construct, or otherwise acquire; and

7 Revisor's Note

8 Section 8, Chapter 532, Acts of the 59th
9 Legislature, Regular Session, 1965, states that the
10 legislature "hereby exercises the authority conferred
11 upon it by Section 59 of Article XVI, Constitution of
12 Texas, and declares that" the district "created by
13 this Act" is essential to accomplish the purposes of
14 that constitutional provision. The revised law omits
15 the quoted language as executed.

16 Revised Law

17 Sec. 9062.004. DISSOLUTION OF DISTRICT. The district may
18 be dissolved by the board in accordance with Sections
19 51.781-51.791, Water Code. (Acts 59th Leg., R.S., Ch. 532, Sec. 4
20 (part).)

21 Source Law

22 Sec. 4. . . . Said District may be dissolved by
23 its Board of Directors in accordance with the
24 provisions of Section 77b, Chapter 25, General Laws,
25 Acts of the 39th Legislature, Regular Session, 1925
26 (Article 7880-77b, Vernon's Civil Statutes).

27 Revisor's Note

28 Section 4, Chapter 532, Acts of the 59th
29 Legislature, Regular Session, 1965, refers to the
30 dissolution provisions of "Section 77b, Chapter 25,
31 General Laws, Acts of the 39th Legislature, Regular
32 Session, 1925 (Article 7880-77b, Vernon's Civil
33 Statutes)." Article 7880-77b was codified by Chapter
34 58, Acts of the 62nd Legislature, Regular Session,
35 1971, as Sections 51.781-51.792, Water Code. Section
36 51.792, Water Code, was repealed by Section 85(6),
37 Chapter 1248, Acts of the 71st Legislature, Regular
38 Session, 1989. The revised law is drafted
39 accordingly.

1 SUBCHAPTER B. DISTRICT TERRITORY

2 Revised Law

3 Sec. 9062.051. DISTRICT TERRITORY. The district is
4 composed of the territory described by Section 1, Chapter 532, Acts
5 of the 59th Legislature, Regular Session, 1965, as that territory
6 may have been modified under:

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

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

9 (3) Section 9062.052 or its predecessor statute,
10 former Section 4, Chapter 532, Acts of the 59th Legislature,
11 Regular Session, 1965; or

12 (4) other law. (New.)

13 Revisor's Note

14 The revision of the law governing the district
15 does not revise the statutory language describing the
16 territory of the district to avoid the lengthy
17 recitation of the description and because that
18 description may not be accurate on the effective date
19 of the revision or at the time of a later reading. For
20 the reader's convenience, the revised law includes
21 references to the statutory description of the
22 district's territory and to statutory authority to
23 change the district's territory under Subchapter O,
24 Chapter 51, Water Code, applicable to water control
25 and improvement districts, Subchapter J, Chapter 49,
26 Water Code, applicable to the district under Sections
27 49.001 and 49.002 of that chapter, and Section
28 9062.052 of this chapter or the predecessor statute,
29 Section 4, Chapter 532, Acts of the 59th Legislature,
30 Regular Session, 1965. The revised law also includes a
31 reference to the general authority of the legislature
32 to enact a law to change the district's territory.

33 Revised Law

34 Sec. 9062.052. ADDITION OF LAND TO DISTRICT. The district

1 may not add land to the district unless:

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

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

6 (3) the land is adjacent or contiguous to the district
7 when added. (Acts 59th Leg., R.S., Ch. 532, Sec. 4 (part).)

8 Source Law

9 Sec. 4. . . . Land may be added to the District
10 only by written request of an adjacent, or contiguous,
11 landowner or landowners; and no land may be added
12 without the consent of the owner thereof. No land may
13 be added which is not adjacent or contiguous to the
14 District when added. . . .

15 Revised Law

16 Sec. 9062.053. EXCLUSION OF LAND FROM DISTRICT. (a) Land
17 may be excluded from the district in the manner provided by:

18 (1) Subchapter O, Chapter 51, Water Code; or

19 (2) Subchapter J, Chapter 49, Water Code.

20 (b) The board is not required to call or hold a hearing on
21 the exclusion of land or other property from the district;
22 provided, however, that the board shall hold a hearing if an owner
23 of land or other property located in the district files a written
24 request for a hearing with the board secretary before the
25 district's first bond election is called.

26 (c) Subsection (b) may not be construed to prevent the board
27 on its own motion from calling and holding an exclusion hearing
28 under general law. (Acts 59th Leg., R.S., Ch. 532, Secs. 4 (part),
29 6 (part).)

30 Source Law

31 Sec. 4. Land may be excluded from said District
32 in the manner now provided by Chapter 3A, Title 128,
33 Revised Civil Statutes of Texas, 1925, as amended.
34 . . .

35 Sec. 6. . . . It shall not be necessary for the
36 Board of Directors to call or hold a hearing on the
37 exclusion of land or other property from the District;
38 provided, however, that the Board of Directors shall
39 hold such hearing upon the written request of any land
40 or other property owner within the District filed with
41 the Secretary of the Board prior to the calling of the

1 first bond election for the District. Nothing in this
2 Section shall be construed to prevent the Board on its
3 own motion from calling and holding an exclusion
4 hearing or hearings pursuant to the provisions of the
5 general law. . . .

6 Revisor's Note

7 (1) Section 4, Chapter 532, Acts of the 59th
8 Legislature, Regular Session, 1965, refers to "Chapter
9 3A, Title 128, Revised Civil Statutes of Texas, 1925,
10 as amended." The revised law substitutes a reference
11 to Subchapter O, Chapter 51, and Subchapter J, Chapter
12 49, Water Code, for the reference to Chapter 3A because
13 the relevant provisions of Chapter 3A were codified by
14 Chapter 58, Acts of the 62nd Legislature, Regular
15 Session, 1971, as Subchapter O, Chapter 51, Water
16 Code. Chapter 715, Acts of the 74th Legislature,
17 Regular Session, 1995, repealed some of the relevant
18 provisions of Subchapter O, Chapter 51, Water Code,
19 and enacted Subchapter J, Chapter 49, Water Code, to
20 govern the addition or exclusion of land from a water
21 control and improvement district and certain other
22 districts. The revised law omits the reference to "as
23 amended" because under Section 311.027, Government
24 Code (Code Construction Act), a reference to a statute
25 applies to all reenactments, revisions, or amendments
26 of that statute unless expressly provided otherwise.

27 (2) Section 4, Chapter 532, Acts of the 59th
28 Legislature, Regular Session, 1965, provides that the
29 district may exclude land in the manner provided by
30 Chapter 3A, Title 128, Revised Civil Statutes of
31 Texas, 1925. Section 6, Chapter 532, Acts of the 59th
32 Legislature, Regular Session, 1965, provides that it
33 is not necessary for the board to call or hold a
34 hearing on the exclusion of land or other property from
35 the district unless the board receives a written
36 request for such a hearing from an owner of land or

1 other property in the district before the calling of
2 the district's first bond election. Section 6 also
3 provides that the discretion not to call or hold an
4 exclusion hearing does not prevent the board on its own
5 motion from calling and holding such a hearing under
6 general law. While the Section 4 provision and the
7 Section 6 provision relating to the applicability of
8 general law would normally be omitted as applicable on
9 their own terms or under the relevant part of Section 2
10 of Chapter 532 (revised in this chapter as Section
11 9062.151), the revised law retains those provisions to
12 preserve the ambiguity created by the Section 6
13 provision giving the board discretion not to call or
14 hold an exclusion hearing. It is unclear whether the
15 provision giving the board that discretion was
16 intended to apply only until the first bond election is
17 called or whether it was intended to continue to apply
18 after that election has been called.

19 SUBCHAPTER C. BOARD OF DIRECTORS

20 Revised Law

21 Sec. 9062.101. COMPOSITION OF BOARD. The board is composed
22 of five elected directors. (Acts 59th Leg., R.S., Ch. 532, Sec. 3
23 (part).)

24 Source Law

25 Sec. 3. The management and control of the
26 District is hereby vested in a Board of five (5)
27 directors . . . elections for Directors shall be
28 held

29 Revisor's Note

30 Section 3, Chapter 532, Acts of the 59th
31 Legislature, Regular Session, 1965, provides that the
32 "management and control of the District is hereby
33 vested" in the board. The revised law omits the quoted
34 language because it duplicates in substance Sections
35 49.051 and 49.057, Water Code. Throughout this

1 chapter, the revised law omits law that is superseded
2 by Chapter 49, Water Code, or that duplicates law
3 contained in that chapter. Chapter 49, Water Code,
4 applies to the district under Sections 49.001 and
5 49.002 of that code.

6 Revisor's Note
7 (End of Subchapter)

8 (1) Section 3, Chapter 532, Acts of the 59th
9 Legislature, Regular Session, 1965, refers to the
10 powers, authority, and duties conferred and imposed on
11 the board under Chapter 3A, Title 128, Revised Civil
12 Statutes of Texas, 1925. The revised law omits the
13 reference to Chapter 3A, Title 128, Revised Statutes,
14 because the relevant parts of that chapter were
15 codified in 1971 as Chapter 51, Water Code. In 1995,
16 the legislature enacted Chapter 715, Acts of the 74th
17 Legislature, Regular Session, which repealed many
18 provisions of Chapter 51 and enacted similar
19 provisions in Chapter 49, Water Code. Chapters 51 and
20 49, Water Code, including provisions in those chapters
21 relating to the board's powers, authority, and duties,
22 apply to the district on their own terms. The omitted
23 law reads:

24 Sec. 3. . . . [a Board] . . . which
25 shall have all of the powers and authority
26 and duties conferred and imposed upon
27 boards of directors of water control and
28 improvement districts organized under the
29 provisions of Chapter 3A of Title 128,
30 Revised Civil Statutes of Texas, 1925,
31 together with all amendments thereof and
32 additions thereto. . . .

33 (2) Section 3, Chapter 532, Acts of the 59th
34 Legislature, Regular Session, 1965, provides for the
35 appointment of the initial board of directors of the
36 district, the initial meeting and organization of the
37 board, and the election of subsequent directors. The
38 revised law omits the provisions pertaining to the

1 appointment of initial directors and the initial
2 meeting and organization as executed. The provisions
3 of Section 3 that require the election of subsequent
4 directors to be held as provided by general laws
5 relating to water control and improvement districts
6 are omitted because those provisions are covered by
7 Subchapter D, Chapter 49, Water Code, and parts of
8 Subchapter C, Chapter 51, Water Code, which govern
9 director elections and apply on their own terms. The
10 omitted law reads:

11 Sec. 3. . . . The members of the
12 first Board of Directors shall be
13 Frederick Wagner
14 F. Davis Weaver
15 Hazel Strong
16 June Christian
17 Teno Elliott

18 Said members shall become Directors
19 immediately after this Act becomes
20 effective, and said first Board of
21 Directors shall meet and organize as soon as
22 practicable after the effective date of
23 this Act, and shall file their official
24 bonds. If any of the aforementioned members
25 of said first Board of Directors shall die,
26 become incapacitated or otherwise not
27 qualify to assume their duties under this
28 Act, the remaining members of said Board of
29 Directors shall appoint his or their
30 successors. With the exception of said
31 first Board of Directors, the Board of
32 Directors shall be selected as provided by
33 the General Laws for water control and
34 improvement districts. The first election
35 of Directors of such District shall be held
36 on the second Tuesday in January, 1967, and
37 in accordance with Article 7880-37, Revised
38 Civil Statutes of Texas, 1925, as amended.
39 Thereafter, Directors of the District shall
40 be chosen, and [elections for Directors
41 shall be held] in accordance with the
42 provisions of the General Laws relating to
43 water control and improvement districts.

44 SUBCHAPTER D. POWERS AND DUTIES

45 Revised Law

46 Sec. 9062.151. WATER CONTROL AND IMPROVEMENT DISTRICT
47 POWERS. The district has the rights, powers, privileges, and
48 duties provided by general law applicable to a water control and
49 improvement district created under Section 59, Article XVI, Texas
50 Constitution, including Chapters 49 and 51, Water Code. (Acts 59th

1 Leg., R.S., Ch. 532, Sec. 2 (part).)

2 Source Law

3 Sec. 2. The District shall have and exercise,
4 and is hereby vested with, all of the rights, powers,
5 privileges and duties conferred and imposed by the
6 General Laws of the State of Texas now in force or
7 hereafter enacted, applicable to water control and
8 improvement districts created under authority of
9 Section 59 of Article XVI, Constitution of Texas, but
10 Without in any way limiting the generalization
11 of the foregoing, it is expressly provided the
12 District shall have and exercise, and is hereby vested
13 with, all of the rights, powers, privileges and duties
14 conferred and imposed by Chapter 3A of Title 128,
15 Revised Civil Statutes of Texas, 1925, together with
16 all amendments thereof and additions thereto, and
17

18 Revisor's Note

19 (1) Section 2, Chapter 532, Acts of the 59th
20 Legislature, Regular Session, 1965, states that the
21 district "shall have and exercise, and is hereby
22 vested with," certain rights, powers, privileges, and
23 duties. The revised law substitutes "has" for the
24 quoted language because, in context, the terms are
25 synonymous and "has" is more commonly used.

26 (2) Section 2, Chapter 532, Acts of the 59th
27 Legislature, Regular Session, 1965, states that the
28 district has the rights, powers, privileges, and
29 duties "conferred and imposed" by general law. The
30 revised law substitutes "provided" for the quoted
31 language because regardless of whether a right, power,
32 privilege, or duty is "conferred" by general law or
33 "imposed" by general law, it is not necessary to
34 characterize in the revised law the nature of the
35 granting of that authority. In context, "provided" is
36 synonymous with "conferred and imposed" and "provided"
37 is more commonly used.

38 (3) Section 2, Chapter 532, Acts of the 59th
39 Legislature, Regular Session, 1965, refers to the
40 general laws of this state "now in force or hereafter
41 enacted." The revised law omits the quoted language

1 because it duplicates in substance accepted general
2 principles of statutory construction. The "[g]eneral
3 [l]aws of the State of Texas" means those laws "in
4 force" at the time the provision was adopted. It is
5 unnecessary to state that an entity may be granted
6 additional powers by later enacted laws because those
7 laws apply on their own terms.

8 (4) Section 2, Chapter 532, Acts of the 59th
9 Legislature, Regular Session, 1965, provides that the
10 act prevails over general law in case of a conflict or
11 other inconsistency and that all general laws
12 applicable to water control and improvement districts
13 not in conflict or inconsistent with the provisions of
14 the act are incorporated by reference. The revised law
15 omits the portion of the provision relating to the act
16 prevailing over general law because it duplicates in
17 substance Section 311.026(b), Government Code (Code
18 Construction Act). The revised law omits the portion
19 of the provision relating to the incorporation of
20 general laws because Section 2 of Chapter 532 (revised
21 in part as this section) provides that those laws apply
22 to the district, and it is unnecessary to repeat that
23 authority. The omitted law reads:

24 Sec. 2. [The District shall have and
25 exercise, and is hereby vested with, all of
26 the rights, powers, privileges and duties
27 conferred and imposed by the General Laws of
28 the State of Texas now in force or hereafter
29 enacted, applicable to water control and
30 improvement districts created under
31 authority of Section 59 of Article XVI,
32 Constitution of Texas, but] to the extent
33 that the provisions of such General Laws may
34 be in conflict or inconsistent with the
35 provisions of this Act, the provisions of
36 this Act shall prevail. All such General
37 Laws are hereby incorporated by reference
38 with the same effect as if incorporated in
39 full in this Act. . . .

40 (5) Section 2, Chapter 532, Acts of the 59th
41 Legislature, Regular Session, 1965, provides that

1 "[w]ithout in any way limiting the generalization of
2 the foregoing" powers and duties provided by general
3 law applicable to water control and improvement
4 districts, the district has certain rights, powers,
5 privileges, and duties provided by specified law. The
6 revised law omits the quoted language because an
7 accepted principle of statutory construction requires
8 a statute to be given cumulative effect with other
9 statutes unless it provides otherwise or unless the
10 statutes are in conflict. The general principle
11 applies to this revision.

12 (6) Section 2, Chapter 532, Acts of the 59th
13 Legislature, Regular Session, 1965, refers to "Chapter
14 3A of Title 128, Revised Civil Statutes of Texas, 1925,
15 together with all amendments thereof and additions
16 thereto." The revised law substitutes a reference to
17 Chapters 49 and 51, Water Code, for the quoted language
18 for the reason stated in Revisor's Note (1) at the end
19 of Subchapter C. In addition, the revised law omits
20 the reference to "all amendments thereof and additions
21 thereto" because under Section 311.027, Government
22 Code (Code Construction Act), a reference to a statute
23 applies to all reenactments, revisions, or amendments
24 of that statute unless expressly provided otherwise.

25 (7) Section 2, Chapter 532, Acts of the 59th
26 Legislature, Regular Session, 1965, refers to certain
27 powers granted by Chapter 3A, Title 128, Revised Civil
28 Statutes of Texas, and by Article 7880-90a, Vernon's
29 Texas Civil Statutes. The revised law omits those
30 references because the provisions, under which the
31 powers were granted, were included in the 1971
32 codification of Chapter 51, Water Code, and now are
33 contained in Chapter 51, Water Code, or have been
34 replaced by provisions of Chapter 49, Water Code, both

1 of which apply to the district on their own terms and
2 are referred to by the revised law. The omitted law
3 reads:

4 Sec. 2. . . . [the District shall
5 have . . . all of the rights, powers,
6 privileges and duties conferred and imposed
7 by Chapter 3A of Title 128, Revised Civil
8 Statutes of Texas, 1925 . . . including all
9 powers and authority relating to] the
10 navigation of its coastal and inland waters
11 and . . . including all powers and
12 authority relating to sanitary sewer
13 systems and the issuance of bonds therefor
14 as authorized by and provided in said
15 Chapter, including the power and authority
16 to issue tax bonds, revenue bonds or
17 tax-revenue bonds as authorized by and
18 provided in Article 7880-90a, Vernon's
19 Texas Civil Statutes, as amended. . . .

20 Revised Law

21 Sec. 9062.152. RECLAMATION AND DRAINAGE. The district may
22 provide for the reclamation and drainage of overflowed land and
23 other land needing drainage in the district. (Acts 59th Leg., R.S.,
24 Ch. 532, Sec. 2 (part).)

25 Source Law

26 Sec. 2. . . . [Without in any way limiting the
27 generalization of the foregoing,] it is expressly
28 provided the District shall have and exercise, and is
29 hereby vested with, all of the rights, powers,
30 privileges and duties . . . including all powers and
31 authority relating to . . . the reclamation and
32 drainage of overflowed lands and other lands needing
33 drainage in said District,

34 Revisor's Note

35 Section 2, Chapter 532, Acts of the 59th
36 Legislature, Regular Session, 1965, states that the
37 district "shall have and exercise, and is hereby
38 vested with," all rights, powers, privileges, and
39 duties relating to the reclamation and drainage of
40 certain lands. The revised law substitutes "may
41 provide for" for the quoted language because, in
42 context, the language is synonymous and "may provide
43 for" is more commonly used.

44 Revised Law

45 Sec. 9062.153. ACQUISITION OF IMPROVEMENTS. The district

1 may make, construct, or otherwise acquire improvements inside or
2 outside the district that are necessary to carry out a power granted
3 to the district under this chapter or a general law described by
4 Section 9062.151. (Acts 59th Leg., R.S., Ch. 532, Sec. 2 (part).)

5 Source Law

6 Sec. 2. . . . Said District shall have the power
7 to make, construct, or otherwise acquire improvements
8 either within or without the boundaries thereof
9 necessary to carry out the powers and authority
10 granted by this Act and said General Laws;

11 Revisor's Note

12 (1) Section 2, Chapter 532, Acts of the 59th
13 Legislature, Regular Session, 1965, provides that the
14 district "shall have the power" to take certain
15 actions regarding improvements. The revised law
16 substitutes "may" for the quoted language because that
17 term is more concise and is the substantive equivalent
18 of the quoted language.

19 (2) Section 2, Chapter 532, Acts of the 59th
20 Legislature, Regular Session, 1965, refers to the
21 district's "powers and authority." The revised law
22 omits the reference to "authority" because, in
23 context, it is included in the meaning of "powers."

24 Revised Law

25 Sec. 9062.154. COST OF RELOCATING OR ALTERING PROPERTY.

26 (a) In this section, "sole expense" means the actual cost of
27 relocating, raising, lowering, rerouting, changing the grade of, or
28 altering the construction of a facility described by Subsection (b)
29 in providing comparable replacement without enhancement of the
30 facility, after deducting from that cost the net salvage value
31 derived from the old facility.

32 (b) If the district's exercise of the power of eminent
33 domain, the power of relocation, or any other power granted by this
34 chapter makes necessary relocating, raising, rerouting, changing
35 the grade of, or altering the construction of a highway, railroad,
36 electric transmission line, telephone or telegraph property or

1 facility, or pipeline, the necessary action shall be accomplished
2 at the sole expense of the district. (Acts 59th Leg., R.S., Ch.
3 532, Sec. 2 (part).)

4 Source Law

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

22 Revised Law

23 Sec. 9062.155. LIMIT ON EMINENT DOMAIN POWER. The district
24 may not exercise the power of eminent domain outside the district.
25 (Acts 59th Leg., R.S., Ch. 532, Sec. 2 (part).)

26 Source Law

27 Sec. 2. . . . provided, however, that the
28 exercise of the power of eminent domain shall not
29 extend beyond the boundaries of the District. . . .

30 Revised Law

31 Sec. 9062.156. DURATION OF CONTRACT FOR WATER PURCHASE OR
32 SALE. A district contract for the purchase or sale of water may not
33 exceed 40 years. (Acts 59th Leg., R.S., Ch. 532, Sec. 2 (part).)

34 Source Law

35 Sec. 2. . . . The powers of its Board of
36 Directors shall include, but not be limited to, the
37 right to enter into contracts on behalf of said
38 District for the purchase and sale, or either, of water
39 for such periods of time, not exceeding forty (40)
40 years, and on such terms and conditions as its Board of
41 Directors may deem desirable. . . .

42 Revisor's Note

43 Section 2, Chapter 532, Acts of the 59th
44 Legislature, Regular Session, 1965, provides that the
45 board has "the right to enter into contracts on behalf
46 of said District for the purchase and sale, or either,

1 of water . . . on such terms and conditions as its
2 Board of Directors may deem desirable." The revised
3 law omits the quoted language because it duplicates in
4 substance a portion of Section 49.213(c), Water Code.

5 Revisor's Note
6 (End of Subchapter)

7 Section 2, Chapter 532, Acts of the 59th
8 Legislature, Regular Session, 1965, provides that the
9 district may not perform or duplicate a function or
10 service being performed by Folletts Island Water
11 Supply District of Brazoria County, Texas. The
12 revised law omits that provision because, according to
13 the Texas Commission on Environmental Quality's Water
14 Utility Database, Folletts Island Water Supply
15 District of Brazoria County, Texas, was dissolved in
16 1976. The omitted law reads:

17 Sec. 2. . . . Provided, however,
18 that this District shall not perform or
19 duplicate any function or service that is
20 being performed by Folletts Island Water
21 Supply District of Brazoria County, Texas,
22 created by House Bill 1140, Acts of the 59th
23 Legislature, Regular Session, 1965. . . .

24 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

25 Revised Law

26 Sec. 9062.201. TAX METHOD. (a) The district shall use the
27 ad valorem basis or plan of taxation.

28 (b) The board is not required to hold a hearing on the
29 adoption of a plan of taxation. (Acts 59th Leg., R.S., Ch. 532,
30 Sec. 6 (part).)

31 Source Law

32 Sec. 6. . . . The ad valorem basis or plan of
33 taxation shall be used by said District, and it shall
34 not be necessary for the Board of Directors to hold a
35 hearing on the adoption of a plan of taxation.

36 Revised Law

37 Sec. 9062.202. DEPOSITORY. (a) The board by resolution
38 shall designate one or more banks inside or outside the district to
39 serve as the district's depository. A designated bank serves for

1 two years and until a successor is designated.

2 (b) All district money shall be secured in the manner
3 provided for securing county funds. (Acts 59th Leg., R.S., Ch. 532,
4 Sec. 7.)

5 Source Law

6 Sec. 7. As soon as practicable after the
7 qualification of the first Board of Directors of said
8 District, said Board shall by resolution designate one
9 or more banks within or without the District to serve
10 as the District's depository, and all funds of said
11 District shall be secured in the manner now provided
12 for the security of county funds. Such bank or banks
13 shall serve for a period of two (2) years and until a
14 successor has been selected.

15 Revisor's Note

16 Section 7, Chapter 532, Acts of the 59th
17 Legislature, Regular Session, 1965, requires the board
18 to select a depository bank "[a]s soon as practicable
19 after the qualification of the first Board of
20 Directors." The revised law omits the quoted language
21 as executed.

22 Revisor's Note
23 (End of Subchapter)

24 (1) Section 5, Chapter 532, Acts of the 59th
25 Legislature, Regular Session, 1965, lists the entities
26 for which district bonds are legal investments and
27 provides that district bonds may secure deposits of
28 public funds of the state or political subdivisions.
29 The revised law omits the provision relating to the
30 eligibility of district bonds to be considered as
31 investments for various entities because it duplicates
32 Section 49.186(a), Water Code. While Section 5 lists
33 "guardians" and Section 49.186(a), Water Code, does
34 not, Section 49.186(a) includes "fiduciaries," and a
35 guardian is a fiduciary. The revised law omits the
36 provision relating to deposits of state funds as
37 impliedly repealed by Section 404.0221, Government
38 Code (enacted in 1995), which lists eligible

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

11 Sec. 5. The bonds of the District
12 shall be and are hereby declared to be legal
13 and authorized investments for banks,
14 savings banks, trust companies, building
15 and loan associations, savings and loan
16 associations, insurance companies,
17 fiduciaries, trustees, guardians, and for
18 the sinking funds of cities, towns,
19 villages, counties, school districts, or
20 other political corporations or
21 subdivisions of the State of Texas. Such
22 bonds shall be eligible to secure the
23 deposit of any and all public funds of the
24 State of Texas, and any and all public funds
25 of cities, towns, villages, counties,
26 school districts, or other political
27 corporations or subdivisions of the State
28 of Texas; and such bonds shall be lawful and
29 sufficient security for said deposits to
30 the extent of their value, when accompanied
31 by all unmatured coupons appurtenant
32 thereto. . . .

33 (2) Section 5, Chapter 532, Acts of the 59th
34 Legislature, Regular Session, 1965, provides that
35 district bonds may be in denominations of \$1,000 or
36 multiples of \$1,000. The revised law omits that
37 provision as impliedly repealed by Section 3, Chapter
38 845, Acts of the 67th Legislature, Regular Session,
39 1981 (Article 717k-6, Vernon's Texas Civil Statutes),
40 which was revised as Section 1201.021, Government
41 Code, by Section 1, Chapter 227, Acts of the 76th
42 Legislature, Regular Session, 1999. Section 1201.021,
43 Government Code, allows a public security to be issued
44 in any denomination and applies to a district bond by

1 application of Section 1201.002, Government Code. The
2 omitted law reads:

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

6 (3) Section 5, Chapter 532, Acts of the 59th
7 Legislature, Regular Session, 1965, provides that bond
8 proceeds may be invested in obligations of the United
9 States or placed on time deposit. The revised law
10 omits that provision as superseded by Chapter 2256,
11 Government Code (enacted as Chapter 889, Acts of the
12 70th Legislature, Regular Session, 1987), which
13 governs the investments of certain public entities.
14 The omitted law reads:

15 Sec. 5. . . . until such time as the
16 bond proceeds are needed to carry out the
17 bond purpose, such proceeds may be invested
18 in direct obligations of the United States
19 of America or may be placed on time deposit,
20 either or both.

21 Revisor's Note
22 (End of Chapter)

23 (1) Section 9, Chapter 532, Acts of the 59th
24 Legislature, Regular Session, 1965, provides that the
25 act is severable. The revised law omits that provision
26 because it duplicates in substance Section 311.032(c),
27 Government Code (Code Construction Act), which
28 provides that a provision of a statute is severable
29 from each other provision of the statute that can be
30 given effect. The omitted law reads:

31 Sec. 9. If any word, phrase, clause,
32 sentence, paragraph, section, or other part
33 of this Act or the application thereof to
34 any person or circumstance, shall ever be
35 held by a court of competent jurisdiction to
36 be invalid or unconstitutional, the
37 remainder of the Act and the application of
38 such word, phrase, clause, sentence,
39 paragraph, section, or other part of this
40 Act to other persons or circumstances shall
41 not be affected thereby.

42 (2) Section 10, Chapter 532, Acts of the 59th
43 Legislature, Regular Session, 1965, provides that

1 proof of publication of the constitutionally required
2 notice has been made. The revised law omits that
3 provision as executed. The omitted law reads:

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