A NONSUBSTANTIVE REVISION
OF LOCAL LAWS RELATING TO
SPECIAL DISTRICTS

Submitted to the 85th Legislature
as part of the
Texas Legislative Council's
Statutory Revision Program

Austin, Texas
2017
FOREWORD

The Texas Legislative Council is required by Section 323.007, Government Code, to carry out a complete nonsubstantive revision of the Texas statutes. The process involves reclassifying and rearranging the statutes in a more logical order, eliminating repealed, invalid, duplicative, and other ineffective provisions while employing a format and numbering system that will accommodate future expansion of the law, and improving the draftsmanship of the statutes as practicable. The revision is intended to further the legislature's stated purpose of making the statutes "more accessible, understandable, and usable" without altering the sense, meaning, or effect of the law.

Under the classification scheme adopted by the Texas Legislative Council, the statutes will eventually consist of 27 codes, each governing a different subject matter. To date, the council has produced and the legislature has enacted the Agriculture Code, Alcoholic Beverage Code, Business & Commerce Code, Civil Practice and Remedies Code, Education Code, Election Code (a substantive revision), Estates Code, Finance Code, Government Code, Health and Safety Code, Human Resources Code, Insurance Code, Labor Code, Local Government Code, Natural Resources Code, Occupations Code, Parks and Wildlife Code, Property Code, Tax Code (Title 1 of which was a substantive revision), Transportation Code, Utilities Code, and Water Code. The 78th Legislature, Regular Session, 2003, enacted a Special District Local Laws Code of which the following revised laws form a part. The council's staff also assisted the state bar in the Business Organizations Code, Penal Code, and Family Code projects, which were substantive revisions, and revised miscellaneous criminal procedure provisions as Title 2 of the Code of Criminal Procedure. In addition, as part of its continuing statutory revision program the council is carrying out a nonsubstantive revision of various portions of the Code of Criminal Procedure.

The revised local laws governing special districts included in this revision are placed into the Special District Local Laws Code enacted by the 78th Legislature, Regular Session, 2003, according to the structure established by that enactment. The Special District Local Laws Code is divided into titles by broad subject matter, subtitles by type of special district, chapters governing individual districts, subchapters for organization, and sections for distinct provisions of law. Sections are numbered decimally, with the number to the left of the decimal the same as the number of the chapter in which the section is contained. Because the code concerns a great number of individual special districts, the code is organized to provide a unique chapter number for each district whose governing laws have been revised. Gaps have been left in chapter and section numbering to accommodate later expansions of the law.

This revisor's report reflects the enactment of Chapter 869, Acts of the 85th Legislature, Regular Session, 2017, the Texas Legislative Council staff's revision of local laws governing various kinds of special districts in this state. The revisor's
The revision required conforming amendments to several statutes. These amendments, also enacted into law by Chapter 869, Acts of the 85th Legislature, Regular Session, 2017, are printed in Appendix A to the revisor's report. Appendix A also includes a section listing the laws repealed effective April 1, 2019, and a section stating the legislature's intent that the code be a nonsubstantive revision.

In reviewing this revisor's report, the reader should keep in mind that:

(1) Except as otherwise provided, Chapter 311, Government Code (Code Construction Act), applies to the code. That chapter sets out certain principles of statutory construction applicable to new codes and also provides some definitions. The chapter is printed as Appendix B to this report.

(2) The proposed code is written in modern American English. Where possible, the present tense is used, the active voice is used in preference to the passive voice, and the singular is used in preference to the plural.

(3) This is a nonsubstantive revision. The Texas Legislative Council staff's authority does not include improving the substance of the source law. The sole purpose of the revision is to compile all the relevant law, arrange it in a logical fashion, and rewrite it without altering its sense, meaning, or legal effect. If a particular source law statute is ambiguous and the ambiguity cannot be resolved without a potential substantive effect, the ambiguity is preserved.

This revision project is under the direction of Stacy Bergendahl, Legislative Counsel, of the Texas Legislative Council's legal division staff. Questions may be directed to Ms. Bergendahl at P.O. Box 12128, Capitol Station, Austin, Texas 78711-2128, or by telephone at (512) 463-1151.
SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 5. TRANSPORTATION

SUBTITLE A. NAVIGATION DISTRICTS AND PORT AUTHORITIES

CHAPTER 5009. GALVESTON COUNTY NAVIGATION DISTRICT NO. 1

CHAPTER 5013. PORT OF HARLINGEN AUTHORITY

TITLE 6. WATER AND WASTEWATER

SUBTITLE B. FRESH WATER SUPPLY DISTRICTS

CHAPTER 6913. HASKELL COUNTY WATER SUPPLY DISTRICT

CHAPTER 7811. DALLAS COUNTY FLOOD CONTROL DISTRICT NO. 1

SUBTITLE E. LEVEE IMPROVEMENT DISTRICTS

CHAPTER A5009. GALVESTON COUNTY NAVIGATION DISTRICT NO. 1

CHAPTER A5013. PORT OF HARLINGEN AUTHORITY
Title 5. Transportation

Subtitle A. Navigation Districts and Port Authorities

Chapter 5009. Galveston County Navigation District No. 1

Subchapter A. General Provisions

Sec. 5009.001. Definitions.

(1) "Commission" means the board of navigation and canal commissioners of the district.

(2) "District" means the Galveston County Navigation District No. 1.

(3) "Fund" means a promotion and development fund created by the district. (New.)

Revisor's Note

The revised law adds the definitions of "commission," "district," and "fund" for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definitions. Chapter 46, Acts of the 54th Legislature, Regular Session, 1955, and Chapter 1168, Acts of the 71st Legislature, Regular Session, 1989, respectively refer to the "governing board" of the district and the district's "commissioners." It is clear that the source law references to the commissioners refer to...
the commission as a body rather than to the commissioners as individuals. Therefore, throughout this chapter the revised law substitutes "commission" for both "governing board" and "commissioners" to conform to the terminology used in the Water Code to refer to the governing body of a navigation district.

Revised Law
Sec. 5009.002. NATURE OF DISTRICT. The district is created under Section 59, Article XVI, Texas Constitution. (Acts 54th Leg., R.S., Ch. 46, Sec. 4 (part).)

Source Law
Sec. 4. Said District is hereby declared to be a district established and created under the provisions of Section 59 of Article XVI, Constitution of Texas, and . . . .

Revisor's Note
Section 4, Chapter 46, Acts of the 54th Legislature, Regular Session, 1955, states that the district is "established and created" under Section 59, Article XVI, Texas Constitution. The revised law omits "established" because the meaning of that word is included in the meaning of "created."

Revised Law
Sec. 5009.003. LEGISLATIVE FINDINGS. (a) All land and other property in the district benefit from the creation of the district, the carrying out of the purposes for which the district was created, and the acquisition and construction of navigation facilities and improvements to carry out those purposes.

(b) The district is necessary to carry out Section 59, Article XVI, Texas Constitution. (Acts 54th Leg., R.S., Ch. 46, Sec. 4 (part).)

Source Law
Sec. 4. [Said District is hereby declared . . . under . . . Section 59 of Article XVI, Constitution of Texas] . . . to be necessary to carry out the provisions of said Section 59, and it is hereby found and determined that all land and other property within the limits of the District are benefited by the
creation of said District and will be benefited through the carrying out of the purposes for which the District was created, and by the acquisition and construction of the navigation facilities and improvements to carry out such purposes; . . . .

SUBCHAPTER B. POWERS AND DUTIES

Revised Law

Sec. 5009.051. LIMITATION ON POWERS AND DUTIES.

Notwithstanding any other law, the district, the commission, or officers of the district may not have any power or authority over the appointment, remuneration, operations, or conduct of the branch pilots of the Galveston Bar or the commission of pilots of the Galveston Bar. (Acts 54th Leg., R.S., Ch. 46, Sec. 4 (part).)

Source Law

Sec. 4. . . . provided, however, that neither said District as established and created, and hereby validated, nor the commissioners nor officers thereof, shall have or be granted any power or authority over the appointment, remuneration, operations or conduct of the Branch Pilots of the Galveston Bar and the commission of Pilots of the Galveston Bar; . . . any law or laws to the contrary notwithstanding.

Revisor's Note

(1) Section 4, Chapter 46, Acts of the 54th Legislature, Regular Session, 1955, provides that "neither said District . . . nor the commissioners nor officers thereof, shall have or be granted any power or authority over the appointment, remuneration, operations or conduct of the Branch Pilots of the Galveston Bar and the commission of Pilots of the Galveston Bar." The revised law omits "or be granted" for the following reasons. The revision preserves the meaning by changing the negative "shall" to "may not," which preserves both the present prohibition on having those powers and the possibly intended prohibition against another party granting the district those powers in the future. Today those powers belong to other entities that may or may not have the power to delegate them. By disallowing the district to have the powers, the potential for delegation of the powers to
the district by one of those parties is removed. To the extent that the statement means that the act prevails over future enactments of the legislature that may conflict with it, it is misleading. It is a fundamental principle of statutory construction that one session of the legislature may not bind a future session of the legislature. In addition, Section 311.026, Government Code (Code Construction Act), governs the interpretation of the revised law in instances of apparent conflict with other laws.

(2) Section 4, Chapter 46, Acts of the 54th Legislature, Regular Session, 1955, provides that it is the intent of the legislature to exclude certain entities from the operation of the district. The revised law omits that provision as unnecessary because it is implied that a statute expresses the intent of the legislature. The omitted law reads:

Sec. 4. . . . it being the intent of this Legislature to exclude the Branch Pilots and Commissioners of the Galveston Bar from any part of the operation of this Act or said District as established and created, . . . .

SUBCHAPTER C. PROMOTION AND DEVELOPMENT FUND

Revised Law

Sec. 5009.101. ESTABLISHMENT OF FUND; DEPOSITS. (a) The district may establish a promotion and development fund.

(b) The district, from time to time, may deposit in the fund a portion of the district's accumulated money, plus an amount each year not to exceed 10 percent of the district's total maintenance and operation taxes, including delinquent taxes, received during a fiscal year.

(c) The commission shall determine the amount to be deposited in the fund.

(d) The money in the fund shall be kept separate from other money and accounts of the district. (Acts 71st Leg., R.S., Ch.
Sec. 1. The Galveston County Navigation District No. 1 may establish a promotion and development fund and may deposit to the credit of that fund, from time to time, a portion of the district's accumulated funds, plus an amount each year not to exceed 10 percent of the district's total maintenance and operation taxes, including delinquent taxes, received during a fiscal year. The district's commissioners shall determine the amount to be deposited in the fund.

Sec. 3. (a) The money in the promotion and development fund shall be kept separate from other funds and accounts of the district.

Revisor's Note

Section 1, Chapter 1168, Acts of the 71st Legislature, Regular Session, 1989, refers to the district's "funds." The revised law substitutes "money" for "funds" because, in context, the meaning is the same and "money" is the more commonly used term.

Revised Law

Sec. 5009.102. USE OF FUND. The fund may be used only for:

(1) the purposes described by Section 60.203, Water Code;

(2) the public purposes of development and diversification of the district's economy; and

(3) joint projects with other political subdivisions or entities, including funding a program of an entity, to carry out the purposes of Subchapter H, Chapter 60, Water Code. (Acts 71st Leg., R.S., Ch. 1168, Sec. 2.)

Source Law

Sec. 2. The fund may be used only for:

(1) the purposes described in Section 60.203, Water Code;

(2) the public purposes of development and diversification of the district's economy; and

(3) joint projects with other political subdivisions or entities, including funding a program of an entity, to carry out the purposes of Subchapter H, Chapter 60, Water Code.

Revised Law

Sec. 5009.103. CONTROL OF FUND. The fund is under the
exclusive control of the commission, and the commission has full
responsibility for auditing, approving, and safeguarding the
expenditure of money from the fund. (Acts 71st Leg., R.S., Ch.
1168, Sec. 3(b).)

Source Law

(b) The promotion and development fund is under
the exclusive control of the district's commissioners,
and the commissioners have full responsibility for
auditing, approving, and safeguarding the expenditure
of money from the fund.

Revisor's Note
(End of Chapter)

(1) Section 1, in part, and Sections 2 and 3,
Chapter 46, Acts of the 54th Legislature, Regular
Session, 1955, validate the establishment and
boundaries of the district and all governmental
proceedings and actions relating to the district.
Section 5 of that chapter provides that the act did not
apply to pending litigation involving the validity of
the creation of the district or of bonds issued by the
district. The provisions are omitted from the revised
law because they are executed law. Section
311.031(a)(2), Government Code (Code Construction
Act), provides that the repeal of a statute does not
affect any validation previously made under the
statute. Therefore, the omission of the executed
provisions does not affect the validation. The omitted
law reads:

Sec. 1. Galveston County Navigation
District No. 1 in Galveston County, Texas,
is hereby in all things validated. Without
in any way limiting the generalization of
the foregoing, it is specifically provided
that the election held within said District
on the 30th day of January, 1954, for the
creation of said District and for the
issuance of bonds of said District and the
levy of a tax on all taxable property within
said District sufficient to pay the
interest on said bonds and provide a sinking
fund sufficient to redeem the bonds at
maturity is hereby in all things validated,
and all proceedings relating to said
election and creation and bonds are hereby
in all things validated, and said bonds are validated in all respects validated, and . . . .

Sec. 2. All governmental proceedings and acts performed by the governing board of said District and all officers thereof and all proceedings and acts performed by county officials and municipal officials in connection with said District are hereby in all things validated as of the respective date of such proceedings and acts.

Sec. 3. The area and boundary lines of said District are in all things validated.

Sec. 5. This Act shall have no application to any litigation pending upon the effective date hereof in which the validity of the creation of the District or of said bonds is involved if such litigation is ultimately determined against the legality thereof.

(2) Section 1, Chapter 46, Acts of the 54th Legislature, Regular Session, 1955, provides that after approval, registration, and delivery, district bonds are incontestable. The revised law omits that provision because it duplicates, in substance, Section 1202.006, Government Code, which provides that after approval, registration, and issuance, bonds are incontestable for any reason. Section 1202.006 applies to district bonds under Sections 1202.001 and 1202.003(c), Government Code. The omitted law reads:

Sec. 1. . . . when said bonds have been approved by the Attorney General of Texas, registered by the Comptroller of Texas, and delivered to the purchaser or purchasers thereof, they shall be incontestable.

(3) Section 6, Chapter 46, Acts of the 54th Legislature, Regular Session, 1955, provides that the act is severable. The revised law omits that provision because the same result is produced by application of Section 311.032, Government Code (Code Construction Act), which provides that a provision of a statute is severable from each other provision of the statute that can be given effect. The omitted law reads:

Sec. 6. If any word, phrase, clause, sentence, paragraph, or provision of this Act is held to be invalid or
unconstitutional by a court of competent jurisdiction in this State, it is the intention of the Legislature that the remaining provisions thereof shall be effective, and that such remaining portions shall remain in full force and effect.

CHAPTER 5013. PORT OF HARLINGEN AUTHORITY

Sec. 5013.001. DEFINITION

In this chapter, "authority" means the Port of Harlingen Authority. (Acts 68th Leg., R.S., Ch. 21, Sec. 1(a); New.)

Sec. 5013.002. FORMER NAME OF AUTHORITY

Before April 13, 1983, the authority was known as the Arroyo Colorado Navigation District of Cameron and Willacy Counties. (Acts 68th Leg., R.S., Ch. 21, Sec. 1(a); New.)
Revisor's Note

Section 1(a), Chapter 21, Acts of the 68th Legislature, Regular Session, 1983, renamed the Arroyo Colorado Navigation District of Cameron and Willacy Counties as the Port of Harlingen Authority. The revised law includes a reference to the former name of the authority to provide a key part of the record of the authority's history.

Revised Law

Sec. 5013.003. GOVERNING BODY. The navigation and canal commission of the authority is called the port commission and is composed of port commissioners. (Acts 68th Leg., R.S., Ch. 21, Sec. 1(b); New.)

Source Law

(b) The board of navigation commissioners is renamed the port commission, and the title of a commission member is that of port commissioner.

Revisor's Note

Section 1(b), Chapter 21, Acts of the 68th Legislature, Regular Session, 1983, renamed the authority's "board of navigation commissioners" as a "port commission." Although the authority was created under general law, the general law statutes applicable to navigation districts, Chapters 60-63, Water Code, do not define a "board of navigation commissioners." The general law does describe a "navigation board" involved in the creation of a district, defined in Sections 62.061 and 63.026, Water Code, as a body composed of the county commissioners court and the mayor and aldermen or commissioners of the navigation district's included city or cities. The general law also defines "commission" and "commissioner" to refer to a district's navigation and canal commission and its members. A navigation and canal commission is the group of three people who compose the governing body of
The revised law adds a section describing the governing body of the authority to conform to the standard format of chapters in the Special District Local Laws Code. This section clarifies that the "port commission" of the authority is the three-member navigation and canal commission of the authority rather than a "board" under general law.
SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 6913.101. DIRECTORS ............................................ 26
Sec. 6913.102. QUALIFICATIONS FOR OFFICE .......................... 26
Sec. 6913.103. NOTICE OF DIRECTORS' ELECTION ..................... 27
Sec. 6913.104. OFFICERS .............................................. 28
Sec. 6913.105. VOTE BY BOARD PRESIDENT ............................ 29
Sec. 6913.106. ABSENCE OR INACTION OF BOARD PRESIDENT ......... 29
Sec. 6913.107. DIRECTOR AND TREASURER BONDS .................... 29
Sec. 6913.108. COMPENSATION OF DIRECTORS .......................... 30

SUBCHAPTER D. POWERS AND DUTIES

Sec. 6913.151. ACQUISITION OF WATER OR WATER RIGHTS ............ 34
Sec. 6913.152. CONSTRUCTION OR ACQUISITION OF PROPERTY ......... 35
Sec. 6913.153. EMINENT DOMAIN .................................... 36
Sec. 6913.154. COST OF RELOCATING OR ALTERING PROPERTY ........ 38
Sec. 6913.155. CONSTRUCTION AND PURCHASING CONTRACTS .......... 38
Sec. 6913.156. CONTRACTS RELATED TO WATER SUPPLY AND FACILITIES ........................................ 39

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 6913.201. DEPOSITORY ........................................... 40
Sec. 6913.202. PROJECTS EXEMPT FROM ASSESSMENT OR TAXATION ........ 42
Sec. 6913.203. TAX ASSESSOR AND COLLECTOR .......................... 42

SUBCHAPTER F. BONDS

Sec. 6913.251. AUTHORITY TO ISSUE BONDS ............................ 45
Sec. 6913.252. FORM OF BONDS .................................... 47
Sec. 6913.253. MATURITY ............................................ 47
Sec. 6913.254. BONDS PAYABLE FROM REVENUE .......................... 48
Sec. 6913.255. BONDS PAYABLE FROM AD VALOREM TAXES ............ 49
Sec. 6913.256. ELECTION FOR BONDS PAYABLE FROM AD VALOREM TAXES ........................................ 50
Sec. 6913.257. TAX AND COMPENSATION RATES .......................... 52
Sec. 6913.258. ADDITIONAL SECURITY .................................. 54
Sec. 6913.259. USE OF BOND PROCEEDS ................................ 55
Sec. 6913.260. APPOINTMENT OF RECEIVER ............................. 55
Sec. 6913.261. REFUNDING BONDS

Sec. 6913.262. BONDS EXEMPT FROM TAXATION

CHAPTER 6913. HASKELL COUNTY WATER SUPPLY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 6913.001. DEFINITIONS. In this chapter:

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

(2) "Commissioners court" means the Haskell County Commissioners Court.

(3) "Director" means a board member.

(4) "District" means the Haskell County Water Supply District. (Acts 54th Leg., R.S., Ch. 141, Sec. 1 (part); New.)

Source Law

Sec. 1. . . . [a District] to be known as "Haskell County Water Supply District," (hereinafter called "District") . . . .

Revisor's Note

The definitions of "board," "commissioners court," and "director" are added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definitions.

Revised Law

Sec. 6913.002. NATURE OF DISTRICT. The district is created under Section 59, Article XVI, Texas Constitution. (Acts 54th Leg., R.S., Ch. 141, Sec. 1 (part).)

Source Law

Sec. 1. By virtue of Article XVI, Section 59 of the Texas Constitution, there is hereby created a District . . . which shall be a governmental agency and a body politic and corporate.

Revisor's Note

Section 1, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, refers to the district as "a governmental agency and a body politic and corporate." The revised law omits the quoted
language because it duplicates a portion of Section 59(b), Article XVI, Texas Constitution, which provides that a district created under that section is a governmental agency and a body politic and corporate.

Revised Law

Sec. 6913.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All land in the district will benefit from the improvements to be acquired and constructed by the district.

(b) Because the accomplishment of the purposes stated in this chapter is for the benefit of the people of this state and for the improvement of their property and industries, the district in carrying out the purposes of this chapter performs an essential public function under the Texas Constitution. (Acts 54th Leg., R.S., Ch. 141, Secs. 2 (part), 19 (part).)

Source Law

Sec. 2. . . . It is hereby found that all of the land thus included in said District will be benefited by the improvements to be acquired and constructed by said District.

Sec. 19. The accomplishment of the purposes stated in this Act being for the benefit of the people of this State and for the improvement of their properties and industries, the District in carrying out the purposes of this Act will be performing an essential public function under the Constitution and . . . .

SUBCHAPTER B. DISTRICT TERRITORY AND ANNEXATIONS TO DISTRICT

TERRITORY

Revised Law

Sec. 6913.051. DISTRICT TERRITORY. The district is composed of the territory described by Section 2, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, as that territory may have been modified under:

(1) Subchapter J, Chapter 49, Water Code;

(2) this subchapter or its predecessor statute, former Section 5, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955; or

(3) other law. (Acts 54th Leg., R.S., Ch. 141, Sec. 2
Source Law

Sec. 2. The District shall comprise all of the territory contained within the following described area: . . . .

Revisor's Note

The revised law does not revise the statutory language describing the territory of the district to avoid the lengthy recitation of the description and because that description may not be accurate on the effective date of the revision or at the time of a later reading. For the reader's convenience, the revised law includes references to the statutory description of the district's territory and to the statutory authority to change the district's territory under Subchapter J, Chapter 49, Water Code, applicable to the district under Sections 49.001 and 49.002 of that chapter, this subchapter, and Section 5, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, from which the relevant provisions of this subchapter are derived. The revised law also includes a reference to the general authority of the legislature to enact other laws to change the district's territory.

Revised Law

Sec. 6913.052. ANNEXATION OF TERRITORY IN HASKELL COUNTY.

Territory in Haskell County, whether the territory is contiguous to the district or not, may be annexed to the district as provided by this subchapter. (Acts 54th Leg., R.S., Ch. 141, Sec. 5 (part).)

Source Law

Sec. 5. Other territory, whether contiguous to the District or not, and within Haskell County, may be annexed to the District in the following manner: . . . .

Revised Law

Sec. 6913.053. PETITION FOR ANNEXATION; BOARD
DETERMINATION AND RESOLUTION. (a) Territory may be annexed to the district under this subchapter if a petition requesting annexation is filed with the board.

(b) The petition must:

(1) be signed by:

(A) 50 registered voters of the territory proposed to be annexed who own taxable property in that territory; or

(B) a majority of the registered voters of that territory who own taxable property in that territory; and

(2) describe the territory proposed to be annexed by metes and bounds.

(c) If the board determines that the petition complies with Subsection (b), that the annexation would be in the district's interest, and that the district will be able to supply water to the proposed territory, the board shall:

(1) adopt a resolution requesting that the commissioners court annex the territory to the district and stating any conditions for annexation of the territory; and

(2) deliver a certified copy of the resolution and of the petition to the commissioners court. (Acts 54th Leg., R.S., Ch. 141, Secs. 5(a), (b).)

Source Law

[Sec. 5. Other] territory . . . may be annexed to the District . . . :

(a) A petition praying for such annexation signed by fifty (50) or a majority of the qualified voters of the territory to be annexed who own taxable property therein and who have duly rendered the same to the county for taxation shall be filed with the Board of Directors of the District. The petition shall describe the territory by metes and bounds;

(b) If the Board of Directors finds that the petition complies with and is signed by the number of qualified persons required by the foregoing subsection, that the annexation would be to the interest of the District, and that the District will be able to supply water to the territory, it shall adopt a resolution stating the conditions, if any, under which such territory may be annexed to the District, and requesting the Commissioners Court of Haskell County to annex said territory to the District. A certified copy of such resolution and of the petition shall be filed with said court;
Revisor's Note

(1) Section 5(a), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, refers to "qualified voters" of the territory. The revised law substitutes "registered voters" for the quoted language because in the context of eligibility to sign a petition, Section 277.0021, Election Code, provides that "qualified voter" means a "registered voter."

Throughout this chapter, the revised law omits law that is superseded or duplicated by the Election Code, applicable to the district under Section 1.002 of that code.

(2) Section 5(a), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, requires that an annexation petition be signed by owners of taxable property "who have duly rendered the same to the county for taxation." The revised law omits the quoted language because, in context, "property" means "real property," and the Property Tax Code (Title 1, Tax Code) does not require an owner of real property to render the property for ad valorem taxation.

Revised Law

Sec. 6913.054. COMMISSIONERS COURT RESOLUTION; SETTING ANNEXATION HEARING. On receipt of a board resolution and petition under this subchapter, the commissioners court shall:

(1) adopt a resolution that declares the court's intention to call an election in the proposed territory on the proposition of whether to annex the territory to the district; and

(2) set a time and place to hold a hearing on the question of whether the proposed territory will benefit from the improvements, works, and facilities then owned or operated or contemplated to be owned or operated by the district. (Acts 54th Leg., R.S., Ch. 141, Sec. 5(c).)
(c) The Commissioners Court shall adopt a resolution declaring its intention to call an election in the territory for the purpose of submitting the proposition of whether or not such territory shall be annexed to the District, and fix a time and place when and where a hearing shall be held by said court on the question of whether the territory proposed to be annexed will be benefited by the improvements, works and facilities then owned or operated or contemplated to be owned or operated by the District;

Sec. 6913.055. NOTICE OF ANNEXATION HEARING. (a) Not later than the 10th day before the date of the annexation hearing, notice of the resolution adopted under Section 6913.054 shall be published one time in a newspaper designated by the commissioners court, except as provided by Subsection (c).

(b) The notice must:

(1) be addressed to the citizens and owners of property in the proposed territory;

(2) state the time and place of the annexation hearing; and

(3) describe the proposed territory in the same manner as Section 6913.053(b) requires.

(c) If a newspaper is not published in the proposed territory, the notice shall be posted in three public places in the proposed territory. (Acts 54th Leg., R.S., Ch. 141, Secs. 5(d), (k).)

(d) Notice of the adoption of such resolution stating the time and place of such hearing, addressed to the citizens and owners of property in such territory shall be published one (1) time in a newspaper designated by the Commissioners Court at least ten (10) days prior to the date of such hearing. The notice shall describe the territory proposed to be annexed in the same manner as required for the petition;

(k) If no newspaper is published in territory to be annexed, the notices shall be posted in three (3) public places therein.

Section 5(d), Chapter 141, Acts of the 54th
Legislature, Regular Session, 1955, requires notice of an annexation hearing to describe the territory to be annexed in the same manner in which the territory is "required" to be described in the petition. The requirements for describing the territory in the petition are revised in Section 6913.053(b). The revised law is drafted accordingly.

Revised Law

Sec. 6913.056. ANNEXATION HEARING. (a) The annexation hearing may proceed in the order and under the rules prescribed by the commissioners court, and the court may recess the hearing.

(b) Any interested person may appear at the annexation hearing and offer evidence for or against the proposed annexation.

(Acts 54th Leg., R.S., Ch. 141, Sec. 5(e) (part).)

Source Law

(e) All persons interested may appear at such hearing and offer evidence for or against the intended annexation. Such hearing may proceed in such order and under such rules as may be prescribed by the Commissioners Court, and the hearing may be recessed from time to time. . . .

Revisor's Note

Section 5(e), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, states that an annexation hearing "may be recessed from time to time." The revised law omits "from time to time" because the power to recess a hearing implies the power to do so at any time.

Revised Law

Sec. 6913.057. ANNEXATION FINDINGS AND RESOLUTION; ELECTION PROPOSITIONS. (a) At the conclusion of the annexation hearing, if the commissioners court finds that all the proposed territory will benefit from the present or contemplated improvements, works, or facilities of the district, the commissioners court shall adopt a resolution that:

(1) calls an election in the proposed territory; and
(2) states the date of the election and the place or places of holding the election.

(b) In calling an election on the proposition for annexation of the proposed territory, the commissioners court may include in the same proposition a proposition for:

(1) the territory to assume its part of the tax-supported bonds of the district then outstanding and those bonds previously voted but not yet sold; and

(2) an ad valorem tax to be imposed on taxable property in the territory along with the tax in the rest of the district for the payment of the bonds. (Acts 54th Leg., R.S., Ch. 141, Secs. 5(e) (part), (i).)

Source Law

(e) . . . If, at the conclusion of the hearing, the Commissioners Court finds that all of the land in the territory proposed to be annexed will be benefited by the present or contemplated improvements, works or facilities of the District, the court shall adopt a resolution calling an election in the territory to be annexed stating therein the date of the election, the place or places of holding the same, and appointing a presiding judge for each voting place who shall appoint the necessary assistant judges and clerks to assist in holding the election. . . .

(i) The Commissioners Court in calling the election on the proposition for annexation of territory, may include as part of the same proposition, a proposition for the assumption of its part of the tax-supported bonds of the District then outstanding and those theretofore voted but not yet sold, and for the levy of an ad valorem tax on taxable property in said territory along with the tax in the rest of the District for the payment thereof;

Revisor's Note

(1) Section 5(e), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that if the commissioners court makes certain findings the court shall adopt a resolution calling an election and "appointing a presiding judge for each voting place who shall appoint the necessary assistant judges and clerks to assist in holding the election." The revised law omits the quoted language as superseded by Chapter 32, Election Code, which governs the selection of
election judges and clerks.

(2) Section 5(i), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, refers to the "levy" of an ad valorem tax. Throughout this chapter, the revised law substitutes "impose" for "levy" because "impose" is the term generally used in Title 1, Tax Code, and includes the levy of an ad valorem tax.

Revised Law

Sec. 6913.058. NOTICE OF ANNEXATION ELECTION. (a) Not later than the 10th day before the date set for the election, notice of the election shall be published one time in a newspaper designated by the commissioners court, except as provided by Subsection (c).

(b) In addition to the requirements of Section 4.004, Election Code, notice of the annexation election must:

(1) state the conditions under which the proposed territory may be annexed; or

(2) refer to the resolution of the board for that purpose.

(c) If a newspaper is not published in the proposed territory, the notice shall be posted in three public places in the territory. (Acts 54th Leg., R.S., Ch. 141, Secs. 5(f) (part), (k).)

Source Law

(f) Notice of such election, stating . . . the condition under which the territory may be annexed, or making reference to the resolution of the Board of Directors for that purpose, and . . . shall be published one (1) time in a newspaper designated by the Commissioners Court at least ten (10) days before the day set for the election;

(k) If no newspaper is published in territory to be annexed, the notices shall be posted in three (3) public places therein.

Revisor's Note

Section 5(f), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, requires notice of an annexation election to state the election date, the proposition to be voted on, and the place or places of
holding the election. The revised law omits those provisions because they duplicate provisions of Section 4.004, Election Code. For the convenience of the reader, the revised law adds a cross-reference to Section 4.004, Election Code. The omitted law reads:

(f) [Notice of such election, stating] the date thereof, the proposition to be voted upon and . . . the place or places of holding the same, . . . .

Revised Law

Sec. 6913.059. ANNEXATION ELECTION RESULTS. (a) The commissioners court shall issue an order declaring the results of the annexation election.

(b) If the order shows that a majority of the votes cast are in favor of annexation, the commissioners court shall annex the proposed territory to the district. The annexation is incontestable except in the time for contesting elections under the Election Code.

(c) A certified copy of the order shall be recorded in the deed records of Haskell County. (Acts 54th Leg., R.S., Ch. 141, Sec. 5(h) (part).)

Source Law

(h) The Commissioners Court shall [canvass the returns of the election and] . . . pass an order declaring the results thereof. If such order shows that a majority of the votes cast are in favor of annexation said court shall annex said territory to the District, and such annexation shall thereafter be incontestable except within the time for contesting elections under the General Election Law. A certified copy of said order shall be recorded in the deed records of the county in which the territory is situated;

Revisor's Note

(1) Section 5(h), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that an annexation election is not contestable except under the time for contesting elections under "the General Election Law." The revised law substitutes a reference to the Election Code for the quoted language
because that code provides the general law on election contests.

(2) Section 5(h), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that a certified copy of the election order shall be recorded in the deed records of "the county in which the [proposed] territory is situated." The revised law substitutes a reference to Haskell County for the quoted language because the introductory clause in Section 5, revised as Section 6913.052 of this chapter, provides that annexation under that section is limited to Haskell County.

Revised Law
Sec. 6913.060. ASSUMPTION OF DEBT; TAXES. (a) After territory is annexed to the district, the board may order an election in the district as enlarged to determine whether the district as enlarged shall assume any tax-supported bonds then outstanding and those previously voted but not yet sold and impose an ad valorem tax on all taxable property in the district as enlarged to pay the bonds, unless the proposition is voted along with the annexation election and becomes binding on the territory annexed.

(b) An election ordered under Subsection (a) shall be held in the same manner as an election under this chapter for the issuance of bonds. (Acts 54th Leg., R.S., Ch. 141, Sec. 5(j)).

Source Law
(j) After territory is added to the District, the Board of Directors of the District may call an election over the entire District for the purpose of determining whether the entire District as enlarged shall assume the tax-supported bonds then outstanding and those theretofore voted but not yet sold and whether an ad valorem tax shall be levied upon all taxable property within the District as enlarged for the payment thereof unless such proposition is voted along with the annexation election and becomes lawfully binding upon the territory annexed. Such election shall be called and held in the same manner as elections for the issuance of bonds as provided in this Act;
Sec. 5(j), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that the board may "call" an election on the assumption of bonds by the district as enlarged and the imposition of an ad valorem tax to pay the bonds and that the election shall be "called and held" in the same manner as elections for the issuance of bonds. The revised law substitutes "order" for "call" because "order" is the term used in Chapter 3, Election Code. The revised law also omits the reference to the election being "called" because, in context, "calling" an election is included in the meaning of "holding" an election. Under Chapter 3, Election Code, all elections must be ordered (called) before they may be held.

Revised Law
Sec. 6913.061. RESTRICTION ON ANNEXATION OF RAILROAD RIGHT-OF-WAY OR UTILITY PROPERTY. A railroad right-of-way or a transmission line or another item of property of an electric or gas utility that is not located inside the limits of a municipality will not benefit from improvements, works, or facilities the district is authorized to construct. Therefore, a railroad right-of-way or a transmission line or another item of property of an electric or gas utility may not be annexed to the district unless the right-of-way or property is located inside the limits of a municipality annexed to the district. (Acts 54th Leg., R.S., Ch. 141, Sec. 5(e) (part).)

Source Law
(e) . . . Railroad right-of-way, transmission lines and other property of electric and gas utilities which are not situated within the defined limits of an incorporated city or town will not be benefited by improvements, works and facilities which the District is authorized to construct; therefore, no railroad right-of-way, or transmission lines, or other property of electric and gas utilities shall hereafter be annexed to the District except such right-of-way, transmission lines and other property of electric and gas utilities as are contained within the limits of an incorporated city or town then or thereafter annexed to the District;
Revisor's Note

Section 5(e), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, refers to an "incorporated city or town." Throughout this chapter, the revised law substitutes "municipality" for "city" or "town" because the meaning of "municipality" includes both cities and towns and because that is the term used in the Local Government Code. The revised law omits "incorporated" because under the Local Government Code, all municipalities must be incorporated.

Revisor's Note
(End of Subchapter)

(1) Section 5(g), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, requires that an elector reside in the territory proposed to be annexed to be qualified to vote in an annexation election. The revised law omits that requirement because it duplicates other law. Section 5(e) (the relevant part of which is revised in this chapter as Section 6913.057) provides for the calling of an election in the territory to be annexed, and under Section 11.001, Election Code, to be eligible to vote in an election in this state a person must be a resident of the territory covered by the election. The revised law also omits the language in Section 5(g) that purports to limit qualified voters to those voters who own taxable property and have rendered that property for taxation because in Hill v. Stone, 421 U.S. 289 (1975), the United States Supreme Court determined that property ownership as a qualification for voting is an unconstitutional denial of equal protection. The omitted law reads:

(g) Only qualified electors who reside in, and who own taxable property in

86C63 SLB-D 25
such territory, and who have duly rendered
the same to the county in which it is
situated, for taxation, shall be qualified,
to vote in said election. . . .

(2) Sections 5(g) and (h), Chapter 141, Acts of
the 54th Legislature, Regular Session, 1955, provide
that returns of an annexation election shall be made to
and canvassed by the commissioners court. The revised
law omits those provisions as superseded by Chapter
67, Election Code, which provides for the canvass of
elections. The omitted law reads:

(g) . . . Returns of said election
shall be made to the Commissioners Court of
Haskell County.
(h) The Commissioners Court shall
canvass the returns of the election and
.

SUBCHAPTER C. BOARD OF DIRECTORS

Revised Law
Sec. 6913.101. DIRECTORS. The district is governed by a
board of five elected directors. (Acts 54th Leg., R.S., Ch. 141,
Secs. 3(a) (part), (c) (part).)

Source Law
Sec. 3. (a) All powers of the District shall be
exercised by a Board of five (5) Directors. . . .
(c) A regular election for the election of
Directors shall be held . . . .

Revised Law
Sec. 6913.102. QUALIFICATIONS FOR OFFICE. (a) A person may
not be appointed a director unless the person resides in and owns
taxable property in the district.
(b) A member of a municipality's governing body or an
employee of a municipality may not be a director. (Acts 54th Leg.,
R.S., Ch. 141, Sec. 3(a) (part).)

Source Law
(a) . . . No person shall be appointed a
Director unless he resides in and owns taxable
property in the District. No member of a governing
body of any city or town, and no employee of a city or
town shall be a Director. . . .
Sec. 6913.103. NOTICE OF DIRECTORS' ELECTION. Notice of a directors' election shall be published once in a newspaper published in Haskell County not later than the 10th day before the date of the election. (Acts 54th Leg., R.S., Ch. 141, Secs. 3(b) (part), (c) (part).)

Source Law

(b) [Immediately after this Act becomes effective, the County Judge of Haskell County shall order the holding of an election in the District for the purpose of electing the Directors.] Notice of the election shall be published in a newspaper published in Haskell County one (1) time at least ten (10) days before the election. . . .
(c) [A regular election for the election of Directors shall be held] . . . beginning in 1956 . . . Notice shall be given the same as is provided for the first election of Directors.

Revisor's Note

(1) Section 3(c), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, specifies that directors' elections are to be held "beginning in 1956." The revised law omits the quoted language as executed.

(2) Section 3(c), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, states that regular directors' elections shall be held on the first Tuesday in May of each year and that two or three directors shall be elected each year. The revised law omits those provisions as superseded by the 1995 enactment of Section 49.103, Water Code, applicable to the district under Sections 49.001, 49.002, and 49.103(e), Water Code. Section 49.103(a), Water Code, provides for staggered four-year terms for directors. Section 49.103(b), Water Code, requires the election of the appropriate number of directors to be held on the uniform election date in May of even-numbered years. Section 49.103(e), Water Code, provides that the provisions of Sections 49.103(a) and (b) take
precedence over all prior statutory enactments. Throughout this chapter, the revised law omits law that is superseded by Chapter 49 or that duplicates law contained in that chapter. The omitted law reads:

(c) A regular election for the election of Directors shall be held on the first Tuesday in May of each year . . . . Three (3) Directors shall be elected in each odd numbered year and two (2) in each even numbered year. . . .

(3) Section 3(c), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that the board shall order the election of directors. The revised law omits that provision because it duplicates Section 3.004, Election Code, which requires the governing body of a political subdivision that has elective offices to order the general election for those officers. The omitted law reads:

(c) . . . The regular elections shall be ordered by the Board of Directors. . . .

(4) Section 3(c), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides for the appointment of election judges and clerks. The revised law omits the provision for the reasons stated in Revisor's Note (1) to Section 6913.057. The omitted law reads:

(c) . . . The Board shall appoint the presiding judge who shall appoint an assistant judge and two (2) clerks, if needed. . . .

Revised Law

Sec. 6913.104. OFFICERS. (a) The board shall elect from the board's membership a president, a vice president, and any other officers that the board determines are necessary.

(b) The board shall appoint a secretary and a treasurer, who are not required to be directors. The board may combine the offices of secretary and treasurer. (Acts 54th Leg., R.S., Ch. 141, Sec. 4 (part).)
Sec. 4. The Board of Directors shall elect from its number a President and a Vice-President of the District, and such other officers as in the judgment of the Board are necessary. . . . The Board shall also appoint a Secretary and a Treasurer who may or may not be members of the Board, and it may combine those offices. . . .

Revisor's Note

Section 4, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, establishes the duties of the board president. The revised law omits the provision because it duplicates in substance Section 49.054(c), Water Code. The omitted law reads:

Sec. 4. . . . [The President] shall be the chief executive officer of the District and the presiding officer of the Board, and . . . .

Revised Law

Sec. 6913.105. VOTE BY BOARD PRESIDENT. The president has the same right to vote as any other director. (Acts 54th Leg., R.S., Ch. 141, Sec. 4 (part).)

Source Law

Sec. 4. . . . The President . . . shall have the same right to vote as any other Director. . . .

Revised Law

Sec. 6913.106. ABSENCE OR INACTION OF BOARD PRESIDENT. When the board president is absent or fails or declines to act, the board vice president shall perform all duties and exercise all powers this chapter gives the president. (Acts 54th Leg., R.S., Ch. 141, Sec. 4 (part).)

Source Law

Sec. 4. . . . The Vice-President shall perform all duties and exercise all powers conferred by this Act upon the President when the President is absent or fails or declines to act. . . .

Revised Law

Sec. 6913.107. DIRECTOR AND TREASURER BONDS. (a) Each director shall give bond in the amount of $5,000 conditioned on the faithful performance of the director's duties.
The treasurer shall give bond in the amount required by the board. The treasurer's bond shall be conditioned on the treasurer's faithful accounting for all money that comes into the treasurer's custody as treasurer of the district. (Acts 54th Leg., R.S., Ch. 141, Secs. 3(a) (part), 4 (part).)

Source Law

Sec. 3. (a) . . . Such Directors . . . each shall give bond in the amount of Five Thousand Dollars ($5,000) for the faithful performance of his duties, the cost of which shall be paid by the District. . . .

Sec. 4. . . . The Treasurer shall give bond in such amount as may be required by the Board of Directors. The condition of such bond shall be that he will faithfully account for all money which shall come into his custody as Treasurer of the District. . . .

Revisor's Note

Section 3(a), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that the district shall pay the cost of a director's bond. The revised law omits that requirement because it duplicates in substance Section 49.055(c), Water Code.

Revised Law

Sec. 6913.108. COMPENSATION OF DIRECTORS. (a) Each director:

(1) shall receive a fee not to exceed $5 for attending each board meeting; and

(2) is also entitled to receive $5 for each day devoted to the business of the district if the service is expressly approved by the board.

(b) In all areas of conflict with Subsection (a) of this section, Section 49.060, Water Code, takes precedence.

(c) A director's compensation may be increased as authorized by Section 49.060, Water Code, by resolution adopted by the board in accordance with Subsection (e) of that section on or after September 1, 1995. (Acts 54th Leg., R.S., Ch. 141, Sec. 3(e) (part); New.)
(e) Each Director shall receive a fee not exceeding Five Dollars ($5) for attending each meeting of the Board. Each Director shall also be entitled to receive Five Dollars ($5) per day devoted to the business of the District and . . . provided that such service and . . . are expressly approved by the Board.

Revisor's Note

(1) Section 3(e), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that a director is entitled to a fee of $5 for each board meeting attended and a salary in an amount not to exceed $5 per day. Section 49.060, Water Code, enacted in 1995 and applicable by its own terms to the district, also provides for a director's fees of office, computed on a rate per day of certain service, and, under Subsection (a-1) of that section, enacted in 2003, requires the board of each district to adopt a resolution limiting a director's total annual fees of office. Section 49.060(e) provides that, in all areas of conflict, Section 49.060 takes precedence over all prior statutory enactments and that, if the enactment of that section would result in a fee increase, the increase does not apply to a district unless the board by resolution authorizes payment of the higher fees. It is unclear to what extent Section 3(e) may be in conflict with Section 49.060. To preserve the ambiguity, the revised law includes the substance of Section 3(e) and adds provisions necessary to preserve the effect of Section 49.060 to the extent of a conflict with that language.

(2) Section 3(e), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides for reimbursement of a director's actual expenses. The revised law omits the provision because it is expressly superseded by Section 49.060, Water Code.
(enacted in 1995). The omitted law reads:

(e) . . . [Each Director shall also be entitled to receive Five Dollars ($5) per day devoted to the business of the District and] to reimbursement for actual expenses incurred in attending to District business [provided that such service and] expense [are expressly approved by the Board.]

Revisor's Note

(End of Subchapter)

(1) Section 3(a), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that a director serves until the director's successor is qualified. The revised law omits that provision because it duplicates Section 17, Article XVI, Texas Constitution, which provides that an officer in this state is to continue to perform the officer's duties until the successor has qualified. The omitted law reads:

(a) . . . Each Director shall serve for his term of office as herein provided, and thereafter until his successor shall be elected or appointed and qualified. . . .

(2) Section 3(a), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, requires each director to take the constitutional oath of office. The revised law omits that provision because Section 1, Article XVI, Texas Constitution, requires all officers to take an oath or affirmation before assuming office. The omitted law reads:

(a) . . . [Such Directors] shall subscribe the Constitutional oath of office, and . . .

(3) Section 3(a), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, states that a majority of the board members constitutes a quorum. The revised law omits that provision because it duplicates Section 49.053, Water Code. The omitted law reads:

(a) . . . A majority shall constitute
a quorum.

(4) Section 3(b), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, refers to the election of the initial directors and their terms. The revised law omits those provisions as executed. The omitted law reads:

(b) Immediately after this Act becomes effective, the County Judge of Haskell County shall order the holding of an election in the District for the purpose of electing the Directors. The order shall state the time, place and purpose of the election, and the County Judge shall appoint a presiding judge who shall appoint an assistant judge and two (2) clerks if needed, to assist in holding the election. Only qualified voters residing in the District who own taxable property therein, and who have duly rendered the same for taxation, shall be entitled to vote at said election. The five (5) candidates receiving the highest number of votes shall be declared elected. The returns of the election shall be made to and canvassed by the County Judge, who shall enter an order declaring the results of the election. Two (2) of the Directors thus elected shall serve until the first Tuesday in May, 1956, and three (3) shall serve until the first Tuesday in May, 1957. The Directors who shall serve for the short term and those who shall serve for the long term shall be determined by lot.

(5) Section 3(d), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, describes the procedure for filling a board vacancy. The revised law omits that provision because it duplicates in substance Section 49.105, Water Code, which establishes procedures for filling a board vacancy. The omitted law reads:

(d) Vacancies occurring in the Board of Directors shall be filled by majority vote of the remaining Directors.

(6) Section 4, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, requires the board to appoint all necessary engineers, attorneys, and other employees. The revised law omits that provision because it duplicates in substance Section 49.057(a),
Water Code. The omitted law reads:

Sec. 4. . . . The Board shall appoint
all necessary engineers, attorneys and
other employees. . . .

(7) Section 4, Chapter 141, Acts of the 54th
Legislature, Regular Session, 1955, requires the board
to adopt a seal for the district. The revised law
omits that provision because it duplicates Section
49.061, Water Code. The omitted law reads:

Sec. 4. . . . The Board shall adopt a
seal for the District.

SUBCHAPTER D. POWERS AND DUTIES

Revised Law
Sec. 6913.151. ACQUISITION OF WATER OR WATER RIGHTS. (a)
The district may acquire a groundwater or surface water supply.
(b) The district may acquire water appropriation permits
directly from the Texas Commission on Environmental Quality or from
permit owners.
(c) The district may purchase water or a water supply from
any person. (Acts 54th Leg., R.S., Ch. 141, Secs. 6 (part); 16.)

Source Law
Sec. 6. The District is empowered to acquire an
underground or surface water supply. . . .
Sec. 16. The District is authorized to acquire
water appropriation permits directly from the Board of
Water Engineers of the State of Texas; or from owners
of permits. The District is also authorized to
purchase water or a water supply from any person, firm,
corporation or public agency.

Revisor's Note
(1) Section 6, Chapter 141, Acts of the 54th
Legislature, Regular Session, 1955, refers to
"underground . . . water." Throughout this chapter,
the revised law substitutes "groundwater" for the
quoted language to conform to the term used in Chapter
36, Water Code.

(2) Section 16, Chapter 141, Acts of the 54th
Legislature, Regular Session, 1955, refers to the
"Board of Water Engineers." The Board of Water Engineers, created by Chapter 171, General Laws, Acts of the 33rd Legislature, Regular Session, 1913, became the Texas Water Commission under Chapter 4, Acts of the 57th Legislature, 3rd Called Session, 1962. The name of the agency was changed to the Texas Water Rights Commission by Chapter 296, Acts of the 59th Legislature, Regular Session, 1965. In 1977, Sections 1 and 9, Chapter 870, Acts of the 65th Legislature, Regular Session, changed the name of the agency to the Texas Water Commission. Subsequently, the name of the Texas Water Commission was changed to the Texas Natural Resource Conservation Commission by Section 1.085, Chapter 3, Acts of the 72nd Legislature, 1st Called Session, 1991. The name of the Texas Natural Resource Conservation Commission was changed to the Texas Commission on Environmental Quality by Section 18.01, Chapter 965, Acts of the 77th Legislature, Regular Session, 2001. The revised law is drafted accordingly.

(3) Section 16, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, refers to a person, firm, corporation, or public agency. The revised law omits the references to "firm," "corporation," and "public agency" because Section 311.005(2), Government Code (Code Construction Act), defines "person" to include a corporation or any other legal entity.

Revised Law

Sec. 6913.152. CONSTRUCTION OR ACQUISITION OF PROPERTY. The district may construct or otherwise acquire all works, plants, and other facilities necessary or useful for the purpose of processing groundwater or surface water and transporting the water to any person for municipal, domestic, and industrial purposes.
Sec. 6. [The District is empowered to acquire an underground or surface water supply,] to construct or otherwise acquire all works, plants, and other facilities necessary or useful for the purpose of processing such water and transporting it to cities and others for municipal, domestic and industrial purposes.

Revisor's Note

Section 6, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, refers to "cities and others." Throughout this chapter, the revised law substitutes "any person" for the quoted language because Section 311.005(2), Government Code (Code Construction Act), defines "person" to include a government or any other legal entity.

Revised Law

Sec. 6913.153. EMINENT DOMAIN. (a) To carry out a power provided by this chapter, the district may exercise the power of eminent domain to acquire land and easements inside or outside the district in Haskell County.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code.

(c) The board shall determine the amount and the type of interest in land and easements to be acquired under this section.

(d) The district's authority under this section to exercise the power of eminent domain expired on September 1, 2013, unless the district submitted a letter to the comptroller in accordance with Section 2206.101(b), Government Code, not later than December 31, 2012. (Acts 54th Leg., R.S., Ch. 141, Sec. 7 (part); New.)

Source Law

Sec. 7. For the purpose of carrying out any power or authority conferred by this Act the District shall have the right to acquire land and easements within and without the District in Haskell County by condemnation in the manner provided by Title 52, Revised Civil Statutes, as amended, relating to eminent domain. The amount of and character of interest in land and easements thus to be acquired shall be determined by the Board of Directors. . . .
(1) Section 7, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, refers to any "power or authority" of the district. The revised law omits "authority" in this context because "authority" is included in the meaning of "power."

(2) Section 7, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that "the District shall have the right to acquire [certain property] by condemnation." The revised law substitutes for the quoted language "the district may exercise the power of eminent domain to acquire [certain property]" because the phrases have the same meaning and the latter is consistent with modern usage in laws relating to eminent domain.

(3) Section 7, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, refers to Title 52, Revised Civil Statutes of Texas, as amended. That statute was codified as Chapter 21, Property Code. The revised law is drafted accordingly. The revised law omits the reference to "as amended" because under Section 311.027, Government Code (Code Construction Act), unless expressly provided otherwise, a reference to a statute applies to all reenactments, revisions, or amendments of the statute.

(4) Section 7, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provided the district limited eminent domain authority. Section 2206.101, Government Code, required an entity with eminent domain authority to submit a letter with certain information to the comptroller not later than December 31, 2012, to prevent the entity's eminent domain authority from expiring on September 1, 2013. To avoid the appearance that this revision recognizes
authority that the district may not possess at the time
of the revision, the revised law includes a provision
setting out the requirements of Section 2206.101,
Government Code.

**Revised Law**

Sec. 6913.154. COST OF RELOCATING OR ALTERING PROPERTY. If
the district's exercise of the power of eminent domain, the power of
relocation, or any other power granted by this chapter makes
necessary relocating, raising, rerouting, changing the grade of, or
altering the construction of a highway, railroad, electric
transmission line, telephone or telegraph property or facility, or
pipeline, the necessary action shall be accomplished at the sole
expense of the district. (Acts 54th Leg., R.S., Ch. 141, Sec. 7
(part).)

**Source Law**

Sec. 7. . . .
In the event that the District, in the exercise of
the power of eminent domain or power of relocation, or
any other power granted hereunder, makes necessary the
relocation, raising, rerouting or changing the grade
of, or altering the construction of any highway,
railroad, electric transmission line, telephone or
telegraph properties and facilities, or pipeline, all
such necessary relocation, raising, rerouting,
changing of grade or alteration of construction shall
be accomplished at the sole expense of the District.

**Revised Law**

Sec. 6913.155. CONSTRUCTION AND PURCHASING CONTRACTS. A
construction contract or contract for the purchase of materials,
equipment, or supplies is governed by Chapter 49 or 51, Water Code.
(Acts 54th Leg., R.S., Ch. 141, Sec. 8.)

**Source Law**

Sec. 8. Construction contracts or contracts for
the purchase of materials, equipment or supplies shall
be awarded in accordance with the law governing water
control and improvement districts as provided by
Chapter 3a, Title 128, Revised Civil Statutes of
Texas, as amended.

**Revisor's Note**

Section 8, Chapter 141, Acts of the 54th
Legislature, Regular Session, 1955, refers to "the law
governing water control and improvement districts as
provided by Chapter 3a, Title 128, Revised Civil
Statutes of Texas, as amended." Chapter 3a was revised
of the 74th Legislature, Regular Session, 1995,
repealed many of the provisions of Chapter 51 and
enacted similar provisions in Chapter 49, Water Code.
To reflect those changes, the revised law substitutes
a reference to "Chapter 49 or 51, Water Code," for the
quoted language. The revised law omits "as amended"
for the reason stated in Revisor's Note (3) to Section
6913.153.

Revised Law
Sec. 6913.156. CONTRACTS RELATED TO WATER SUPPLY AND
FACILITIES. (a) The district may contract with any person to
supply water to the person.
(b) The district may contract with a municipality for the
rental or leasing of or for the operation of the municipality's
water production, supply, or distribution facilities.
(c) The contract may provide that the contract continues in
effect until bonds specified in the contract and refunding bonds
issued in lieu of the bonds are paid. (Acts 54th Leg., R.S., Ch.
141, Sec. 14.)

Source Law
Sec. 14. The District is authorized to enter
into contracts with cities and others for supplying
water to them. The District is also authorized to
contract with any city for the rental or leasing of, or
for the operation of the water production, water
supply, and water supply and distribution facilities
of such city upon such consideration as the District
and the city may agree. Any such contract may be upon
such terms and for such time as the parties may agree,
and it may provide that it shall continue in effect
until bonds specified therein and refunding bonds
issued in lieu of such bonds are paid.

Revisor's Note
Section 14, Chapter 141, Acts of the 54th
Legislature, Regular Session, 1955, provides that
certain district contracts may be of unlimited
duration and on the terms and for the time and
consideration agreed to by the parties. The revised
law omits that provision because the provision
duplicates in substance Section 49.213(c), Water Code.

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Revised Law
Sec. 6913.201. DEPOSITORY. (a) Except as provided by
Subsection (i), the board shall designate one or more banks in
Haskell County to serve as depository for the district's money.
(b) District money shall be deposited with a designated
depository bank or banks, except that:
(1) money pledged to pay bonds may be deposited with
the trustee bank named in the trust agreement; and
(2) money shall be remitted to the bank of payment for
the payment of principal of and interest on bonds.
(c) To the extent that money in a depository bank or a
trustee bank is not insured by the Federal Deposit Insurance
Corporation, the money must be secured in the manner provided by law
for the security of county funds.
(d) The board shall prescribe the terms of service for
depositories.
(e) Before designating a depository bank, the board shall
issue a notice to each bank in Haskell County that:
(1) states the time and place at which the board will
meet to designate a depository bank or banks; and
(2) invites the banks to submit an application to be
designated as a depository.
(f) The notice described by Subsection (e) must be mailed or
delivered not later than the 10th day before the date fixed for the
submission of applications.
(g) At the time stated in the notice, the board shall:
(1) consider the application and the management and
condition of each bank that applies; and
(2) designate as a depository the bank or banks that:

(A) offer the most favorable terms for handling
the money; and

(B) the board finds have proper management and
are in condition to handle the money.

(h) Membership on the board of an officer or director of a
bank does not disqualify the bank from being designated as a
depository.

(i) If the board does not receive any applications before
the time stated in the notice, or if the board rejects all
applications, the board shall designate one or more banks located
inside or outside the county on terms that the board finds
advantageous to the district. (Acts 54th Leg., R.S., Ch. 141, Sec.
15.)

Source Law

Sec. 15. (a) The Board of Directors shall
designate one (1) or more banks within Haskell County
to serve as depository for the funds of the District.
All funds of the District shall be deposited in such
Depositary bank or banks except that funds pledged to
pay bonds may be deposited with the trustee bank named
in the trust agreement, and except that funds shall be
remitted to the bank of payment for the payment of
principal of and interest on bonds. To the extent that
funds in the depositary banks and the trustee bank are
not insured by the F.D.I.C. they shall be secured in
the manner provided by law for the security of county
funds.

(b) Before designating a depositary bank or
banks, the Board of Directors shall issue a notice
stating the time and place when and where the Board
will meet for such purpose and inviting the banks in
Haskell County to submit applications to be designated
depositories. The term of service for depositaries
shall be prescribed by the Board. Such notice shall be
mailed or delivered to each bank in Haskell County at
least ten (10) days prior to the date fixed for the
submission of applications.

(c) At the time mentioned in the notice, the
Board shall consider the applications and the
management and condition of the banks filing them, and
shall designate as depositaries the bank or banks
which offer the most favorable terms and conditions
for the handling of the funds of the District and which
the Board finds have proper management and are in
condition to warrant handling of District funds.
Membership on the Board of Directors of an officer or
director of a bank shall not disqualify such bank from
being designated as depositary.

(d) If no applications are received by the time
stated in the notice or if no such application is
accepted, the Board shall designate some bank or banks
within or without the county upon such terms and
conditions as it may find advantageous to the
District.

Revisor's Note

(1) Section 15, Chapter 141, Acts of the 54th
Legislature, Regular Session, 1955, which provides for
the selection of a depository bank, refers several
times to monetary assets of the district as "funds."
Throughout this chapter, the revised law substitutes
"money" for "funds" (except where a specific type of
fund is indicated) because, in context, the meaning is
the same and "money" is the more commonly used term.

(2) Section 15(a), Chapter 141, Acts of the 54th
Legislature, Regular Session, 1955, refers to the
"F.D.I.C." The revised law substitutes a reference to
the "Federal Deposit Insurance Corporation" because
that is the full name of that entity.

(3) Sections 15(c) and (d), Chapter 141, Acts of
the 54th Legislature, Regular Session, 1955, refer to
proposed or agreed "terms and conditions" for serving
as the district's depository. The revised law omits
"conditions" because, in context, the meaning of
"conditions" is included in the meaning of "terms."

Revised Law
Sec. 6913.202. PROJECTS EXEMPT FROM ASSESSMENT OR TAXATION.
The district is not required to pay a tax or assessment on a project
or any part of a project. (Acts 54th Leg., R.S., Ch. 141, Sec. 19
(part).)

Source Law
Sec. 19. . . . [the District] . . . shall not be
required to pay any tax or assessment on the project or
any part thereof, and . . . .

Revised Law
Sec. 6913.203. TAX ASSESSOR AND COLLECTOR. Before the sale
and delivery of district bonds payable wholly or partly from ad
valorem taxes, the board shall appoint a tax assessor and
collector. (Acts 54th Leg., R.S., Ch. 141, Sec. 20(b) (part).)

Source Law

(b) Prior to the sale and delivery of District bonds which are payable wholly or partially from ad valorem taxes the Board of Directors shall appoint a Tax Assessor and Collector and . . . .

Revisor's Note
(End of Subchapter)

(1) Section 20(a), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that certain school district and county tax rolls serve as the tax rolls of the district until the district makes its tax rolls, and Section 20(b) of that chapter provides that the district's board shall have tax rolls prepared. The revised law omits those provisions because they were repealed in 1979 and replaced by Section 26.09, Tax Code.

Section 26.09(a), Tax Code, requires the assessor for a taxing unit other than a county to calculate the tax imposed on each property included on the appraisal roll for the unit. Section 26.09(e), Tax Code, requires the assessor for a taxing unit to enter on the appraisal roll for the unit the amount of tax imposed on each property included on the roll and submit it to the governing body of the unit for approval and provides that the appraisal roll with amounts of tax entered as approved by the governing body constitutes the unit's tax roll.

Section 26.09, Tax Code, is part of the Property Tax Code (Title 1, Tax Code), which was enacted by Chapter 841, Acts of the 66th Legislature, Regular Session, 1979. Title 1, Tax Code, was intended as a comprehensive, substantive codification of all property tax law and its administration. Section 6(b) of Chapter 841 repealed all "general, local, and special laws" that conflicted with that chapter.
Throughout this chapter, the revised law omits law that was repealed by the act enacting Title 1, Tax Code, or that duplicates a provision in that title. Title 1, Tax Code, applies to the district under Section 1.02, Tax Code. The omitted law reads:

Sec. 20. (a) The tax rolls of the Weinert Rural High School District, in so far as they relate to the territory described in Section 2 of this Act and the tax rolls of the county or counties relating to territory which hereafter shall be annexed to the District, are hereby adopted and shall constitute the tax rolls of the District until assessments and tax rolls shall be made by the District.

(b) . . . [the Board of Directors shall] . . . cause . . . tax rolls to be prepared . . . .

(2) Section 20(b), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that the district's board shall appoint a board of equalization and equalize valuations. The revised law omits those provisions as repealed by Section 6(b), Chapter 841, Acts of the 66th Legislature, Regular Session, 1979. See Revisor's Note (1). Under Title 1, Tax Code, boards of equalization were replaced by the appraisal review board for each appraisal district. The omitted law reads:

(b) . . . [the Board of Directors shall appoint] . . . a Board of Equalization and [cause] . . . valuations to be equalized, and . . . .

(3) Section 20(b), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that the district's board shall cause taxes to be assessed. The revised law omits that provision as repealed by Section 6(b), Chapter 841, Acts of the 66th Legislature, Regular Session, 1979. See Revisor's Note (1). Title 1, Tax Code, provides the exclusive procedures for the assessment and collection of taxes by a taxing unit, including the district. Section
6.23(b), Tax Code, provides that the assessor and collector for a taxing unit other than a county shall assess, collect, or assess and collect taxes, as applicable, for the unit. The omitted law reads:

(b) . . . [the Board of Directors shall . . . cause] taxes to be assessed, . . . .

(4) Section 20(b), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that certain tax-related general laws relating to water control and improvement districts apply to the district. The revised law omits that provision as unnecessary. To the extent those laws conflict with Title 1, Tax Code, the provision is repealed by Section 6(b), Chapter 841, Acts of the 66th Legislature, Regular Session, 1979. To the extent those laws duplicate law contained in Title 1, Tax Code, the provision may be omitted because that title applies to the district under Section 1.02, Tax Code. See Revisor's Note (1). The omitted law reads:

(b) . . . General Laws applicable to Water Control and Improvement Districts with reference to Tax Assessors and Collectors, Boards of Equalization, tax rolls and the levy and collection of taxes and delinquent taxes shall be applicable to this District.

SUBCHAPTER F. BONDS

Revised Law

Sec. 6913.251. AUTHORITY TO ISSUE BONDS. (a) The district may issue bonds to carry out any power conferred by this chapter, including the power to provide a source of water supply for any person for municipal, domestic, or industrial purposes.

(b) The bonds must be authorized by a board resolution. (Acts 54th Leg., R.S., Ch. 141, Secs. 9(a) (part), (b) (part), (e) (part).)

Source Law

Sec. 9. (a) For the purpose of providing a
source of water supply for cities and other users for
municipal, domestic and industrial purposes, as
authorized by this Act, and for the purpose of carrying
out any other power or authority conferred by this Act,
the District is empowered to issue its negotiable
bonds . . . .

(b) Such bonds shall be authorized by resolution
of the Board of Directors and . . . .

(e) For the purposes stated in Section 9(a)
hereof, the District is also empowered to issue
bonds . . . .

Revisor's Note

(1) Section 9(a), Chapter 141, Acts of the 54th
Legislature, Regular Session, 1955, refers to a "power
or authority" conferred by that act. The revised law
omits the reference to "authority" for the reason
stated in Revisor's Note (1) to Section 6913.153.

(2) Section 9(a), Chapter 141, Acts of the 54th
Legislature, Regular Session, 1955, authorizes the
district to issue "negotiable" bonds. The revised law
omits "negotiable" because under Section 1201.041,
Government Code, a public security, which is a term
defined by Section 1201.002, Government Code, to
include district bonds, is a negotiable instrument.
Chapter 1201, Government Code, applies to the district
under Sections 1201.002 and 1201.003 of that chapter.
Throughout this chapter, the revised law omits law
that is superseded by Chapter 1201, Government Code,
or duplicates law contained in that chapter.

(3) Section 9(c), Chapter 141, Acts of the 54th
Legislature, Regular Session, 1955, states that bonds
may be issued in "more than one (1) series and from
time to time as required for carrying out the purposes
of this Act." The revised law omits "more than one (1)
series" because it duplicates in substance a provision
of Section 1201.022, Government Code. The revised law
omits "from time to time" because the power to issue
bonds implies the power to do so at any time. The
revised law omits "as required for carrying out the
purposes of this Act" because Section 9(a), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, revised in pertinent part in this section, authorizes the district to issue bonds for the purposes of the act. The omitted law reads:

(c) Bonds may be issued in more than one (1) series and from time to time as required for carrying out the purposes of this Act.

Revised Law
Sec. 6913.252. FORM OF BONDS. District bonds must be:

(1) issued in the district's name;
(2) signed by the president or vice president; and
(3) attested by the secretary. (Acts 54th Leg., R.S., Ch. 141, Sec. 9(b) (part).)

Source Law
(b) [Such bonds] . . . shall be issued in the name of the District, signed by the President or Vice-President, attested by the Secretary, and . . . .

Revisor's Note
Section 9(b), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that bonds must have the seal of the district impressed on them. The revised law omits that provision because it was implicitly repealed by Section 3, Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil Statutes (revised in pertinent part as Section 1201.026(a), Government Code)), which provides that bonds may be signed with or without a seal. The omitted law reads:

(b) [Such bonds shall] . . . have the seal of the District impressed thereon. . . .

Revised Law
Sec. 6913.253. MATURITY. District bonds must mature not later than 40 years after the date of their issuance. (Acts 54th Leg., R.S., Ch. 141, Sec. 9(b) (part).)
(b) They shall mature serially or otherwise in not to exceed forty (40) years and . . . .

Revisor's Note

Section 9(b), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that district bonds shall mature "serially or otherwise."
The revised law omits the quoted language because it is superseded by Section 1201.021, Government Code (enacted as Section 3, Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil Statutes)), which provides that the governing body of an issuer may determine the time of payment of public securities it issues, and by Section 1201.022, Government Code (enacted as Section 5(a), Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil Statutes)), which provides that a public security may be issued with specified characteristics, on specified terms, or in a specified manner.

Revised Law

Sec. 6913.254. BONDS PAYABLE FROM REVENUE. (a) In this section, "net revenue" means the district's gross revenue, other than taxation, minus the amount necessary to pay the cost of maintaining and operating the district and its property.

(b) District bonds may be secured as described by a board resolution by a pledge of:

(1) all or part of the district's net revenue;

(2) the net revenue of a contract made at any time; or

(3) other revenue specified by board resolution.

(c) The pledge may reserve the right to issue additional bonds on a parity with or subordinate to the bonds being issued, subject to conditions specified by the pledge.

(d) District bonds not payable wholly or partly from ad valorem taxes may be issued without an election. (Acts 54th Leg.,
Sec. 9. (a) . . . [the District is empowered to issue its . . . bonds] to be payable from such revenues of the District as are pledged by resolution of the Board of Directors.

(d) The bonds may be secured by a pledge of all or part of the net revenues of the District, or by the net revenues of any one (1) or more contracts theretofore or thereafter made or other revenues specified by resolution of the Board of Directors. Any such pledge may reserve the right, under conditions therein specified, to issue additional bonds which will be on a parity with or subordinate to the bonds then being issued. The term "net revenues" as used in this Section shall mean the gross revenues of the District, other than taxation, after deduction of the amount necessary to pay the cost of maintaining and operating the District and its properties.

Sec. 12. (a) . . . Bonds not payable wholly or partially from ad valorem taxes may be issued without an election.

Revisor's Note

Section 9(d), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that district bonds may be secured by the net revenue of "any one (1) or more contracts." The revised law substitutes "a contract" for the quoted language because Section 311.012(b), Government Code (Code Construction Act), provides that a reference to the singular includes the plural and vice versa.

Revised Law

Sec. 6913.255. BONDS PAYABLE FROM AD VALOREM TAXES. The district may issue bonds:

(1) payable from ad valorem taxes imposed on taxable property in the district; or

(2) secured by and payable from:

(A) taxes described by Subdivision (1); and

(B) revenue of the district. (Acts 54th Leg., R.S., Ch. 141, Sec. 9(e) (part).)
on all taxable property therein, or to issue bonds
secured both by and payable from such taxes and the
revenues of the District.

Revised Law
Sec. 6913.256. ELECTION FOR BONDS PAYABLE FROM AD VALOREM TAXES. (a) District bonds, other than refunding bonds, payable wholly or partly from ad valorem taxes may not be issued unless authorized by a district election at which a majority of the votes cast favor the bond issuance.

(b) The board may order an election under this section without a petition. The order must specify:

(1) the time and places at which the election will be held;
(2) the purpose for which the bonds will be issued;
(3) the maximum amount of the bonds;
(4) the maximum maturity of the bonds;
(5) the form of the ballot; and
(6) the presiding judge for each voting place.

(c) Notice of the election must be given by publishing a substantial copy of the order calling the election in a newspaper published in Haskell County that is circulated in the district for two consecutive weeks. The first publication must be not later than the 15th day before the date of the election. (Acts 54th Leg., R.S., Ch. 141, Secs. 12(a) (part), (b).)

Source Law
Sec. 12. (a) No bonds payable wholly or partially from ad valorem taxes (except refunding bonds) shall be issued unless authorized by an election at which . . . a majority of the votes cast in such election is in favor of the issuance of the bonds.

(b) Such election may be called by the Board of Directors without a petition. The resolution calling the election shall specify the time and places of holding the same, the purpose for which the bonds are to be issued, the maximum amount thereof, the maximum maturity thereof, the form of the ballot, and the presiding judge for each voting place. The presiding judge serving at each voting place shall appoint one (1) assistant judge and two (2) clerks to assist in holding such election. Notice of the election shall be given by publishing a substantial copy of such resolution in a newspaper published in Haskell County and having circulation in the District for two (2) consecutive weeks. The first publication shall be at
least fifteen (15) days prior to the election.

Revisor's Note

(1) Section 12(a), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that the
district may not issue bonds payable from ad valorem
taxes unless authorized by qualified voters who reside
in the district, own taxable property in the district,
and have rendered the property for taxation. The
revised law omits those requirements for the reasons
stated in Revisor's Note (1) at the end of Subchapter
B. The omitted law reads:

(a) [No bonds payable . . . from ad
valorem taxes . . . shall be issued unless
authorized by an election at which] only the
qualified voters who reside in the District
and who own taxable property therein and who
have duly rendered the same for taxation and
unless . . . .

(2) Section 12(b), Chapter 141, Acts of the 54th
Legislature, Regular Session, 1955, provides that an
election may be called by the board and refers to the
"resolution calling the election." The revised law
substitutes "order" for the quoted language for the
reason stated in the revisor's note to Section
6913.060.

(3) Section 12(b), Chapter 141, Acts of the 54th
Legislature, Regular Session, 1955, provides that
"[t]he presiding judge serving at each voting place
shall appoint one (1) assistant judge and two (2)
clerks to assist in holding such election." The
revised law omits the quoted language for the reason
stated in Revisor's Note (1) to Section 6913.057.

(4) Section 12(c), Chapter 141, Acts of the 54th
Legislature, Regular Session, 1955, provides that the
returns of a bond election shall be made to and
canvassed by the board. The revised law omits that
provision for the reason stated in Revisor's Note (2)
at the end of Subchapter B. The omitted law reads:

(c) The returns of the election shall be made to and canvassed by the Board of Directors of the District.

(5) Section 12(d), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that the general laws relating to elections apply to an election under that section except as otherwise provided by that act. The revised law omits that provision because Section 1.002, Election Code, provides that the Election Code applies to all elections held in this state. An exception to the application of the Election Code would apply by its own terms. The omitted law reads:

(d) The General Laws relating to elections shall be applicable to elections held under this Section of this law except as otherwise provided in this law.

Revised Law

Sec. 6913.257. TAX AND COMPENSATION RATES. (a) If the district issues bonds payable wholly or partly from ad valorem taxes, the district shall impose a tax sufficient to pay the bonds and the interest on the bonds as the bonds and interest become due. The board may adopt the rate of the tax for any year after considering the money received from pledged revenue available for payment of principal and interest to the extent and in the manner permitted by the resolution authorizing the issuance of the bonds.

(b) If the district issues bonds payable wholly or partly from revenue, the board shall set and revise the rates of compensation for water sold and services rendered by the district.

(c) For bonds payable wholly from revenue, the rates of compensation must be sufficient to:

(1) pay the expense of operating and maintaining the facilities of the district;

(2) pay the bonds as they mature and the interest as it accrues; and
(3) maintain the reserve and other funds as provided by the resolution authorizing the issuance of the bonds.

(d) For bonds payable partly from revenue, the rates of compensation must be sufficient to assure compliance with the resolution authorizing the issuance of the bonds. (Acts 54th Leg., R.S., Ch. 141, Secs. 9(e) (part), (f).)

Source Law

(e) ... Where bonds are issued payable wholly or partially from ad valorem taxes, it shall be the duty of the Board of Directors to levy a tax sufficient to pay the bonds and the interest thereon as such bonds and interest become due, but the rate of the tax for any year may be fixed after giving consideration to the money received from the pledged revenues which may be available for payment of principal and interest to the extent and in the manner permitted by the resolution authorizing the issuance of the bonds.

(f) Where bonds payable wholly from revenues are issued, it shall be the duty of the Board of Directors to fix, and from time to time to revise, the rates of compensation for water sold and services rendered by the District which will be sufficient to pay the expense of operating and maintaining the facilities of the District and to pay the bonds as they mature and the interest as it accrues and to maintain the reserve and other funds as provided in the resolution authorizing the bonds. Where bonds payable partially from revenues are issued, it shall be the duty of the Board to fix, and from time to time to revise, the rate of compensation for water sold and services rendered by the District which will be sufficient to assure compliance with the resolution authorizing the bonds.

Revisor's Note

(1) Section 9(e), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that the rate of the ad valorem tax for any year may be "fixed" by the board. The revised law substitutes "adopt" for "fixed" to conform to the terminology used in Section 26.05, Tax Code.

(2) Section 9(f), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that it shall be the duty of the board to fix, and from "time to time" to revise, the rates of compensation for water sold and services rendered by the district. The revised law omits the quoted language because the duty to set and revise the rates of compensation includes
the duty to revise them from time to time.

Revised Law
Sec. 6913.258. ADDITIONAL SECURITY. (a) District bonds, including refunding bonds, that are not payable wholly from ad valorem taxes may be additionally secured by a deed of trust lien on physical property of the district and all franchises, easements, water rights and appropriation permits, leases, contracts, and all rights appurtenant to the property, vesting in the trustee power to:

(1) sell the property for payment of the debt;
(2) operate the property; and
(3) take other action to further secure the bonds.

(b) The deed of trust may:

(1) contain any provision the board prescribes to secure the bonds and preserve the trust estate;
(2) provide for amendment or modification of the deed of trust; and
(3) provide for the issuance of bonds to replace lost or mutilated bonds.

(c) A purchaser under a sale under the deed of trust is:

(1) the owner of the dam or dams and the other property and facilities purchased; and
(2) entitled to maintain and operate the property and facilities. (Acts 54th Leg., R.S., Ch. 141, Sec. 11.)

Source Law
Sec. 11. Any bonds (including refunding bonds) authorized by this law, not payable wholly from ad valorem taxes, may be additionally secured by a deed of trust lien upon physical properties of the District and all franchises, easements, water rights and appropriation permits, leases, and contracts and all rights appurtenant to such properties, vesting in the trustee power to sell the properties for payment of the indebtedness, power to operate the properties and all other powers and authority for the further security of the bonds. Such deed of trust may contain any provisions prescribed by the Board of Directors for the security of the bonds and the preservation of the trust estate, and may make provision for amendments or modification thereof and the issuance of bonds to replace lost or mutilated bonds. Any purchaser under a sale under such deed of trust shall be the owner of the
dam or dams and the other properties and facilities so purchased and shall have the right to maintain and operate the same.

Revised Law

Sec. 6913.259. USE OF BOND PROCEEDS. (a) The district may set aside an amount of proceeds from the sale of district bonds for the payment of interest expected to accrue during construction and for one year after construction in a reserve interest and sinking fund. The resolution authorizing the bonds may provide for setting aside and using the proceeds as provided by this subsection.

(b) The district may use proceeds from the sale of the bonds to pay any expense necessarily incurred in accomplishing the purposes of the district. (Acts 54th Leg., R.S., Ch. 141, Sec. 9(g).)

Source Law

(g) From the proceeds of the sale of the bonds, the District may set aside an amount for the payment of interest expected to accrue during construction and for one (1) year thereafter in a reserve interest and sinking fund, and such provision may be made in the resolution authorizing the bonds. Proceeds received from the sale of the bonds may also be used for the payment of all expenses necessarily incurred in accomplishing the purposes for which this District is created.

Revised Law

Sec. 6913.260. APPOINTMENT OF RECEIVER. (a) On default or threatened default in the payment of principal or interest on district bonds that are payable wholly or partly from revenue, a court may appoint a receiver for the district on petition of the holders of 25 percent of the outstanding bonds of the issue in default or threatened with default.

(b) The receiver may collect and receive all district income except taxes, employ and discharge district agents and employees, take charge of money on hand, except money received from taxes unless commingled, and manage the district's proprietary affairs without the consent of or hindrance by the board.

(c) The receiver may be authorized to sell or contract for the sale of water or to renew those contracts with the approval of the court that appointed the receiver.
(d) The court may vest the receiver with any other power or
duty the court finds necessary to protect the bondholders. (Acts
54th Leg., R.S., Ch. 141, Sec. 9(h).)

Source Law
(h) In the event of a default or a threatened
default in the payment of principal of or interest on
bonds payable wholly or partially from revenues, any
court of competent jurisdiction may, upon petition of
the holders of twenty-five percent (25%) of the
outstanding bonds of the issue thus in default or
threatened with default, appoint a receiver with
authority to collect and receive all income of the
District except taxes, employ and discharge agents and
employees of the District, take charge of funds on hand
(except funds received from taxes unless commingled)
and manage the proprietary affairs of the District
without consent of or hindrance by the Directors. Such
receiver may also be authorized to sell or make
contracts for the sale of water or renew such contracts
with the approval of the court appointing him. The
court may vest the receiver with such other powers and
duties as the court may find necessary for the
protection of the holders of the bonds.

Revisor's Note
Section 9(h), Chapter 141, Acts of the 54th
Legislature, Regular Session, 1955, refers to a court
"of competent jurisdiction." The revised law omits
the quoted language because the general laws of civil
jurisdiction determine which courts have "competent
jurisdiction" over the matter.

Revised Law
Sec. 6913.261. REFUNDING BONDS. (a) The district may issue
refunding bonds to refund outstanding district bonds and interest
on those bonds.

(b) Refunding bonds may:
(1) be issued to refund bonds of more than one series;
(2) combine the pledges for the outstanding bonds for
the security of the refunding bonds; or
(3) be secured by a pledge of other or additional
revenue.

(c) The provisions of this subchapter regarding the
issuance of other bonds and the remedies of the holders apply to
refunding bonds.
(d) The comptroller shall register the refunding bonds on surrender and cancellation of the bonds to be refunded.

(e) Instead of issuing bonds to be registered on the surrender and cancellation of the bonds to be refunded, the district, in the resolution authorizing the issuance of the refunding bonds, may provide for the sale of the refunding bonds and the deposit of the proceeds in a bank at which the bonds to be refunded are payable. In that case, the refunding bonds may be issued in an amount sufficient to pay the interest on the bonds to be refunded to their option date or maturity date, and the comptroller shall register the refunding bonds without the surrender and cancellation of the bonds to be refunded. (Acts 54th Leg., R.S., Ch. 141, Sec. 10.)

Source Law

Sec. 10. The District is authorized to issue refunding bonds for the purpose of refunding any outstanding bonds authorized by this Act and interest thereon. Such refunding bonds may be issued to refund more than one (1) series of outstanding bonds and combine the pledges for the outstanding bonds for the security of the refunding bonds, and may be secured by other or additional revenues. The provisions of this law with reference to the issuance of other bonds and their approval by the Attorney General and the remedies of the holders shall be applicable to refunding bonds. Refunding bonds shall be registered by the Comptroller upon surrender and cancellation of the bonds to be refunded, but in lieu thereof, the resolution authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the bank where the original bonds are payable, in which case the refunding bonds may be issued in an amount sufficient to pay the interest on the original bonds to their option date or maturity date, and the Comptroller shall register them without concurrent surrender and cancellation of the original bonds.

Revisor's Note

Section 10, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, refers to provisions of Chapter 141 referencing "approval [of bonds] by the Attorney General" and applies them to refunding bonds. The revised law omits the quoted language because that language and the provisions of the chapter it refers to are superseded by Section
1202.003, Government Code, enacted in 1987 as Section 3.002(a), Chapter 53, Acts of the 70th Legislature, 2nd Called Session (Article 717k-8, Vernon's Texas Civil Statutes), which provides for approval of public securities by the attorney general. That section applies to bonds issued by the district, including refunding bonds, under Section 1202.001, Government Code. See Revisor's Note (4) at the end of this subchapter, which explains the omission of the relevant portions of Section 13 of Chapter 141.

Chapter 1202, Government Code, applies to the district under Sections 1202.001 and 1202.003(c) of that chapter. Throughout this chapter, the revised law omits law that is superseded by Chapter 1202, Government Code, or that duplicates law contained in that chapter.

Revised Law
Sec. 6913.262. BONDS EXEMPT FROM TAXATION. District bonds, the transfer of district bonds, and income from district bonds, including profits made on the sale of district bonds, are exempt from taxation in this state. (Acts 54th Leg., R.S., Ch. 141, Sec. 19 (part).)

Source Law
Sec. 19. . . . the bonds issued hereunder and their transfer and the income therefrom, including the profits made on the sale thereof, shall at all times be free from taxation within this State.

Revisor's Note
(End of Subchapter)

(1) Section 9(b), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that district bonds may be sold at a price and under terms that the board determines to be the most advantageous reasonably obtainable. The revised law omits that provision because it duplicates or is superseded by provisions of general law. Section 1204.006,
Government Code, provides that an issuer may sell public securities at any price. Section 1204.006 applies to district bonds under Sections 1204.001 and 1204.002, Government Code. Section 1201.022, Government Code, provides that an issuer may sell public securities "under the terms determined by the governing body of the issuer to be in the issuer's best interests." The omitted law reads:

(b) . . . [bonds] . . . may be sold at a price and under terms determined by the Board of Directors to be the most advantageous reasonably obtainable, . . . .

(2) Section 9(b), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that district bonds may bear interest at a rate not to exceed six percent. The revised law omits that provision because it is superseded by other law. Section 9(b) was enacted in 1955 and was impliedly amended by the subsequent enactment of Chapter 3, Acts of the 61st Legislature, Regular Session, 1969 (Article 717k-2, Vernon's Texas Civil Statutes), now Chapter 1204, Government Code. Section 1204.006, Government Code, reflecting the 1981 amendment of Article 717k-2 by Section 1, Chapter 61, Acts of the 67th Legislature, Regular Session, permits a public agency to issue public securities at any net effective interest rate of 15 percent or less. Section 1204.006, Government Code, applies to district bonds under Section 1204.001, Government Code. The omitted law reads:

(b) . . . [bonds . . . may be sold . . . under terms determined by the Board of Directors] . . . provided that the interest cost to the District, calculated by use of standard bond interest tables currently in use by insurance companies and investment houses does not exceed six per cent (6%) per annum, and . . . .
Section 9(b), Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that district bonds may be called, or redeemed, before maturity at the time and price specified in the resolution authorizing the bonds. The revised law omits that provision because it duplicates in substance Sections 1201.021 and 1201.022, Government Code, which provide that a public security may be redeemed before maturity and be payable in specified amounts and at specified times. The omitted law reads:

(b) ... [bonds] ... within the discretion of the Board, may be made callable prior to maturity at such times and prices as may be prescribed in the resolution authorizing the bonds.

Section 13, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, requires the district to submit bonds it issues to the attorney general for examination and approval. Section 13 also requires the attorney general to approve district bonds if the bonds were authorized under law. In addition, Section 13 provides that after approval the bonds must be registered with the comptroller and that after approval and registration the bonds are incontestable. The revised law omits those provisions as superseded by Chapter 1202, Government Code (enacted as Article 3, Chapter 53, Acts of the 70th Legislature, 2nd Called Session, 1987). Section 1202.003, Government Code, provides for approval of the bonds by the attorney general and requires the attorney general to submit the approved bonds to the comptroller for registration. Section 1202.005, Government Code, requires registration of the bonds by the comptroller. Section 1202.006, Government Code, provides that after approval and registration the bonds are incontestable and binding obligations. The
Sec. A13. After any bonds are authorized by the District, such bonds and the record relating to their issuance shall be submitted to the Attorney General for his examination as to the validity thereof. . . . If such bonds have been authorized and . . . in accordance with the Constitution and laws of the State of Texas, he shall approve the bonds and . . . the bonds then shall be registered by the Comptroller of Public Accounts. Thereafter, the bonds, and . . . shall be valid and binding and shall be incontestable for any cause.

(5) Section 13, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, details various procedures regarding approval of bond contracts and proceedings by the attorney general. The revised law omits the portion of Section 13 regarding the validity and incontestability of a contract the proceeds of which are pledged to the payment of a bond as superseded by Section 1202.006, Government Code (enacted as Section 3.002(d), Chapter 53, Acts of the 70th Legislature, 2nd Called Session, 1987). Section 1202.006, Government Code, provides that after approval and registration of the bond, the bond and contract are not contestable for any reason. The omitted law reads:

Sec. 13. . . . Where such bonds recite that they are secured by a pledge of the proceeds of a contract theretofore made between the District and any city or other governmental agency or District, a copy of such contract and the proceedings of the city or other governmental agency or District authorizing such contract shall also be submitted to the Attorney General. . . . If such contracts have been made [in accordance with the Constitution and laws of the State of Texas, he shall approve] . . . such contracts and . . . . . [Thereafter,] . . . the contracts, if any, [shall be valid and . . . shall be incontestable for any cause.]

(6) Section 18, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, lists the entities for which district bonds are legal investments and
provides that district bonds may secure deposits of public funds of the state or political subdivisions. The revised law omits the provision relating to the eligibility of district bonds to be considered as investments for various entities because it duplicates Section 49.186, Water Code. While Section 18 lists "guardians" and Section 49.186, Water Code, does not, Section 49.186 includes "fiduciaries," and a guardian is a fiduciary. The revised law omits the provision relating to deposits of state funds as impliedly repealed by Section 404.0221, Government Code, which lists eligible collateral for deposits of state funds by the comptroller. As to deposits of other funds, the provision is impliedly repealed by Chapter 2257, Government Code (enacted as Chapter 627, Acts of the 71st Legislature, Regular Session, 1989), which governs eligible collateral for deposits of funds of other public agencies, including political subdivisions, and permits those deposits to be secured by obligations issued by conservation and reclamation districts. The omitted law reads:

Sec. 18. All bonds of the District shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their value, when accompanied by all unmatured coupons appurtenant thereto.
Revisor's Note
(End of Chapter)

(1) Section 17, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that water control and improvement district law that is not expressly made applicable to the district by Chapter 141 does not apply to the district. The revised law omits that provision as unnecessary because, as a fresh water supply district under Subtitle B, Title 6, Special District Local Laws Code, the district would not be subject to water control and improvement district laws unless Chapter 141 or other law explicitly made those laws applicable. The omitted law reads:

Sec. 17. Only those provisions of the laws relating to Water Control and Improvement Districts which are expressly made applicable to this District by this Act shall be applicable to this District.

(2) Section 21, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, provides that the act is severable. The revised law omits the provision because the same result is produced by application of Section 311.032, Government Code (Code Construction Act), which provides that a provision of a statute is severable from each other provision of the statute that can be given effect. The omitted law reads:

Sec. 21. If any provision of this Act or the application thereof to any person or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

(3) Section 22, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, states that notice of the intention to apply for the passage of that act was published in the manner provided by law. The revised law omits that provision as executed. The omitted law reads:
Sec. 22. It is hereby found that notice of intention to apply for the passage of this Act has been published in the locality where the matter and things to be affected hereby are situated, which notice stated the substance of this law, and was published at least thirty (30) days prior to the introduction into the Legislature of this bill and the time, form and manner of giving said notice is hereby approved, validated and ratified. The evidence of the foregoing was exhibited in the Legislature before the passage of this Act.

SUBTITLE E. LEVEE IMPROVEMENT DISTRICTS

CHAPTER 7811. DALLAS COUNTY FLOOD CONTROL DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7811.001. DEFINITIONS
Sec. 7811.002. NATURE OF DISTRICT
Sec. 7811.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE
Sec. 7811.004. DISTRICT TERRITORY
Sec. 7811.005. ANNEXATION OF LAND

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7811.051. COMPOSITION OF BOARD; TERMS
Sec. 7811.052. ELIGIBILITY FOR OFFICE
Sec. 7811.053. DIRECTOR'S BOND
Sec. 7811.054. BOARD VACANCY
Sec. 7811.055. BOARD PRESIDENT; ABSENCE OF BOARD

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7811.101. GENERAL POWERS AND DUTIES
Sec. 7811.102. EMINENT DOMAIN
Sec. 7811.103. COST OF RELOCATING OR ALTERING PROPERTY
Sec. 7811.104. CONTRACTS FOR FACILITIES AND
IMPROVEMENTS; ELECTION NOT REQUIRED

Sec. 7811.105. PROHIBITED FUNCTIONS

Sec. 7811.106. STANDARDS FOR ROAD, STREET, OR UTILITY
CONSTRUCTION

Sec. 7811.107. APPROVAL OF RECLAMATION PLAN,
AMENDMENT, OR PROJECT

SUBCHAPTER D. TAX ABATEMENT IN REINVESTMENT ZONE

Sec. 7811.151. DESIGNATION OF REINVESTMENT ZONE

Sec. 7811.152. CRITERIA FOR REINVESTMENT ZONE

Sec. 7811.153. EXPIRATION OF REINVESTMENT ZONE

Sec. 7811.154. TAX ABATEMENT AGREEMENT

Sec. 7811.155. TAX ABATEMENT AGREEMENT: CERTIFICATED
AIR CARRIER

Sec. 7811.156. TAX ABATEMENT AGREEMENT REQUIREMENTS

Sec. 7811.157. NOTICE OF TAX ABATEMENT AGREEMENT TO
OTHER TAXING UNITS

Sec. 7811.158. MODIFICATION OR TERMINATION OF TAX
ABATEMENT AGREEMENT

Sec. 7811.159. REGISTRY OF REINVESTMENT ZONES AND TAX
ABATEMENT AGREEMENTS; ASSISTANCE TO
DISTRICT

Sec. 7811.160. PROPERTIES THAT MAY BE INCLUDED IN TAX
ABATEMENT AGREEMENT

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 7811.201. DEPOSITORY

Sec. 7811.202. AUTHORITY TO ISSUE BONDS AND INCUR
INDEBTEDNESS

Sec. 7811.203. CONSTITUENT MUNICIPALITIES NOT
OBLIGATED TO PAY DISTRICT OBLIGATIONS

Sec. 7811.204. BOND ANTICIPATION NOTES

Sec. 7811.205. PREVIOUSLY AUTHORIZED MAINTENANCE TAXES
CHAPTER 7811. DALLAS COUNTY FLOOD CONTROL DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 7811.001. DEFINITIONS. In this chapter:
(1) "Board" means the district's board of directors.
(2) "Constituent municipality" means the City of Grand Prairie or the City of Irving.
(3) "Director" means a member of the board.
(4) "District" means the Dallas County Flood Control District No. 1. (Acts 68th Leg., R.S., Ch. 1081, Secs. 1(b) (part), (c), 2(a) (part); New.)

Source Law

[Sec. 1]
(b) The Dallas County Municipal Utility District No. 2 is renamed "Dallas County Flood Control District No. 1" and . . . . 
(c) In this Act, "district" means the Dallas County Flood Control District No. 1.

Sec. 2. (a) On and after the effective date of this Act the district shall be designated as the Dallas County Flood Control District No. 1 of Dallas County, Texas. . . .

Revisor's Note

The definitions of "board," "constituent municipality," and "director" are added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definitions.

Revised Law

Sec. 7811.002. NATURE OF DISTRICT. The district is a conservation and reclamation district established under Section 59, Article XVI, Texas Constitution. (Acts 68th Leg., R.S., Ch. 1081, Secs. 1(a), (b) (part).)

Source Law

Sec. 1. (a) Pursuant to Article XVI, Section 59, of the Texas Constitution, a conservation and reclamation district designated as Dallas County Levee Improvement District No. 17 was established by the Commissioners Court of Dallas County and was converted to Dallas County Municipal Utility District No. 2 by order of the Texas Water Commission.
(b) [The . . . District] . . . is declared to be a validly existing conservation and reclamation district.

Revisor's Note

(1) Sections 1(a) and (b), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, state that the district was "established by the Commissioners Court of Dallas County and was converted to Dallas County Municipal Utility District No. 2 by order of the Texas Water Commission" and that the district "is declared to be a validly existing" conservation and reclamation district. The name of the district was changed by Sections 1(b) and 2(a) of Chapter 1081 to the "Dallas County Flood Control District No. 1." The revised law omits the language regarding the establishment and validation of the district because it served its purpose on the day it took effect and is executed law. Section 311.031(a)(2), Government Code (Code Construction Act), provides that the repeal of a statute does not affect any validation previously made under the statute. Therefore, the omission of the executed validation provision does not affect the validation.

(2) Section 1(d), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, provides that the district is a governmental agency and a body politic and corporate. The revised law omits the provision because it duplicates a portion of Section 59(b), Article XVI, Texas Constitution, which provides that a conservation and reclamation district is a governmental agency and a body politic and corporate. The omitted law reads:

(d) The district is declared to be a governmental agency and body politic and corporate and . . . .
Sec. 7811.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) The land and other property included in the district will benefit from the works and projects accomplished by the district and by the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation and operation of the district is essential to accomplish the purpose of Section 59, Article XVI, Texas Constitution. (Acts 68th Leg., R.S., Ch. 1081, Secs. 8, 14.)

Sec. 8. The legislature finds that the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district and by the powers granted pursuant to Article XVI, Section 59, of the Texas Constitution, and that the district was created to serve a public use and benefit.

Sec. 14. The legislature declares the creation and operation of the district to be essential to accomplish the purpose of Article XVI, Section 59(d), of the Texas Constitution.

Section 14, Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, states that "the creation and operation of the district" is "essential to accomplish the purpose of Article XVI, Section 59(d), of the Texas Constitution." The revised law omits the reference to Subsection (d) of Section 59 because it is clear from the context that "Section 59(d)" is a typographical error and the legislature intended to refer to Section 59, Article XVI, Texas Constitution.

Sec. 7811.004. DISTRICT TERRITORY. (a) The district is composed of the territory located within the redefined boundaries of the district as filed in the deed records of Dallas County, Texas, on August 29, 1983, as amended by Sections 2(b) and (d),
Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, as that territory may have been modified under:

1. Section 7811.005 of this chapter or its predecessor statute, former Section 13, Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983;
2. Subchapter J, Chapter 49, Water Code; or
3. other law.

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

1. the district's organization, existence, or validity;
2. the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;
3. the district's right to impose a tax; or
4. the legal operation of the district or its governing body. (Acts 68th Leg., R.S., Ch. 1081, Secs. 2(a) (part), (b), (c), (d); New.)

Source Law

(a) . . . The district includes all property located within the redefined boundaries of the district as filed in the deed records of Dallas County, Texas, on the effective date of this Act. . . .

(b) Subject to the requirements of Subsection (d) of this section, the following real property is excluded from the district: Towne Lake Phase II Addition to the City of Irving Block 1, Lots 1 through 19; Block 2, Lots 1 through 6 and 9 through 69; Block 3, Lots 1 through 28; Towne Lake Phase III Addition to the City of Irving Block 1, Lots 1 through 8; Block 2, Lots 1 through 68; Block 3, Lots 1 through 38; Block 4, Lots 1 through 17; and Towne Lake Place Addition to the City of Irving, Block A, Lots 1 and 2. Effective July 1, 1987, the excluded property may not be subject to the levy of ad valorem taxes by the district and it shall be removed from the tax rolls of the district at that time.

(c) The legislature finds that the boundaries and field notes of the district form a closure. If any mistake is made in copying the field notes in the legislative process, or otherwise a mistake is made in the field notes, it in no way affects the organization, existence, and validity of the district; the right of the district to issue any type of bonds or refunding bonds for the purposes for which the district is created, or to pay the principal of and interest on the
bonds; the right of the district to assess, levy, and
collect taxes; or the legal operation of the district
or its governing body.

(d) Before the territory described in
Subsection (b) of this section is disannexed from the
district, the district must give written notice of the
proposed disannexation by certified mail, return
receipt requested, to the city manager of the city of
Irv ing and the city manager of the city of Grand
Prairie, and each city must approve the disannexation
as provided by this subsection. Each city has a period
of 30 days from the date notice is received by that
city to either approve or disapprove the disannexation
of the territory, and each city shall express its
approval or disapproval through a resolution adopted
by the city council of that city. If a city fails to
adopt a resolution within the 30-day period as
provided by this subsection, the disannexation is
deemed approved by that city. If either of the cities
disapproves the disannexation of the territory, the
territory is not disannexed, but subsequent attempts
to disannex the territory may be made and the territory
may be disannexed in the manner provided by this
subsection.

Revisor's Note

(1) Section 2(a), Chapter 1081, Acts of the 68th
Legislature, Regular Session, 1983, refers to
"property" located within the boundaries of the
district. The revised law substitutes "territory" for
"property" because, in context, the terms are
synonymous and "territory" is more commonly used.

(2) Section 2(a), Chapter 1081, Acts of the 68th
Legislature, Regular Session, 1983, refers to the
boundaries of the district filed in the deed records of
Dallas County, Texas, "on the effective date of this
Act." Chapter 1081 took effect on August 29, 1983, and
the revised law is drafted accordingly.

(3) Section 2(a), Chapter 1081, Acts of the 68th
Legislature, Regular Session, 1983, validates the
district boundaries. The revised law omits the
language regarding the validation for the reason
stated in Revisor's Note (1) to Section 7811.002. The
omitted law reads:

(a) ... Those boundaries are
validated.

(4) Sections 2(b) and (d), Chapter 1081, Acts of
the 68th Legislature, Regular Session, 1983, describe
certain properties in the constituent municipalities
that are to be excluded from the district, the notice
that must be given to the constituent municipalities
before those properties are disannexed from the
district, and the approval process by each constituent
municipality for disannexation. The tax records
available from the Dallas Central Appraisal District
indicate that the district is not collecting taxes
from the properties described in Section 2(b),
indicating that the properties have already been
disannexed in accordance with the process described in
Section 2(d). The revised law omits Sections 2(b) and
(d) as executed but, for the reader's convenience, adds
a reference to Sections 2(b) and (d) to indicate that
the district's territory has been changed under those
sections.

(5) For the reader's convenience, the revised
law adds a reference to the district's authority to
change the district's territory under Subchapter J,
Chapter 49, Water Code, applicable to the district
under Sections 49.001 and 49.002 of that chapter, and
Section 7811.005 of this chapter or Section 13,
Chapter 1081, Acts of the 68th Legislature, Regular
Session, 1983, from which Section 7811.005 is derived.
The revised law also includes a reference to the
general authority of the legislature to enact other
laws to change the district's territory.

(6) Section 2(c), Chapter 1081, Acts of the 68th
Legislature, Regular Session, 1983, provides that a
mistake in the description of the district boundaries
does not affect the right of the district to issue "any
type of bonds or refunding bonds." The revised law
omits the reference to "refunding bonds" because
refunding bonds are included in the meaning of "any type of bonds."

(7) Section 2(c), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, refers to the district's authority to "assess, levy, and collect" taxes. Throughout this chapter, the revised law substitutes "impose" for "assess, levy, and collect" because "impose" is the term generally used in Title 1, Tax Code, and includes the assessment, levy, and collection of a tax.

Revised Law
Sec. 7811.005. ANNEXATION OF LAND. Before the annexation of land within the corporate limits of a constituent municipality, the district must obtain the approval of the municipality. (Acts 68th Leg., R.S., Ch. 1081, Sec. 13 (part).)

Source Law
Sec. 13. . . Before the annexation of land to the district, the district must obtain the approval of the city of Grand Prairie if the land to be annexed is within the city limits of Grand Prairie, or the city of Irving if the land to be annexed is within the city limits of Irving.

Revisor's Note
(1) Throughout this chapter, the revised law substitutes the phrase "corporate limits" for "city limits" because the terms are synonymous and "corporate limits" is more commonly used.

(2) Section 13, Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, provides that the district may annex property in the manner provided by Sections 54.711 through 54.727, Water Code. The revised law omits that provision as unnecessary. Chapter 715, Acts of the 74th Legislature, Regular Session, 1995, repealed Sections 54.711 through 54.727, Water Code, and enacted Subchapter J, Chapter 49, Water Code, to govern the addition of land to
certain districts. Subchapter J, Chapter 49, Water
Code, applies to the district under Sections 49.001
and 49.002 of that code. The omitted law reads:

Sec. 13. The district may annex
property to the district in the manner
provided by Sections 54.711 through 54.727,
Water Code.

SUBCHAPTER B. BOARD OF DIRECTORS

Revised Law
Sec. 7811.051. COMPOSITION OF BOARD; TERMS. (a) The
district is governed by a board consisting of five appointed
directors. The City of Irving appoints three directors and the City
of Grand Prairie appoints two directors.
(b) Directors serve two-year terms. (Acts 68th Leg., R.S.,
Ch. 1081, Sec. 3(a).)

Source Law
Sec. 3. (a) The powers of the district are
exercised by a board of five directors. Each director
serves for a term of two years, and until a successor
is appointed and qualified. The city of Irving shall
appoint three directors and the city of Grand Prairie
shall appoint two directors.

Revisor's Note
(1) Section 3(a), Chapter 1081, Acts of the 68th
Legislature, Regular Session, 1983, provides that
"[t]he powers of the district are exercised by" the
board. The revised law substitutes "The district is
governed by" for the quoted language to conform to the
terminology used in Chapter 49, Water Code.
(2) Section 3(a), Chapter 1081, Acts of the 68th
Legislature, Regular Session, 1983, provides that a
director serves "until a successor is appointed and
qualified." The revised law omits the provision
because it duplicates Section 17, Article XVI, Texas
Constitution, which provides that an officer in this
state continues to perform the officer's official
duties until a successor has qualified.
Revised Law

Sec. 7811.052. ELIGIBILITY FOR OFFICE. A director must own land in the district subject to taxation at the time the director qualifies for office. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(c) (part).)

Source Law

(c) A director must own land within the district subject to taxation at the time of his qualification as a director.

Revised Law

Sec. 7811.053. DIRECTOR'S BOND. (a) A director shall execute a bond in the amount of $5,000 for the faithful performance of the director's duties.

(b) The bond must be filed in the office of the county clerk of Dallas County. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(c) (part).)

Source Law

(c) [A director] . . . shall execute a bond in the amount of $5,000 for the faithful performance of his duties. . . . The bond shall be . . . filed in the office of the county clerk of Dallas County.

Revisor's Note

(1) Section 3(c), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, provides that each director must take the constitutional oath of office. The revised law omits that provision because Section 1, Article XVI, Texas Constitution, requires all officers to take the oath (or affirmation) before assuming office. The omitted law reads:

(c) [A director] . . . must take the constitutional oath of office, and . . . .

(2) Section 3(c), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, requires the district to pay the cost of a director's bond and provides that the bond be approved by the board. The revised law omits that provision because it duplicates in substance part of Section 49.055(c), Water Code.
Throughout this chapter, the revised law omits law that is superseded by Chapter 49, Water Code, or that duplicates law contained in that chapter. Chapter 49, Water Code, applies to the district under Sections 49.001 and 49.002 of that code. The omitted law reads:

Revised Law

Sec. 7811.054. BOARD VACANCY. (a) If a director dies, resigns, or ceases to possess the qualifications required for office, the board shall declare the person's office vacant.

(b) The constituent municipality that appointed the director whose position is vacant shall appoint a successor to fill the unexpired term. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(b).)

Source Law

Sec. 7811.055. BOARD PRESIDENT; ABSENCE OF BOARD PRESIDENT.

(a) The board may authorize the board's president to sign all orders or take other action.

(b) Any order adopted or action taken at a board meeting at which the board's president is absent may be signed by the board's vice president, or the board may authorize the president to sign the order or action at a later time. (Acts 68th Leg., R.S., Ch. 1081, Secs. 3(f) (part), (g).)

Source Law

(f) . . . The board may authorize the president to sign all orders or take other action.

(g) An order adopted or action taken at a meeting of the board of directors at which the president is absent may be signed by the vice-president, or the board may authorize the president to sign the order or action at a later time.
Sec. 7811.056. SECRETARY'S DUTIES. The board secretary shall keep accurate minutes and shall certify any action taken by the board. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(h).)

Sec. 7811.057. TREASURER. (a) The board may appoint a district treasurer. (b) The district treasurer shall execute a bond in an amount determined by the board payable to the district and conditioned on the faithful performance of the treasurer's duties. (Acts 68th Leg., R.S., Ch. 1081, Sec. 11(d).)

Sec. 7811.058. COMPENSATION OF DIRECTORS. (a) A director is entitled to receive $25 for each day spent performing district work, not to exceed $200 per month. (b) In all areas of conflict with Subsection (a) of this section, Section 49.060, Water Code, takes precedence. (c) A director's compensation may be increased as authorized by Section 49.060, Water Code, by resolution adopted by the board in accordance with Subsection (e) of that section on or after September 1, 1995. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(i) (part); New.)
(1) Section 3(i), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, provides that "[e]ach member of the board of directors is entitled to receive $25 for each day he spends on district work but may not receive an amount that exceeds $200 in any calendar month." Section 49.060, Water Code, enacted in 1995 and applicable by its own terms to the district, also provides for a director's fees of office, computed on a rate per day of certain service, and, under Subsection (a-1) of that section, enacted in 2003, requires the board of each district to adopt a resolution limiting a director's total annual fees of office. Section 49.060(e) provides that, in all areas of conflict, Section 49.060 takes precedence over all prior statutory enactments and that, if the enactment of that section would result in a fee increase, the increase does not apply to a district unless the board by resolution authorizes payment of the higher fees. It is unclear to what extent the quoted language may be in conflict with Section 49.060. To preserve the ambiguity, the revised law includes the substance of the quoted language and adds provisions necessary to preserve the effect of Section 49.060 to the extent of a conflict with that language.

(2) Section 3(i), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, provides for reimbursement of a director's actual expenses. The revised law omits the provision because it is expressly superseded by Section 49.060, Water Code (enacted in 1995). The omitted law reads:

(i) . . . A director shall be reimbursed for actual expenses approved by the board.
Revised Law

Sec. 7811.059. VOTE REQUIRED FOR OFFICIAL BOARD ACTION. An official action of the board is not valid without the affirmative vote of a majority of the directors. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(d) (part).)

Source Law

(d) ... no official action of the board is valid without the affirmative vote of a majority of the members of the board.

Revisor's Note

Section 3(d), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, provides that a majority of the directors constitutes a quorum for the transaction of district business. The revised law omits the provision because it duplicates in substance Section 49.053, Water Code. The omitted law reads:

(d) A majority of the members of the board of directors constitute a quorum for the transaction of business of the district, but . . . .

Revised Law

Sec. 7811.060. DESIGNATION OF DIRECTOR TO ACT ON DISTRICT'S BEHALF. The board may designate one or more directors to execute on behalf of the district all contracts, including a construction contract, sign checks, or handle any other matter entered into by the board as shown in the district's official minutes. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(e).)

Source Law

(e) The board of directors may designate one or more directors to execute on behalf of the district all contracts, construction or otherwise, sign checks, or handle any other matter entered into by the board as shown in the official minutes of the district.

Revised Law

Sec. 7811.061. DISTRICT OFFICE. (a) The board shall establish and maintain a district office inside the district.

(b) The board may establish a second district office outside the district.
(c) A district office may be a private residence or office and that residence or office is a public place for matters relating to the district's business. (Acts 68th Leg., R.S., Ch. 1081, Sec. 12.)

Source Law
Sec. 12. The board of directors shall establish and maintain a district office in the district. The district may establish a second district office outside the district. Either or both district offices may be a private residence, office, or dwelling, and the private residence, office, or dwelling is declared a public place for matters pertaining to the district's business.

Revisor's Note
Section 12, Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, refers to a "private residence" or "dwelling" used as a district office. The revised law omits the reference to "dwelling" because, in context, the meaning of that term is included in the meaning of "private residence."

Revised Law
Sec. 7811.062. RECORDS. The board shall keep the district's records open to public inspection at reasonable times at the district's principal office. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(k).)

Source Law
(k) The board of directors shall keep and maintain complete and accurate accounts and records. The board shall keep the records at the district's principal office and the records shall be open to public inspection at reasonable times.

Revisor's Note
Section 3(k), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, states that "[t]he board of directors shall keep and maintain complete and accurate accounts and records." The revised law omits the quoted language because it duplicates in substance Section 49.065(a), Water Code.
Revisor's Note
(End of Subchapter)

(1) Section 3(f), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, provides for the election of a board president, vice president, and secretary. The revised law omits that provision because it duplicates in substance part of Section 49.054(a), Water Code. The omitted law reads:

(f) The board of directors shall organize and elect a president, vice-president, and secretary.

(2) Section 3(j), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, requires the board to hold regular and special meetings "at the times and on the dates the board determines." The revised law omits that provision because it duplicates in substance Section 49.064, Water Code, which requires the board to hold regular and special meetings as necessary for the proper conduct of the district's business. The omitted law reads:

(j) The board of directors shall hold regular and special meetings at the times and on the dates the board determines.

(3) Section 4, Chapter 600, Acts of the 70th Legislature, Regular Session, 1987, provides the terms of office of the directors serving on the effective date of Chapter 600 and for the appointment of the successors to those directors. The revised law omits those provisions as executed. The omitted law reads:

Sec. 4. (a) The two directors of the Dallas County Flood Control District No. 1 elected on April 4, 1987, serve until two directors are appointed to and have qualified for those positions. One director shall be appointed by the city of Grand Prairie and one director shall be appointed by the city of Irving. The appointments may not be made before the date the United States Department of Justice indicates that no objections will be interposed under the federal Voting Rights Act (42 U.S.C. Sections 1971 et seq., 1973), but must be made within 15 days after that date.

(b) The three directors serving on
the effective date of this Act who have
terms of office that expire in April 1988
shall continue in office and serve for the
terms for which they were elected and until
their successors are appointed and have
qualified for office. The successors to
those directors shall be appointed to take
office on April 3, 1988, with one director
being appointed by the city of Grand Prairie
and two directors being appointed by the
city of Irving.

SUBCHAPTER C. POWERS AND DUTIES

Revised Law
Sec. 7811.101. GENERAL POWERS AND DUTIES. (a) The district
may exercise the rights, powers, privileges, and functions provided
by Section 59, Article XVI, Texas Constitution, Chapters 49 and 57,
Water Code, and this chapter.

(b) The district may construct and maintain levees and other
improvements on, along, and contiguous to rivers, creeks, streams,
and drainage courses for the purposes of:

(1) reclaiming land from overflow from that water;

(2) controlling and distributing the water of rivers
and streams by straightening and improving the rivers and streams;

(3) draining and improving the land; and

(4) preventing the pollution of the water. (Acts 68th
Leg., R.S., Ch. 1081, Secs. 1(d) (part), (e); New.)

Source Law

(d) [The district] . . . may exercise the
powers, rights, privileges, and functions as provided
by Article XVI, Section 59, of the Texas Constitution;
Chapter 57, Water Code; and this Act. . . .

(e) The district may construct and maintain
levees and other improvements on, along, and
contiguous to rivers, creeks, streams, and drainage
courses for the purposes of:

(1) reclaiming land from overflow from
that water;

(2) controlling and distributing the water
of rivers and streams by straightening and improving
the rivers and streams;

(3) draining and improving the land; and

(4) preventing pollution of the water.

Revisor’s Note
(1) Section 1(d), Chapter 1081, Acts of the 68th
Legislature, Regular Session, 1983, refers to certain
laws applicable to the district. For the reader’s
convenience, the revised law adds a reference to Chapter 49, Water Code, generally applicable under Sections 49.001 and 49.002 of that chapter to districts created under Section 59, Article XVI, Texas Constitution.

(2) Section 1(d), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, provides that the act prevails over general law in case of a conflict or other inconsistency. The revised law omits that provision because it duplicates in substance Section 311.026(b), Government Code (Code Construction Act). The omitted law reads:

(d) ... If any provision of the general law is in conflict or inconsistent with this Act, this Act prevails.

(3) Section 1(f), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, provides that the district may build and carry out certain works and improvements and may enter into contracts, employ persons, and take any actions necessary to accomplish those purposes. The revised law omits the provision because it duplicates in substance Section 57.092, Water Code, which applies to the district under Section 7811.101 of this chapter. The omitted law reads:

(f) The district may build, construct, complete, carry out, maintain, protect, and, in case of necessity, add to and rebuild all works and improvements within its boundaries to accomplish any plan of reclamation adopted for or on behalf of the district. The district may enter into necessary contracts, employ necessary persons, and take any actions necessary to carry out this subsection.

Revised Law

Sec. 7811.102. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain in Dallas County to acquire the fee simple title to or an easement or right-of-way to, over, or

86C63 SLB-D 82
through any land, water, or land under water inside or outside the
district that has a direct effect on the accomplishment of the
purposes for which the district is created and is necessary for
constructing and maintaining all levees and other improvements for
the improvement of rivers, creeks, streams, or drainage courses in
the district or bordering the district and to prevent overflows.

(b) The district may not exercise the power of eminent
domain under Subsection (a) to acquire land or other property that
is used for cemetery purposes.

(c) The district must exercise the power of eminent domain
in the manner provided by Chapter 21, Property Code.

(d) The district may not exercise the power of eminent
domain within the corporate limits of a constituent municipality
without the prior approval by resolution of the governing body of
the municipality.

(e) The district's authority under this section to exercise
the power of eminent domain expired on September 1, 2013, unless the
district submitted a letter to the comptroller in accordance with
Section 2206.101(b), Government Code, not later than December 31,
2012. (Acts 68th Leg., R.S., Ch. 1081, Secs. 9(a), (b) (part), (d);
New.)

Source Law

Sec. 9. (a) The district may exercise the
to enable it to acquire the fee simple title, easement,
or right-of-way to, over, and through any and all land,
water, or land under water, except land and property
used for cemetery purposes, inside, bordering on,
adjacent or opposite to, or outside the district that
has a direct effect on the accomplishment of the
purposes for which the district is created and that is
necessary for making, constructing, and maintaining
all levees and other improvements for the improvement
of rivers, creeks, streams, or drainage courses inside
or bordering on the district and to prevent overflows.

(b) The power of eminent domain must be
exercised by the district in the manner provided by
Chapter 21, Property Code, . . . .

(d) In addition to any other requirements, the
district may not exercise the power of eminent domain
without the prior approval by resolution of the city
council of Grand Prairie if the property to be
condemned is within the city limits of Grand Prairie or
the city council of Irving if the property to be
condemned is within the city limits of Irving.

Revisor's Note

(1) Section 9(a), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, states that the district may exercise the power of eminent domain to acquire property "inside, bordering on, adjacent or opposite to, or outside" the district. The revised law omits "bordering on" and "adjacent or opposite to" because those terms are included in the meaning of "inside or outside."

(2) Section 9(a), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, states that the district may acquire property if that property is necessary for "making, constructing, and maintaining all levees and other improvements." The revised law omits "making" because "making" is included in the meaning of "constructing."

(3) Section 9(b), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, states that the district is not required to give bond for appeal or bond for costs in a condemnation suit to which it is a party and is not required to deposit double the amount of any award in any suit. The revised law omits those provisions because they duplicate in substance Section 49.066(f), Water Code. The omitted law reads:

(b) . . . except that the district is not required to give bond for appeal or bond for costs in a condemnation suit to which it is a party and is not required to deposit double the amount of any award in any suit.

(4) Section 9(d), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, states that the district must receive approval from the city council of either Grand Prairie or Irving before the district may exercise the power of eminent domain. Throughout this chapter, the revised law substitutes "governing
body" for "city council" to conform to the terminology used in the Local Government Code.

(5) Section 9, Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, provided the district limited eminent domain authority. Section 2206.101, Government Code, required an entity with eminent domain authority to submit a letter with certain information to the comptroller not later than December 31, 2012, to prevent the entity's eminent domain authority from expiring on September 1, 2013. To avoid the appearance that this revision recognizes authority that the district may not possess at the time of the revision, the revised law includes a provision setting out the requirements of Section 2206.101, Government Code.

Revised Law

Sec. 7811.103. COST OF RELOCATING OR ALTERING PROPERTY. (a) In this section, "sole expense" means the actual cost of relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of a facility described by Subsection (b) to provide comparable replacement without enhancement of the facility, after deducting the net salvage value of the old facility.

(b) If the district's exercise of its power of eminent domain makes necessary relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of a highway, railroad, electric transmission or distribution line, telephone or telegraph property or facility, or pipeline, the necessary action shall be accomplished at the sole expense of the district unless the owner of the relocated or altered facility has a legal obligation to pay those expenses. (Acts 68th Leg., R.S., Ch. 1081, Sec. 9(c).)

Source Law

(c) If the district, in the exercise of the power of eminent domain, makes necessary the relocation, raising, lowering, rerouting, change in
grade, or alteration of the construction of any
highway, railroad, electric transmission or
distribution line, telephone or Telegraph properties
and facilities, or pipeline, all necessary
relocations, raising, lowering, rerouting, change in
grade, or alteration of construction shall be
accomplished at the sole expense of the district,
unless the owner of the facility relocated or altered
has an existing legal obligation to pay the expenses.
The term "sole expense" means the actual cost of
relocation, raising, lowering, rerouting, change in
grade, or alteration of construction, to provide
comparable replacement without enhancement of
facilities, after deducting the net salvage value
derived from the old facility.

Revised Law

Sec. 7811.104. CONTRACTS FOR FACILITIES AND IMPROVEMENTS;
ELECTION NOT REQUIRED. (a) The district may enter into a contract
with a person for the maintenance or construction of any facility or
improvement authorized by this chapter.

(b) The district may enter into a contract under Subsection
(a) without:

(1) voting for the issuance of bonds; or
(2) holding an election to approve the contract. (Acts
68th Leg., R.S., Ch. 1081, Sec. 10.)

Source Law

Sec. 10. The district may enter into contracts
with the United States or any of its agencies, with the
city of Grand Prairie, with the city of Irving, or with
individuals, corporations, public bodies, or any other
entity for the maintenance of or construction of any
facility or improvement authorized by this Act without
the necessity of bonds being voted, and an election is
not required of the district to approve the contracts.

Revisor's Note

Section 10, Chapter 1081, Acts of the 68th
Legislature, Regular Session, 1983, refers to the
power of the district to enter into contracts with "the
United States or any of its agencies, with the city of
Grand Prairie, with the city of Irving, or with
individuals, corporations, public bodies, or any other
entity." The revised law substitutes "person" for the
quoted language because under Section 311.005(2),
Government Code (Code Construction Act), "person" is
defined to include any legal entity.
Revised Law
Sec. 7811.105. PROHIBITED FUNCTIONS. The district may not:
(1) engage in any park, water service, wastewater service, police, or firefighting function; or
(2) spend any district money or issue bonds for any function described by Subdivision (1). (Acts 68th Leg., R.S., Ch. 1081, Sec. 7.)

Source Law
Sec. 7. The district is expressly prohibited from engaging in any park, water service, wastewater service, police, or fire-fighting functions or spending any district funds or issuing bonds for those purposes.

Revisor's Note
Section 7, Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, refers to the district's "funds." Throughout this chapter, the revised law substitutes "money" for "funds" when used in the context of district funds because the meaning is the same and "money" is the more commonly used term.

Revised Law
Sec. 7811.106. STANDARDS FOR ROAD, STREET, OR UTILITY CONSTRUCTION. Any road, street, or utility construction by the district begun on or after August 31, 1987, within the corporate limits of a constituent municipality must comply with the standards for construction adopted by the municipality. (Acts 68th Leg., R.S., Ch. 1081, Sec. 15.)

Source Law
Sec. 15. Any road, street, or utility construction of the district begun on or after the effective date of this section within the city limits of the city of Grand Prairie or within the city limits of the city of Irving must comply with standards for construction adopted by that city.

Revisor's Note
Section 15, Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, refers to certain construction by the district begun on or after "the
effective date of this section." For the reader's convenience, the revised law substitutes August 31, 1987, for the quoted language because that is the date Section 15 took effect.

Revised Law

Sec. 7811.107. APPROVAL OF RECLAMATION PLAN, AMENDMENT, OR PROJECT. In addition to any other requirements in this chapter, a reclamation plan adopted by the district, an amendment to a reclamation plan, or a project of the district that is not included in a reclamation plan must be approved by both constituent municipalities before the plan, amendment, or project takes effect.

(Acts 68th Leg., R.S., Ch. 1081, Sec. 1(g).)

Source Law

(g) In addition to any other requirements, a reclamation plan adopted by the district after June 1, 1987, an amendment to a district reclamation plan adopted before or after June 1, 1987, or a project of the district that is not included in the district's reclamation plan must be approved by the city of Grand Prairie and the city of Irving before the plan of reclamation, amendment, or project takes effect.

Revisor's Note

Section 1(g), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, requires that a reclamation plan adopted by the district after June 1, 1987, be approved by the city of Grand Prairie and the city of Irving. The revised law omits that date as unnecessary because the revised law can be implemented prospectively without reference to a specific date.

Section 1(g) also refers to an amendment to a district reclamation plan "adopted before or after June 1, 1987." That language was meant to clarify that the requirement for the cities to approve an amendment applied to any amendment adopted after the effective date of Section 1(g). The revised law omits the quoted language as unnecessary because it does not provide a limitation as all amendments are adopted either before
or after that date.

SUBCHAPTER D. TAX ABATEMENT IN REINVESTMENT ZONE

Revised Law

Sec. 7811.151. DESIGNATION OF REINVESTMENT ZONE. (a) The district by resolution may designate as a reinvestment zone an area or real or personal property in the taxing jurisdiction of the district that the board finds satisfies the requirements of Section 7811.152. The board must find that the proposed commercial-industrial or residential project or projects meet the criteria prescribed by Section 7811.152.

(b) The resolution must describe the boundaries of the zone and the eligibility of the zone for commercial-industrial or residential tax abatement.

(c) The area of a reinvestment zone designated for commercial-industrial or residential tax abatement may be included in an overlapping or coincidental commercial-industrial or residential zone established under Chapter 312, Tax Code.

(d) The district may not adopt a resolution designating an area as a reinvestment zone until the district has held a public hearing on the designation and has found that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and to the district after the expiration of an agreement entered into under Section 7811.154 or 7811.155. At the hearing, interested persons are entitled to speak and present evidence for or against the designation. Not later than the seventh day before the date of the hearing, notice of the hearing must be:

1. published in a newspaper having general circulation in the district; and

2. delivered in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone.

(e) A notice made under Subsection (d)(2) is presumed delivered when placed in the mail postage paid and properly
addressed to the appropriate presiding officer. A notice properly
addressed and sent by registered or certified mail for which a
return receipt is received by the sender is considered to have been
delivered to the addressee. (Acts 68th Leg., R.S., Ch. 1081, Secs.
16A (part), 16C.)

Source Law

Sec. 16A. The district . . . may designate an
area as a reinvestment zone on a finding by the board
of directors that the proposed commercial-industrial
or residential project or projects meet the criteria
prescribed by Section 16D of this Act. . . .

Sec. 16C. (a) The district by resolution may
designate as a reinvestment zone an area or real or
personal property in the taxing jurisdiction of the
district that the board of directors finds satisfies
the requirements of Section 16D of this Act.
(b) The resolution must describe the boundaries
of the zone and the eligibility of the zone for
commercial-industrial or residential tax abatement.
(c) Area of a reinvestment zone designated for
commercial-industrial or residential tax abatement
may be included in an overlapping or coincidental
commercial-industrial or residential zone established
under Chapter 312, Tax Code.
(d) The board of directors may not adopt a
resolution designating an area as a reinvestment zone
until the board of directors has held a public hearing
on the designation and has found that the improvements
sought are feasible and practical and would be a
benefit to the land to be included in the zone and to
the district after the expiration of an agreement
entered into under Section 16E of this Act. At the
hearing, interested persons are entitled to speak and
present evidence for or against the designation. Not
later than the seventh day before the date of the
hearing, notice of the hearing must be:
(1) published in a newspaper having
general circulation in the district; and
(2) delivered in writing to the presiding
officer of the governing body of each taxing unit that
includes in its boundaries real property that is to be
included in the proposed reinvestment zone.
(e) A notice made under Subsection (d)(2) of
this section is presumed delivered when placed in the
mail postage paid and properly addressed to the
appropriate presiding officer. A notice properly
addressed and sent by registered or certified mail for
which a return receipt is received by the sender is
considered to have been delivered to the addressee.

Revised Law

Sec. 7811.152. CRITERIA FOR REINVESTMENT ZONE. To be
designated as a reinvestment zone under this subchapter, an area
must be reasonably likely as a result of the designation to
contribute to the retention or expansion of primary employment or
to attract major investment in the zone that would be a benefit to
the property and that would contribute to the economic development
of the district. (Acts 68th Leg., R.S., Ch. 1081, Sec. 16D(a).)

Source Law
Sec. 16D. (a) To be designated as a
reinvestment zone under Sections 16A-16G of this Act,
an area must be reasonably likely as a result of the
designation to contribute to the retention or
expansion of primary employment or to attract major
investment in the zone that would be a benefit to the
property and that would contribute to the economic
development of the district.

Revised Law
Sec. 7811.153. EXPIRATION OF REINVESTMENT ZONE. The
designation of a reinvestment zone for commercial-industrial or
residential tax abatement expires five years after the date of the
designation and may be renewed for periods not to exceed five years.
The expiration of the designation does not affect an existing tax
abatement agreement governed by this subchapter. (Acts 68th Leg.,
R.S., Ch. 1081, Sec. 16D(b).)

Source Law
(b) The designation of a reinvestment zone for
commercial-industrial or residential tax abatement
expires five years after the date of the designation
and may be renewed for periods not to exceed five
years. The expiration of the designation does not
affect an existing tax abatement agreement made under
this Act.

Revisor's Note
Section 16D(b), Chapter 1081, Acts of the 68th
Legislature, Regular Session, 1983, states that the
expiration of a reinvestment zone designation does not
affect an existing tax abatement agreement "made
under this Act." Throughout this subchapter, the
revised law substitutes "governed by" for "made under"
to ensure that the revised law continues to apply to
tax abatement agreements made under the relevant
predecessor statutes.

Revised Law
Sec. 7811.154. TAX ABATEMENT AGREEMENT. (a) The district
may enter into a tax abatement agreement by agreeing, in writing, 
with the owner of taxable real property that is located in a 
reinvestment zone to exempt from taxation a portion of the value of 
the real property or of tangible personal property located on the 
real property, or both, for a period not to exceed 30 years, on the 
condition that the owner of the property make specific improvements 
or repairs to the property.

(b) The real property covered by the agreement may not be 
located in an improvement project financed by tax increment bonds.

(c) The agreement is subject to the rights of holders of 
outstanding bonds of the district.

(d) The agreement may:

(1) provide for the exemption of the real property in 
each year covered by the agreement only to the extent its value for 
that year exceeds its value for the year in which the agreement is 
executed;

(2) provide for the exemption of tangible personal 
property located on the real property in each year covered by the 
agreement other than tangible personal property that was located on 
the real property at any time before the period covered by the 
agreement with the district; and

(3) cover more than one commercial-industrial or 
residential project. (Acts 68th Leg., R.S., Ch. 1081, Secs. 16A 
(part), 16E(a).)

Source Law

Sec. 16A. The district may enter into a tax 
abatement agreement and . . . .

Sec. 16E. (a) The district may agree in 
writing with the owner of taxable real property that is 
located in a reinvestment zone, but that is not in an 
improvement project financed by tax increment bonds, 
to exempt from taxation a portion of the value of the 
real property or of tangible personal property located 
on the real property, or both, for a period not to 
exceed 30 years, subject to the rights of holders of 
outstanding bonds of the district, on the condition 
that the owner of the property make specific 
improvements or repairs to the property. An agreement 
may provide for the exemption of the real property in 
each year covered by the agreement only to the extent 
its value for that year exceeds its value for the year
in which the agreement is executed. An agreement may provide for the exemption of tangible personal property located on the real property in each year covered by the agreement other than tangible personal property that was located on the real property at any time before the period covered by the agreement with the district. An agreement may cover more than one commercial-industrial or residential project.

Revised Law

Sec. 7811.155. TAX ABATEMENT AGREEMENT: CERTIFICATED AIR CARRIER. (a) The district may enter into a tax abatement agreement by agreeing, in writing, with the owner or lessee of real property that is located in a reinvestment zone to exempt from taxation for a period not to exceed 30 years a portion of the value of the real property or of personal property, or both, located in the zone and owned or leased by a certificated air carrier on the condition that the certificated air carrier:

(1) make specific real property improvements; or
(2) lease, for a term of 30 years or more, real property improvements located in the reinvestment zone.

(b) The agreement may provide for the exemption of the:

(1) real property in each year covered by the agreement to the extent its value for that year exceeds its value for the year in which the agreement is executed; and
(2) personal property owned or leased by a certificated air carrier located in the reinvestment zone in each year covered by the agreement other than specific personal property that was located in the reinvestment zone at any time before the period covered by the agreement with the district. (Acts 68th Leg., R.S., Ch. 1081, Secs. 16A (part), 16E(d).)

Source Law

Sec. 16A. The district may enter into a tax abatement agreement and . . . .

[Sec. 16E] The board of directors may agree in writing with the owner or lessee of real property that is located in a reinvestment zone to exempt from taxation for a period not to exceed 30 years a portion of the value of the real property or of personal property, or both, located within the zone and owned or leased by a certificated air carrier, on the condition that the certificated air carrier make specific real property improvements or lease for a term of 30 years or more.
real property improvements located within the reinvestment zone. An agreement may provide for the exemption of the real property in each year covered by the agreement to the extent its value for that year exceeds its value for the year in which the agreement is executed. An agreement may provide for the exemption of the personal property owned or leased by a certificated air carrier located within the reinvestment zone in each year covered by the agreement other than specific personal property that was located within the reinvestment zone at any time before the period covered by the agreement with the district.

Revised Law
Sec. 7811.156. TAX ABATEMENT AGREEMENT REQUIREMENTS. (a) This section applies to an agreement made under Section 7811.154 or 7811.155.
(b) The agreement must:
(1) list the kind, number, and location of all proposed improvements of the property; and
(2) provide for:
(A) the availability of tax abatement for both new facilities and structures and for the expansion or modernization of existing facilities and structures; and
(B) recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided by the agreement.
(c) A tax abatement agreement is not required to contain terms identical to another tax abatement agreement that covers the same exempted property or a portion of that property.
(d) Property that is in a reinvestment zone and that is owned or leased by a director is excluded from property tax abatement.
(e) The agreement may include, at the option of the district, provisions for maps showing existing uses and conditions and proposed improvements and uses of real property in the reinvestment zone.
(f) On approval by the district, the agreement may be executed in the same manner as other contracts made by the district.
(g) The agreement applies only to taxes levied by the
district and does not affect other taxing units that levy taxes on
property in the district. (Acts 68th Leg., R.S., Ch. 1081, Secs. 16A
(part), 16E(b), (c), (e), (f), (g) (part), (h).)

Source Law

Sec. 16A. ... The agreement must provide for
the availability of tax abatement for both new
facilities and structures and for the expansion or
modernization of existing facilities and structures.

[Sec. 16E]
(b) A tax abatement agreement entered into by
the district is not required to contain terms
identical to another tax abatement agreement that
covers the same exempted property or a portion of that
property.
(c) Property that is in a reinvestment zone and
that is owned or leased by a member of the board of
directors is excluded from property tax abatement.

(e) An agreement made under this section must:
(1) list the kind, number, and location of
all proposed improvements of the property; and
(2) provide for recapturing property tax
revenue lost as a result of the agreement if the owner
of the property fails to make the improvements or
repairs as provided by the agreement.
(f) An agreement made under this section may
include, at the option of the board of directors,
provisions for maps showing existing uses and
conditions and proposed improvements and uses of real
property in the reinvestment zone.
(g) ... On approval by the board of
directors, an agreement may be executed in the same
manner as other contracts made by the district.
(h) An agreement applies only to taxes levied by
the district and does not affect other taxing units
that levy taxes on property within the district.

Revisor's Note

Section 16E(g), Chapter 1081, Acts of the 68th
Legislature, Regular Session, 1983, provides that a
tax abatement agreement must be approved by a majority
of the board. The revised law omits that provision as
unnecessary because approval of the agreement is an
official action of the board and Section 3(d), Chapter
1081, revised in this chapter as Section 7811.059,
requires that each official action be approved by a
majority of the board. The omitted law reads:

(g) To be effective, an agreement
made under this section must be approved by
the affirmative vote of a majority of the
members of the board of directors. ...
Sec. 7811.157. NOTICE OF TAX ABATEMENT AGREEMENT TO OTHER TAXING UNITS. (a) Not later than the seventh day before the date on which the district enters into an agreement under Section 7811.154 or 7811.155, the board or a designated officer or employee of the district shall deliver a written notice that the district intends to enter into the agreement to the Texas Commission on Environmental Quality and to the presiding officer of the governing body of each other taxing unit in which the property to be subject to the agreement is located. The notice must include a copy of the proposed agreement.

(b) A notice is presumed delivered when placed in the mail postage paid and properly addressed to the appropriate presiding officer. A notice properly addressed and sent by registered or certified mail for which a return receipt is received by the sender is considered to have been delivered to the addressee.

(c) Failure to deliver the notice does not affect the validity of the agreement. (Acts 68th Leg., R.S., Ch. 1081, Sec. 16F.)

Sec. 16F. (a) Not later than the seventh day before the date on which the district enters into an agreement under Section 16E of this Act, the board of directors or a designated officer or employee of the district shall deliver to the Texas Water Commission and to the presiding officer of the governing body of each other taxing unit in which the property to be subject to the agreement is located a written notice that the district intends to enter into the agreement. The notice must include a copy of the proposed agreement.

(b) A notice is presumed delivered when placed in the mail postage paid and properly addressed to the appropriate presiding officer. A notice properly addressed and sent by registered or certified mail for which a return receipt is received by the sender is considered to have been delivered to the addressee.

(c) Failure to deliver the notice does not affect the validity of the agreement.

Revisor's Note

Section 16F(a), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, refers to the "Texas Water Commission." The revised law substitutes
"Texas Commission on Environmental Quality" for "Texas Water Commission" to reflect a change in the agency's name. The name of the Texas Water Commission was changed to the Texas Natural Resource Conservation Commission by Section 1.085, Chapter 3, Acts of the 72nd Legislature, 1st Called Session, 1991. The name of the Texas Natural Resource Conservation Commission was changed to the Texas Commission on Environmental Quality by Section 18.01, Chapter 965, Acts of the 77th Legislature, Regular Session, 2001. The revised law is drafted accordingly.

Revised Law

Sec. 7811.158. MODIFICATION OR TERMINATION OF TAX ABATEMENT AGREEMENT. (a) At any time before the expiration of an agreement governed by this subchapter, the agreement may be modified by the parties to the agreement to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. The modification must be made by the same procedure by which the original agreement was approved and executed. The original agreement may not be modified to extend beyond 30 years from the date of the original agreement.

(b) An agreement governed by this subchapter may be terminated by the mutual consent of the parties in the same manner that the agreement was approved and executed. (Acts 68th Leg., R.S., Ch. 1081, Sec. 16G.)

Source Law

Sec. 16G. (a) At any time before the expiration of an agreement made under this Act, the agreement may be modified by the parties to the agreement to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. The modification must be made by the same procedure by which the original agreement was approved and executed. The original agreement may not be modified to extend beyond 30 years from the date of the original agreement.

(b) An agreement made under this Act may be terminated by the mutual consent of the parties in the...
same manner that the agreement was approved and executed.

Revised Law

Sec. 7811.159. REGISTRY OF REINVESTMENT ZONES AND TAX ABATEMENT AGREEMENTS; ASSISTANCE TO DISTRICT. (a) The Texas Economic Development and Tourism Office shall maintain a central registry of reinvestment zones governed by this subchapter and of ad valorem tax abatement agreements executed under this subchapter. Before April 1 of the year following the year in which the zone is designated or the agreement is executed, the district shall deliver to the office, the comptroller, and the Texas Commission on Environmental Quality a report that provides:

1. For a reinvestment zone, a general description of the zone, including its size, the types of property located in it, and its duration; and
2. For a tax abatement agreement, the parties to the agreement, a general description of the property and the improvements or repairs to be made under the agreement, the portion of the property to be exempted, and the duration of the agreement.

(b) On the request of the board or the board's president, the office may provide assistance to the district relating to the administration of this subchapter, including the designation of reinvestment zones and the adoption of tax abatement agreements. (Acts 68th Leg., R.S., Ch. 1081, Sec. 16B.)

Source Law

Sec. 16B. (a) The Texas Department of Commerce shall maintain a central registry of reinvestment zones designated under this Act and of ad valorem tax abatement agreements executed under this Act. The district shall deliver to the department, the Texas Water Commission, and to the State Property Tax Board before April 1 of the year following the year in which the zone is designated or the agreement is executed a report providing the following information:

1. For a reinvestment zone, a general description of the zone, including its size, the types of property located in it, and its duration; and
2. For a tax abatement agreement, the parties to the agreement, a general description of the property and the improvements or repairs to be made under the agreement, the portion of the property to be exempted, and the duration of the agreement.

(b) The department may provide assistance to the district on request of the board of directors or the
president of the board relating to the administration of Sections 16A-16G of this Act, including the designation of reinvestment zones and the adoption of tax abatement agreements.

Revisor's Note

(1) Section 16B, Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, refers to the "Texas Department of Commerce." Section 52, Chapter 1041, Acts of the 75th Legislature, Regular Session, 1997, abolished the Texas Department of Commerce and transferred its powers and duties to the Texas Department of Economic Development. That section provides that a reference in law to the Texas Department of Commerce means the Texas Department of Economic Development. Sections 1.65 and 1.68, Chapter 814, Acts of the 78th Legislature, Regular Session, 2003, abolished the Texas Department of Economic Development and transferred its functions and activities to the Texas Economic Development and Tourism Office. Section 1.66 of that chapter provides that a reference in law to the Texas Department of Economic Development means the Texas Economic Development and Tourism Office. The revised law is drafted accordingly.

(2) Section 16B(a), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, refers to the "Texas Water Commission." The revised law substitutes "Texas Commission on Environmental Quality" for "Texas Water Commission" for the reason stated in the revisor's note to Section 7811.157.

(3) Section 16B(a), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, refers to the "State Property Tax Board." Chapter 843, Acts of the 72nd Legislature, Regular Session, 1991, transferred the duties of the State Property Tax Board relating to ad valorem taxation to the comptroller of public
accounts. The revised law is drafted accordingly.

Revised Law
Sec. 7811.160. PROPERTIES THAT MAY BE INCLUDED IN TAX ABATEMENT AGREEMENT. (a) The district may include in a tax abatement agreement:

(1) facilities and structures for which construction began on or after October 1, 1990, but before June 10, 1991;

(2) existing facilities and structures for which expansion or modernization construction began on or after October 1, 1990, but before June 10, 1991; and

(3) tangible personal property located on property described by Subdivision (1) or (2) in each year covered by the agreement, other than tangible personal property that was located on the property at any time before the time period covered by the agreement.

(b) A tax abatement agreement made under this section may be based on the value of the property on January 1 of the year in which the construction, expansion, or modernization of the property began. (Acts 72nd Leg., R.S., Ch. 318, Sec. 2.)

Source Law
Sec. 2. (a) The Dallas County Flood Control District No. 1 may include in a tax abatement agreement:

(1) facilities and structures for which construction began on or after October 1, 1990, but before the effective date of this Act;

(2) existing facilities and structures for which expansion or modernization construction began on or after October 1, 1990, but before the effective date of this Act; and

(3) tangible personal property located on property described by Subdivisions (1) and (2) of this subsection in each year covered by the agreement other than tangible personal property that was located on the property at any time before the period covered by the agreement.

(b) A tax abatement agreement under this section may be based on the value of the property on January 1 of the year in which the construction, expansion, or modernization began.

Revisor's Note
Section 2, Chapter 318, Acts of the 72nd Legislature, Regular Session, 1991, refers to certain
facilities and structures for which construction, modification, or expansion began "on or after October 1, 1990, but before the effective date of this Act."

For the reader's convenience, the revised law substitutes June 10, 1991, for "the effective date of this Act" because that is the date Chapter 318 took effect.

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Revised Law

Sec. 7811.201. DEPOSITORY. (a) The board shall designate one or more banks to serve as the depository for district money.

(b) District money shall be deposited as received in a depository bank, other than money transmitted to a bank for payment of bonds issued by the district.

(c) If district money is deposited in a depository that is not insured by the Federal Deposit Insurance Corporation, the money must be secured in the manner provided by law for the security of county funds. (Acts 68th Leg., R.S., Ch. 1081, Secs. 11(a), (b), (c).)

Source Law

Sec. 11. (a) The board of directors shall designate one or more banks to serve as depository for district funds.

(b) District funds, other than those transmitted to a bank of payment for bonds issued by the district, shall be deposited as received in the depository.

(c) If district funds are deposited in a depository not insured by the Federal Deposit Insurance Corporation, the funds must be secured in the manner provided by law for the security of county funds.

Revised Law

Sec. 7811.202. AUTHORITY TO ISSUE BONDS AND INCUR INDEBTEDNESS. (a) The district may issue bonds and incur other indebtedness in the manner provided by Section 7803.113 and Subchapter E, Chapter 7803.

(b) The district shall file with both constituent municipalities a notice of intent to issue bonds or other
indebtedness not later than the 20th day before the date of
issuance. The notice must state the purpose for which the bonds or
other indebtedness are issued and the approximate principal amount
of the bonds or indebtedness.

(c) Before the district issues bonds or other indebtedness
in an amount of more than $500,000, the district must obtain the
approval by resolution of the governing bodies of both constituent
municipalities.

(d) Bonds or other indebtedness may not be sold at discount
from the principal amount without the prior approval of both
constituent municipalities. (Acts 68th Leg., R.S., Ch. 1081, Secs.
4(c), (d), (e).)

Source Law

(c) The district may issue bonds and incur other
indebtedness in the manner provided by Section 10,
Chapter 135, Acts of the 62nd Legislature, Regular

(d) The district shall file with the city of
Grand Prairie and the city of Irving notice of intent
to issue bonds or other indebtedness not later than the
20th day before the date of issuance. The notice must
state the purpose for which the bonds or other
indebtedness are issued and the approximate principal
amount of the bonds or indebtedness. Before the
district issues bonds or other indebtedness in an
amount of more than $500,000, the district must obtain
the approval of the city council of the city of Grand
Prairie and the approval of the city council of the
city of Irving. A city council may give its approval by
resolution.

(e) Bonds or other indebtedness may not be sold
at discount from the principal amount without the
prior approval of the city of Grand Prairie and the
city of Irving.

Revisor's Note

Section 4(c), Chapter 1081, Acts of the 68th
Legislature, Regular Session, 1983, provides that the
district may issue bonds and incur indebtedness in the
manner provided by Section 10, Chapter 135, Acts of the
62nd Legislature, Regular Session, 1971. Chapter 112,
Acts of the 83rd Legislature, Regular Session, 2013,
revised Section 10 as Section 7803.113 and Subchapter
E, Chapter 7803, of this code. The revised law is
drafted accordingly.
Sec. 7811.203. CONSTITUENT MUNICIPALITIES NOT OBLIGATED TO PAY DISTRICT OBLIGATIONS. This chapter does not authorize the lending or pledge of the credit of either constituent municipality to the bonds and other indebtedness of the district. The constituent municipalities are not obligated to pay any bonds, indebtedness, or other debt of the district. (Acts 68th Leg., R.S., Ch. 1081, Sec. 4(f).)

(f) This Act may not be construed as a lending or pledge of the credit of the city of Grand Prairie or the city of Irving to the bonds and other indebtedness of the district, and the city of Grand Prairie and the city of Irving are in no way obligated to pay any bonds, indebtedness, or other debt of the district.

Sec. 7811.204. BOND ANTICIPATION NOTES. (a) In addition to all other methods of acquiring money for district purposes, the district may issue bond anticipation notes for any purpose for which district bonds have been voted or may be issued to refund outstanding bond anticipation notes and the interest on the notes being refunded.

(b) The notes may bear interest at any rate not to exceed the maximum interest rate applicable to the district's authorized bonds.

(c) The maximum amount of the notes outstanding at any one time may not exceed $500,000 without the prior consent of both constituent municipalities.

(d) The district shall pay the notes only from the proceeds of the sale of bonds by the district. (Acts 68th Leg., R.S., Ch. 1081, Secs. 6(a), (b) (part), (c), (d).)
rate applicable to the district's authorized bonds,
and . . .
(c) The maximum amount of notes issued under
this section outstanding at any one time may not exceed
$500,000 unless the district obtains the prior consent
of the cities of Grand Prairie and Irving.
(d) Notes issued under this section shall be
paid only from the proceeds of the sale of bonds by the
district.

Revisor's Note
Section 6(b), Chapter 1081, Acts of the 68th
Legislature, Regular Session, 1983, provides that
district bond anticipation notes must mature within
one year of their date of issuance. The revised law
omits that provision because it duplicates Section
49.154(a), Water Code. The omitted law reads:

(b) Notes issued under this section
. . . shall mature within one year of the
date they are issued.

Revised Law
Sec. 7811.205. PREVIOUSLY AUTHORIZED MAINTENANCE TAXES.
The district may impose a maintenance tax that has been previously
authorized at an election held in the district. (Acts 68th Leg.,
R.S., Ch. 1081, Sec. 4(b) (part).)

Source Law
(b) The district . . . may continue to levy
and collect maintenance taxes previously authorized at
an election held in the district.

Revisor's Note
(End of Subchapter)

(1) Section 4(a), Chapter 1081, Acts of the 68th
Legislature, Regular Session, 1983, authorized the
district to issue and sell any unissued bonds that were
authorized at an election held on June 12, 1982, and
impose an ad valorem tax to pay the principal of and
interest on the bonds. The revised law omits that
provision as executed. The omitted law reads:

Sec. 4. (a) The district may issue
and sell all unissued bonds and may levy and
collect an ad valorem tax on all taxable
property in the district to pay the
principal of and interest on the bonds, as
authorized at an election held in the
district on June 12, 1982.
Section 4(b), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, provides that the district assumes all outstanding indebtedness and existing contracts of its predecessor districts. The revised law omits that provision as executed. The omitted law reads:

(b) The district shall assume and be responsible for all outstanding indebtedness and existing contracts of its predecessor districts and . . . .

Section 5, Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, provides that the Property Tax Code applies to the district. The revised law omits the section because the Property Tax Code (Title 1, Tax Code) applies to the district under Section 1.02, Tax Code. The omitted law reads:

Sec. 5. The Property Tax Code applies to the district.

Revisor's Note (End of Chapter)

Section 5, Chapter 600, Acts of the 70th Legislature, Regular Session, 1987, requires the district to mail a notice of proposed disannexation not later than the 10th day after the effective date of that Act. The revised law omits that provision as executed. The omitted law reads:

Sec. 5. Not later than the 10th day after the effective date of this Act, the Dallas County Flood Control District No. 1 shall mail the notice of proposed disannexation in accordance with Section 2(d), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983.

Section 6, Chapter 600, Acts of the 70th Legislature, Regular Session, 1987, validates all actions of the district taken before August 31, 1987, and provides that the section does not apply to pending litigation. The revised law omits that section for the reason stated in Revisor's Note (1) to Section
Sec. 6. (a) All resolutions, orders, and other acts or attempted acts of the board of directors of the Dallas County Flood Control District No. 1, together with all annexations by the district and annexation elections, and all proceedings of the district, authorizing the issuance of bonds of the district, including voted but unissued bonds of the district, bond elections, and the bond taxes voted for those bonds, and all contracts, including contracts entered into by the district, passed or made before the effective date of this Act are validated in all respects. All the resolutions, orders, and other acts or attempted acts of the board of directors of the district, annexations, all proceedings of the district, the district's bonds, bond elections, bond taxes, pledged revenues, and contracts shall be valid as though they had originally been duly and legally authorized or accomplished. (b) This section does not apply to or affect litigation now pending in any court of competent jurisdiction in this state to which the district is a party.

(3) Section 5, Chapter 350, Acts of the 81st Legislature, Regular Session, 2009, provides transition language regarding changes to the district's authority to enter into a tax abatement agreement and designate a reinvestment zone. The revised law omits that provision as unnecessary because the substantive changes made by that act did not affect existing agreements or zones and because Section 16, Article I, Texas Constitution, prohibits any law impairing the obligation of contracts. The omitted law reads:

Sec. 5. The changes in law made by this Act apply only to a tax abatement agreement entered into or a designation of a reinvestment zone made by the Dallas County Flood Control District No. 1 on or after the effective date of this Act. A tax abatement agreement entered into or a designation of a reinvestment zone made by the district before the effective date of this Act is governed by the law in effect when the contract was entered into or the designation was made, and that law is continued in effect for that purpose.
Sec. 8877.001. DEFINITIONS. In this chapter:

1. "Board" means the district's board of directors.
2. "Director" means a board member.
3. "District" means the Clearwater Underground Water Conservation District. (Acts 71st Leg., R.S., Ch. 524, Secs. 1(a) (part), 2; New.)
substance of the definitions.

**Revised Law**

Sec. 8877.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Bell County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 524, Secs. 1(a) (part), (b), 3 (part).)

**Source Law**

Sec.A1.AA(a) [The Commissioners Court of Bell County may authorize creation of] an underground water conservation district, . . . .

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

Sec.A3.AA [The district includes all the territory] located within Bell County.

**Revisor's Note**

(1) Section 1(a), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, refers to the district as an "underground water conservation district." The revised law substitutes "groundwater conservation district" for the quoted language to conform to the term used in Chapter 36, Water Code.

(2) Section 1(a), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, refers to a confirmation election. Because the confirmation election has already been held, the revised law omits the provision as executed. The omitted law reads:

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

(3) Section 1(a), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, provides that the district is a governmental agency and a body politic and corporate. The revised law omits the provision because it duplicates a portion of Section 59(b), Article XVI, Texas Constitution, which provides that a conservation and reclamation district is a
governmental agency and a body politic and corporate.

The omitted law reads:

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

Revised Law
Sec. 8877.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 524, Sec. 5.)

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

Revised Law
Sec. 8877.004. DISTRICT TERRITORY. The district includes the territory located in Bell County unless the district's territory has been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or
(2) other law. (Acts 71st Leg., R.S., Ch. 524, Sec. 3; New.)

Source Law
Sec. 3. The district includes all the territory located within Bell County.

Revisor's Note
(1) Section 3, Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, provides that the district includes all of the territory located within Bell County. That description may not be accurate on the effective date of the revised law or at the time of a later reading because the district's boundaries are subject to change. For the reader's convenience, the
revised law adds references to the authority to change
the district's territory under Subchapter J or K,
Chapter 36, Water Code, applicable to groundwater
conservation districts, and to the general authority
of the legislature to enact other laws under which the
district's territory may change.

(2) Section 4, Chapter 524, Acts of the 71st
Legislature, Regular Session, 1989, states that the
boundaries of the district form a closure. Many
enactments creating special districts contain field
notes with an extensive metes and bounds description
of the district to which a statement about the
boundaries forming a closure would be applicable.
Chapter 524, however, contains no field notes of a
metes and bounds description, but instead refers to
the boundaries of an existing political subdivision.
As such the statement about the boundaries forming a
closure in Section 4 may be omitted from the revision
as unnecessary. The omitted law reads:

Sec. 4. The legislature finds that
the boundaries of the district form a
closure.

Revised Law
Sec. 8877.005. CONFLICTS OF LAW. This chapter prevails
over any provision of general law that is in conflict or
inconsistent with this chapter. (Acts 71st Leg., R.S., Ch. 524,
Sec. 6(a) (part).)

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

SUBCHAPTER B. BOARD OF DIRECTORS

Revised Law
Sec. 8877.051. COMPOSITION OF BOARD; TERMS. (a) The
district is governed by a board of five elected directors.

(b) Except as provided by Section 8877.052(d), directors
serve staggered four-year terms. (Acts 71st Leg., R.S., Ch. 524, Secs. 7(a), (d), 10(e) (part).)

Source Law

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

(d) Permanent directors other than initial permanent directors serve staggered four-year terms.

[Sec. 10]

(e) After the initial election of directors, all directors shall be elected to serve four-year terms, except as provided by Subsection (f). The terms of directors are staggered. . . .

Revisor's Note

(1) Section 7(d), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, refers to "[p]ermanent" directors "other than initial permanent directors." Section 10(e), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, refers to terms of directors elected "[a]fter the initial election of directors." The revised law omits the quoted language because the terms of the initial permanent directors have expired, and it is no longer necessary to distinguish between "initial permanent" and "permanent" directors.

(2) Section 7(e), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, provides that a director must qualify to serve in the manner provided by Sections 51.078 and 51.079, Water Code. The revised law omits the reference to Sections 51.078 and 51.079, Water Code, because those sections were repealed by Chapter 715, Acts of the 74th Legislature, Regular Session, 1995. Chapter 933, Acts of the 74th Legislature, Regular Session, 1995, enacted Section 36.055, Water Code, which contains the qualification procedures for a director of a groundwater conservation district. A reference to Section 36.055, Water Code, is unnecessary because that section
applies to the district under Section 8877.101 of this chapter and Section 36.001(1), Water Code. The omitted law reads:

(e) Each director must qualify to serve as director in the manner provided by Sections 51.078 and 51.079, Water Code.

(3) Section 7(f), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, provides that a director serves until a successor has qualified. The revised law omits the provision because it duplicates Section 17, Article XVI, Texas Constitution, which provides that an officer in this state continues to perform the officer's official duties until a successor has qualified. The omitted law reads:

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

Revised Law

Sec. 8877.052. ELECTION OF DIRECTORS. (a) Directors are elected according to the commissioners precinct method as provided by this section.

(b) One director is elected by the voters of the entire district. One director is elected from each county commissioners precinct by the voters of that precinct.

(c) A person shall indicate on the application for a place on the ballot:

(1) the precinct that the person seeks to represent;

or

(2) that the person seeks to represent the district at large.

(d) At the first election after the county commissioners precincts are redrawn under Section 18, Article V, Texas Constitution, four new directors shall be elected to represent the newly redrawn precincts. The directors from precincts one and three shall be elected for two-year terms. The directors from precincts two and four shall be elected for four-year terms. When the
directors elected from the new precincts take office, the terms of the directors elected from the previous precincts expire. (Acts 71st Leg., R.S., Ch. 524, Secs. 10(a), (b), (d), (f).)

Source Law

Sec. 10. (a) The directors of the district shall be elected according to the commissioners precinct method as provided by this section.

(b) One director shall be elected by the electors of the entire district and one director shall be elected from each county commissioners precinct by the electors of that precinct.

(d) A person shall indicate on the application for a place on the ballot:
   (1) the precinct that the person seeks to represent; or
   (2) that the person seeks to represent the district at large.

(f) At the first election after the county commissioners precincts are redrawn under Section 18, Article V, Texas Constitution, four new directors shall be elected to represent the newly redrawn precincts. The directors from precincts one and three shall be elected for two-year terms. The directors from precincts two and four shall be elected for four-year terms. When the directors elected from the new precincts take office, the terms of the directors elected from the previous precincts expire.

Revisor's Note

Section 10(b), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, refers to "electors" of the district and of each precinct of the district. The revised law substitutes "voters" for "electors" because the terms are synonymous and "voters" is the term used in the Election Code.

Revised Law

Sec. 8877.053. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date in November of each even-numbered year. (Acts 71st Leg., R.S., Ch. 524, Sec. 10(e) (part).)

Source Law

(e) . . . On the uniform election date in November of even-numbered years, the appropriate number of directors shall be elected.

Revisor's Note

(1) Section 2, Chapter 22, Acts of the 77th
Legislature, Regular Session, 2001, provides for a directors' election in May 2002 if the act takes effect before May 5, 2001. Section 2, Chapter 64, Acts of the 81st Legislature, Regular Session, 2009, provides for the expiration of the terms of directors in November 2010 and November 2012. The revised law omits those provisions as executed. The omitted law reads:

[Acts 77th Leg., R.S., Ch. 22]
Sec. 2. If this Act takes effect before May 5, 2001:
(1) the Clearwater Underground Water Conservation District:
   (A) by order of the board of directors of the district shall cancel any scheduled election of directors; and
   (B) may not hold an election of directors before May 2002;
(2) on the first Saturday in May, 2002, the Clearwater Underground Water Conservation District shall hold an election of:
   (A) one director from the district at large, to serve a term of four years;
   (B) one director from Bell County Commissioners Court Precinct Number One, to serve a term of two years;
   (C) one director from Bell County Commissioners Court Precinct Number Two, to serve a term of four years;
   (D) one director from Bell County Commissioners Court Precinct Number Three, to serve a term of two years; and
   (E) one director from Bell County Commissioners Court Precinct Number Four, to serve a term of four years;
(3) directors of the Clearwater Underground Water Conservation District serving on the effective date of this Act shall continue to serve until their successors take office following the election under this section; and
(4) the secretary of state shall assist and advise the appropriate authorities regarding the cancellation of the scheduled election.

[Acts 81st Leg., R.S., Ch. 64]
Sec. 2. A director of the board of the Clearwater Underground Water Conservation District who is serving on the day before the effective date of this Act expires. A director whose term expires in May 2010 shall serve until the director's successor has qualified following the directors' election held on the uniform election date in November 2010 in accordance with Subsection (e), Section 10, Chapter 524, Acts of the 71st Legislature,
Regular Session, 1989, as amended by this Act. A director whose term expires in May 2012 shall serve until the director's successor has qualified following the directors' election held on the uniform election date in November 2012.

(2) Section 3, Chapter 22, Acts of the 77th Legislature, Regular Session, 2001, provides for a directors' election in May 2002 and May 2004 if the act takes effect on or after May 5, 2001. The revised law omits the provision as inapplicable because that act took effect before that date. The omitted law reads:

Sec. 3. Notwithstanding Subsection (f), Section 10, Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, as amended by this Act, if this Act takes effect on or after May 5, 2001:

(1) on the first Saturday in May, 2002, the Clearwater Underground Water Conservation District shall hold an election of:

(A) one director from Bell County Commissioners Court Precinct Number One, to serve a term of four years; and

(B) one director from Bell County Commissioners Court Precinct Number Three, to serve a term of four years; and

(2) on the first Saturday in May, 2004, the Clearwater Underground Water Conservation District shall hold an election of:

(A) one director from the district at large, to serve a term of four years;

(B) one director from Bell County Commissioners Court Precinct Number Two, to serve a term of four years; and

(C) one director from Bell County Commissioners Court Precinct Number Four, to serve a term of four years.

Revised Law

Sec. 8877.054. QUALIFICATIONS FOR OFFICE. (a) To be qualified to be a candidate for or to serve as director at large, a person must be a registered voter in the district.

(b) To be a candidate for or to serve as director from a county commissioners precinct, a person must be a registered voter of that precinct. (Acts 71st Leg., R.S., Ch. 524, Sec. 10(c)).

Source Law

(c) To be qualified to be a candidate for or to serve as director at large, a person must be a registered voter in the district. To be a candidate for or to serve as director from a county commissioners

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precinct, a person must be a registered voter of that precinct.

Revisor's Note
(End of Subchapter)

(1) Sections 7(b) and (c), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, provide for the terms of office of "temporary" and "initial permanent" directors of the district. The revised law omits Sections 7(b) and (c) as executed because the terms of the temporary and initial permanent directors have expired. The omitted law reads:

(b) Temporary directors serve until initial permanent directors are elected under Section 9.
(c) Initial permanent directors serve until permanent directors are elected under Section 10.

(2) Section 1(a), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, provides for authorizing the creation of the district by the commissioners court of Bell County. Section 8, Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, provides for authorizing the creation of the district by the commissioners court of Bell County, appointing temporary directors, and filling vacancies on the temporary board. Because the district has been created, the temporary directors were appointed, and the terms of the temporary directors have expired, the revised law omits those provisions as executed. The omitted law reads:

Sec. 1. (a) The Commissioners Court of Bell County may authorize creation of . . . [the Clearwater Underground Water Conservation District] . . . .

Sec. 8. (a) The Commissioners Court of Bell County by formal resolution may authorize creation of the district on confirmation of the creation by the voters at an election called and held as provided by Section 9 of this Act.
(b) In the resolution, the commissioners court shall appoint a temporary board of five directors.
(c) If a temporary director fails to
qualify for office or if a vacancy occurs on
the temporary board, the Commissioners
Court of Bell County shall appoint a person
to fill the vacancy.

(3) Section 9, Chapter 524, Acts of the 71st
Legislature, Regular Session, 1989, provides
procedures for holding an election to confirm the
district's creation and to elect the district's initial
board. The revised law omits those provisions as
executed because the district has been confirmed and
its initial board has been elected. The omitted law
reads:

Sec. 9. (a) The temporary board of
directors shall call and hold an election to
confirm establishment of the district and
to elect five initial directors.

(b) A person who desires to be a
candidate for the office of initial
director may file an application with the
temporary board to have the candidate's name
printed on the ballot as provided by Section
51.075, Water Code.

(c) At the confirmation and initial
directors' election, the temporary board of
directors shall have the names of the five
persons serving as temporary directors
placed on the ballot together with the name
of any candidate filing for the office of
director as provided by Subsection (b) of
this section and blank spaces to write in
the names of other persons. If the district
is created at the election, the temporary
directors, at the time the vote is
canvassed, shall declare the five persons
who receive the most votes to be elected as
the initial directors and shall include the
results of the directors' election in its
election report to the Texas Water
Commission.

(d) Section 41.001(a), Election
Code, does not apply to a confirmation and
initial directors' election held as
provided by this section.

(e) Except as provided by this
section, a confirmation and initial
directors' election must be conducted as
provided by Sections 52.058(b)-(g), Water
Code, and the Election Code.

SUBCHAPTER C. POWERS AND DUTIES

Revised Law

Sec. 8877.101. GENERAL POWERS AND DUTIES. The district has
all of the rights, powers, privileges, functions, and duties
provided by the general law of this state, including Chapter 36,
Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 524, Sec. 6(a) (part).)

Source Law

Sec. 6. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Article XVI, Section 59, of the Texas Constitution.

Revisor's Note

(1) Section 6(a), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, refers to the "rights, powers, privileges, and authority" of the district. The revised law omits "authority" because, in context, "authority" is included in the meaning of "rights, powers, and privileges."

(2) Section 6(b), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, refers to the continuing right of the state to supervise the district through the Texas Water Commission. The revised law omits the provision because the provision duplicates in substance part of Section 12.081, Water Code, which subjects certain districts, including groundwater conservation districts, to the continuing right of supervision of the Texas Water Commission's successor agency, the Texas Commission on Environmental Quality. The omitted law reads:

(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Water Commission.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Revised Law

Sec. 8877.151. MAINTENANCE AND OPERATION TAX. (a) Except as provided by Subsection (b), the district may impose an ad valorem tax at a rate not to exceed five cents on each $100 of valuation of
property in the district to pay for the maintenance and operation of
the district on approval of a majority of the voters of the district
at an election held for that purpose.

(b) The board may increase the maximum amount of ad valorem
taxes that may be imposed in the district:

(1) if the board determines that the maximum tax
authorized by Subsection (a) is not sufficient to pay the
maintenance and operating expenses of the district; and

(2) on approval of a majority of the voters of the
district voting at an election held for that purpose.

(c) The maximum amount of taxes that may be authorized under
this section may not exceed 25 cents on each $100 of valuation of
property in the district. (Acts 71st Leg., R.S., Ch. 524, Secs.
11(a), (b).)

Source Law

Sec. 11. (a) Except as provided by Subsection
(b) of this section, on approval of a majority of the
qualified voters of the district at an election called
and held for that purpose, the district may levy and
collect a property tax in an amount not to exceed five
cents on each $100 of valuation of property in the
district to pay for the maintenance and operation of
the district.

(b) If the district's board of directors
determines that the maximum tax authorized by
Subsection (a) of this section is not sufficient to pay
the maintenance and operating expenses of the district
and on approval of a majority of the qualified voters
of the district voting at an election called and held
for that purpose, the board of directors may increase
the maximum amount of property taxes that may be levied
and collected in the district. The maximum amount of
taxes that may be authorized under this subsection may
not exceed 25 cents on each $100 of valuation of
property in the district.

Revisor's Note

(1) Sections 11(a) and (b), Chapter 524, Acts of
the 71st Legislature, Regular Session, 1989, provide
that an election to authorize or increase a property
tax for maintenance and operations must be "called and
held." The revised law omits "called" because, in
context, "called" is included in the meaning of
"held." Under Chapter 3, Election Code, all elections
must be ordered (called) before they may be held.

(2) Sections 11(a) and (b), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, refer to the district's authority to "levy and collect a property tax" and to "property taxes that may be levied and collected." The revised law substitutes "impose" and "imposed" for "levy and collect" and "levied and collected," respectively, because "impose" is the term generally used in Title 1, Tax Code, and includes the levying and collection of a tax. The revised law also substitutes "ad valorem tax" and "ad valorem taxes" for "property tax" and "property taxes," respectively, because "ad valorem tax" is the term most commonly used in Texas law to refer to a tax on property.

(3) Sections 11(a) and (b), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, refer to an election by the "qualified" voters of the district. The revised law omits "qualified" as unnecessary in this context because Chapter 11, Election Code, governs eligibility to vote in an election in this state and allows only "qualified" voters who are residents of the territory covered by the election to vote in an election.

(4) Section 11(c), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, provides that except as provided by Section 11, ad valorem taxes imposed by the district and elections for authorizing those taxes are governed by Chapter 52, Water Code, Title 1, Tax Code, and the Election Code. The revised law omits that provision as unnecessary because those laws or their successors (Chapter 933, Acts of the 74th Legislature, Regular Session, 1995, repealed Chapter 52, Water Code, which governed groundwater conservation districts, and enacted Chapter 36, Water
Code, to govern those districts) are already applicable on their own terms to the district's ad valorem taxes and elections authorizing those taxes unless Chapter 524 provides otherwise. The omitted law reads:

(c) Except as provided by this section, ad valorem taxes levied and collected by the district and elections authorizing those taxes are governed by Chapter 52 of the Water Code, Title 1 of the Tax Code, and the Election Code.

Revisor's Note
(End of Chapter)

(1) Section 12, Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, Section 4, Chapter 64, Acts of the 81st Legislature, Regular Session, 2009, and Section 14, Chapter 1196, Acts of the 84th Legislature, Regular Session, 2015, recite legislative findings regarding procedural requirements for legislation affecting the district under the constitution and other laws and rules, including proper legal notice and the filing of recommendations. The revised law omits those provisions as executed. The omitted law reads:

[Acts 71st Leg., R.S., Ch. 524]
Sec. 12. (a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.

(b) The Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.
(a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

(2) Section 3, Chapter 64, Acts of the 81st Legislature, Regular Session, 2009, validates certain actions of the district taken before the effective date of that act. The revised law omits that provision because it served its purpose on the date it took effect and is executed law. Section 311.031(a)(2),
Government Code (Code Construction Act), provides that the repeal of a statute does not affect any validation previously made under the statute. Therefore, the omission of the executed provision does not affect the validation. The omitted law reads:

Sec. 3. (a) All governmental acts and proceedings of the Clearwater Underground Water Conservation District relating to the election of members of the board of directors of the district that were taken before the effective date of this Act are validated, ratified, and confirmed in all respects as if they had been taken as authorized by law.

(b) This section does not apply to any matter that on the effective date of this Act:
   (1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or
   (2) has been held invalid by a final court judgment. 

CHAPTER 8879. CROCKETT COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8879.001. DEFINITIONS ......................... 124
Sec. 8879.002. NATURE OF DISTRICT .................. 124
Sec. 8879.003. FINDINGS OF PUBLIC USE AND BENEFIT .......... 126
Sec. 8879.004. DISTRICT TERRITORY ................. 126
Sec. 8879.005. LOCATION OF DISTRICT ELECTIONS .......... 127
Sec. 8879.006. CONFLICTS OF LAW ................... 127

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8879.051. COMPOSITION OF BOARD; TERMS ................ 129
Sec. 8879.052. ELECTION DATE ......................... 130
Sec. 8879.053. DISQUALIFICATION OF DIRECTORS .......... 130

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8879.101. GENERAL POWERS AND DUTIES .......... 131

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8879.151. LIMITATION ON AD VALOREM TAX RATE .......... 132
Sec. 8879.152. ELECTION TO INCREASE AD VALOREM TAX RATE .......... 133
CHAPTER 8879. CROCKETT COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 8879.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Crockett County Groundwater Conservation District. (Acts 71st Leg., R.S., Ch. 712, Sec. 2; New.)

Source Law

Sec. 2. In this Act, "district" means the Crockett County Groundwater Conservation District.

Revisor's Note

The definitions of "board" and "director" are added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definitions.

Revised Law

Sec. 8879.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Crockett County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 712, Secs. 1(a) (part), (b).)

Source Law

Sec. 1. (a) An underground water conservation district, to be known as Emerald Underground Water Conservation District, is created in Crockett County,...

(1) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

Revisor's Note

(1) Section 1(a), Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, refers to the "Emerald Underground Water Conservation District."

The revised law substitutes "Crockett County Groundwater Conservation District" or "district" for
the quoted phrase in this section and throughout this chapter because under Section 1A, Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, the name of the Emerald Underground Water Conservation District was changed to the Crockett County Groundwater Conservation District. The revised law omits the provision changing the district's name as executed. The omitted law reads:

Sec. 1A. The name of the Emerald Underground Water Conservation District is changed to the Crockett County Groundwater Conservation District.

(2) Section 1(a), Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, refers to the district as an "underground water conservation district." The revised law substitutes "groundwater conservation district" for the quoted language to conform to the term used in Chapter 36, Water Code.

(3) Section 1(a), Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, refers to a confirmation election. Because the confirmation election has already been held, the revised law omits the provision as executed. The omitted law reads:

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

(4) Section 1(a), Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, provides that the district is a governmental agency and a body politic and corporate. The revised law omits the provision because it duplicates a portion of Section 59(b), Article XVI, Texas Constitution, which provides that a conservation and reclamation district is a governmental agency and a body politic and corporate. The omitted law reads:

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

Revised Law
Sec. 8879.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.
(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 712, Sec. 5.)

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

Revised Law
Sec. 8879.004. DISTRICT TERRITORY. (a) The district is composed of the territory in Crockett County other than the tract of land described by metes and bounds in Section 3, Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, as that territory may have been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or
(2) other law.

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

(1) the district's organization, existence, or validity;
(2) the district's right to impose taxes; or
(3) the legality or operation of the district or its governing body. (Acts 71st Leg., R.S., Ch. 712, Secs. 3 (part), 4; New.)

Source Law
Sec. 3. The district is composed of all of the territory contained in Crockett County SAVE AND EXCEPT the following described tract of land situated in Crockett County, Texas, and being described by metes and bounds as follows, to wit: . . . .
Sec. 4. The legislature finds that the
boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the organization, existence, or validity of the district, the right of the district to levy and collect taxes, or the legality or operation of the district or its governing body.

Revisor's Note
(1) The revision of the law governing the district does not revise all of the statutory language describing the territory of the district to avoid the lengthy recitation of the description and because that description may not be accurate on the effective date of the revision or at the time of a later reading. For the reader's convenience, the revised law includes references to the statutory description of the district's territory and to the authority to change the district's territory under Subchapter J or K, Chapter 36, Water Code, applicable to groundwater conservation districts. The revised law also includes a reference to the general authority of the legislature to enact a law to change the district's territory.

(2) Section 4, Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, refers to the district's authority to "levy and collect" taxes. The revised law substitutes "impose" for "levy and collect" because "impose" is the term generally used in Title 1, Tax Code, and includes the levy and collection of a tax.

Revised Law
Sec. 8879.005. LOCATION OF DISTRICT ELECTIONS. A district election may be held at any location in Crockett County. (Acts 71st Leg., R.S., Ch. 712, Sec. 10B.)

Source Law
Sec. 10B. A district election may be held at any location in Crockett County.

Revised Law
Sec. 8879.006. CONFLICTS OF LAW. This chapter prevails
over any provision of general law that is in conflict or inconsistent with this chapter. (Acts 71st Leg., R.S., Ch. 712, Sec. 6(a) (part).)

Source Law

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

Revisor's Note

(End of Subchapter)

Section 9, Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, provides for the temporary board of directors to hold an election to confirm the district's establishment and to elect initial directors. The revised law omits those provisions as executed. The omitted law reads:

Sec. 9. (a) The temporary board of directors shall call and hold an election to confirm establishment of the district and to elect five initial directors.

(b) A person who desires to be a candidate for the office of initial director may file an application with the temporary board to have the candidate's name printed on the ballot as provided by Section 51.075, Water Code.

(c) At the confirmation and initial directors' election, the temporary board of directors shall have the names of the five persons serving as temporary directors placed on the ballot together with the name of any candidate filing for the office of director as provided by Subsection (b) of this section and blank spaces to write in the names of other persons. If the district is created at the election, the temporary directors, at the time the vote is canvassed, shall declare the five persons who receive the most votes to be elected as the initial directors and shall include the results of the directors' election in its election report to the Texas Water Commission.

(d) Subsection (a), Section 41.001, Election Code, does not apply to a confirmation and initial directors' election held as provided by this section.

(e) Except as provided by this section, a confirmation and initial directors' election must be conducted as provided by Subsections (b) through (g), Section 52.058, Water Code, and the Election Code.
SUBCHAPTER B. BOARD OF DIRECTORS

Revised Law

Sec. 8879.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five elected directors.
(b) Directors serve staggered four-year terms, with the terms of two or three directors expiring December 1 of each even-numbered year. (Acts 71st Leg., R.S., Ch. 712, Secs. 7(a), (d), 10A (part).)

Source Law

Sec. 7. (a) The district is governed by a board of five directors.
(d) Directors serve staggered four-year terms, with the terms of two or three directors expiring December 1 of each even-numbered year.

Revisor's Note
(1) Section 7(e), Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, provides that a director must qualify to serve in the manner provided by Section 36.055, Water Code. The revised law omits the provision because Section 36.055, Water Code, applies to the district under Section 8879.101 of this chapter and Section 36.001(1), Water Code. The omitted law reads:
(e) Each director must qualify to serve as director in the manner provided by Section 36.055, Water Code.

(2) Section 7(f), Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, provides that a director serves until a successor has qualified. The revised law omits the provision because it duplicates Section 17, Article XVI, Texas Constitution, which provides that an officer in this state continues to perform the officer's official duties until a successor has qualified. The omitted law reads:
(f) A director serves until the
director's successor has qualified.

Revised Law
Sec. 8879.052. ELECTION DATE. The district shall hold an
election to elect the appropriate number of directors on the
uniform election date in November of each even-numbered year.
(Acts 71st Leg., R.S., Ch. 712, Sec. 10A.)

Source Law
Sec. 10A. On the uniform election date in
November of each even-numbered year, the appropriate
number of directors shall be elected.

Revisor's Note
Section 6, Chapter 1123, Acts of the 80th
Legislature, Regular Session, 2007, refers to
transition procedures regarding the terms of certain
elected directors. The revised law omits those
provisions as executed. The omitted law reads:

Sec. 6. Notwithstanding Section
7(d), Chapter 712, Acts of the 71st
Legislature, Regular Session, 1989, as
amended by this Act:
(1) the terms of the directors
of the Emerald Underground Water
Conservation District who were elected in
May 2005 expire December 1, 2008; and
(2) the terms of the directors
of the Emerald Underground Water
Conservation District who are elected in

Revised Law
Sec. 8879.053. DISQUALIFICATION OF DIRECTORS.
Notwithstanding Sections 49.001 and 49.002(b), Water Code, Section
49.052, Water Code, applies to a director. (Acts 71st Leg., R.S.,
Ch. 712, Sec. 7(a-1).)

Source Law
(a-1) Notwithstanding Sections 49.001 and
49.002(b), Water Code, Section 49.052, Water Code,
applies to a director of the district.

Revisor's Note
(End of Subchapter)

Section 8, Chapter 712, Acts of the 71st
Legislature, Regular Session, 1989, provides for the
appointment of "temporary" directors and for filling
vacancies on the temporary board. The revised law omits that section as executed. The omitted law reads:

Sec. 8. (a) The temporary board of directors is composed of:
(1) Wade Richardson
(2) Larry Williams
(3) George Bunger
(4) Reid Homsley
(5) Johnny Jones
(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill all vacancies on the board.

SUBCHAPTER C. POWERS AND DUTIES

Revised Law

Sec. 8879.101. GENERAL POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36 and Subchapters H and I, Chapter 49, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 712, Sec. 6(a) (part).)

Source Law

Sec. 6. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 and Subchapters H and I, Chapter 49, Water Code, applicable to groundwater conservation districts created under Article XVI, Section 59, of the Texas Constitution. . . .

Revisor's Note

(1) Section 6(a), Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, refers to the "rights, powers, privileges, [and] authority" of the district. The revised law omits the reference to "authority" because, in context, "authority" is included in the meaning of "rights, powers, [and] privileges."

(2) Section 6(b), Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, refers to the continuing right of the state to supervise the
district through the Texas Water Commission. The revised law omits the provision because the provision duplicates in substance part of Section 12.081, Water Code, which subjects certain districts, including groundwater conservation districts, to the continuing right of supervision of the Texas Water Commission's successor agency, the Texas Commission on Environmental Quality. The omitted law reads:

(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Water Commission.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Revised Law

Sec. 8879.151. LIMITATION ON AD VALOREM TAX RATE. Except as provided by Section 8879.152, the rate of an ad valorem tax imposed by the district under Chapter 36, Water Code, may not exceed five cents on each $100 of assessed valuation. (Acts 71st Leg., R.S., Ch. 712, Sec. 11(a); New.)

Source Law

Sec. 11. (a) A property tax authorized for the district under Chapter 52, Water Code, may not exceed five cents on each $100 of assessed valuation.

Revisor's Note

Section 11(a), Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, imposes a limitation on the district's "property tax" rate "under Chapter 52, Water Code." The revised law substitutes "ad valorem tax" for "property tax" because "ad valorem tax" is the term most commonly used in Texas law to refer to a tax on property and substitutes a reference to "Chapter 36, Water Code" for the reference to "Chapter 52, Water Code" because Chapter 933, Acts of the 74th Legislature, Regular Session, 1995, repealed Chapter 52, Water Code, and
enacted Chapter 36, Water Code. For the convenience of
the reader, the revised law adds a cross-reference to
Section 8879.152 because that section provides an
exception to the limitation imposed by this section.

Revised Law

Sec. 8879.152. ELECTION TO INCREASE AD VALOREM TAX RATE.

(a) If at a regular meeting of the board, the board determines that
the district ad valorem tax is no longer sufficient, the board may
hold an election to approve an increase in the district's tax rate
not to exceed an additional five cents on each $100 of assessed
valuation above the rate specified by Section 8879.151.

(b) If a majority of the voters favor the increase in the
district's tax rate, the district may impose an ad valorem tax at
the increased rate. (Acts 71st Leg., R.S., Ch. 712, Sec. 11(b).)

Source Law

(b) At a regular meeting of the board of
directors, if the board determines that the tax levied
and collected under Subsection (a) of this section is
no longer sufficient for the purposes stated in that
subsection, the board may call and hold an election to
approve an increase in property taxes not to exceed an
additional five cents on each $100 of assessed
valuation in excess of the limitation provided by
Subsection (a) of this section. If a majority of the
qualified voters approve an increase in the amount of
taxes in excess of the limitation provided by
Subsection (a) of this section, the district may levy
and collect additional taxes in the amount as limited
in this subsection approved by the voters at the
election called and held for that purpose.

Revisor's Note

(1) Section 11(b), Chapter 712, Acts of the 71st
Legislature, Regular Session, 1989, refers to the
district's authority to "levy and collect" additional
taxes. The revised law substitutes "impose" for the
quoted language for the reason stated in Revisor's Note
(2) to Section 8879.004.

(2) Section 11(b), Chapter 712, Acts of the 71st
Legislature, Regular Session, 1989, authorizes the
district's board to "call and hold" an election to
approve an increase in the district's "property
taxes." The revised law omits the reference to "calling" an election because, in this context, "calling" an election is included in the meaning of "holding" an election. Under Chapter 3, Election Code, all elections must be ordered (called) before they may be held. The revised law substitutes a reference to the district's "ad valorem tax" for the reference to the district's "property taxes" for the reason stated in the revisor's note to Section 8879.151.

(3) Section 11(b), Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, refers to an election by the "qualified" voters of the district. The revised law omits "qualified" as unnecessary in this context because Chapter 11, Election Code, governs eligibility to vote in an election in this state and allows only "qualified" voters who are residents of the territory covered by the election to vote in an election.

Revisor's Note
(End of Chapter)

Section 12, Chapter 712, Acts of the 71st Legislature, Regular Session, 1989; Section 7, Chapter 1123, Acts of the 80th Legislature, Regular Session, 2007; and Section 14, Chapter 1196, Acts of the 84th Legislature, Regular Session, 2015, recite legislative findings regarding procedural requirements for the creation of the district under the constitution and other laws and rules, including proper legal notice and the filing of recommendations. The revised law omits those provisions as executed. The omitted law reads:

[Acts 71st Leg., R.S., Ch. 712]
Sec. 12. (a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of
this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.

(b) The Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

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

[Acts 80th Leg., R.S., Ch. 1123]

Sec. 7. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

[Acts 84th Leg., R.S., Ch. 1196]

Sec. 14. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives.
within the required time.
(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

CHAPTER 8880. GONZALES COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8880.001. DEFINITIONS. In this chapter:
(1) "Board" means the district's board of directors.
(2) "Director" means a board member.
(3) "District" means the Gonzales County Underground Water Conservation District. (Acts 74th Leg., R.S., Ch. 368, Sec. 1; New.)

Source Law
Sec. 1. In this Act:
(1) "Board" means the board of directors of the Gonzales County Underground Water Conservation District.
(2) "District" means the Gonzales County Underground Water Conservation District.

Revisor's Note
The definition of "director" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8880.051. SINGLE-MEMBER DIRECTOR PRECINCTS. (a) The board may divide the district into five single-member director precincts of substantially equal population for the purpose of...
electing directors.

(b) Notwithstanding Section 36.059(b), Water Code, the board may divide territory contained in a municipal corporation in the district into as many precincts as necessary to obtain precincts of substantially equal population. (Acts 74th Leg., R.S., Ch. 368, Sec. 2.)

Source Law

Sec. 2. The board may from time to time divide the district into five precincts of substantially equal population for the purpose of electing directors. Notwithstanding Section 52.102, Water Code, the board may divide territory contained in a municipal corporation within the district into as many precincts as necessary to obtain precincts of substantially equal population.

Revisor's Note

(1) Section 2, Chapter 368, Acts of the 74th Legislature, Regular Session, 1995, provides that the board of directors may "from time to time" divide the district. The revised law omits the reference to "from time to time" because the power to take an action implies the power to do so at any time.

(2) Section 2, Chapter 368, Acts of the 74th Legislature, Regular Session, 1995, provides that "Notwithstanding Section 52.102, Water Code," the board of directors may divide territory contained in a municipal corporation. Section 52.102, Water Code, was repealed by Chapter 933, Acts of the 74th Legislature, Regular Session, 1995. However, the substance of that provision is included in Section 36.059(b), Water Code, which the legislature enacted in the same act that repealed Section 52.102, Water Code, and which applies to the district under Section 36.001(1), Water Code. For that reason, the revised law substitutes a reference to Section 36.059(b), Water Code, for the reference to Section 52.102, Water Code.
Section 3, Chapter 368, Acts of the 74th Legislature, Regular Session, 1995, refers to the temporary board of directors and that board's authority to make expenditures on behalf of the district. The revised law omits the language as executed. The omitted law reads:

Sec. 3. Temporary directors serving on the board on the effective date of this Act may authorize and make, through board action, all expenditures necessary to conduct district business until permanent directors are elected and qualify for office.

Section 4, Chapter 368, Acts of the 74th Legislature, Regular Session, 1995, validates the creation of the district and all resolutions, orders, and other acts or attempted acts of the board before June 8, 1995, the date on which Section 4 became effective. The revised law omits this provision as executed. The omitted law reads:

Sec. 4. The creation of the district and all resolutions, orders, and other acts or attempted acts of the board, including the board composed of temporary directors, are validated in all respects. The creation of the district and all resolutions, orders, and other acts or attempted acts of the board, including the board composed of temporary directors, are valid as though they originally had been legally authorized or accomplished.

Section 1, Chapter 658, Acts of the 82nd Legislature, Regular Session, 2011, required the disannexation of certain land from either the Gonzales County Underground Water Conservation District or the Plum Creek Conservation District as soon as practicable after December 31, 2011. Because the district reports that the disannexation occurred according to the procedure set out in Section 1, the
revised law omits the provision as executed. The omitted law reads:

Sec. A1. (a) Not later than the 30th day after the effective date of this Act, the board of the Gonzales County Underground Water Conservation District and the board of the Plum Creek Conservation District shall jointly prepare a form that requests disannexation of land located in Caldwell County from the territory of the Gonzales County Underground Water Conservation District or the Plum Creek Conservation District.

(b) Not later than the 10th day after the form is prepared, the board of the Gonzales County Underground Water District shall mail the form to each owner of land that on the effective date of this Act is included in the territory of both the Gonzales County Underground Water District and the Plum Creek Conservation District.

(c) On receipt of the form, each owner must clearly mark and sign the form to indicate from which district the owner wants the applicable land to be disannexed. An owner may not elect to have land be disannexed by both districts.

(d) The signed forms must be returned to the board of the Gonzales County Underground Water District on or before December 31, 2011. That board shall send a copy of each form received before the deadline to the board of the Plum Creek Conservation District.

(e) If the owner of land does not comply with Subsection (c) of this section before the deadline, the applicable land will be disannexed by the Gonzales County Underground Water District.

(f) As soon as practicable after December 31, 2011, the land specified for disannexation by the owners under Subsection (c) of this section or subject to disannexation under Subsection (e) of this section shall be disannexed by resolution of the board of the Gonzales County Underground Water District or the Plum Creek Conservation District, as appropriate.

(g) The board of each district shall file a copy of that district's disannexation resolution in the office of the county clerk of Caldwell County. The county clerk shall record the resolution in the county records. On the date the disannexation resolution is recorded, the excluded territory is no longer part of the district that filed the resolution.
Sec. 8881.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Mesa Underground Water Conservation District. (Acts 71st Leg., R.S., Ch. 669, Secs. 1(a) (part), 2; New.)

Sec. 8881.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Dawson County created under
and essential to accomplish the purposes of Section 59, Article
XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 669, Secs. 1(a)
(part), (b).)

Source Law

(a) An underground water conservation district,
... is created in Dawson County, ... .
(b) The district is created under and is
essential to accomplish the purposes of Article XVI,
Section 59, of the Texas Constitution.

Revisor's Note

(1) Section 1(a), Chapter 669, Acts of the 71st
Legislature, Regular Session, 1989, refers to the
district as an "underground water conservation
district." The revised law substitutes "groundwater
conservation district" for the quoted language to
conform to the term used in Chapter 36, Water Code.

(2) Section 1(a), Chapter 669, Acts of the 71st
Legislature, Regular Session, 1989, refers to a
confirmation election. Because the confirmation
election has already been held, the revised law omits
the provision as executed. The omitted law reads:

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

(3) Section 1(a), Chapter 669, Acts of the 71st
Legislature, Regular Session, 1989, provides that the
district is a governmental agency and a body politic
and corporate. The revised law omits that provision
because it duplicates a portion of Section 59(b),
Article XVI, Texas Constitution, which provides that a
conservation and reclamation district is a
governmental agency and a body politic and corporate.
The omitted law reads:

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

Revised Law

Sec. 8881.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
district is created to serve a public use and benefit.

(b) All land and other property included in the district
will benefit from the works and projects accomplished by the
district under the powers conferred by Section 59, Article XVI,
Texas Constitution. (Acts 71st Leg., R.S., Ch. 669, Sec. 5.)

Source Law

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

Revised Law

Sec. 8881.004. DISTRICT TERRITORY. The district includes
the territory located in Dawson County, unless the district's
territory has been modified under:

(1) Section 8881.103 of this chapter or its
predecessor statute, former Section 11(c), Chapter 669, Acts of the
71st Legislature, Regular Session, 1989; or

(2) other law. (Acts 71st Leg., R.S., Ch. 669, Sec. 3;
New.)

Source Law

Sec. 3. The district includes all of the
territory located in Dawson County.

Revisor's Note

(1) Section 3, Chapter 669, Acts of the 71st
Legislature, Regular Session, 1989, contains a
description of the territory of the district. That
description may not be accurate on the effective date
of the revised law or at the time of a later reading
because the district's boundaries are subject to
change. For the reader's convenience, the revised law
adds a reference to the authority to change the
district's territory under Section 8881.103 of this
chapter or Section 11(c), Chapter 669, Acts of the 71st
Legislature, Regular Session, 1989, from which Section
8881.103 is derived. The revised law also includes a reference to the general authority of the legislature to enact other laws under which the district's territory may change.

(2) Section 4, Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, recites legislative findings relating to mistakes in the field notes of the boundaries of the district. Many enactments creating special districts contain field notes with an extensive metes and bounds description of the district. Typically a provision such as Section 4 is added to account for an error in the description. Chapter 669, however, contains no field notes of a metes and bounds description, but instead refers to the boundaries of an existing political subdivision. As such the findings relating to mistakes in the field notes in Section 4 may be omitted from the revision as unnecessary. The omitted law reads:

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

SUBCHAPTER B. BOARD OF DIRECTORS

Revised Law

Sec. 8881.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five elected directors.
(b) Directors serve staggered four-year terms. (Acts 71st Leg., R.S., Ch. 669, Secs. 7(a) (part), (b) (part), (e).)

Source Law

Sec. 7. (a) The district is governed by a board of five directors. . . .
(b) [One director] shall be elected . . . [and one] shall be elected . . . .
(e) Permanent directors other than initial
permanent directors serve staggered four-year terms.

Revisor's Note

(1) Section 7(e), Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, refers to "permanent" directors. The revised law omits "permanent." Sections 7(c), (d), and (e) refer to "temporary," "initial," and "permanent" directors to distinguish between the original "temporary" directors, the "initial" directors who immediately succeeded the "temporary" directors after the first election of directors, and subsequently serving "permanent" directors. For the reasons stated in the revisor's notes at the end of this subchapter, the revised law omits provisions regarding "temporary," "initial," and "permanent" directors, and the revised law is drafted accordingly.

(2) Section 7(f), Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, provides that a director must qualify to serve in the manner provided by Sections 51.078 and 51.079, Water Code. The revised law omits the reference to Sections 51.078 and 51.079, Water Code, because those sections were repealed by Chapter 715, Acts of the 74th Legislature, Regular Session, 1995. Chapter 933, Acts of the 74th Legislature, Regular Session, 1995, enacted Section 36.055, Water Code, which contains the qualification procedures for a director of a groundwater conservation district. A reference to Section 36.055, Water Code, is unnecessary because that section applies to the district under Section 8881.101 of this chapter and Section 36.001(1), Water Code. The omitted law reads:

(f) Each director must qualify to serve as director in the manner provided by Sections 51.078 and 51.079, Water Code.
Section 7(g), Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, provides that a director serves until a successor has qualified. The revised law omits that provision because it duplicates Section 17, Article XVI, Texas Constitution, which provides that an officer in this state continues to perform the officer's official duties until a successor has qualified. The omitted law reads:

(g) A director serves until the director's successor has qualified.

Revised Law

Sec. 8881.052. ELECTION OF DIRECTORS. One director is elected from each county commissioners precinct in Dawson County and one director is elected from the district at large. (Acts 71st Leg., R.S., Ch. 669, Sec. 7(b) (part).)

Source Law

(b) One director [shall be elected] from each commissioners precinct in Dawson County and one [shall be elected] from the district at large. . . .

Revised Law

Sec. 8881.053. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date in May of each even-numbered year or another date authorized by law. (Acts 71st Leg., R.S., Ch. 669, Sec. 10; New.)

Source Law

Sec. 10. On the uniform election date in May of each even-numbered year, an election shall be held in the district to elect the appropriate number of directors.

Revisor's Note

(1) Section 10, Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, provides that the appropriate number of directors shall be elected on the uniform election date in May of each even-numbered year. The revised law adds "or another date authorized by law" to acknowledge other legislative enactments.
such as Section 41.0052, Election Code, as amended by
Chapter 1235, Acts of the 84th Legislature, Regular
Session, 2015, that would result in the election being
held on a date other than the date provided by the
source law.

(2) Section 6, Chapter 1196, Acts of the 84th
Legislature, Regular Session, 2015, amended Section
10, Chapter 669, Acts of the 71st Legislature, Regular
Session, 1989, to change the date for electing
directors. Section 13 of Chapter 1196 provided
transition procedures requiring the adjustment of
terms of certain directors to conform to the new
election date, if applicable. The revised law omits
the transition procedures regarding the terms as
executed. The omitted law reads:

Sec. 13. The governing body of a
groundwater conservation district for which
the election date has changed under the laws
of office to conform to the new election
date, if applicable.

Revised Law

Sec. 8881.054. QUALIFICATIONS FOR OFFICE. (a) A director
must be 18 years of age or older.
(b) To represent a county commissioners precinct, the
director must be a resident of that precinct. (Acts 71st Leg., R.S.,
Ch. 669, Secs. 7(a) (part), (b) (part).)

Source Law

(a) . . . A director must be 18 years of age or
older.
(b) . . . To represent a commissioners
precinct, the director must be a resident of that
precinct.

Reviser's Note

(End of Subchapter)

(1) Sections 7(c) and (d), Chapter 669, Acts of
the 71st Legislature, Regular Session, 1989, provide
that temporary directors serve until initial directors
are elected and that initial directors serve until
permanent directors are elected. Because the terms of
the temporary and initial directors have expired, the
revised law omits those provisions as executed. The
omitted law reads:

(c) Temporary directors serve until
initial permanent directors are elected
under Section 9 of this Act.

(d) Initial permanent directors
serve until permanent directors are elected
under Section 10 of this Act.

(2) Section 8, Chapter 669, Acts of the 71st
Legislature, Regular Session, 1989, names the
temporary directors and provides for filling vacancies
on the board. Because the temporary directors were
appointed and the terms of the temporary directors
have expired, the revised law omits those provisions
as executed. The omitted law reads:

Sec. 8. (a) The temporary board of
directors is composed of:
(1) Norris Barron
(2) Fred Bell
(3) Dan Harp
(4) Kent Nix
(5) Lloyd Cline

(b) If a temporary director fails to
qualify for office, the Commissioners Court
of Dawson County shall appoint a person to
fill the vacancy.

(3) Section 9, Chapter 669, Acts of the 71st
Legislature, Regular Session, 1989, provides
procedures for holding an election to confirm the
district's creation and to elect the district's initial
board. Because the district has been confirmed and its
initial directors have been elected, the revised law
omits those provisions as executed. The omitted law
reads:

Sec. 9. (a) The temporary board of
directors shall call and hold an election to
confirm establishment of the district and
to elect five initial directors.

(b) A person who desires to be a
candidate for the office of initial
director may file an application with the
temporary board to have the candidate's name
printed on the ballot as provided by Section
51.075, Water Code.
At the confirmation and initial directors' election, the temporary board of directors shall have the names of the five persons serving as temporary directors placed on the ballot together with the name of any candidate filing for the office of director as provided by Subsection (b) of this section and blank spaces to write in the names of other persons. If the district is created at the election, the temporary directors, at the time the vote is canvassed, shall declare the person who receives the most votes for each position to be elected as an initial director and shall include the results of the directors' election in its election report to the Texas Water Commission.

Subsection (a), Section 41.001, Election Code, does not apply to a confirmation and initial directors' election held as provided by this section.

Except as provided by this section, a confirmation and initial directors' election must be conducted as provided by Subsections (b) through (g), Section 52.058, Water Code, and the Election Code.

SUBCHAPTER C. POWERS AND DUTIES

Revised Law
Sec. A8881.101. GENERAL POWERS AND DUTIES. The district has all of the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 669, Sec. 6(a) (part).)

Source Law
Sec. 6. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Article XVI, Section 59, of the Texas Constitution. . . .

Revisor's Note
(1) Section 6(a), Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, as amended by Chapter 1196, Acts of the 84th Legislature, Regular Session, 2015, refers to the "rights, powers, privileges, [and] authority" of the district. The revised law omits the reference to "authority" because, in context, "authority" is included in the
meaning of "rights, powers, [and] privileges."

(2) Section 6(a), Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, provides that the act prevails over general law in case of a conflict or other inconsistency. The revised law omits the provision because it duplicates in substance Section 311.026, Government Code (Code Construction Act). The omitted law reads:

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

Revised Law

Sec. 8881.102. CONTRACT AUTHORITY OF DISTRICT. (a) The district may contract for, sell, and distribute water from a water import authority or other agency.

(b) The district may contract with other districts that have powers similar to those of the district to achieve common goals.

(Acts 71st Leg., R.S., Ch. 669, Secs. 11(a), (b).)

Source Law

Sec. 11. (a) The district may contract for, sell, and distribute water from a water import authority or other agency.

(b) The district may contract with other districts that have powers similar to those of the district to achieve common goals.

Revised Law

Sec. 8881.103. ANNEXATION OF TERRITORY. (a) Territory may be added to the district under:

(1) Subchapter J, Chapter 49, Water Code; or

(2) Subchapter O, Chapter 51, Water Code.

(b) If the district annexes territory, the board shall determine the precincts to which annexed territory is added for the purpose of electing directors. (Acts 71st Leg., R.S., Ch. 669, Sec. 11(c); New.)

Source Law

(c) Additional territory may be added to the district as provided for annexation of territory under Chapter 51, Water Code. The board shall determine to which precinct annexed territory will be added for
purposes of election of directors.

Revisor's Note

Section 11(c), Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, authorizes the district to add territory under "Chapter 51, Water Code." The relevant provisions of Chapter 51, Water Code, were contained in Subchapter O of that chapter. Chapter 715, Acts of the 74th Legislature, Regular Session, 1995, repealed some of the relevant provisions of Subchapter O, Chapter 51, Water Code, and enacted Subchapter J, Chapter 49, Water Code, to govern the annexation of land by water control and improvement districts and certain other districts. Accordingly, the revised law substitutes references to Subchapter J, Chapter 49, and Subchapter O, Chapter 51, Water Code, for the reference to Chapter 51 of that code.

Revisor's Note
(End of Subchapter)

Section 6(b), Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, refers to the continuing right of the state to supervise the district through the Texas Water Commission. The revised law omits the provision because the provision duplicates in substance part of Section 12.081, Water Code, which subjects certain districts, including groundwater conservation districts, to the continuing right of supervision of the Texas Water Commission's successor agency, the Texas Commission on Environmental Quality. The omitted law reads:

(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Water Commission.
Revisor's Note
(End of Chapter)

Section 12, Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, and Section 14, Chapter 1196, Acts of the 84th Legislature, Regular Session, 2015, recite legislative findings regarding procedural requirements for legislation affecting the district under the constitution and other laws and rules, including proper legal notice and the filing of recommendations. The revised law omits those provisions as executed. The omitted law reads:

[Acts 71st Leg., R.S., Ch. 669]
Sec. 12. (a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.

(b) The Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

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

[Acts 84th Leg., R.S., Ch. 1196]
Sec. 14. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.
(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

CHAPTER 8882. SANDY LAND UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8882.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Sandy Land Underground Water Conservation District. (Acts 71st Leg., R.S., Ch. 673, Secs. 1(a) (part), 2; New.)

Sec. 8882.002. NATURE OF DISTRICT.

Sec. 8882.003. FINDINGS OF PUBLIC USE AND BENEFIT.

Sec. 8882.004. DISTRICT TERRITORY.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8882.051. COMPOSITION OF BOARD; TERMS.

Sec. 8882.052. ELECTION DATE.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8882.101. GENERAL POWERS AND DUTIES.

CHAPTER 8882. SANDY LAND UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 8882.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Sandy Land Underground Water Conservation District. (Acts 71st Leg., R.S., Ch. 673, Secs. 1(a) (part), 2; New.)

Source Law

Sec. 1. (a) [An underground water conservation district,] to be known as Sandy Land Underground Water Conservation District, . . . .

Sec. 2. In this Act, "district" means the Sandy Land Underground Water Conservation District.

Revisor's Note

The definitions of "board" and "director" are added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definitions.
Sec. 8882.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Yoakum County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 673, Secs. 1(a) (part), (b).)

Sec. 1. (a) An underground water conservation district, [to be known as Sandy Land Underground Water Conservation District], is created in Yoakum County. 

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

(1) Section 1(a), Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, refers to the district as an "underground water conservation district." Throughout this chapter, the revised law substitutes "groundwater conservation district" for the quoted language to conform to the term used in Chapter 36, Water Code.

(2) Section 1(a), Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, refers to a confirmation election. Because the confirmation election has already been held, the revised law omits the provision as executed. The omitted law reads:

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

(3) Section 1(a), Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, provides that the district is a governmental agency and a body politic and corporate. The revised law omits the provision because it duplicates a portion of Section 59(b), Article XVI, Texas Constitution, which provides that a conservation and reclamation district is a governmental agency and a body politic and corporate.
The omitted law reads:
(a) . . . The district is a governmental agency and a body politic and corporate.

Revised Law
Sec. 8882.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.
(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 673, Sec. 5.)

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

Revised Law
Sec. 8882.004. DISTRICT TERRITORY. The district includes the territory located in Yoakum County unless the district's territory has been modified under:
(1) Subchapter J or K, Chapter 36, Water Code; or
(2) other law. (Acts 71st Leg., R.S., Ch. 673, Sec. 3; New.)

Source Law
Sec. 3. The district includes all the territory located within Yoakum County.

Revisor's Note
(1) Section 3, Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, contains a description of the territory of the district. That description may not be accurate on the effective date of the revised law or at the time of a later reading because the district's boundaries are subject to change. For the reader's convenience, the revised law adds references to the authority to change the
district's territory under Subchapter J or K, Chapter 36, Water Code, applicable to groundwater conservation districts, and to the general authority of the legislature to enact other laws under which the district's territory may change.

(2) Section 4, Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, recites legislative findings relating to mistakes in the field notes of the boundaries of the district. Many enactments creating special districts contain field notes with an extensive metes and bounds description of the district. Typically a provision such as Section 4 is added to account for an error in the description. Chapter 673, however, contains no field notes of a metes and bounds description, but instead refers to the boundaries of an existing political subdivision. As such the findings relating to mistakes in the field notes in Section 4 may be omitted from the revision as unnecessary. The omitted law reads:

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

Revisor's Note
(End of Subchapter)

Section 6(a), Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, provides that the act prevails over general law in case of a conflict or other inconsistency. The revised law omits the provision because it duplicates in substance Section 311.026, Government Code (Code Construction Act). The omitted law reads:

(a) ... This Act prevails over any
SUBCHAPTER B. BOARD OF DIRECTORS

Revised Law

Sec. 8882.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors. (b) Directors serve staggered four-year terms. (Acts 71st Leg., R.S., Ch. 673, Secs. 7(a), (d).)

Source Law

Sec. 7. (a) The district is governed by a board of five directors. (d) Permanent directors other than initial permanent directors serve staggered four-year terms.

Revisor's Note

(1) Section 7(d), Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, refers to "[p]ermanent" directors "other than initial permanent directors." The revised law omits the quoted language because the terms of the initial permanent directors have expired, and it is no longer necessary to distinguish between "initial permanent" and "permanent" directors.

(2) Section 7(e), Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, provides that a director must qualify to serve in the manner provided by Sections 51.078 and 51.079, Water Code. The revised law omits the reference to Sections 51.078 and 51.079, Water Code, because those sections were repealed by Chapter 715, Acts of the 74th Legislature, Regular Session, 1995. Chapter 933, Acts of the 74th Legislature, Regular Session, 1995, enacted Section 36.055, Water Code, which contains the qualification procedures for a director of a groundwater conservation district. A reference to Section 36.055, Water Code, is unnecessary because that section applies to the district under Section 8882.101 of this

86C63 SLB-D 156
chapter and Section 36.001(1), Water Code. The omitted law reads:

(e) Each director must qualify to serve as director in the manner provided by Sections 51.078 and 51.079, Water Code.

(3) Section 7(f), Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, provides that a director serves until a successor has qualified. The revised law omits the provision because it duplicates Section 17, Article XVI, Texas Constitution, which provides that an officer in this state continues to perform the officer's official duties until a successor has qualified. The omitted law reads:

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

Revised Law
Sec. 8882.052. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date in May of every other year or another date authorized by law. (Acts 71st Leg., R.S., Ch. 673, Sec. 10; New.)

Source Law
Sec. 10. On the uniform election date in May of every other year, the appropriate number of directors shall be elected to the board.

Revisor's Note
(1) Section 10, Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, provides that the appropriate number of directors shall be elected on the uniform election date in May of every other year. The revised law adds "or another date authorized by law" to acknowledge other legislative enactments such as Section 41.0052, Election Code, as amended by Chapter 1235, Acts of the 84th Legislature, Regular Session, 2015, that would result in the election being held on a date other than the date provided by the source law.
(2) Section 7, Chapter 1196, Acts of the 84th Legislature, Regular Session, 2015, amended Section 10, Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, to change the date for electing directors. Section 13 of Chapter 1196 provided transition procedures requiring the adjustment of terms of certain directors to conform to the new election date, if applicable. The revised law omits the transition procedures regarding the terms as executed. The omitted law reads:

Sec. 13. The governing body of a groundwater conservation district for which the election date has changed under the laws amended by this Act shall adjust the terms of office to conform to the new election date, if applicable.

Revisor's Note
(End of Subchapter)

(1) Sections 7(b) and (c), Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, provide for the terms of office of "temporary" and "initial permanent" directors of the district. The revised law omits Sections 7(b) and (c) as executed because the terms of the temporary and initial permanent directors have expired. The omitted law reads:

(b) Temporary directors serve until initial permanent directors are elected under Section 9 of this Act.
(c) Initial permanent directors serve until permanent directors are elected under Section 10 of this Act.

(2) Section 8, Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, names the temporary directors and provides for filling vacancies on the temporary board. Because the temporary directors were appointed and the terms of the temporary directors have expired, the revised law omits those provisions as executed. The omitted law reads:
Sec. 8. (a) The temporary board of directors is composed of:
(1) David Turnbough
(2) Ray Hohstadt
(3) L. J. Sanders
(4) T. J. Miller
(5) Johnnie L. Fitzgerald
(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill all vacancies on the board.

(3) Section 9, Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, provides procedures for holding an election to confirm the district's creation and to elect the district's initial board. The revised law omits those provisions as executed because the district has been confirmed and its initial board has been elected. The omitted law reads:

Sec. 9. (a) The temporary board of directors shall call and hold an election to confirm establishment of the district and to elect five initial directors.
(b) A person who desires to be a candidate for the office of initial director may file an application with the temporary board to have the candidate's name printed on the ballot as provided by Section 51.075, Water Code.
(c) At the confirmation and initial directors' election, the temporary board of directors shall have the names of the five persons serving as temporary directors placed on the ballot together with the name of any candidate filing for the office of director as provided by Subsection (b) of this section and blank spaces to write in the names of other persons. If the district is created at the election, the temporary directors, at the time the vote is canvassed, shall declare the five persons who receive the most votes to be elected as the initial directors and shall include the results of the directors' election in its election report to the Texas Water Commission.
(d) Subsection (a), Section 41.001, Election Code, does not apply to a confirmation and initial directors' election held as provided by this section.
(e) Except as provided by this section, a confirmation and initial directors' election must be conducted as provided by Sections 52.058(b) through (g), Water Code, and the Election Code.
SUBCHAPTER C. POWERS AND DUTIES

Revised Law
Sec. 8882.101. GENERAL POWERS AND DUTIES. The district has
the rights, powers, privileges, functions, and duties provided by
the general law of this state, including Chapters 36 and 50, Water
Code, applicable to groundwater conservation districts created
under Section 59, Article XVI, Texas Constitution. (Acts 71st
Leg., R.S., Ch. 673, Sec. 6(a) (part).)

Source Law
Sec. 6. (a) The district has all of the rights,
powers, privileges, authority, functions, and duties
provided by the general law of this state, including
Chapters 50 and 52, Water Code, applicable to
underground water conservation districts created
under Article XVI, Section 59, of the Texas
Constitution....

Revisor's Note
(1) Section 6(a), Chapter 673, Acts of the 71st
Legislature, Regular Session, 1989, refers to the
"rights, powers, privileges, [and] authority" of the
district. The revised law omits the reference to
"authority" because, in context, "authority" is
included in the meaning of "rights, powers, [and]
privileges."

(2) Section 6(a), Chapter 673, Acts of the 71st
Legislature, Regular Session, 1989, provides that the
district has the rights, powers, privileges,
authority, functions, and duties provided by the
general law of this state, "including Chapters 50 and
52, Water Code," applicable to underground water
conservation districts (now called groundwater
conservation districts as explained by Revisor's Note
(1) to Section 8882.002) created under Section 59,
Article XVI, Texas Constitution. The quoted phrase is
updated in the revised law to read "including Chapters
36 and 50, Water Code," as explained below.

Chapter 715, Acts of the 74th Legislature,
Regular Session, 1995, repealed Chapter 50, Water Code, and enacted Chapter 49 of that code. Section 49.001(a)(1) of that code originally defined "district" to mean any district created by authority of either Sections 52(b)(1) and (2), Article III, or Section 59, Article XVI, Texas Constitution, regardless of how created (subject to certain inapplicable exceptions). Furthermore, Section 49.002, Water Code, originally provided that Chapter 49 applied to all general and special law districts to the extent that the provisions of that chapter did not directly conflict with a provision in any other chapter of the Water Code or any act creating or affecting a special district. Accordingly, Chapter 49, Water Code, by its original terms, appeared to apply to groundwater conservation districts.

Chapter 933, Acts of the 74th Legislature, Regular Session, 1995, repealed Chapter 52, Water Code, which governed underground water conservation districts, and enacted Chapter 36, Water Code, governing groundwater conservation districts. Section 36.052, Water Code, provides that other laws governing the administration or operations of districts created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, do not apply to any district governed by Chapter 36. Section 36.052, Water Code, appears to conflict with Sections 49.001(a)(1) and 49.002 of that code as those sections were originally enacted regarding the applicability of Chapter 49, Water Code, to groundwater conservation districts.

Chapter 1354 (H.B. 846), Acts of the 76th Legislature, Regular Session, 1999, amended Chapter 49, Water Code, by amending the definition of
"district" in Section 49.001(a)(1) to exclude a conservation and reclamation district governed by Chapter 36 of that code unless a special law creating the district or amending the law creating the district states that Chapter 49 applies to the district. H.B. 846 also amended Chapter 49, Water Code, by adding Section 49.002(b), which provides that Chapter 49 does not apply to a district governed by Chapter 36 unless a special law creating the district or amending the law creating the district states that Chapter 49 applies to the district. According to the Senate Research Center's analysis of H.B. 846, Chapter 36, Water Code, was enacted as a "stand-alone" chapter governing groundwater conservation districts. Chapter 49 of that code was enacted concurrently with the enactment of Chapter 36 to provide administrative provisions for most water districts other than groundwater conservation districts. The amendments to Chapter 49 made by H.B. 846 were intended to provide "further clarification" that Chapter 49 does not apply to districts governed by Chapter 36. The staff of the Texas Commission on Environmental Quality has also expressed the opinion that Chapter 49, Water Code, does not apply to districts that are governed by Chapter 36.

The district is governed by Chapter 36, Water Code, under this section and Section 36.001(1), Water Code. Because the district is governed by Chapter 36, Water Code, and the special law creating the district does not state that Chapter 49 of that code applies to the district, Chapter 49 does not apply to the district. Section 6(c) of Chapter 673 provides that "[i]f there is a conflict between Chapters 36 and 49, Water Code, Chapter 36 prevails." Although the
purpose of that provision is not clear, it does not specifically apply Chapter 49, Water Code, to the district; instead, it merely confirms that Chapter 36 of that code applies to the district. Accordingly, the revised law substitutes a reference to Chapter 36, Water Code, for the reference to Chapter 52 of that code and does not substitute a reference to Chapter 49, Water Code, for the reference to Chapter 50 of that code.

In the same legislative session in which Chapter 50, Water Code, was repealed, two provisions of that chapter were amended. Section 50.004, Water Code, was amended by Chapter 667, Acts of the 74th Legislature, Regular Session, 1995, and Section 50.107, Water Code, was amended by Chapter 81, Acts of the 74th Legislature, Regular Session, 1995. Because it is not clear whether those provisions remain in effect, the revised law retains the reference to Chapter 50, Water Code, to preserve any ambiguity.

Similarly, in the same legislative session in which Chapter 52, Water Code, was repealed, one provision of that chapter was amended. Chapter 715, Acts of the 74th Legislature, Regular Session, 1995, amended Section 52.005, Water Code, to provide that certain provisions of Chapter 49 of that code do not apply to districts governed by Chapter 52. Although it is not clear whether that provision remains in effect, the revised law does not retain the reference to Chapter 52, Water Code, because, as explained above, no provision of Chapter 49 of that code applies to the district.

(3) Section 6(b), Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, refers to the continuing right of the state to supervise the
district through the Texas Water Commission. The revised law omits the provision because the provision duplicates in substance part of Section 12.081, Water Code, which subjects certain districts, including groundwater conservation districts, to the continuing right of supervision of the Texas Water Commission's successor agency, the Texas Commission on Environmental Quality. The omitted law reads:

(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Water Commission.

(4) Section 6(c), Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, provides that if there is a conflict between Chapters 36 and 49, Water Code, Chapter 36 prevails. The revised law omits that provision because it duplicates in substance Section 36.052(a), Water Code, which provides in part that Chapter 36, Water Code, prevails over any other law in conflict or inconsistent with that chapter. The omitted law reads:

(c) If there is a conflict between Chapters 36 and 49, Water Code, Chapter 36 prevails.

Revisor's Note
(End of Chapter)

Section 11, Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, and Section 14, Chapter 1196, Acts of the 84th Legislature, Regular Session, 2015, recite legislative findings regarding procedural requirements for legislation affecting the district, including proper legal notice and the filing of recommendations. The revised law omits those provisions as executed. The omitted law reads:

[Acts 71st Leg., R.S., Ch. 673]
Sec. 11. (a) The proper and legal notice of the intention to introduce this
Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.

(b) The Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

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

[Acts 84th Leg., R.S., Ch. 1196]

Sec. 14. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.
SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8883.051. COMPOSITION OF BOARD; TERMS ................. 171
Sec. 8883.052. ELIGIBILITY AND ELECTION OF DIRECTORS ........ 173
Sec. 8883.053. ELECTION DATE ............................... 173
Sec. 8883.054. COMPENSATION; EXPENSES ........................ 174

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8883.101. GENERAL POWERS AND DUTIES ....................... 176
Sec. 8883.102. PAYMENT OF CERTAIN EXPENSES ..................... 177
Sec. 8883.103. APPEARANCE BEFORE RAILROAD COMMISSION .......... 178
Sec. 8883.104. PROHIBITION: SUPPLY OF WATER .................... 178

CHAPTER 8883. SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 8883.001. DEFINITIONS. In this chapter:
(1) "Board" means the district's board of directors.
(2) "Director" means a board member.
(3) "District" means the Santa Rita Underground Water Conservation District. (Acts 71st Leg., R.S., Ch. 653, Secs. 1(a) (part), 2; New.)

Source Law

Sec. 1. (a) . . . to be known as the Santa Rita Underground Water Conservation District, . . . .
Sec. 2. In this Act, "district" means the Santa Rita Underground Water Conservation District.

Revisor's Note
The definitions of "board" and "director" are added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definitions.

Revised Law

Sec. 8883.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Reagan County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 653, Secs. 1(a) (part), (b).)
Source Law

Sec. 1. (a) An underground water conservation district, ..., is created in Reagan County, ... .
(b) The district is created under and is essential to accomplish the purposes of Article XVI,
Section 59, of the Texas Constitution.

Revisor's Note

(1) Section 1(a), Chapter 653, Acts of the 71st Legislature, Regular Session, 1989, refers to the district as an "underground water" conservation district. Throughout this chapter, except when that phrase is used as part of the district's name, the revised law substitutes "groundwater" for "underground water" to conform to the term used in Chapter 36, Water Code.

(2) Section 1(a), Chapter 653, Acts of the 71st Legislature, Regular Session, 1989, refers to a confirmation election. Because the confirmation election has already been held, the revised law omits the provision as executed. The omitted law reads:

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

(3) Section 1(a), Chapter 653, Acts of the 71st Legislature, Regular Session, 1989, provides that the district is a governmental agency and a body politic and corporate. The revised law omits the provision because it duplicates a portion of Section 59(b), Article XVI, Texas Constitution, which provides that a conservation and reclamation district is a governmental agency and a body politic and corporate. The omitted law reads:

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

Revised Law

Sec. 8883.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.
(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 653, Sec. 5.)

Source Law

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

Revised Law

Sec. 8883.004. DISTRICT TERRITORY. (a) Except as provided by Subsection (b), the district includes the territory in Reagan County unless the district's territory has been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or

(2) other law.

(b) The district does not include any territory that was annexed into the Glasscock County Underground Water Conservation District under the then applicable annexation provisions of Chapter 51, Water Code, before June 14, 1989. (Acts 71st Leg., R.S., Ch. 653, Secs. 3, 14(a); New.)

Source Law

Sec. 3. The district includes all of the territory located within Reagan County.

Sec. 14. (a) This Act shall not apply to any lands which have been annexed into the Glasscock County Underground Water Conservation District pursuant to Section 51.714 et seq., Water Code, prior to the effective date of this Act.

Revisor's Note

(1) Section 3, Chapter 653, Acts of the 71st Legislature, Regular Session, 1989, contains a description of the territory of the district. That description may not be accurate on the effective date of the revised law or at the time of a later reading because the district's boundaries are subject to change. For the reader's convenience, the revised law
adds references to the authority to change the
district's territory under Subchapter J or K, Chapter
36, Water Code, applicable to groundwater conservation
districts, and to the general authority of the
legislature to enact other laws under which the
district's territory may change.

(2) Section 4, Chapter 653, Acts of the 71st
Legislature, Regular Session, 1989, recites
legislative findings relating to mistakes in the field
notes of the boundaries of the district. Many
enactments creating special districts contain field
notes with an extensive metes and bounds description
of the district. Typically a provision such as Section
4 is added to account for an error in the description.
Chapter 653, however, contains no field notes of a
metes and bounds description, but instead refers to
the boundaries of certain existing political
subdivisions. As such the findings relating to
mistakes in the field notes in Section 4 may be omitted
from the revision as unnecessary. The omitted law
reads:

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

(3) Section 14(a), Chapter 653, Acts of the 71st
Legislature, Regular Session, 1989, limits the
applicability of that act by excluding from the act's
application "lands which have been annexed into the
Glasscock County Underground Water Conservation
District pursuant to Section 51.714 et seq., Water
Code, prior to [1989]." That limitation on the
applicability of the act has the effect of excluding territory from the district. For simplicity, the revised law is drafted accordingly. Furthermore, the provisions referred to as "Section 51.714 et seq." were amended and repealed after 1989 by conflicting acts. For the reader's convenience, the revised law substitutes for the reference to "Section 51.714 et seq., Water Code," a reference to the annexation provisions of Chapter 51, Water Code, that applied to the district before the effective date of the legislation creating the district in 1989.

Revised Law

Sec. 8883.005. OWNERSHIP OF GROUNDWATER AND SURFACE WATER RIGHTS. The ownership and rights of the owner of land, the owner's lessees, and assigns in groundwater and any surface water rights are recognized, and this chapter does not deprive or divest the owner, the owner's lessees, or assigns of those ownership rights. (Acts 71st Leg., R.S., Ch. 653, Sec. 11(c).)

Source Law

(c) The ownership and rights of the owner of land, the owner's lessees, and assigns in underground and any surface water rights are recognized, and this Act does not deprive or divest the owner, the owner's lessees, and assigns of those ownership rights.

Revisor's Note

(End of Subchapter)

(1) Section 6(a), Chapter 653, Acts of the 71st Legislature, Regular Session, 1989, provides that the act prevails over general law in case of a conflict or other inconsistency. The revised law omits the provision because it duplicates in substance Section 311.026, Government Code (Code Construction Act). The omitted law reads:

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

(2) Section 14(b), Chapter 653, Acts of the 71st
Legislature, Regular Session, 1989, provides for a process by which a landowner may petition for exclusion of lands from the district within a certain period. The revised law omits those provisions because that period has expired. The omitted law reads:

(b) Within one year of the effective date of this Act, a landowner who owns land within a delineated critical area pursuant to Section 52.053, Water Code, may petition for exclusion of lands from the district and such petition shall be granted if the following requirements are met:

(1) Within one calendar year from the effective date of this Act, the owner of land who owns land with a delineated critical area pursuant to Section 52.053, Water Code, and whose lands are within the district may file with the board a petition requesting that the owner's land be excluded from the district. The petition must describe the land by legal description or by metes and bounds or by lot and block number if there is a recorded plat of the area to be excluded from the district. This petition must be signed and notarized by the owner of the land.

(2) The board shall accept the petition immediately and shall grant exclusion of the land described in the petition, the only requirement for review by the board being that of conformity to Subdivision (1) of this subsection.

(3) A petition that is granted excluding land from the district shall be filed of record in the office of the county clerk of Reagan County, Texas.

(4) During the one-year period, the district shall not incur any indebtedness nor have any bonds, notes, or other obligations outstanding or payable in whole or in part, issued or unissued, for which the excluded lands shall be liable.

SUBCHAPTER B. BOARD OF DIRECTORS

Revised Law

Sec. 8883.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 71st Leg., R.S., Ch. 653, Secs. 7(a) (part), (b).)

Source Law

Sec. 7. (a) The district is governed by a board of five directors...
(c) Permanent directors other than first-elected permanent directors serve staggered four-year terms.

Revisor's Note

(1) Section 7(c), Chapter 653, Acts of the 71st Legislature, Regular Session, 1989, refers to "permanent" directors "other than first-elected permanent directors." The revised law omits the quoted language because the terms of the first-elected permanent directors have expired, and it is no longer necessary to distinguish between "first-elected permanent" and "permanent" directors.

(2) Section 7(d), Chapter 653, Acts of the 71st Legislature, Regular Session, 1989, provides that a director must qualify to serve in the manner provided by Sections 51.078 and 51.079, Water Code. The revised law omits the reference to Sections 51.078 and 51.079, Water Code, because those sections were repealed by Chapter 715, Acts of the 74th Legislature, Regular Session, 1995. Chapter 933, Acts of the 74th Legislature, Regular Session, 1995, enacted Section 36.055, Water Code, which contains the qualification procedures for a director of a groundwater conservation district. A reference to Section 36.055, Water Code, is unnecessary because that section applies to the district under Section 8883.101 of this chapter and Section 36.001(1), Water Code. The omitted law reads:

(d) Each director must qualify to serve as director in the manner provided by Sections 51.078 and 51.079, Water Code.

(3) Section 7(e), Chapter 653, Acts of the 71st Legislature, Regular Session, 1989, provides that a director serves until a successor has qualified. The revised law omits the provision because it duplicates Section 17, Article XVI, Texas Constitution, which
provides that an officer in this state continues to perform the officer's official duties until a successor has qualified. The omitted law reads:

(e) A director serves until the director's successor has qualified.

Revised Law

Sec. 8883.052. ELIGIBILITY AND ELECTION OF DIRECTORS. (a) A director must be:

(1) 18 years of age or older; and

(2) a resident of the district.

(b) One director is elected from each county commissioner precinct. One director is elected at large.

(c) Section 141.001(a)(5), Election Code, and Section 36.059(b), Water Code, do not apply to the district. (Acts 71st Leg., R.S., Ch. 653, Secs. 7(a) (part), (f), 10(a).)

Source Law

Sec. 7. (a) . . . A director must be 18 years of age or older and must be a resident of the district.

(f) Section 141.001(a)(5), Election Code, and Section 36.059(b), Water Code, do not apply to the district.

Sec. 10. (a) One director shall be elected from each county commissioner precinct and one director shall be elected at large.

Revised Law

Sec. 8883.053. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date in May of each odd-numbered year or another date authorized by law. (Acts 71st Leg., R.S., Ch. 653, Sec. 10(b); New.)

Source Law

(b) On the uniform election date in May of each odd-numbered year, an election shall be held in the district for the election of the appropriate number of directors.

Revisor's Note

Section 10(b), Chapter 653, Acts of the 71st Legislature, Regular Session, 1989, provides that the
appropriate number of directors shall be elected on
the uniform election date in May of each odd-numbered
year. The revised law adds "or another date authorized
by law" to acknowledge other legislative enactments
such as Section 41.0052, Election Code, as amended by
Chapter 1235, Acts of the 84th Legislature, Regular
Session, 2015, that would result in the election being
held on a date other than the date provided by the
source law.

Revised Law
Sec. 8883.054. COMPENSATION; EXPENSES. (a) Unless the
board by resolution increases the fees of office to an amount
authorized by Section 36.060(a), Water Code, each director is
entitled to receive for the director's services $25 a month in
compensation.

(b) Each director may be reimbursed for actual expenses
incurred in the performance of official duties.

(c) The expenses described by Subsection (b) must be:
(1) reported in the district's records; and
(2) approved by the board. (Acts 71st Leg., R.S., Ch.
653, Sec. 11(a); New.)

Source Law
Sec. 11. (a) Each director is entitled to
receive for his services $25 a month in compensation
and may be reimbursed for actual expenses incurred in
the performance of official duties. Those expenses
must be reported in the district's minute book or
district records and must be approved by the board.

Revisor's Note
(1) Section 11(a), Chapter 653, Acts of the 71st
Legislature, Regular Session, 1989, provides for a
director's fee of $25 a month. Section 36.060, Water
Code, enacted in 1995 and applicable to the district,
avorizes higher fees. Section 36.060(d), however,
provides that if the amount of the fee set by Section
36.060(a) would result in a fee increase, the increase
does not apply to a district unless the board by
resolution adopts a higher fee. Accordingly, the
revised law adds a reference to the board's authority
to increase the fee under Section 36.060, Water Code.

(2) Section 11(a), Chapter 653, Acts of the 71st
Legislature, Regular Session, 1989, requires that
approved expenses be reported in the "district's
minute book or district records." The revised law
omits the reference to the "district's minute book"
because the district's minute book is a district
record.

Revisor's Note
(End of Subchapter)

(1) Section 7(b), Chapter 653, Acts of the 71st
Legislature, Regular Session, 1989, provides for the
terms of office of "temporary directors who become the
initial permanent directors" of the district. The
revised law omits Section 7(b) as executed because the
terms of the initial permanent directors have expired.
The omitted law reads:

(b) The temporary directors who
become the initial permanent directors
serve until permanent directors are elected
under Section 10 of this Act.

(2) Section 8, Chapter 653, Acts of the 71st
Legislature, Regular Session, 1989, names the
temporary directors and provides for filling vacancies
on the temporary board. Because the temporary
directors were appointed and their terms have expired,
the revised law omits those provisions as executed.
The omitted law reads:

Sec. 8. (a) The temporary board of
directors is composed of:
(1) Precinct 1-Joe Weatherby
(2) Precinct 2-Norman Guess
(3) Precinct 3-Mark Henderson
(4) Precinct 4-James Walter
(5) At large-John Agee
(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill all vacancies on the board.

(3) Section 9, Chapter 653, Acts of the 71st Legislature, Regular Session, 1989, provides procedures for holding an election to confirm the district's creation. The revised law omits those provisions as executed because the district has been confirmed. The omitted law reads:

Sec. 9. (a) The temporary board of directors shall call and hold an election to confirm establishment of the district.
(b) If the district is created at the confirmation election, the temporary directors, at the time the vote is canvassed, become the initial permanent directors of the district.
(c) Subsection (a), Section 41.001, Election Code, does not apply to a confirmation election held as provided by this section.
(d) Except as provided by this section, a confirmation election must be conducted as provided by Subsections (b) through (g), Section 52.058, Water Code, and the Election Code.

SUBCHAPTER C. POWERS AND DUTIES

Revised Law

Sec. 8883.101. GENERAL POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 653, Sec. 6(a) (part).)

Source Law

Sec. 6. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Article XVI, Section 59, of the Texas Constitution. . . .

Revisor's Note

Section 6(a), Chapter 653, Acts of the 71st
Legislature, Regular Session, 1989, refers to the "rights, powers, privileges, [and] authority" of the district. The revised law omits the reference to "authority" because, in context, "authority" is included in the meaning of "rights, powers, [and] privileges."

Revised Law
Sec. 8883.102. PAYMENT OF CERTAIN EXPENSES. (a) The board may pay:

1. All costs and expenses necessarily incurred in the creation and organization of the district;
2. Legal fees; and
3. Other incidental expenses.

(b) The board may reimburse a person for money advanced for a purpose described by Subsection (a). (Acts 71st Leg., R.S., Ch. 653, Sec. 11(d).)

Source Law
(d) The district's directors may pay all costs and expenses necessarily incurred in the creation and organization of the district, legal fees, and other incidental expenses and may reimburse any person for money advanced for those purposes.

Revisor's Note
Section 11(d), Chapter 653, Acts of the 71st Legislature, Regular Session, 1989, provides that the directors may pay "all costs and expenses necessarily incurred in the creation and organization of the district, legal fees, and other incidental expenses."

Section 36.157(a), Water Code, includes similar language that allows payments of organizational expenses, "including legal fees and other incidental expenses" (emphasis added). Normally, the revised law would omit language that so nearly duplicates an applicable section of general law. However, because it is not clear from the placement or wording of Section 11(d) whether the provision was intended to allow the
directors to make payments of legal fees and other incidental expenses only at the time of the district's organization or whether it was intended to continue to apply as an ongoing right of the board, the revised law retains the provision to preserve the ambiguity.

Revised Law

Sec. 8883.103. APPEARANCE BEFORE RAILROAD COMMISSION. The district, through the directors or the district's general manager, may appear before the Railroad Commission of Texas and present evidence and information relating to a pending permit application for an injection well to be located in the district. (Acts 71st Leg., R.S., Ch. 653, Sec. 11(b).)

Source Law

(b) The district, through the members of its board or its general manager, may appear before the Railroad Commission of Texas and present evidence and information relating to any pending permit application for an injection well to be located within the district.

Revised Law

Sec. 8883.104. PROHIBITION: SUPPLY OF WATER. The district may not contract to or take an action to supply groundwater inside or outside the district. (Acts 71st Leg., R.S., Ch. 653, Sec. 11(e).)

Source Law

(e) The district may not enter into any contract or engage in any action to supply underground water inside or outside the district.

Revisor's Note

(End of Subchapter)

Section 6(b), Chapter 653, Acts of the 71st Legislature, Regular Session, 1989, refers to the continuing right of the state to supervise the district through the Texas Water Commission. The revised law omits the provision because the provision duplicates in substance part of Section 12.081, Water Code, which subjects certain districts, including groundwater conservation districts, to the continuing
right of supervision of the Texas Water Commission's successor agency, the Texas Commission on Environmental Quality. The omitted law reads:

(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Water Commission.

Revisor's Note
(End of Chapter)

(1) Section 12, Chapter 653, Acts of the 71st Legislature, Regular Session, 1989; Section 4, Chapter 879, Acts of the 81st Legislature, Regular Session, 2009; and Section 14, Chapter 1196, Acts of the 84th Legislature, Regular Session, 2015, recite legislative findings regarding procedural requirements for legislation affecting the district under the constitution and other laws and rules, including proper legal notice and the filing of recommendations. The revised law omits those provisions as executed. The omitted law reads:

[Acts 71st Leg., R.S., Ch. 653]
Sec. 12. (a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.
(b) The Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.
(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

[Acts 81st Leg., R.S., Ch. 879]
Sec. 4. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has
been published as provided by law, and the
notice and a copy of this Act have been
furnished to all persons, agencies,
officials, or entities to which they are
required to be furnished under Section 59,
Article XVI, Texas Constitution, and
Chapter 313, Government Code.
(b) The governor, one of the required
recipients, has submitted the notice and
Act to the Texas Commission on
Environmental Quality.
(c) The Texas Commission on
Environmental Quality has filed its
recommendations relating to this Act with
the governor, the lieutenant governor, and
the speaker of the house of representatives
within the required time.
(d) All requirements of the
constitution and laws of this state and the
rules and procedures of the legislature
with respect to the notice, introduction,
and passage of this Act are fulfilled and
accomplished.

[Acts 84th Leg., R.S., Ch. 1196]
Sec. 14. (a) The legal notice of the
intention to introduce this Act, setting
forth the general substance of this Act, has
been published as provided by law, and the
notice and a copy of this Act have been
furnished to all persons, agencies,
officials, or entities to which they are
required to be furnished under Section 59,
Article XVI, Texas Constitution, and
Chapter 313, Government Code.
(b) The governor, one of the required
recipients, has submitted the notice and
Act to the Texas Commission on
Environmental Quality.
(c) The Texas Commission on
Environmental Quality has filed its
recommendations relating to this Act with
the governor, the lieutenant governor, and
the speaker of the house of representatives
within the required time.
(d) All requirements of the
constitution and laws of this state and the
rules and procedures of the legislature
with respect to the notice, introduction,
and passage of this Act are fulfilled and
accomplished.

(2) Section 13, Chapter 653, Acts of the 71st
Legislature, Regular Session, 1989, provides for the
expiration of the act if the district is not confirmed.
The revised law omits the provision as executed
because the district has been confirmed. The omitted
law reads:

Sec. 13. If creation of the district
is not confirmed before the fifth
anniversary of the effective date of this
Act, this Act expires.
CHAPTER 8884. SARATOGA UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8884.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Saratoga Underground Water Conservation District. (Acts 71st Leg., R.S., Ch. 519, Secs. 1(a) (part), 2; New.)

Sec. 8884.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Lampasas County created under

Source Law

Sec. 1. (a) ... to be known as the Saratoga Underground Water Conservation District, ... .

Sec. 2. In this Act, "district" means the Saratoga Underground Water Conservation District.

Revisor's Note

The definitions of "board" and "director" are added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definitions.

Revised Law

Sec. 8884.002. NATURE OF DISTRICT. The district is a
and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 519, Secs. 1(a) (part), (b).)

Source Law

Sec. 1. (a) An underground water conservation district, [to be known as the Saratoga Underground Water Conservation District,] is created in Lampasas County. . . .

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

Revisor's Note

(1) Section 1(a), Chapter 519, Acts of the 71st Legislature, Regular Session, 1989, refers to the district as an "underground water conservation district." Throughout this chapter, the revised law substitutes "groundwater conservation district" for the quoted language to conform to the term used in Chapter 36, Water Code.

(2) Section 1(a), Chapter 519, Acts of the 71st Legislature, Regular Session, 1989, refers to a confirmation election. Because the confirmation election has already been held, the revised law omits the provision as executed. The omitted law reads:

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

(3) Section 1(a), Chapter 519, Acts of the 71st Legislature, Regular Session, 1989, provides that the district is a governmental agency and a body politic and corporate. The revised law omits the provision because it duplicates a portion of Section 59(b), Article XVI, Texas Constitution, which provides that a conservation and reclamation district is a governmental agency and a body politic and corporate. The omitted law reads:

(a) . . . The district is a governmental agency and a body politic and corporate.
Revised Law

Sec. 8884.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 519, Sec. 5.)

Source Law

Sec. 3. The district includes all the territory located within Lampasas County.

Revisor's Note

(1) Section 3, Chapter 519, Acts of the 71st Legislature, Regular Session, 1989, contains a description of the territory of the district. That description may not be accurate on the effective date of the revised law or at the time of a later reading because the district's boundaries are subject to change. For the reader's convenience, the revised law adds references to the authority to change the district's territory under Subchapter J or K, Chapter 36, Water Code, applicable to groundwater conservation districts, and to the general authority of the
legislature to enact other laws under which the
district's territory may change.

(2) Section 4, Chapter 519, Acts of the 71st
Legislature, Regular Session, 1989, states that the
boundaries of the district form a closure. Many
enactments creating special districts contain field
notes with an extensive metes and bounds description
of the district to which a statement about the
boundaries forming a closure would be applicable.
Chapter 519, however, contains no field notes of a
metes and bounds description, but instead refers to
the boundaries of an existing political subdivision.
As such the statement about the boundaries forming a
closure in Section 4 may be omitted from the revision
as unnecessary. The omitted law reads:

Sec. 4. The legislature finds that
the boundaries of the district form a
closure.

Revisor's Note
(End of Subchapter)

(1) Section 6(a), Chapter 519, Acts of the 71st
Legislature, Regular Session, 1989, provides that the
act prevails over general law in case of a conflict or
other inconsistency. The revised law omits the
provision because it duplicates in substance Section
311.026, Government Code (Code Construction Act). The
omitted law reads:

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

(2) Sections 8 and 9, Chapter 519, Acts of the
71st Legislature, Regular Session, 1989, provide for
the membership of the temporary board of directors and
provide procedures for holding an election to confirm
the district's creation and make the temporary members
of the board of directors permanent. The revised law
omits those provisions as executed because the terms
of the temporary directors have expired and the
creation of the district and the membership of the
initial board have been confirmed. The omitted law
reads:

Sec. 8. The county judge and the
county commissioners of Lampasas County
shall serve as the temporary board of
directors.

Sec. 9. (a) The temporary board of
directors shall call and hold an election to
confirm establishment of the district.
(b) At the confirmation election, the
temporary board of directors may not
include a proposition on the ballot to levy
and collect a property tax in the district.
(c) If the district is created at the
election, the temporary directors, at the
time the vote is canvassed, shall become the
regular directors of the district.
(d) Section 41.001(a), Election
Code, does not apply to a confirmation
election held as provided by this section.
(e) Except as provided by this
section, a confirmation election must be
conducted as provided by Sections
52.058(b)-(g), Water Code, and the Election
Code.

SUBCHAPTER B. BOARD OF DIRECTORS

Revised Law
Sec. 8884.051. COMPOSITION OF BOARD; TERMS. (a) The
district is governed by a board of five elected directors.
(b) Directors serve staggered four-year terms. (Acts 71st
Leg., R.S., Ch. 519, Secs. 7(a) (part), (b).)

Source Law
Sec. 7. (a) The district is governed by a board
of five directors to be elected . . .
(b) Directors serve staggered four-year terms.

Revised Law
Sec. 8884.052. ELECTION OF DIRECTORS. (a) Directors are
elected according to the commissioners precinct method as provided
by this section.
(b) One director is elected by the voters of the entire
district. One director is elected from each county commissioners
precinct by the voters of that precinct.
(c) A person shall indicate on the application for a place
on the ballot:

(1) the precinct that the person seeks to represent;

or

(2) that the person seeks to represent the district at large.

(d) When the boundaries of the county commissioners precincts are redrawn under Section 18, Article V, Texas Constitution, a director in office on the effective date of the change, or elected or appointed before the effective date of the change to a term of office beginning on or after the effective date of the change, shall serve the term or the remainder of the term representing the precinct from which the person was elected or appointed even though the change in boundaries places the person's residence outside that precinct. (Acts 71st Leg., R.S., Ch. 519, Secs. 7(a) (part), (d), (f), (g).)

Sec. 7. (a) ... to be elected according to
the commissioners precinct method as provided by this section.

(d) One director shall be elected by the voters of the entire district, and one director shall be elected from each county commissioners precinct by the voters of that precinct.

(f) A person shall indicate on the application for a place on the ballot:

(1) the precinct that the person seeks to represent; or

(2) that the person seeks to represent the district at large.

(g) When the boundaries of the county commissioners precincts are redrawn under Section 18, Article V, Texas Constitution, a director in office on the effective date of the change, or elected or appointed before the effective date of the change to a term of office beginning on or after the effective date of the change, shall serve the term or the remainder of the term in the precinct to which elected or appointed even though the change in boundaries places the person's residence outside the precinct for which the person was elected or appointed.

Sec. 8884.053. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date in November of each even-numbered year. (Acts
On the uniform election date in November of each even-numbered year, the appropriate number of directors shall be elected.

Sec. 8884.054. QUALIFICATIONS FOR OFFICE. (a) Except as provided by Section 8884.052(d), to be eligible to be a candidate for or to serve as director at large, a person must be a registered voter of the district.

(b) To be a candidate for or to serve as director from a county commissioners precinct, a person must be a registered voter of that precinct. (Acts 71st Leg., R.S., Ch. 519, Sec. 7(e).)

Except as provided by Subsection (g) of this section, to be eligible to be a candidate for or to serve as director at large, a person must be a registered voter in the district. To be a candidate for or to serve as director from a county commissioners precinct, a person must be a registered voter of that precinct.

Sec. 2. (a) As soon as practicable after the effective date of this Act, the Lampasas County Commissioners Court shall appoint five temporary directors to the board of directors of the Saratoga Underground Water Conservation District. The temporary directors appointed under this section replace the persons serving as
directors immediately before the effective date of this Act.

(b) The commissioners court shall appoint one person to represent the district at large and one person from each county commissioners precinct. To be eligible to be appointed as director at large, a person must be a registered voter in the district. To be eligible to be appointed from a county commissioners precinct, a person must be a registered voter of that precinct.

(c) The director appointed to represent the district at large and the directors appointed from precincts two and four shall serve until the November uniform election date in 2006. The directors appointed from precincts one and three shall serve until the November uniform election date in 2008.

SUBCHAPTER C. POWERS AND DUTIES

Revised Law

Sec. 8884.101. GENERAL POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapters 36 and 50, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 519, Sec. 6(a) (part).)

Source Law

Sec. 6. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution.

Revisor's Note

(1) Section 6(a), Chapter 519, Acts of the 71st Legislature, Regular Session, 1989, refers to the "rights, powers, privileges, [and] authority" of the district. The revised law omits the reference to "authority" because, in context, "authority" is included in the meaning of "rights, powers, [and] privileges."

(2) Section 6(a), Chapter 519, Acts of the 71st Legislature, Regular Session, 1989, provides that the district has the rights, powers, privileges,
authority, functions, and duties provided by the general law of this state, "including Chapters 50 and 52, Water Code," applicable to underground water conservation districts (now called groundwater conservation districts as explained by Revisor's Note (1) to Section 8884.002) created under Section 59, Article XVI, Texas Constitution. The quoted phrase is updated in the revised law to read "including Chapters 36 and 50, Water Code," as explained below.

Chapter 715, Acts of the 74th Legislature, Regular Session, 1995, repealed Chapter 50, Water Code, and enacted Chapter 49 of that code. Section 49.001(a)(1) of that code originally defined "district" to mean any district created by authority of either Sections 52(b)(1) and (2), Article III, or Section 59, Article XVI, Texas Constitution, regardless of how created (subject to certain inapplicable exceptions). Furthermore, Section 49.002, Water Code, originally provided that Chapter 49 applied to all general and special law districts to the extent that the provisions of that chapter did not directly conflict with a provision in any other chapter of the Water Code or any act creating or affecting a special district. Accordingly, Chapter 49, Water Code, by its original terms, appeared to apply to groundwater conservation districts.

Chapter 933, Acts of the 74th Legislature, Regular Session, 1995, repealed Chapter 52, Water Code, which governed underground water conservation districts, and enacted Chapter 36, Water Code, governing groundwater conservation districts. Section 36.052, Water Code, provides that other laws governing the administration or operations of districts created under Section 52, Article III, or
Section 59, Article XVI, Texas Constitution, do not apply to any district governed by Chapter 36. Section 36.052, Water Code, appears to conflict with Sections 49.001(a)(1) and 49.002 of that code as those sections were originally enacted regarding the applicability of Chapter 49, Water Code, to groundwater conservation districts.

Chapter 1354 (H.B. 846), Acts of the 76th Legislature, Regular Session, 1999, amended Chapter 49, Water Code, by amending the definition of "district" in Section 49.001(a)(1) to exclude a conservation and reclamation district governed by Chapter 36 of that code unless a special law creating the district or amending the law creating the district states that Chapter 49 applies to the district. H.B. 846 also amended Chapter 49, Water Code, by adding Section 49.002(b), which provides that Chapter 49 does not apply to a district governed by Chapter 36 unless a special law creating the district or amending the law creating the district states that Chapter 49 applies to the district. According to the Senate Research Center's analysis of H.B. 846, Chapter 36, Water Code, was enacted as a "stand-alone" chapter governing groundwater conservation districts. Chapter 49 of that code was enacted concurrently with the enactment of Chapter 36 to provide administrative provisions for most water districts other than groundwater conservation districts. The amendments to Chapter 49 made by H.B. 846 were intended to provide "further clarification" that Chapter 49 does not apply to districts governed by Chapter 36. The staff of the Texas Commission on Environmental Quality has also expressed the opinion that Chapter 49, Water Code, does not apply to districts that are governed by...
Chapter 36.

The district is governed by Chapter 36, Water Code, under this section and Section 36.001(1), Water Code. Because the district is governed by Chapter 36, Water Code, and the special law creating the district does not state that Chapter 49 of that code applies to the district, Chapter 49 does not apply to the district. Section 6(c) of Chapter 519, which is omitted for the reason stated in Revisor's Note (4) to this section, provides that "[i]f there is a conflict between Chapters 36 and 49, Water Code, Chapter 36 prevails." Although the purpose of that provision is not clear, it does not specifically apply Chapter 49, Water Code, to the district; instead, it merely confirms that Chapter 36 of that code applies to the district. Accordingly, the revised law substitutes a reference to Chapter 36, Water Code, for the reference to Chapter 52 of that code and does not substitute a reference to Chapter 49, Water Code, for the reference to Chapter 50 of that code.

In the same legislative session in which Chapter 50, Water Code, was repealed, two provisions of that chapter were amended. Section 50.004, Water Code, was amended by Chapter 667, Acts of the 74th Legislature, Regular Session, 1995, and Section 50.107, Water Code, was amended by Chapter 81, Acts of the 74th Legislature, Regular Session, 1995. Because it is not clear whether those provisions remain in effect, the revised law retains the reference to Chapter 50, Water Code, to preserve any ambiguity.

Similarly, in the same legislative session in which Chapter 52, Water Code, was repealed, one provision of that chapter was amended. Chapter 715, Acts of the 74th Legislature, Regular Session, 1995,
amended Section 52.005, Water Code, to provide that certain provisions of Chapter 49 of that code do not apply to districts governed by Chapter 52. Although it is not clear whether that provision remains in effect, the revised law does not retain the reference to Chapter 52, Water Code, because, as explained above, no provision of Chapter 49 of that code applies to the district.

(3) Section 6(b), Chapter 519, Acts of the 71st Legislature, Regular Session, 1989, refers to the continuing right of the state to supervise the district through the Texas Water Commission. The revised law omits the provision because the provision duplicates in substance part of Section 12.081, Water Code, which subjects certain districts, including groundwater conservation districts, to the continuing right of supervision of the Texas Water Commission's successor agency, the Texas Commission on Environmental Quality. The omitted law reads:

(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Water Commission.

(4) Section 6(c), Chapter 519, Acts of the 71st Legislature, Regular Session, 1989, provides that if there is a conflict between Chapters 36 and 49, Water Code, Chapter 36 prevails. The revised law omits that provision because it duplicates in substance Section 36.052(a), Water Code, which provides in part that Chapter 36, Water Code, prevails over any other law in conflict or inconsistent with that chapter. The omitted law reads:

(c) If there is a conflict between Chapters 36 and 49, Water Code, Chapter 36 prevails.
Section 10, Chapter 519, Acts of the 71st Legislature, Regular Session, 1989, and Section 14, Chapter 1196, Acts of the 84th Legislature, Regular Session, 2015, recite legislative findings regarding procedural requirements for legislation affecting the district under the constitution and other laws and rules, including proper legal notice and the filing of recommendations. The revised law omits those provisions as executed. The omitted law reads:

[Acts 71st Leg., R.S., Ch. 519]
Sec. 10. (a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.
(b) The Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.
(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

[Acts 84th Leg., R.S., Ch. 1196]
Sec. 14. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.
(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.
(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.
(d) All requirements of the
constitution and laws of this state and the
rules and procedures of the legislature
with respect to the notice, introduction,
and passage of this Act are fulfilled and
accomplished.

CHAPTER 8885. SOUTH PLAINS UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8885.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the South Plains Underground
Water Conservation District. (Acts 72nd Leg., R.S., Ch. 46,
Secs. 1(a) (part), 2; New.)

Sec. 8885.002. NATURE OF DISTRICT.

Sec. 8885.003. FINDINGS OF PUBLIC USE AND BENEFIT.

Sec. 8885.004. DISTRICT TERRITORY.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8885.051. COMPOSITION OF BOARD; TERMS.

Sec. 8885.052. ELECTION OF DIRECTORS.

Sec. 8885.053. ELECTION DATE.

Sec. 8885.054. QUALIFICATIONS FOR OFFICE.

Sec. 8885.055. BOARD VACANCY.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8885.101. GENERAL POWERS AND DUTIES.

CHAPTER 8885. SOUTH PLAINS UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 8885.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the South Plains Underground
Water Conservation District. (Acts 72nd Leg., R.S., Ch. 46,
Secs. 1(a) (part), 2; New.)

Source Law

Sec. 1. (a) . . . to be known as the South
Plains Underground Water Conservation District,
. . . .

Sec. 2. In this Act, "district" means the South
Plains Underground Water Conservation District.

Revisor's Note

The definitions of "board" and "director" are
added to the revised law for drafting convenience and
to eliminate frequent, unnecessary repetition of the
substance of the definitions.

Revised Law

Sec. 8885.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Terry County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 72nd Leg., R.S., Ch. 46, Secs. 1(a) (part), (b).)

Source Law

Sec. 1. (a) An underground water conservation district, [to be known as the South Plains Underground Water Conservation District,] is created in Terry County,...
(b) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

Revisor's Note

(1) Section 1(a), Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, refers to the district as an "underground water conservation district." The revised law substitutes "groundwater conservation district" for the quoted language to conform to the term used in Chapter 36, Water Code.
(2) Section 1(a), Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, refers to a confirmation election. Because the confirmation election has already been held, the revised law omits the provision as executed. The omitted law reads:
(a) ... subject to approval at a confirmation election under Section 10 of this Act. ...
(3) Section 1(a), Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, provides that the district is a governmental agency and a body politic and corporate. The revised law omits the provision because it duplicates a portion of Section 59(b), Article XVI, Texas Constitution, which provides that a conservation and reclamation district is a governmental agency and a body politic and corporate.
The omitted law reads:

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

Revised Law

Sec. 8885.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 72nd Leg., R.S., Ch. 46, Sec. 4.)

Source Law

Sec. 4. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Article XVI, Section 59, of the Texas Constitution. The district is created to serve a public use and benefit.

Revised Law

Sec. 8885.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Terry County, unless the district's territory has been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or

(2) other law. (Acts 72nd Leg., R.S., Ch. 46, Sec. 3; New.)

Source Law

Sec. 3. The boundaries of the district are coextensive with the boundaries of Terry County, Texas.

Revisor's Note

Section 3, Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, contains a description of the territory of the district. That description may not be accurate on the effective date of the revised law or at the time of a later reading because the district's boundaries are subject to change. For the reader's convenience, the revised law adds references to the authority to change the
district's territory under Subchapter J or K, Chapter 36, Water Code, applicable to groundwater conservation districts, and to the general authority of the legislature to enact other laws under which the district's territory may change.

Revisor's Note
(End of Subchapter)

Section 5(a), Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, provides that the act prevails over general law in case of a conflict or other inconsistency. The revised law omits the provision because it duplicates in substance Section 311.026, Government Code (Code Construction Act). The omitted law reads:

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

SUBCHAPTER B. BOARD OF DIRECTORS

Revised Law
Sec. 8885.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.
(b) Directors serve staggered four-year terms. (Acts 72nd Leg., R.S., Ch. 46, Secs. 7(a), 8(c).)

Source Law
Sec. 7. (a) The district is governed by a board of five directors.
[Sec. 8]
(c) Permanent directors serve staggered four-year terms.

Revisor's Note
(1) Section 8(c), Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, refers to "[p]ermanent" directors. The revised law omits "[p]ermanent." Sections 8(a), (b), and (c) refer to "temporary," "initial," and "permanent" directors to distinguish between the original "temporary" directors, the "initial" directors who immediately
succeeded the "temporary" directors after the first election of directors, and subsequently serving "permanent" directors. For the reasons stated in the revisor's notes at the end of this subchapter, the revised law omits provisions regarding "temporary" and "initial" directors. It is therefore no longer necessary to distinguish between "temporary," "initial," and "permanent" directors, and the revised law is drafted accordingly.

(2) Section 8(d), Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, provides that a director must qualify to serve in the manner provided by Sections 51.078 and 51.079, Water Code. The revised law omits the reference to Sections 51.078 and 51.079, Water Code, because those sections were repealed by Chapter 715, Acts of the 74th Legislature, Regular Session, 1995. Chapter 933, Acts of the 74th Legislature, Regular Session, 1995, enacted Section 36.055, Water Code, which contains the qualification procedures for a director of a groundwater conservation district. A reference to Section 36.055, Water Code, is unnecessary because that section applies to the district under Section 8885.101 of this chapter and Section 36.001(1), Water Code. The omitted law reads:

(d) Each director must qualify to serve as director in the manner provided by Sections 51.078 and 51.079, Water Code.

(3) Section 8(e), Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, provides that a director serves until a successor has qualified. The revised law omits that provision because it duplicates Section 17, Article XVI, Texas Constitution, which provides that an officer in this state continues to perform the officer's official duties until a
successor has qualified. The omitted law reads:

(e) A director serves until the
director's successor has qualified.

Revised Law

Sec. 8885.052. ELECTION OF DIRECTORS. (a) Directors are
elected according to the commissioners precinct method as provided
by this section.

(b) One director is elected by the voters of the entire
district. One director is elected from each county commissioners
precinct by the voters of that precinct.

(c) A person shall indicate on the application for a place
on the ballot:

(1) the precinct that the person seeks to represent;

or

(2) that the person seeks to represent the district at
large.

(d) At the first election after the county commissioners
precincts are redrawn under Section 18, Article V, Texas
Constitution, four new directors shall be elected to represent the
precincts. The directors shall draw lots to determine their terms.

(Acts 72nd Leg., R.S., Ch. 46, Sec. 6.)

Source Law

Sec. 6. (a) The directors of the district
shall be elected according to the commissioners
precinct method as provided by this Act.

(b) One director shall be elected by the
electors of the entire district, and one director
shall be elected from each county commissioners
precinct by the electors of that precinct.

(c) A person shall indicate on the application
for a place on the ballot the precinct that the person
seeks to represent or that the person seeks to
represent the district at large.

(d) At the first election after the county
commissioners precincts are redrawn under Article V,
Section 18, of the Texas Constitution, four new
directors shall be elected to represent the precincts.
The directors elected shall draw lots to determine
their terms.

Revisor's Note

Section 6(b), Chapter 46, Acts of the 72nd
Legislature, Regular Session, 1991, refers to
"electors" of the entire district and of each county commissioners precinct in the district. The revised law refers to "voters" rather than "electors" because "voters" is the term used in the Election Code.

Revised Law

Sec. 8885.053. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date in May of each even-numbered year or another date authorized by law. (Acts 72nd Leg., R.S., Ch. 46, Sec. 11; New.)

Source Law

Sec. 11. On the uniform election date in May of even-numbered years, an election shall be held in the district to elect the appropriate number of directors.

Revisor's Note

(1) Section 11, Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, provides that the appropriate number of directors shall be elected on the uniform election date in May of each even-numbered year. The revised law adds "or another date authorized by law" to acknowledge other legislative enactments such as Section 41.0052, Election Code, as amended by Chapter 1235, Acts of the 84th Legislature, Regular Session, 2015, that would result in the election being held on a date other than the date provided by the source law.

(2) Section 10, Chapter 1196, Acts of the 84th Legislature, Regular Session, 2015, amended Section 11, Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, to change the date for electing directors. Section 13 of Chapter 1196 provided transition procedures requiring the adjustment of terms of certain directors to conform to the new election date, if applicable. The revised law omits the transition procedures regarding the terms as
executed. The omitted law reads:

Sec. 13. The governing body of a groundwater conservation district for which the election date has changed under the laws amended by this Act shall adjust the terms of office to conform to the new election date, if applicable.

Revised Law

Sec. 8885.054. QUALIFICATIONS FOR OFFICE. To be eligible to serve as director, a person must be a registered voter in:

(1) the precinct from which the person is elected or appointed if representing a precinct; or

(2) the district if representing the district at large. (Acts 72nd Leg., R.S., Ch. 46, Sec. 7(c).)

Source Law

(c) To be eligible to serve as director, a person must be a registered voter in the precinct from which the person is elected or appointed if representing a precinct or in the district if representing the district at large.

Revised Law

Sec. 8885.055. BOARD VACANCY. (a) The board shall appoint a replacement to fill a vacancy in the office of any director.

(b) The appointed replacement serves until the next directors' election.

(c) If the position is not scheduled to be filled at the election, the person elected to fill the position serves only for the remainder of the unexpired term. (Acts 72nd Leg., R.S., Ch. 46, Sec. 7(b).)

Source Law

(b) A vacancy in the office of director shall be filled by appointment of the board until the next election for directors. If the position is not scheduled to be filled at the election, the person elected to fill the position shall serve only for the remainder of the unexpired term.

Revisor's Note

(End of Subchapter)

(1) Sections 8(a) and (b), Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, provide for the terms of office of "temporary" and "initial"
directors of the district. The revised law omits Sections 8(a) and (b) as executed because the terms of the temporary and initial directors have expired. The omitted law reads:

Sec. 8. (a) Temporary directors serve until initial directors are elected under Section 10.
(b) Initial directors serve until permanent directors are elected under Section 11.

(2) Section 9, Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, names the temporary directors and provides for filling vacancies on the temporary board. Because the temporary directors were appointed and the terms of the temporary directors have expired, the revised law omits those provisions as executed. The omitted law reads:

Sec. 9. (a) The temporary board of directors is composed of:
(1) Lewis Waters--at large
(2) Doyle Moss--Precinct No. 1
(3) Ray Gober--Precinct No. 2
(4) Charles Ray Smith--Precinct No. 3
(5) Lee Wayne Rowden--Precinct No. 4
(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill all vacancies on the board.

(3) Section 10, Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, provides procedures for holding an election to confirm the district's creation and to elect the district's initial board. The revised law omits those provisions as executed because the district has been confirmed and its initial board has been elected. The omitted law reads:

Sec. 10. (a) The temporary board of directors shall call and hold an election to...
confirm establishment of the district and
to elect five initial directors.

(b) A person, including a temporary
director, who desires to be a candidate for
the office of initial director may file an
application with the temporary board to
have the candidate's name printed on the
ballot as provided by Section 52.107, Water
Code.

(c) At the confirmation and initial
directors' election, the temporary board of
directors shall have the name of any
candidate filing for the office of director
as provided by Subsection (b) of this
section placed on the ballot and blank
spaces to write in the names of other
persons. If the district is created at the
election, the temporary directors, at the
time the vote is canvassed, shall declare
the person who receives the most votes in
each precinct to be elected as director for
that precinct and the person who receives
the most votes in the district to be elected
as director for the district at large. The
district shall include the results of the
directors' election in its election report
to the Texas Water Commission.

(d) Section 41.001(a), Election
Code, does not apply to a confirmation and
initial directors' election held as
provided by this section.

(e) Except as provided by this
section, a confirmation and initial
directors' election must be conducted as
provided by Sections 52.059(b)-(g), Water
Code, and by the Election Code.

SUBCHAPTER C. POWERS AND DUTIES

Revised Law
Sec. 8885.101. GENERAL POWERS AND DUTIES. The district has
the rights, powers, privileges, functions, and duties provided by
the general law of this state, including Chapter 36, Water Code,
applicable to groundwater conservation districts created under
Section 59, Article XVI, Texas Constitution. (Acts 72nd Leg.,
R.S., Ch. 46, Sec. 5(a) (part).)

Source Law
Sec. 5. (a) The district has all of the rights,
powers, privileges, authority, functions, and duties
provided by the general law of this state, including
Chapter 36, Water Code, applicable to groundwater
conservation districts created under Article XVI,
Section 59, of the Texas Constitution. . . .

Revisor's Note
(1) Section 5(a), Chapter 46, Acts of the 72nd
Legislature, Regular Session, 1991, refers to the
"rights, powers, privileges, [and] authority" of the district. The revised law omits the reference to "authority" because, in context, "authority" is included in the meaning of "rights, powers, [and] privileges."

(2) Section 5(b), Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, refers to the continuing right of the state to supervise the district through the Texas Water Commission. The revised law omits the provision because the provision duplicates in substance part of Section 12.081, Water Code, which subjects certain districts, including groundwater conservation districts, to the continuing right of supervision of the Texas Water Commission's successor agency, the Texas Commission on Environmental Quality. The omitted law reads:

(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Water Commission.

Revisor's Note
(End of Chapter)

Section 12, Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, and Section 14, Chapter 1196, Acts of the 84th Legislature, Regular Session, 2015, recite legislative findings regarding procedural requirements for legislation affecting the district under the constitution and other laws and rules, including proper legal notice and the filing of recommendations. The revised law omits those provisions as executed. The omitted law reads:

[Acts 72nd Leg., R.S., Ch. 46]
Sec. 12. (a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons,
agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.

(b) The Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

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

[Acts 84th Leg., R.S., Ch. 1196]

Sec. 14. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

CHAPTER 8886. SUTTON COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8886.001. DEFINITIONS ......... 206

Sec. 8886.002. NATURE OF DISTRICT ....... 207

Sec. 8886.003. FINDINGS OF PUBLIC USE AND BENEFIT ....... 208

Sec. 8886.004. CONFLICTS OF LAW .......... 209

SUBCHAPTER B. TERRITORY

Sec. 8886.051. DISTRICT TERRITORY ........ 209

Sec. 8886.052. LAND EXCLUSION ............ 210

Sec. 8886.053. ANNEXATION OF TERRITORY ....... 211
1  SUBCHAPTER C. BOARD OF DIRECTORS
2  Sec. 8886.101. COMPOSITION OF BOARD; TERMS ............ 212
3  Sec. 8886.102. ELECTION OF DIRECTORS .................. 212
4  Sec. 8886.103. ELECTION DATE .......................... 212
5  Sec. 8886.104. QUALIFICATIONS FOR OFFICE .............. 214
6  SUBCHAPTER D. POWERS AND DUTIES
7  Sec. 8886.151. GENERAL POWERS AND DUTIES ............ 215
8  Sec. 8886.152. ADMINISTRATIVE PROCEDURES ............ 216
9  Sec. 8886.153. WELL PERMITS ........................... 216
10  Sec. 8886.154. WELL SPACING AND PRODUCTION ........... 216
11  Sec. 8886.155. LOGS .................................. 217
12  Sec. 8886.156. AVAILABLE GROUNDWATER ................. 218
13  Sec. 8886.157. SURVEYS ................................ 218
14  Sec. 8886.158. RESEARCH AND DETERMINATIONS REGARDING
15  GROUNDWATER WITHDRAWAL ............................. 219
16  Sec. 8886.159. COLLECTION AND PRESERVATION OF
17  INFORMATION .......................................... 219
18  Sec. 8886.160. CONTRACT FOR SALE AND DISTRIBUTION OF
19  WATER .................................................. 219
20  Sec. 8886.161. ACQUISITION OF LAND .................... 219
21  Sec. 8886.162. ELECTIONS .............................. 220
22  SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS
23  Sec. 8886.201. TAX AND BOND PROVISIONS ............... 222
24  SUBCHAPTER F. DISSOLUTION OF DISTRICT
25  Sec. 8886.251. DISSOLUTION OF DISTRICT ............... 223
26  CHAPTER 8886. SUTTON COUNTY UNDERGROUND WATER CONSERVATION
27  DISTRICT
28  SUBCHAPTER A. GENERAL PROVISIONS
29  Revised Law
30  Sec. 8886.001. DEFINITIONS. In this chapter:
31  (1) "Board" means the district's board of directors.
32  (2) "Director" means a board member.
33  (3) "District" means the Sutton County Underground
34  Water Conservation District. (Acts 69th Leg., R.S., Ch. 377, Sec.
Sec. 3. In this Act, "district" means the Sutton County Underground Water Conservation District.

Revisor's Note

The definitions of "board" and "director" are added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definitions.

Revised Law

Sec. 8886.002. NATURE OF DISTRICT. The district is created under Section 59, Article XVI, Texas Constitution, to provide for the conservation, preservation, protection, recharge, and prevention of waste of the groundwater reservoirs located under district land, consistent with the objectives of Section 59, Article XVI, Texas Constitution, and Chapters 36 and 51, Water Code. (Acts 69th Leg., R.S., Ch. 377, Secs. 1 (part), 6.)

Source Law

Sec. 1. Pursuant to Article XVI, Section 59, of the Texas Constitution, and ... the Sutton County Underground Water Conservation District is created ... .

Sec. 6. The district is created to provide for the conservation, preservation, protection, recharge, and prevention of waste of the underground water reservoirs located under district land consistent with the objectives of Article XVI, Section 59, of the Texas Constitution and Chapters 51 and 52, Water Code.

Revisor's Note

(1) Section 1, Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, refers to a confirmation election. Because the confirmation election has already been held, the revised law omits the provision as executed. The omitted law reads:

Sec. 1. ... subject to approval at a confirmation election called and held under this Act, ... .

(2) Section 1, Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, provides that the
district is a governmental agency and a body politic and corporate. The revised law omits that provision because it duplicates a portion of Section 59(b), Article XVI, Texas Constitution, which provides that a conservation and reclamation district is a governmental agency and a body politic and corporate. The omitted law reads:

   Sec. 1. . . . [the . . . District is created] as a governmental agency and body politic and corporate.


   (4) Section 1, Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, refers to the district as the "Sutton County Underground Water Conservation District." Throughout this chapter, except when that phrase is used as part of the district's name, the revised law substitutes "groundwater" for "underground water" to conform to the term used in Chapter 36, Water Code.

Revised Law

Sec. 8886.003. FINDINGS OF PUBLIC USE AND BENEFIT. The legislature finds that:

   (1) the organization of the district is feasible and practicable;

   (2) the land to be included in and the residents of the
district will benefit from the creation of the district;
(3) there is a public necessity for the district; and
(4) the creation of the district will further the public welfare. (Acts 69th Leg., R.S., Ch. 377, Sec. 4.)

Source Law

Sec. 4. The legislature finds that:
(1) the organization of the district is feasible and practicable;
(2) the land to be included in and the residents of the district will be benefited by the creation of the district;
(3) there is a public necessity for the district; and
(4) the creation of the district will further the public welfare.

Revised Law

Sec. 8886.004. CONFLICTS OF LAW. (a) Except as otherwise provided by this chapter, if there is a conflict between this chapter and Chapter 49, 51, or 36, Water Code, this chapter controls.

(b) If there is a conflict between Chapter 49 or 51, Water Code, and Chapter 36, Water Code, Chapter 36 controls. (Acts 69th Leg., R.S., Ch. 377, Sec. 17.)

Source Law

Sec. 17. Except as otherwise provided by this Act, if there is a conflict between this Act and Chapter 49, 51, or 36, Water Code, this Act controls.

If there is a conflict between Chapter 49 or 51, Water Code, and Chapter 36, Water Code, Chapter 36 controls.

SUBCHAPTER B. TERRITORY

Revised Law

Sec. 8886.051. DISTRICT TERRITORY. The district is composed of the territory in Sutton County, other than the territory in Sections 60, 67, and 90, Block No. A, HE&WTRYCoSurvey, Sutton County, unless the district's territory has been modified under:

(1) Section 8886.052 or 8886.053 of this chapter or their predecessor statutes, former Section 11 or 14, Chapter 377, Acts of the 69th Legislature, Regular Session, 1985; or

(2) other law. (Acts 69th Leg., R.S., Ch. 377, Sec. 5;
Sec. 5. The district is composed of all of the
territory located within Sutton County, Texas, except
Sections 60, 67, and 90, Block No. A, HE&WTRyCoSurvey,
Sutton County, Texas.

Revisor’s Note
Section 5, Chapter 377, Acts of the 69th
Legislature, Regular Session, 1985, contains a
description of the territory of the district. That
description may not be accurate on the effective date
of the revised law or at the time of a later reading
because the district's boundaries are subject to
change. For the reader's convenience, the revised law
adds references to the authority to change the
district's territory under Sections 8886.052 and
8886.053 of this chapter or Sections 11 and 14, Chapter
377, Acts of the 69th Legislature, Regular Session,
1985, from which Sections 8886.052 and 8886.053 are
derived. The revised law also includes a reference to
the general authority of the legislature to enact
other laws under which the district's territory may
change.

Revised Law
Sec. 8886.052. LAND EXCLUSION. Land may be excluded from
the district in accordance with the procedures prescribed in
Sections 49.303-49.308, Water Code. (Acts 69th Leg., R.S., Ch.
377, Sec. 11.)

Source Law
Sec. 11. Land may be excluded within the
district in accordance with the procedures prescribed
in Sections 51.691-51.701 in Chapter 51, Water Code.

Revisor's Note
Section 11, Chapter 377, Acts of the 69th
Legislature, Regular Session, 1985, refers to the
exclusion of land from the district under Sections
51.691-51.701, Water Code. The revised law substitutes a reference to Sections 49.303-49.308, Water Code, because Chapter 715, Acts of the 74th Legislature, Regular Session, 1995, repealed the former sections and enacted the latter sections to govern the exclusion of land from water control and improvement districts and certain other districts.

Revised Law
Sec. 8886.053. ANNEXATION OF TERRITORY. (a) Territory may be added to the district as provided by:
(1) Subchapter J, Chapter 49, Water Code; or
(2) Subchapter O, Chapter 51, Water Code.
(b) If the district annexes territory, the board shall determine the precincts to which annexed territory is added for the purpose of electing directors. (Acts 69th Leg., R.S., Ch. 377, Sec. 14; New.)

Source Law
Sec. 14. (a) Additional territory may be added to the district as provided by Chapter 51, Water Code.
(b) The board of directors shall determine to which director's precinct the annexed land will be added for purposes of election of directors.

Revisor's Note
Section 14, Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, authorizes the district to add territory in the manner provided by "Chapter 51, Water Code." The relevant provisions of Chapter 51, Water Code, were contained in Subchapter O of that chapter. Chapter 715, Acts of the 74th Legislature, Regular Session, 1995, repealed some of the relevant provisions of Subchapter O, Chapter 51, Water Code, and enacted Subchapter J, Chapter 49, Water Code, to govern the annexation of land by water control and improvement districts and certain other districts. Accordingly, the revised law substitutes references to Subchapter J, Chapter 49, and Subchapter
O, Chapter 51, Water Code, for the reference to Chapter 51 of that code.

SUBCHAPTER C. BOARD OF DIRECTORS

Revised Law
Sec. 8886.101. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.
(b) The directors serve staggered four-year terms. (Acts 69th Leg., R.S., Ch. 377, Secs. 15(a), (f); Acts 72nd Leg., R.S., Ch. 757, Sec. 3(b) (part).)

Source Law
[Acts 69th Leg., R.S., Ch. 377]
Sec. 15. (a) The district is governed by a board of directors composed of five directors.
(f) The directors serve staggered four-year terms.

[Acts 72nd Leg., R.S., Ch. 757, Sec. 3]
(b) The directors [elected at the election to be held in 1993 and thereafter] serve four-year terms.

Revised Law
Sec. 8886.102. ELECTION OF DIRECTORS. One director is elected from each county commissioners precinct in Sutton County. One director is elected at large. (Acts 69th Leg., R.S., Ch. 377, Sec. 15(c).)

Source Law
(c) One director shall be elected from each county commissioners precinct in Sutton County and one director shall be elected at large.

Revised Law
Sec. 8886.103. ELECTION DATE. The district shall hold an election to elect directors on the uniform election date in May of each odd-numbered year or another date authorized by law. (Acts 69th Leg., R.S., Ch. 377, Sec. 15(e); New.)

Source Law
(e) The district shall hold an election in the district to elect directors on the uniform election date in May of each odd-numbered year.

Revisor's Note
(1) Section 15(e), Chapter 377, Acts of the 69th
Legislature, Regular Session, 1985, provides that the
district shall hold an election to elect directors on
the uniform election date in May of each odd-numbered
year. The revised law adds "or another date authorized
by law" to acknowledge other legislative enactments
such as Section 41.0052, Election Code, as amended by
Chapter 1235, Acts of the 84th Legislature, Regular
Session, 2015, that would result in the election being
held on a date other than the date provided by the
source law.

(2) Sections 2 and 3, Chapter 757, Acts of the
72nd Legislature, Regular Session, 1991, establish
transition procedures regarding the terms of certain
elected directors. The revised law omits those
provisions as executed. The omitted law reads:

Sec. 2. The four-year term of office
provided by Section 15(f), Chapter 377,
Acts of the 69th Legislature, Regular
Session, 1985, as added by this Act, does
not affect the terms of office of directors
of the Sutton County Underground Water
Conservation District elected before the
effective date of this Act.

Sec. 3. (a) Notwithstanding Section
15(e), Chapter 377, Acts of the 69th
Legislature, Regular Session, 1985, as
amended by this Act, the Sutton County
Underground Water Conservation District
shall hold an election in the district on
the first Saturday in May, 1992, to elect
three directors for the terms beginning in
1992. Notwithstanding Section 15(f) of that
chapter, as added by this Act, the three
directors elected at that election serve
three-year terms.
(b) [The directors] elected at the
election to be held in 1993 and thereafter
[serve four-year terms].

(3) Section 11, Chapter 1196, Acts of the 84th
Legislature, Regular Session, 2015, amended Section
15, Chapter 377, Acts of the 69th Legislature, Regular
Session, 1985, to change the date for electing
directors. Section 13 of Chapter 1196 provided
transition procedures requiring the adjustment of
terms of certain directors to conform to the new
election date, if applicable. The revised law omits the transition procedures regarding the terms as executed. The omitted law reads:

Sec. 13. The governing body of a groundwater conservation district for which the election date has changed under the laws amended by this Act shall adjust the terms of office to conform to the new election date, if applicable.

Revised Law

Sec. 8886.104. QUALIFICATIONS FOR OFFICE. (a) To be qualified for election as a director, a person must be:

(1) a resident of the district; and
(2) at least 18 years of age.

(b) To be qualified for election as a director from a precinct, a person must be a resident of the precinct from which the person is elected. (Acts 69th Leg., R.S., Ch. 377, Secs. 15(b), (d)).

Source Law

(b) To be qualified for election as a director, a person must be a resident of the district and be at least 18 years of age.

(d) To be qualified for election as a director from a precinct, a person must be a resident of the precinct from which he is elected.

Revisor's Note
(End of Subchapter)

(1) Section 9, Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, names the district's initial directors and describes their terms of office. Because the terms of office of the initial directors have expired, the revised law omits the provisions as executed. The omitted law reads:

Sec. 9. (a) The members of the initial board of directors are:

(1) James T. Hunt
(2) Norman Rousselot
(3) Joe David Ross
(4) Albert C. Elliott
(5) Mark F. Shurley.

(b) The initial members of the board shall take office on the effective date of this Act and shall serve until their successors have been elected and have
qualified.

(2) Section 10, Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, provides for the initial directors to hold an election to confirm the district's creation. Because the district's creation has been confirmed, the revised law omits the provision as executed. The omitted law reads:

Sec. 10. (a) Before the district is officially created the initial board of directors must call and hold a confirmation election to confirm the creation of the district. A majority of the qualified voters must vote favorably for the proposition to confirm the district.

(b) At the confirmation election, the initial board of directors shall submit the following propositions:

(1) whether the establishment of the district is confirmed;

(2) the question of levying and collecting a property tax in the district; and

(3) any other propositions required by this Act.

(c) At the election, the first permanent board of directors shall be elected.

(d) Only qualified voters who reside in the district may vote in the election.

(e) Notice of the election shall be published at least two times in a newspaper with general circulation in the district, the first publication to be at least 30 days, and the second publication to be at least 10 days, before the date of the election.

(f) Returns of the election shall be made to the initial board of directors and the initial board of directors shall canvass those returns and declare the results of the election.

SUBCHAPTER D. POWERS AND DUTIES

Revised Law

Sec. 8886.151. GENERAL POWERS AND DUTIES. Except as otherwise provided by this chapter, the district may exercise:

(1) the powers essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution; and

(2) the rights, powers, and functions provided by this chapter and Chapters 36 and 51, Water Code. (Acts 69th Leg., R.S., Ch. 377, Sec. 2.)
Sec. 2. Except as otherwise provided by this Act, the district may exercise the powers essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution and may exercise the rights, powers, and functions provided by this Act and Chapters 51 and 52, Water Code.

Sec. 8886.152. ADMINISTRATIVE PROCEDURES. Except as otherwise provided by this chapter, the administrative and procedural provisions of Chapters 36 and 51, Water Code, apply to the district. (Acts 69th Leg., R.S., Ch. 377, Sec. 8.)

Sec. 8. Except as otherwise provided by this Act, the administrative and procedural provisions of Chapters 51 and 52, Water Code, apply to the district.

Sec. 8886.153. WELL PERMITS. (a) The board may:
(1) require a permit for drilling, equipping, or completing a well in a groundwater reservoir in the district; and
(2) issue a permit that imposes terms relating to drilling, equipping, or completing a well that are necessary to prevent waste or conserve, preserve, and protect groundwater.

(b) The board may not deny an owner of land, or the owner's heirs, assigns, and lessees, a permit to drill a well on that land or the right to produce groundwater from that well, subject to rules adopted under this chapter. (Acts 69th Leg., R.S., Ch. 377, Secs. 7(b), (c) (part).)

(b) The board of directors may require permits for the drilling, equipping, and completion of wells in any underground water reservoir in the district and may issue permits subject to terms relating to the drilling, equipping, and completion of the wells that are necessary to prevent waste or conserve, preserve, and protect underground water.

(c) ... The owner of the land or his heirs, assigns, and lessees may not be denied a permit to drill a well on his land and the right to produce underground water from that well subject to rules adopted under this Act.

Sec. 8886.154. WELL SPACING AND PRODUCTION. To minimize as
far as practicable the drawdown of the water table or the reduction
of the artesian pressure, the board may provide for spacing wells
that are producing water from a groundwater reservoir in the
district and may regulate the production from those wells. (Acts
69th Leg., R.S., Ch. 377, Sec. 7(c) (part).)

Source Law

(c) The board of directors may provide for
spacing wells that are producing water from an
underground water reservoir in the district and may
regulate the production from those wells to minimize
as far as practicable the drawdown of the water table
or the reduction of the artesian pressure. . . .

Revised Law

Sec. 8886.155. LOGS. The board may require that:

(1) accurate driller's logs be kept of wells in any
groundwater reservoir in the district; and

(2) a copy of driller's logs and of any electric logs
that are made of the wells be filed with the district. (Acts 69th
Leg., R.S., Ch. 377, Sec. 7(d) (part).)

Source Law

(d) . . . Also, the board may require accurate
driller's logs to be kept of those wells and may
require a copy of those logs and of any electric logs
that are made of the wells to be filed with the
district.

Revisor's Note

Section 7(d), Chapter 377, Acts of the 69th
Legislature, Regular Session, 1985, provides that the
district may require that certain records be kept and
reports be made regarding water wells and the use of
groundwater. Throughout this chapter, the revised law
omits law that is superseded by Chapter 36, Water Code,
or that duplicates law contained in that chapter.
Chapter 36, Water Code, applies to the district under
Section 36.001(1) of that code and Section 8886.151 of
this chapter. The omitted law reads:

(d) The board of directors may
require records to be kept and reports to be
made of the drilling, equipping, and
completion of wells in any underground
water reservoir in the district and of the
production and use of underground water
from any reservoir in the district. . . .

Revised Law
Sec. 8886.156. AVAILABLE GROUNDWATER. The board shall
determine the quantity of the groundwater available for production
and use and the improvements, developments, and recharges that will
be necessary for any groundwater reservoirs in the district. (Acts
69th Leg., R.S., Ch. 377, Sec. 7(f) (part).)

Source Law
(f) ... The board of directors shall determine
the quantity of the underground water available for
production and use and the improvements, developments,
and recharges that will be necessary for those
underground water reservoirs.

Revised Law
Sec. 8886.157. SURVEYS. The board may have a licensed
engineer survey the groundwater of any groundwater reservoir in the
district and the facilities for the development, production, and
use of groundwater from any reservoir in the district. (Acts 69th
Leg., R.S., Ch. 377, Sec. 7(f) (part).)

Source Law
(f) The board of directors may have registered
professional engineers make surveys of the underground
water of any underground water reservoir in the
district and of the facilities for the development, production, and
use of underground water from any reservoir in the district. . . .

Revisor's Note
Section 7(f), Chapter 377, Acts of the 69th
Legislature, Regular Session, 1985, refers to
"registered professional engineers." The revised law
substitutes "engineer" for "professional engineer"
because "engineer" is the term used by Chapter 1001,
Occupations Code, which regulates engineers. The
revised law also substitutes "licensed" for
"registered" because Chapter 1001, Occupations Code,
requires that a person hold a license to engage in the
practice of engineering.
Sec. 8886.158. RESEARCH AND DETERMINATIONS REGARDING GROUNDWATER WITHDRAWAL. The district may carry out research projects, develop information, and determine limitations, if any, that should be placed on the withdrawal of groundwater. (Acts 69th Leg., R.S., Ch. 377, Sec. 7(h).)

Source Law
(h) The district may carry out research projects, develop information, and determine limitations, if any, that should be placed on the withdrawal of underground water.

Sec. 8886.159. COLLECTION AND PRESERVATION OF INFORMATION. The district may collect and preserve information regarding the use of the groundwater and the practicability of recharge of a groundwater reservoir in the district. (Acts 69th Leg., R.S., Ch. 377, Sec. 7(i).)

Source Law
(i) The district may collect and preserve information regarding the use of the underground water and the practicability of recharge of an underground water reservoir in the district.

Sec. 8886.160. CONTRACT FOR SALE AND DISTRIBUTION OF WATER. The district may contract for, sell, and distribute water from a water import authority or other agency. (Acts 69th Leg., R.S., Ch. 377, Sec. 7(k).)

Source Law
(k) The district may contract for, sell, and distribute water from a water import authority or other agency.

Sec. 8886.161. ACQUISITION OF LAND. The board may acquire land to:

(1) erect a dam;
(2) drain a lake, draw, depression, or creek; and
(3) install pumps and other equipment necessary to recharge a groundwater reservoir in the district. (Acts 69th Leg.,
The board of directors may acquire land:
1. for the erection of dams;
2. to drain lakes, draws, depressions, and creeks, and construct dams; and
3. to install pumps and other equipment necessary to recharge an underground water reservoir in the district.

The district shall conduct elections in the manner provided by Chapter 51, Water Code. (Acts 69th Leg., R.S., Ch. 377, Sec. 16 (part).)

Elections held under this Act shall be conducted as provided by Chapter 51, Water Code, and the Texas Election Code. The revised law omits the provision because Section 1.002, Election Code, provides that the Election Code applies to all elections held in this state. The omitted law reads:

Sec. 16. [Elections held under this Act shall be conducted as provided by Chapter 51, Water Code, and] the Texas Election Code.

Section 7(a), Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, states that the board may make and enforce rules relating to groundwater and that the board may enforce its rules in court. The revised law omits those provisions because they duplicate parts of Sections 36.101 and 36.102, Water Code. The omitted law reads:

Sec. 7. (a) The board of directors may adopt rules to provide for conserving, preserving, protecting, recharging, and
preventing waste of the water from the underground water reservoirs in the district and may enforce those rules by injunction or other appropriate remedies in a court of competent jurisdiction.

(2) Section 7(g), Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, requires the district to develop comprehensive plans for the most efficient use of groundwater and for the control and prevention of waste of that groundwater. The revised law omits the provision as superseded by Section 36.1071, Water Code, which requires groundwater conservation districts to develop a comprehensive management plan with certain mandatory components. Section 36.052(b), Water Code, added by Chapter 1010, Acts of the 75th Legislature, Regular Session, 1997, provides that certain sections of Chapter 36, including Section 36.1071, prevail over a conflicting or inconsistent provision of a special law that governs a specific district. The omitted law reads:

(g) The district shall develop comprehensive plans for the most efficient use of the underground water of any underground water reservoir in the district and for the control and prevention of waste of that underground water. The plans shall specify in the amount of detail that may be practicable the activities and procedures that are necessary to carry out those plans.

(3) Section 7(j), Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, provides that the district may publish and disseminate to certain persons plans and information and encourage the adoption and execution of the plans. The revised law omits the provision because it duplicates in substance Section 36.110, Water Code. The omitted law reads:

(j) The district may publish plans and information, publicize the plans and information to the users of the underground water within the district, and encourage adoption and execution of the plans and other measures included in the information.
SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Revised Law

Sec. 8886.201. TAX AND BOND PROVISIONS. (a) Except as otherwise provided by this chapter, the tax and bond provisions of Chapters 36 and 51, Water Code, apply to the district.

(b) On approval of the majority of the voters in an election called for that purpose, the district may impose an ad valorem tax to pay the principal of and interest on bonds and to maintain the district. The tax approved under this subsection may not exceed five cents on each $100 of assessed valuation.

(c) At a regular meeting of the board, if the board determines that the tax imposed under Subsection (b) is no longer sufficient for the purposes stated in that subsection, the board may call an election to be held to approve the imposition of an ad valorem tax in excess of the limitation provided by Subsection (b). If a majority of the voters approve the imposition of taxes in excess of the limitation provided by Subsection (b), the district may impose taxes in the amount approved by the voters at the election called and held under this subsection. (Acts 69th Leg., R.S., Ch. 377, Secs. 12(a), (b) (part), (c).)

Source Law

Sec. 12. (a) Except as otherwise provided in this Act, the tax and bond provisions of Chapters 51 and 52, Water Code, apply to the district.

(b) On approval of a majority of the qualified voters at the . . . election called for that purpose, the district may levy and collect taxes to pay the principal of and interest on bonds and to maintain the district. The tax approved under this subsection may not exceed five cents on each $100 of assessed valuation.

(c) At a regular meeting of the board of directors, if the board determines that the tax levied and collected under Subsection (b) of this section is no longer sufficient for the purposes stated in that subsection, the board may call and hold an election to approve the levy and collection of property taxes in excess of the limitation provided by Subsection (b) of this section. If a majority of the qualified voters approve the levy and collection of taxes in excess of the limitation provided by Subsection (b) of this section, the district may levy and collect taxes in the amount approved by the voters at the election called and held under this subsection.
Revisor's Note

(1) Section 12(b), Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, refers to a confirmation election. Because the confirmation election has already been held, the revised law omits the provision as executed. The omitted law reads:

   (b) [On approval of a majority of the qualified voters at the] confirmation election or a subsequent [election] . . . .

(2) Sections 12(b) and (c), Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, refer to the district's authority to "levy and collect" taxes, to a property tax "levied and collected," and to an election to approve the "levy and collection" of property taxes. The revised law substitutes "impose," "imposed," and "imposition," respectively, for those terms because "impose" is the term generally used in Title 1, Tax Code, and includes the levying and collection of a tax. The revised law also substitutes "ad valorem tax" for "property taxes" because "ad valorem tax" is the term most commonly used in Texas law to refer to a tax on property.

(3) Sections 12(b) and (c), Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, refer to an election by the "qualified" voters of the district. The revised law omits "qualified" as unnecessary in this context because Chapter 11, Election Code, governs eligibility to vote in an election in this state and allows only "qualified" voters who are residents of the territory covered by the election to vote in an election.

SUBCHAPTER F. DISSOLUTION OF DISTRICT

Revised Law

Sec. 8886.251. DISSOLUTION OF DISTRICT. The district may be dissolved as provided by Chapter 36, Water Code. (Acts 69th
Sec. 13. The district may be dissolved as provided by Chapter 52, Water Code.

Revisor's Note
(End of Chapter)

Section 14, Chapter 1196, Acts of the 84th Legislature, Regular Session, 2015, recites legislative findings regarding procedural requirements for legislation affecting the district under the constitution and other laws and rules, including proper legal notice and the filing of recommendations. The revised law omits the provision as executed. The omitted law reads:

Sec. 14. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

CHAPTER 8887. NORTH PLAINS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8887.001. DEFINITIONS ............................ 225
Sec. 8887.002. NATURE OF DISTRICT ..................... 226
Sec. 8887.003. FINDING OF BENEFIT ..................... 226
Sec. 8887.004. DISTRICT TERRITORY ..................... 226
SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8887.051. TERMS .............................................. 227
Sec. 8887.052. ELECTION DATE ............................... 228

SUBCHAPTER C. POWERS AND DUTIES
Sec. 8887.101. GENERAL POWERS AND DUTIES ............... 229
Sec. 8887.102. WELL PERMITS ............................... 232
Sec. 8887.103. WELL SPACING AND PRODUCTION .......... 233
Sec. 8887.104. RECORDS AND REPORTS .................. 234
Sec. 8887.105. LOGS ........................................ 234
Sec. 8887.106. SURVEYS .................................... 235
Sec. 8887.107. RESEARCH AND DETERMINATIONS REGARDING  
               GROUNDWATER WITHDRAWAL .................. 236
Sec. 8887.108. COLLECTION AND PRESERVATION OF  
               INFORMATION ................................ 236
Sec. 8887.109. RULES: PREVENTION OF WASTE ........... 236

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
Sec. 8887.151. LIMITATION ON MAINTENANCE AND OPERATION  
               TAX ........................................ 239
Sec. 8887.152. MAINTENANCE AND OPERATION TAX ELECTION  
               . .................................. 240
Sec. 8887.153. DISTRICT DEBT .............................. 241

CHAPTER 8887. NORTH PLAINS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law
Sec. 8887.001. DEFINITIONS. In this chapter:
(1) "Board" means the district's board of directors.
(2) "Director" means a board member.
(3) "District" means the North Plains Groundwater Conservation District. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part); New.)

Source Law
Sec. 2. North Plains Groundwater Conservation District, hereinafter sometimes referred to as the District, . . . .

Revisor's Note
The definitions of "board" and "director" are
added to the revised law for drafting convenience and
to eliminate frequent, unnecessary repetition of the
substance of the definitions.

Revised Law
Sec. 8887.002. NATURE OF DISTRICT. The district is a
groundwater conservation district created under Section 59,
Article XVI, Texas Constitution. (Acts 54th Leg., R.S., Ch. 498,
Secs. 1 (part), 4 (part).)

Source Law
Sec. 1. The creation and establishment of North
Plains Groundwater Conservation District, . . .

Sec. 4. Said district is hereby declared to be
established under the provisions of Section 59 of
Article 16 of the Constitution of Texas and . . . .

Revised Law
Sec. 8887.003. FINDING OF BENEFIT. (a) All land and other
property in the district benefit from the:
(1) creation of the district;
(2) carrying out of the purposes for which the
district was created; and
(3) acquisition and construction of improvements to
carry out those purposes.
(b) The district is necessary to carry out the purposes of
Section 59, Article XVI, Texas Constitution. (Acts 54th Leg.,
R.S., Ch. 498, Sec. 4 (part).)

Source Law
Sec. 4. . . . the adoption of this Act is hereby
declared to be necessary to carry out the provisions of
said Section of the Constitution, and it is hereby
found and determined that all land and other property
within the limits of the district is benefited by the
creation of this district and will be benefited
through the carrying out of the purposes for which the
District is created, and by the acquisition and
construction of the improvements to carry out such
purposes.

Revised Law
Sec. 8887.004. DISTRICT TERRITORY. The district is
composed of the territory described by Section 1, Chapter 498, Acts
of the 54th Legislature, Regular Session, 1955, as that territory
may have been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or

(2) other law. (Acts 54th Leg., R.S., Ch. 498, Sec. 1 part); New.)

Source Law

Sec. 1. [The . . . District] . . . composed of lands and territories situated within all or a portion of the Texas Counties of Dallam, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree and Sherman, the boundaries of said District being described by metes and bounds in order canvassing returns and declaring results of confirmation election, dated January 27, 1955, recorded in Volume 1, Page 53, of the Ground Water Conservation Records of Ochiltree County, Texas, and recorded in Volume 119, Page 21 of the Deed Records of Ochiltree County, Texas, to which reference is here made for a more complete description, and which is incorporated herein by reference the same as if copied herein in full, . . . .

Revisor's Note

The revision of the law governing the district does not revise the statutory language describing the territory of the district to avoid the lengthy recitation of the description and because that description may not be accurate on the effective date of the revision or at the time of a later reading. For the reader's convenience, the revised law adds references to the authority to change the district's territory under Subchapter J or K, Chapter 36, Water Code, applicable to groundwater conservation districts, and to the general authority of the legislature to enact a law to change the district's territory.

SUBCHAPTER B. BOARD OF DIRECTORS

Revised Law

Sec. 8887.051. TERMS. Directors serve staggered four-year terms. (Acts 54th Leg., R.S., Ch. 498, Sec. 1A(a).)

Source Law

Sec. 1A. (a) Members of the Board of Directors of the District serve for four-year terms.
Revisor's Note

(1) Section 3(a), Chapter 760, Acts of the 68th Legislature, Regular Session, 1983, provides for the initial terms for directors elected in 1984. The revised law omits that provision as executed. The omitted law reads:

Sec. 3. (a) The directors elected to fill the positions for precincts 1 and 2 at the director's election in 1984 shall serve for four-year terms.

(2) Section 3(b), Chapter 760, Acts of the 68th Legislature, Regular Session, 1983, provides for the initial terms for directors elected in 1985 and 1986. The revised law omits that provision as executed but codifies the concept that the directors serve staggered terms. The omitted law reads:

(b) The directors' election scheduled to be held in 1985 shall be held, and directors elected to fill the positions for precincts 3, 4, and 5 at that directors' election shall serve until the election of directors to fill those positions in 1986. An election shall be held on the first Saturday in April in 1986 to elect directors to fill the positions for precincts 3, 4, and 5. Directors elected at the election in 1986 shall serve for four-year terms.

Revised Law

Sec. 8887.052. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on a uniform election date in each even-numbered year. (Acts 54th Leg., R.S., Ch. 498, Sec. 1A(b).)

Source Law

(b) A Directors' election shall be held on a uniform election date in each even-numbered year to elect the appropriate number of Directors.

Revisor's Note

(1) Section 1A(c), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, states that a directors' election is held "as provided by Chapter 36, Water Code, and the Election Code," as excepted by that
section. The revised law omits the phrase "[e]xcept as provided by this Section" because an exception to the application of Chapter 36, Water Code, or the Election Code would apply by its own terms. The revised law omits the reference to Chapter 36, Water Code, as unnecessary because that chapter applies to the district under Section 8887.101 of this chapter and Section 36.001(1), Water Code. Additionally, the revised law omits the reference to the Election Code because Section 1.002, Election Code, provides that the Election Code applies to all elections held in this state. The omitted law reads:

(c) Except as provided by this Section, a Directors' election is held as provided by Chapter 36, Water Code, and the Election Code.

(2) Section 1, Chapter 644, Acts of the 84th Legislature, Regular Session, 2015, amended Section 1A(b), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, to change the date for electing directors. Section 2 of Chapter 644 provided transition procedures requiring the adjustment of terms of certain directors to conform to the new election date and Section 30(c), Article XVI, Texas Constitution, if applicable. The revised law omits the transition procedures regarding the terms as executed. The omitted law reads:

Sec. 2. If the board of directors of the North Plains Groundwater Conservation District changes the election date for the district as provided by Section 1A(b), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, as amended by this Act, the board shall adjust the terms of office to conform to the new election date and the requirements of Section 30(c), Article XVI, Texas Constitution.

SUBCHAPTER C. POWERS AND DUTIES

Revised Law

Sec. 8887.101. GENERAL POWERS AND DUTIES. The district has

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all of the rights, powers, privileges, and duties provided by
general law applicable to groundwater conservation districts
created under Section 59, Article XVI, Texas Constitution, and
Chapter 36, Water Code. (Acts 54th Leg., R.S., Ch. 498, Sec. 2
(part).)

Source Law

Sec. 2. . . . [the District] . . . shall have
and exercise and is hereby vested with all of the
rights, powers, privileges and duties conferred and
imposed by the general laws of this State now enforced
or hereafter enacted applicable to groundwater
conservation districts created under authority of
Article XVI, Section 59 of the Constitution of Texas,
and Chapter 36, Water Code, to: . . . .

Revisor's Note

(1) Section 2, Chapter 498, Acts of the 54th
Legislature, Regular Session, 1955, provides that the
district "shall have and exercise and is hereby vested
with" certain powers. The revised law substitutes
"has" for the quoted language because, in context, the
terms are synonymous and "has" is more commonly used.

(2) Section 2, Chapter 498, Acts of the 54th
Legislature, Regular Session, 1955, states that the
district has the rights, powers, privileges, and
duties "conferred and imposed" by general law. The
revised law substitutes "provided" for the quoted
language because regardless of whether a right, power,
privilege, or duty is "conferred" by general law or
"imposed" by general law, it is not necessary to
characterize in the revised law the nature of the
granting of that authority. In context, "provided" is
synonymous with "conferred and imposed" and "provided"
is more commonly used.

(3) Section 2, Chapter 498, Acts of the 54th
Legislature, Regular Session, 1955, states that the
district has the rights, powers, privileges, and
duties conferred by the general laws of this state "now
enforced or hereafter enacted." The revised law omits the quoted language as unnecessary under accepted general principles of statutory construction. The "general laws of this State" means those laws "enforced" at the time the provision was adopted. It is unnecessary to state that the district may be granted additional powers by later enacted laws because those laws apply on their own terms.

(4) Section 3, Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, provides that the district is governed by the provisions of "Chapter 25, Acts of the Thirty-ninth Legislature of Texas, Regular Session, 1925, as now or hereafter amended (Chapter 3A, Title 128, Vernon's Texas Civil Statutes, as now or hereafter amended, and particularly Section 3c of said Chapter 3A)." As originally enacted, Chapter 25, General Laws, Acts of the 39th Legislature, Regular Session, 1925, pertained only to water control and improvement districts. However, Section 3c of Chapter 25, which was added in 1949, pertained to underground water conservation districts. In 1971, the provisions of Chapter 25 pertaining to water control and improvement districts were codified as Chapter 51, Water Code, but Section 3c of Chapter 25 was codified as Chapter 52, Water Code. Chapter 933, Acts of the 74th Legislature, Regular Session, 1995, repealed Chapter 52 and enacted Chapter 36, Water Code, which governs groundwater conservation districts. Although the meaning of Section 3 of Chapter 498 is not entirely clear, given that there is no other indication that the legislature intended to make the general laws applicable to water control and improvement districts applicable to the district, it appears likely that the legislature merely intended to make Section 3c of
Chapter 25 (now Chapter 36, Water Code) applicable to
the district. The revised law omits the reference
because Chapter 36, Water Code, applies to the
district under Section 36.001(1), Water Code, and
Section 8887.101 of this chapter. The omitted law
reads:

Sec. 3. Except as herein otherwise
provided, said district shall be governed
by the provisions of Chapter 25, Acts of the
Thirty-ninth Legislature of Texas, Regular
Session, 1925, as now or hereafter amended
(Chapter 3A, Title 128, Vernon's Texas Civil
Statutes, as now or hereafter amended, and
particularly Section 3c of said Chapter
3A).

Revised Law
Sec. 8887.102. WELL PERMITS. (a) The district may:
(1) require a permit for drilling, equipping, or
completing a well in a groundwater reservoir in the district; and
(2) issue a permit subject to terms relating to
drilling, equipping, or completing a well that are necessary to
prevent waste or contamination.
(b) The district may not deny an owner of land, or the
owner's heirs, assigns, and lessees, a permit to drill a well on
that land or to produce groundwater from that well subject to rules
adopted to prevent waste or contamination. (Acts 54th Leg., R.S.,
Ch. 498, Sec. 2 (part).)

Source Law
Sec. 2. . . . [the District . . . shall have and
exercise and is hereby vested with all of the rights,
powers, privileges and duties . . . to:]
. . . . (3) require permits for the drilling,
equipping and completion of wells in any groundwater
reservoir of a groundwater reservoir in the district
and to issue such permits subject to such terms and
provisions with reference to the drilling, equipping
and completion thereof as may be necessary to prevent
waste or contamination;
(4) . . . . provided, however, the owner of
the land, his heirs, assigns and lessees, shall not be
denied a permit to drill a well on his land and produce
groundwater therefrom subject to rules and regulations
promulgated hereunder to prevent waste or
contamination;
Revisor's Note

(1) Section 2(3), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, refers to "terms and provisions." The revised law omits the reference to "provisions" because "provisions" is included in the meaning of "terms."

(2) Section 2(4), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, requires that the district issue a permit to drill a well subject to certain rules and regulations "promulgated" by the district. The revised law substitutes "adopted" for "promulgated" because, in context, "promulgated" is included in the meaning of "adopted" and "adopted" is the more commonly used term.

(3) Section 2(4), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, refers to "rules and regulations." The revised law omits the reference to "regulations" because, in context, the terms are synonymous and under Section 311.005(5), Government Code (Code Construction Act), a rule is defined to include a regulation.

(4) Section 2(3), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, provides that the district may require a permit for a well in a "groundwater reservoir of a groundwater reservoir" in the district. The revised law omits the reference to "of a groundwater reservoir" because it is clear from the context that "of a groundwater reservoir" is a typographical error.

Revised Law

Sec. 8887.103. WELL SPACING AND PRODUCTION. To minimize as far as practicable the drawdown of the water table or the reduction of the artesian pressure, the district may provide for the spacing of wells producing from a groundwater reservoir or a subdivision of
a groundwater reservoir in the district and regulate the production
from those wells. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

**Source Law**

Sec. 2. . . . [the District . . . shall have
and exercise and is hereby vested with all of the
rights, powers, privileges and duties . . . to:]

. . .

(4) provide for the spacing of wells
producing from any groundwater reservoir or
subdivision of a groundwater reservoir in the district
and to regulate the production therefrom so as to
minimize as far as practicable the drawdown of the
water table or the reduction of the artesian pressure;
. . . .

**Revised Law**

Sec. 8887.104. RECORDS AND REPORTS. The district may
require that records be kept and reports be made of the drilling,
equipping, and completion of a well in a groundwater reservoir or a
subdivision of a groundwater reservoir in the district and the
taking and use of groundwater from those reservoirs or subdivisions
of those reservoirs. (Acts 54th Leg., R.S., Ch. 498, Sec. 2
(part).)

**Source Law**

Sec. 2. . . . [the District . . . shall have and
exercise and is hereby vested with all of the rights,
powers, privileges and duties . . . to:]

. . .

(5) require records to be kept and reports
to be made of the drilling, equipping, and completion
of wells into the reservoirs or subdivisions of
groundwater reservoirs and the taking and use of
groundwater therefrom; . . . .

**Revised Law**

Sec. 8887.105. LOGS. The district may require that:

(1) accurate driller's logs be kept of the drilling,
equipping, and completion of a well in a groundwater reservoir or a
subdivision of a groundwater reservoir in the district; and

(2) a copy of a driller's log and of any electric log
that is made of the well be filed with the district. (Acts 54th
Leg., R.S., Ch. 498, Sec. 2 (part).)

**Source Law**

Sec. 2. . . . [the District . . . shall have and
exercise and is hereby vested with all of the rights,
powers, privileges and duties . . . :]
... to require accurate drillers' logs to be kept of such wells and a copy thereof and of any electric logs which may be made of such wells to be filed with the district;

Revised Law

Sec. 8887.106. SURVEYS. The district may have a licensed engineer or qualified groundwater scientist survey the groundwater of a groundwater reservoir or a subdivision of a groundwater reservoir in the district and the facilities for the development, production, and use of that groundwater to determine the:

(1) quantity of the groundwater available for production and use; and
(2) improvements, developments, and recharges needed for the groundwater reservoir or subdivision of a groundwater reservoir. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Source Law

Sec. 2. . . . [the District . . . shall have and exercise and is hereby vested with all of the rights, powers, privileges and duties . . . to:]

(7) cause to be made by a registered professional engineer or qualified groundwater scientist surveys of the underground water of all groundwater reservoirs or subdivisions of groundwater reservoirs in the district and of the facilities for the development, production and use of such water, to determine the quantity thereof available for production and use and the improvements, developments, and recharges needed for such groundwater reservoirs or subdivisions of groundwater reservoirs in the district;

Revisor's Note

(1) Section 2(7), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, refers to a "registered professional engineer." The revised law substitutes "engineer" for "professional engineer" because "engineer" is the term used by Chapter 1001, Occupations Code, which regulates engineers. The revised law also substitutes "licensed" for "registered" because Chapter 1001, Occupations Code, requires that a person hold a license to engage in the
practice of engineering.

(2) Section 2(7), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, refers to "underground water" and "water." Throughout this chapter, the revised law substitutes a reference to "groundwater," where appropriate, to conform to the term used in Chapter 36, Water Code.

Revised Law

Sec. 8887.107. RESEARCH AND DETERMINATIONS REGARDING GROUNDWATER WITHDRAWAL. The district may carry out research projects, develop information, and determine limitations, if any, that should be made on the withdrawal of water from a groundwater reservoir or a subdivision of a groundwater reservoir in the district. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Revised Law

Sec. 8887.108. COLLECTION AND PRESERVATION OF INFORMATION. The district may collect and preserve information regarding the use of groundwater and the practicability of recharge of a groundwater reservoir or a subdivision of a groundwater reservoir in the district. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Revised Law

Sec. 8887.109. RULES: PREVENTION OF WASTE. (a) In this
section, "waste" has the meaning assigned by Section 36.001, Water Code.

(b) The district may adopt and enforce rules to prevent the waste of the groundwater of any groundwater reservoir or subdivision of a groundwater reservoir in the district. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Source Law

Sec. A.A. A.A. [the District A.A. shall have and exercise and is hereby vested with all of the rights, powers, privileges, and duties A.A. to:]

. A.A. (2) formulate, promulgate and enforce rules and regulations to prevent the waste, as defined in Chapter 36, Water Code, of the underground water of any groundwater reservoir or subdivision of a groundwater reservoir in the district; . . .

Revisor's Note

(1) Section 2(2), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, states that the district may formulate and promulgate rules and regulations to prevent waste. The revised law substitutes "adopt" for "formulate" and "promulgate" for the reason stated in Revisor's Note (2) to Section 8887.102 of this chapter.

(2) Section 2(2), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, states that the district may formulate and promulgate rules and regulations to prevent waste. The revised law omits the reference to "regulations" for the reason stated in Revisor's Note (3) to Section 8887.102 of this chapter.

Revisor's Note

(End of Subchapter)
because they duplicate parts of Sections 36.101 and 36.102, Water Code. Throughout this chapter, the revised law omits law that is superseded by Chapter 36, Water Code, or that duplicates law contained in that chapter. Chapter 36, Water Code, applies to the district under Section 8887.101 of this chapter and Section 36.001(1), Water Code. The omitted law reads:

Sec. 2. . . .
(1) formulate, promulgate and enforce rules and regulations for the purpose of conserving, preserving, protecting and recharging the water of any groundwater reservoir or subdivision of a groundwater reservoir in the district;

. . .
(9) enforce, by injunction, mandatory injunction or other appropriate remedy, in courts of competent jurisdiction, rules and regulations duly adopted and promulgated by such district; provided, that no rule or regulation shall be effective until a brief resume thereof has been published once a week for two (2) consecutive weeks in one or more newspapers to give circulation within the district, and such rule or regulation is to be effective not less than fourteen (14) days after the date of the first publication;

. . .

(2) Section 2(6), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, provides that the district may acquire land for certain purposes and perform certain actions necessary to recharge a groundwater reservoir. The revised law omits the provision because it duplicates in substance Section 36.103(b), Water Code. The omitted law reads:

Sec. 2. . . .
(6) acquire lands for the erection of dams and for the purpose of draining lakes, draws, and depressions, and to construct dams, drain lakes, depressions, draws, and creeks and to install pumps and other equipment necessary to recharge any groundwater reservoir or subdivision of a groundwater reservoir in the district;

. . .

(3) Section 2(8), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, authorizes the
district to develop comprehensive plans for the most efficient use of groundwater and for the control and prevention of waste of that groundwater. The revised law omits the provision as superseded by Section 36.1071, Water Code, which requires groundwater conservation districts to develop a comprehensive management plan with certain mandatory components. Section 36.052(b), Water Code, added by Chapter 1010, Acts of the 75th Legislature, Regular Session, 1997, provides that certain sections of Chapter 36, including Section 36.1071, prevail over a conflicting or inconsistent provision of a special law that governs a specific district. The omitted law reads:

Sec. 2. . . .
(8) develop comprehensive plans for the most efficient use of the water of the groundwater reservoirs or subdivisions of groundwater reservoirs in the district and for the control and prevention of waste of such groundwater, which plans shall specify in such detail as may be practicable the acts, procedure, performance and avoidance which are or may be necessary to effect such plans, including specifications therefor; . . . .

(4) Section 2(8), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, provides that the district may publish and disseminate to certain persons plans and information and encourage the adoption and execution of the plans. The revised law omits the provision because it duplicates in substance Section 36.110, Water Code. The omitted law reads:

Sec. 2. . . .
(8) . . . . . to publish such plans and information, bring them to the notice and attention of the users of such groundwater within the district, and to encourage their adoption and execution;

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Revised Law

Sec. 8887.151. LIMITATION ON MAINTENANCE AND OPERATION TAX.
To pay the maintenance and operating expenses of the district, including the maintenance of its installations and activities, the district may impose ad valorem taxes annually at a rate not to exceed five cents on each $100 of assessed valuation on property in the district subject to taxation. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Source Law

Sec. 2. . . . [the District . . . shall have and exercise and is hereby vested with all of the rights, powers, privileges and duties . . . :]

(10) . . . to levy and collect the ad valorem tax authorized . . . for the maintenance of such district, its installations and activities; . . . provided further that the maintenance and operating taxes may never in any one year exceed Five Cents (5¢) on the One Hundred Dollar ($100) assessed valuation on property in the district subject to taxation; and . . . .

Revisor's Note

Section 2(10), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, refers to the district's authority to "levy and collect" taxes. The revised law substitutes "impose" for those terms because "impose" is the term generally used in Title 1, Tax Code, and includes the levying, assessment, and collection of a tax.

Revised Law

Sec. 8887.152. MAINTENANCE AND OPERATION TAX ELECTION. The district may order an election to impose taxes for the maintenance of the district and its installations and activities. The election must be held as is provided for elections authorizing the issuance of bonds. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Source Law

Sec. 2. . . . [the District . . . shall have and exercise and is hereby vested with all of the rights, powers, privileges, and duties . . . :]

(10) . . . to hereafter order elections for the purpose of authorizing the levy and collection of taxes for the maintenance of the district, its installations and activities, such elections to be ordered and held as is provided for elections authorizing the issuance of bonds; . . . .
Revisor's Note

Section 2(10), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, refers to the district's authority to levy and collect taxes. The revised law substitutes "impose" for those terms for the reason stated in the revisor's note to Section 8887.151 of this chapter.

Revised Law

Sec. 8887.153. DISTRICT DEBT. The district may incur all indebtedness necessary to the achievement of the purposes for which the district is created. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Source Law

Sec. 2. ... [the District ... shall have and exercise and is hereby vested with all of the rights, powers, privileges, and duties ... to:]

... (10) incur all such indebtedness as may be necessary and requisite to the achievement of the purposes for which the district is created; ... .

Revisor's Note

Section 2(10), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, provides that the district has the powers that are "necessary and requisite" to take certain actions. The revised law omits "requisite" because, in this context, "requisite" is included in the meaning of "necessary."

Revisor's Note

(End of Subchapter)

(1) Section 2(10), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, provides that the district may issue bonds and notes and impose a tax for the payment of the bonds in accordance with Chapter 36, Water Code. The revised law omits those provisions because the authorization for the issuance of bonds and the imposition of taxes duplicates portions of Subchapters F and G, Chapter 36, Water Code.
omitted law reads:

Sec. 2. . . .
(10). . . . to issue negotiable bonds and notes in the name of the district for any lawful purpose of the district and levy and collect such ad valorem taxes as may be necessary for the payment of the interest and the creation of a sinking fund for the payment of such bonds, the issuance of such bonds and the levy and collection of taxes to be in accordance with Chapter 36, Water Code; . . . .

(2) Section 2(10), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, provides that the district may impose a maintenance and operation tax if the tax is approved at an election held on January 21, 1955. The revised law omits that provision as executed. The omitted law reads:

Sec. 2. . . .
(10). . . . at the election held January 21, 1955. . . . [to hereafter order elections for the purpose of authorizing the levy and collection of taxes for the maintenance of the district, its installations and activities, such elections to be ordered and held as is provided for elections authorizing the issuance of bonds;] . . . .

(3) Section 2(10), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, provides that all resident voters in the district may vote in a bond or tax election. The revised law omits that provision because it duplicates in substance Section 11.001(a)(2), Election Code, which provides that to be eligible to vote in an election, a person must be a resident of the territory covered by the election. The omitted law reads:

Sec. 2. . . .
(10) . . . provided that in all bond elections and tax elections all persons may vote who are resident voters of such district; . . . .

(4) Section 2(10), Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, provides that the district may have the district's taxes assessed and
collected by the respective county tax assessors and collectors as provided by "Chapter 218, Page 348, Acts, Fifty-second Legislature, Regular Session, 1951." The revised law omits the provision because Chapter 218 is duplicative of or superseded by provisions of Title 1, Tax Code.

Chapter 218 authorizes the board of directors of a water control and improvement district to require the county assessor-collector to assess and collect the district's ad valorem taxes and specifies the fee to which the county assessor-collector is entitled. The provision of Chapter 218 authorizing the board of directors of a district to require the county assessor-collector to assess and collect the district's ad valorem taxes duplicates Sections 6.22(c) and 6.23(a)(3), Tax Code. The provision of Chapter 218 specifying the fee to which the county assessor-collector is entitled conflicts with Section 6.27, Tax Code.

Sections 6.22(c), 6.23(a)(3), and 6.27, Tax Code, are part of the Property Tax Code (Title 1, Tax Code), which was enacted by Chapter 841, Acts of the 66th Legislature, Regular Session, 1979. Title 1, Tax Code, was intended as a comprehensive, substantive codification of all laws governing the administration of property taxes, including assessment and collection. Section 6(b) of Chapter 841 repealed all "general, local, and special laws" that conflicted with that chapter. Because Chapter 218 is duplicative of or superseded by provisions of Title 1, Tax Code, the provision of Section 2(10) referencing that chapter may be omitted. The omitted law reads:

Sec. 2. . . .
(10) . . . provided, further, that the district may have its taxes
assessed and collected by the respective
county tax assessors and collectors as
provided in Chapter 218, Page 348, Acts,
Fifty-second Legislature, Regular Session,
1951.

Revisor’s Note
(End of Chapter)

(1) Section 1, Chapter 498, Acts of the 54th
Legislature, Regular Session, 1955, Section 3, Chapter
63, Acts of the 69th Legislature, Regular Session,
1985, and Section 4, Chapter 1152, Acts of the 76th
Legislature, Regular Session, 1999, contain
provisions that ratify, confirm, or validate the
establishment, the purpose, or certain elections or
acts of the district. Section 4a, Chapter 498, Acts of
the 54th Legislature, Regular Session, 1955, and
Section 5, Chapter 1152, Acts of the 76th Legislature,
Regular Session, 1999, provide that the act does not
validate an act, proceeding, director, bond, or
obligation that is the subject of pending litigation.
Those provisions are omitted from the revised law
because they served their purpose on the day they took
effect and are executed law. Section 311.031(a)(2),
Government Code (Code Construction Act), provides that
the repeal of a statute does not affect any validation
previously made under the statute. Therefore, the
omission of the executed validation provisions does
not affect those validations. The omitted law reads:

[Acts 54th Leg., R.S., Ch. 498]
Sec. 1. [The creation of the
district] . . . is hereby ratified,
certified and validated. All acts of the
Board of Water Engineers of the State of
Texas in regard to the designation of
Subdivision Number Two, of the Groundwater
Reservoir in the Ogallala Formation, North
of the Canadian River in Texas, dated August
16, 1954, in regard to the creation and
establishing of said District, and the
appointment of seven (7) directors, and all
acts of the Board of Directors of said
District in regard to the creation and
establishment of said District and in
regard to levying and collecting ad valorem
taxes by said District are in all things
ratified, confirmed and validated, and said
District, composed of the land and
territory described above, is hereby
declared to have been fully and duly created
and established and authorized to collect
ad valorem taxes from and after the
confirmation and tax elections held within
said District on January 21, 1955.

Sec. 4a. This Act shall not be
construed as validating any district or
bond proceedings or bonds issued or to be
issued, the validity of which has become
contested or attacked in any litigation
pending at the time this Act becomes
effective.

[Acts 69th Leg., R.S., Ch. 63]

Sec. 3. The election of directors
held in April 1984 and all actions and
proceedings of the board of directors and
all expenditures of district funds by the
board of directors since that election are
validated, and the election of directors
and those actions, proceedings, and
expenditures may not be held invalid
because they were not held, taken, or done
in compliance with law at the time of the
action.

[Acts 76th Leg., R.S., Ch. 1152]

Sec. 4. The following acts of the
North Plains Ground Water Conservation
District No. Two are validated and
confirmed in all respects as if the actions
had been taken as authorized by law:
(1) all acts and governmental
proceedings of the district taken before
the effective date of this Act, including
the adoption of rules, the approval or
issuance of water well drilling permits,
annexations of land and land purchases, and
changes in the number and terms of the
directors of the district;
(2) all bonds and other
obligations of the district authorized or
issued before the effective date of this
Act, including all proceedings taken before
the effective date of this Act that are
related to those bonds or other
obligations; and
(3) all directors of the
district whether elected or appointed who
took office before the effective date of
this Act.

Sec. 5. Section 4 of this Act does
not apply to any act, proceeding, director,
bond, or obligation the validity of which or
of whom is the subject of litigation that is
pending on the effective date of this Act.

(2) Section 5, Chapter 498, Acts of the 54th
Legislature, Regular Session, 1955, provides that the
act is severable. The revised law omits that provision
because the same result is produced by application of
Section 311.032, Government Code (Code Construction Act), which provides that a provision of a statute is severable from each other provision of the statute that can be given effect. The omitted law reads:

Sec. 5. If any section, sentence, clause, or part of this Act shall, for any reason, be held invalid, such decision shall not affect the remaining portions of this Act, and it is hereby declared to be the intention of this Legislature to have passed each sentence, section, clause or part thereof irrespective of the fact that any other sentence, section, clause or part thereof may be declared invalid.

(3) Section 3, Chapter 644, Acts of the 84th Legislature, Regular Session, 2015, recites legislative findings regarding procedural requirements for legislation affecting the district under the constitution and other laws and rules, including proper legal notice and the filing of recommendations. The revised law omits those provisions as executed. The omitted law reads:

Sec. 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

CHAPTER 8888. NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8888.001. DEFINITIONS .............................. 248
Sec. 8888.162.  SPECIFIC CONTRACTING AUTHORITY ......... 275
Sec. 8888.163.  PURCHASE OF SURPLUS PROPERTY .......... 276
Sec. 8888.164.  PURCHASE OF INTEREST IN PROJECT ....... 277
Sec. 8888.165.  COOPERATION WITH PUBLIC ENTITIES ....... 277
Sec. 8888.166.  SURFACE WATER DELIVERY SYSTEM ......... 278
Sec. 8888.167.  CONDITIONAL APPROVAL OF CONSTRUCTION PROJECTS ................. 280
Sec. 8888.168.  STATEMENT OF AMOUNTS OF WATER TO BE DELIVERED ................... 281
Sec. 8888.169.  EFFECT OF MUNICIPAL ANNEXATION ON FEES AND SERVICES ............... 281
Sec. 8888.170.  CIVIL PENALTY; CIVIL ACTION; INJUNCTION ......... 282
Sec. 8888.171.  EMINENT DOMAIN ......................... 284

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS
Sec. 8888.201.  GIFT OR GRANT FROM SUBSIDENCE DISTRICT ...... 289
Sec. 8888.202.  AUTHORIZATION OF DISBURSEMENT ............. 290
Sec. 8888.203.  AD VALOREM TAX PROHIBITED ................. 290
Sec. 8888.204.  COOPERATIVE FUNDING ....................... 290

SUBCHAPTER F. NOTES AND BONDS
Sec. 8888.251.  REVENUE NOTES ............................ 292
Sec. 8888.252.  REVENUE AND BOND ANTICIPATION NOTES ...... 293
Sec. 8888.253.  BONDS AND NOTES ......................... 295
Sec. 8888.254.  BONDS SECURED BY CONTRACT PROCEEDS: 19
  APPROVAL ............................................ 297
Sec. 8888.255.  REFUNDING BONDS .......................... 298
Sec. 8888.256.  VALIDITY OF BONDS AFTER ADDITION OF TERRITORY ....................... 299

CHAPTER 8888. NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY
SUBCHAPTER A. GENERAL PROVISIONS
Sec. 8888.001.  DEFINITIONS. In this chapter:
(1) "Agricultural crop" means:
    (A) a food or fiber commodity grown for resale or commercial purposes that provides food, clothing, or animal feed;
(B) a nursery product or florist item that is in the possession of a nursery grower.

(2) "Authority" means the North Harris County Regional Water Authority.

(3) "Board" means the authority's board of directors.

(4) "Commission" means the Texas Commission on Environmental Quality.

(5) "Director" means a member of the board.

(6) "Florist item" means a cut flower, potted plant, blooming plant, inside foliage plant, bedding plant, corsage flower, cut foliage, floral decoration, or live decorative material.

(7) "Groundwater reduction plan" means a plan adopted or implemented to supply water, reduce reliance on groundwater, regulate groundwater pumping and water usage, or require and allocate water usage among persons in order to comply with or exceed the minimum requirements imposed by the subsidence district, including any applicable groundwater reduction requirements.

(8) "Local government" means a municipality, county, special district, or other political subdivision of this state or a combination of two or more of those entities.

(9) "Nursery grower" means a person who grows, in any medium, more than 50 percent of the nursery products or florist items that the person sells or leases, regardless of the variety sold, leased, or grown. For the purposes of this definition, "grow" means the actual cultivation or propagation of the nursery product or florist item beyond the mere holding or maintaining of the item before sale or lease and typically includes activities associated with the production or multiplying of stock such as the development of new plants from cuttings, grafts, plugs, or seedlings.

(10) "Nursery product" includes a tree, shrub, vine, cutting, graft, scion, grass, bulb, or bud that is grown for, kept for, or capable of propagation and distribution for sale or lease.
(11) "Subsidence" means the lowering in elevation of the surface of land by the withdrawal of groundwater.

(12) "Subsidence district" means the Harris-Galveston Subsidence District.

(13) "System" means a network of pipelines, conduits, canals, pumping stations, force mains, and treatment plants, and any other construction, device, or related appurtenance, used to treat or transport water.

(14) "Water" includes:
   (A) groundwater, percolating or otherwise;
   (B) any surface water, natural or artificial, navigable or nonnavigable; and
   (C) industrial and municipal wastewater. (Acts 76th Leg., R.S., Ch. 1029, Secs. 1.01(a) (part), 1.02(1), (2), (3), (4), (5), (7), (8), (9), (10), (11), (12) as added Acts 77th Leg., R.S., Ch. 232, (12) as added Acts 77th Leg., R.S., Ch. 1296, (13), (14).)
(10) "Subsidence" means the lowering in elevation of the surface of land by the withdrawal of groundwater.

(11) "Agricultural crop" means:
(A) a food or fiber commodity grown for resale or commercial purposes that provides food, clothing, or animal feed; or
(B) a nursery product or florist item while in the hands of a nursery grower.

(12) [as added Acts 77th Leg., R.S., Ch. 232] "Florist item" means a cut flower, potted plant, blooming plant, inside foliage plant, bedding plant, corsage flower, cut foliage, floral decoration, or live decorative material.

(12) [as added Acts 77th Leg., R.S., Ch. 1296] "Groundwater reduction plan" means a plan adopted or implemented to supply water, reduce reliance on groundwater, regulate groundwater pumping and water usage, or require and allocate water usage among persons in order to comply with or exceed the minimum requirements imposed by the subsidence district, including any applicable groundwater reduction requirements.

(13) "Nursery grower" means a person who grows, in any medium, more than 50 percent of the nursery products or florist items that the person either sells or leases, regardless of the variety sold, leased, or grown. For the purposes of this definition, "grow" means the actual cultivation or propagation of the nursery product or florist item beyond the mere holding or maintaining of the item prior to sale or lease and typically includes activities associated with the production or multiplying of stock such as the development of new plants from cuttings, grafts, plugs, or seedlings.

(14) "Nursery product" includes a tree, shrub, vine, cutting, graft, scion, grass, bulb, or bud that is grown for, kept for, or is capable of propagation and distribution for sale or lease.

Revisor's Note

(1) Section 1.02(3), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, refers to the "Texas Natural Resource Conservation Commission." The revised law substitutes "Texas Commission on Environmental Quality" for "Texas Natural Resource Conservation Commission" to reflect a change in the agency's name. The name of the Texas Natural Resource Conservation Commission was changed to the Texas Commission on Environmental Quality by Section 18.01, Chapter 965, Acts of the 77th Legislature, Regular Session, 2001. The revised law is drafted accordingly.

(2) Section 1.02(6), Chapter 1029, Acts of the
76th Legislature, Regular Session, 1999, provides that "person" has the meaning assigned by Section 311.005, Government Code (Code Construction Act). The revised law omits that provision because Section 311.005, Government Code, applies to the revised law by its own terms. The omitted law reads:

(6) "Person" has the meaning assigned by Section 311.005, Government Code.

(3) Section 1.02(7), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, refers to the "Harris-Galveston Coastal Subsidence District." The revised law substitutes "Harris-Galveston Subsidence District" for "Harris-Galveston Coastal Subsidence District" to reflect a change in the district's name. The name of the Harris-Galveston Coastal Subsidence District was changed to the Harris-Galveston Subsidence District by Sections 1 and 2, Chapter 238, Acts of the 79th Legislature, Regular Session, 2005. The revised law is drafted accordingly.

Revised Law
Sec. 8888.002. NATURE OF AUTHORITY. The authority is a regional water authority in Harris County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 76th Leg., R.S., Ch. 1029, Secs. 1.01(a) (part), (b).)

Source Law
(a) A regional water authority, [to be known as the North Harris County Regional Water Authority,] is created in Harris County.
(b) The authority is created under and is essential to accomplish the purposes provided by Section 59, Article XVI, Texas Constitution.

Revisor's Note
(1) Section 1.01(a), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, refers to a confirmation election to be held under Section 2.05 of...
that chapter. Because the confirmation election has already been held and because Section 2.05 of that chapter was repealed by Chapter 321, Acts of the 82nd Legislature, Regular Session, 2011, the revised law omits that provision as executed. The omitted law reads:

(a) [A regional water authority . . . subject to a confirmation election held under Section 2.05 of this Act. . . .

(2) Section 1.01(a), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, provides that the authority is a governmental agency and a body politic and corporate. The revised law omits that provision because it duplicates a portion of Section 59(b), Article XVI, Texas Constitution, which provides that a district created under Section 59(b) is a governmental agency and a body politic and corporate. The omitted law reads:

(a) . . . The authority is a governmental agency and a body politic and corporate.

Revised Law

Sec. 8888.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The authority is created to serve a public use and benefit.

(b) All land and other property included in the authority will benefit from the works and projects accomplished by the authority under the powers provided by this chapter. (Acts 76th Leg., R.S., Ch. 1029, Sec. 1.06.)

Source Law

Sec. 1.06. All the land and other property included within the boundaries of the authority will be benefited by the works and projects that are to be accomplished by the authority under powers conveyed by this Act. The authority is created to serve a public use and benefit.

Revised Law

Sec. 8888.004. DISTRICTS IN AUTHORITY'S BOUNDARIES. A district in the authority's boundaries retains the district's
separate identity, powers, and duties. The district is subject to
the authority's powers and duties, including those powers and
duties necessary to develop, implement, and enforce a groundwater
reduction plan. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.14.)

Source Law

Sec. 4.14. A district inside of the authority's
boundaries retains its separate identity, powers, and
duties, except that the district is subject to the
powers and duties of the authority, including those
powers and duties of the authority necessary to
develop, implement, and enforce a groundwater
reduction plan.

Revised Law

Sec. 8888.005. APPLICABILITY OF OTHER LAW. (a) This
chapter prevails over any inconsistent provision of general law.
(b) This chapter does not prevail over or preempt a
provision of Chapter 8801 of this code or Chapter 36, Water Code,
that is being implemented by the subsidence district.
(c) The following laws do not apply to the authority:
(1) Chapter 36, Water Code;
(2) Section 49.052, Water Code; and
(3) Sections 49.451-49.455, Water Code. (Acts 76th
Leg., R.S., Ch. 1029, Sec. 1.05.)

Source Law

Sec. 1.05. (a) This Act prevails over any
inconsistent provision of general law.
(b) This Act does not prevail over or preempt a
provision of Chapter 151, Water Code, or Chapter 36,
Water Code, that is being implemented by the
subsidence district.
(c) The following laws do not apply to the
authority:
(1) Chapter 36, Water Code;
(2) Section 49.052, Water Code; and
(3) Sections 49.451-49.455, Water Code.

Revisor's Note

Section 1.05(b), Chapter 1029, Acts of the 76th
Legislature, Regular Session, 1999, refers to Chapter
151, Water Code. The revised law substitutes for the
reference to Chapter 151, Water Code, a reference to
Chapter 8801, Special District Local Laws Code.
Chapter 1277, Acts of the 78th Legislature, Regular
Session, 2003, repealed Chapter 151, Water Code, and enacted Chapter 8801, Special District Local Laws Code, to govern the Harris-Galveston Subsidence District.

SUBCHAPTER B. TERRITORY

Revised Law

Sec. 8888.051. AUTHORITY TERRITORY. The authority is composed of the territory described by Sections 1.03(a), (b), (b-1), (b-2), (c), and (e), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, as that territory may have been modified under:

1. this subchapter or the following predecessor statutes:
   A. Sections 1.03(f) and (g), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999; or
   B. Section 1.045, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999; or
2. Subchapter J, Chapter 49, Water Code. (New.)

Revisor's Note

The revision of the law governing the authority does not revise the statutory language describing the territory of the authority to avoid the lengthy recitation of the description and because that description may not be accurate on the effective date of the revision or at the time of a later reading. For the reader's convenience, the revised law includes a reference to the statutory description of the authority's territory and references to statutory authority to change the authority's territory under this subchapter or its predecessor statutes, Sections 1.03(f) and (g) and 1.045, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, and Subchapter J, Chapter 49, Water Code, applicable to the authority under Sections 49.001 and 49.002 of that
chapter.

Revised Law

Sec. 8888.052. LOCAL GOVERNMENT ANNEXATION. Territory annexed by a local government located in the authority becomes territory of the authority on the effective date of the annexation unless the annexed territory is included in another local government's approved groundwater reduction plan as of the effective date of the annexation. The authority by rule may require the local government to send the authority:

(1) written notice of the effective date of an annexation; and

(2) copies of documents describing the annexed land and the new boundaries of the local government. (Acts 76th Leg., R.S., Ch. 1029, Sec. 1.03(f).)

Source Law

(f) Territory annexed by a local government located in the authority becomes territory of the authority on the effective date of the annexation, unless the annexed territory is included in another local government's approved groundwater reduction plan as of the effective date of the annexation. The authority by rule may require the local government to send to the authority:

(1) written notice of the effective date of an annexation; and

(2) copies of documents describing the annexed land and describing the new boundaries of the local government.

Revised Law

Sec. 8888.053. ADDITION OF WATER SYSTEM SERVICE AREA. If territory is added to the service area of a person owning a water system located in the authority, the territory becomes territory of the authority on the effective date of the territory's addition to the service area unless the added territory is included in another local government's approved groundwater reduction plan as of the effective date of the addition. The authority by rule may require the person to send the authority:

(1) written notice of the effective date of an addition of territory; and

(2) copies of documents describing the added territory
and the new boundaries of the person's service area. (Acts 76th Leg., R.S., Ch. 1029, Sec. 1.03(g).)

Source Law

(g) If territory is added to the service area of a person owning a water system located in the authority, the territory becomes territory of the authority on the effective date of the territory's addition to the service area, unless the added territory is included in another local government's approved groundwater reduction plan as of the effective date of the addition. The authority by rule may require the person to send to the authority: (1) written notice of the effective date of an addition of territory; and (2) copies of documents describing the added territory and describing the new boundaries of the person's service area.

Revised Law

Sec. 8888.054. INCLUSION OF CERTAIN TERRITORY. (a) The board of directors of a district organized under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, all or part of which is not included in the authority, by petition may request the district's territory to be included in the authority's territory. The petition must:

(1) be filed with the authority; and
(2) include an accurate legal description of the boundaries of the territory to be included.

(b) If the authority has bonds, notes, or other obligations outstanding, the board shall require the petitioning district to assume the district's share of the outstanding bonds, notes, or other obligations.

(c) Before the 61st day after the date the authority receives the petition, the board shall hold a hearing to consider the petition. The board may grant the petition and order the territory described in the petition to be included in the authority's territory if:

(1) it is feasible, practicable, and to the advantage of the authority; and
(2) the authority's system and other improvements of the authority are sufficient or will be sufficient to supply the
added territory without injuring the territory already included in
the authority.

(d) If the board grants the petition, the board shall file
for recording in the office of the county clerk of Harris County:
(1) a copy of the order; and
(2) a description of the authority's boundaries as
they exist after the inclusion of the territory.

(e) The order including the territory is effective
immediately after the order and description are recorded.

(f) Except as provided by Subsection (g), a district that
petitions to be included in the authority's territory is subject to
the fees and reimbursements that are in effect at the time of the
district's petition and are applicable to such a petitioner.

(g) The authority may not require a district that petitioned
before January 1, 2002, to be included in the authority's territory
to pay a fee to the authority for admission or reimbursement for
activities the authority has undertaken since the authority's
creation in the furtherance of the authority's duties and
functions. (Acts 76th Leg., R.S., Ch. 1029, Sec. 1.045.)

Source Law
Sec. 1.045. (a) The board of directors of a
district organized under Section 52, Article III, or
Section 59, Article XVI, Texas Constitution, all or
part of which is not included within the boundaries of
the authority under Section 1.03 of this Act, may
request by petition the inclusion of its territory in
the authority's territory. The petition must:
(1) be filed with the authority; and
(2) include an accurate legal description
of the boundaries of the territory to be included.
(b) If the authority has bonds, notes, or other
obligations outstanding, the board shall require the
petitioning district to assume its share of the
outstanding bonds, notes, or other obligations.
(c) Before the 61st day after the date the
authority receives the petition, the board shall hold
a hearing to consider the petition. The board may
grant the petition and order the territory described
in the petition included in the authority's territory
if:
(1) it is feasible, practicable, and to
the advantage of the authority; and
(2) the authority's system and other
improvements of the authority are sufficient or will
be sufficient to supply the added territory without
injuring the territory already included in the
authority.
If the board grants the petition, the board shall file for recording in the office of the county clerk of Harris County:

(1) a copy of the order; and
(2) a description of the authority's boundaries as they exist after the inclusion of the territory.

The order including the territory is effective immediately after the order and description are recorded.

A district that petitions before January 1, 2002, for inclusion within the territory of the authority shall not be required to pay any fee to the authority for admission or reimbursement for activities the authority has undertaken since its creation in the furtherance of its duties and functions. A district that petitions for inclusion within the territory of the authority on or after January 1, 2002, shall be subject to such fees and reimbursements as are in effect at the time of such petition and are applicable to such petitioners.

Revisor's Note

Section 1.045(a), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, provides that the board of directors of a district, all or part of which is not included in the authority "under Section 1.03 of this Act," may request that the district be included in the authority's territory. The revised law omits the quoted language because the reference to the description of the authority's boundaries does not act as a limitation on the authority of a district's board to request that a district be included in the authority's territory.

SUBCHAPTER C. AUTHORITY ADMINISTRATION

Revised Law

Sec. 8888.101. COMPOSITION OF BOARD. The authority is governed by a board of five elected directors. (Acts 76th Leg., R.S., Ch. 1029, Secs. 2.01(a), 2.02(a) (part).)

Source Law

Sec. 2.01. (a) The authority is governed by a board of five directors.

Sec. 2.02. (a) One director shall be elected [from each of five single-member voting districts] . . . .

Revised Law

Sec. 8888.102. ELECTION OF DIRECTORS. (a) One director is
(b) A person shall indicate on the application for a place on the ballot the voting district the person seeks to represent.

(c) In the manner described by Section 49.103(d), Water Code, the board shall redraw the single-member voting districts as soon as practicable after each federal decennial census and as otherwise required by law.

(d) At the first election after each time the voting districts are redrawn:

(1) five new directors shall be elected to represent the single-member voting districts; and

(2) the directors elected shall draw lots to determine the directors' terms so that:

(A) two directors serve two-year terms; and

(B) three directors serve four-year terms.

(e) Subchapter C, Chapter 146, Election Code, applies to the consideration of votes for a write-in candidate for director as if the authority were a municipality. (Acts 76th Leg., R.S., Ch. 1029, Sec. 2.02.)
municipality.

Revisor's Note

(1) Section 2.02(a), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, refers to an election by the "qualified voters" of each voting district. The revised law omits "qualified" as unnecessary in this context because Chapter 11, Election Code, governs eligibility to vote in an election in this state and allows only "qualified" voters who are residents of the territory covered by the election to vote in an election.

(2) Section 2.02(e), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, refers to the "initial permanent director or permanent" director. The revised law omits as executed the reference to an initial permanent director. The revised law omits "permanent" as unnecessary because, as used in the revised law, "director" refers to a permanent director.

Revised Law

Sec. 8888.103. ELECTION DATE. The authority shall hold an election to elect the appropriate number of directors to the board on a uniform election date in each even-numbered year. (Acts 76th Leg., R.S., Ch. 1029, Sec. 2.06.)

Source Law

Sec. 2.06. On the first uniform election date of the calendar year in each subsequent even-numbered year, the appropriate number of directors shall be elected to the board.

Revisor's Note

Section 2.06, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, requires director elections to be held on the "first" uniform election date. The revised law omits the quoted language to acknowledge that other legislative enactments such as Section 41.0052, Election Code, as amended by Chapter...
1318, Acts of the 82nd Legislature, Regular Session, 2011, could result in the election being held on a date other than the first uniform election date.

Revised Law
Sec. 8888.104. QUALIFICATION FOR OFFICE. To be eligible to serve as a director, a person must be a qualified voter in the voting district from which the person is elected or appointed. (Acts 76th Leg., R.S., Ch. 1029, Sec. 2.01(c).)

Source Law
(c) To be eligible to serve as director, a person must be a qualified voter in the voting district from which the person is elected or appointed.

Revised Law
Sec. 8888.105. BOARD VACANCY. (a) The board shall appoint a person to fill a vacancy in the office of director. (b) The appointed person serves until the next directors' election. (c) If the position is not scheduled to be filled at the election, the person elected to fill the position serves only for the remainder of the unexpired term. (Acts 76th Leg., R.S., Ch. 1029, Sec. 2.01(b).)

Source Law
(b) The board shall appoint a person to fill a vacancy in the office of director until the next election for directors. If the position is not scheduled to be filled at the election, the person elected to fill the position serves only for the remainder of the unexpired term.

Revised Law
Sec. 8888.106. MEETINGS. The board shall meet at least four times each year and may meet at any other time the board considers appropriate. (Acts 76th Leg., R.S., Ch. 1029, Sec. 3.01.)

Source Law
Sec. 3.01. The board shall meet at least four times each year and may meet at any other time the board considers appropriate.

Revised Law
Sec. 8888.107. GENERAL MANAGER. (a) The board shall employ
a general manager to serve as the chief administrative officer of
the authority. The board may delegate to the general manager the
full authority to manage and operate the affairs of the authority
subject only to the orders of the board.

(b) The duties of the general manager include:

(1) administering board orders;
(2) coordinating with state, federal, and local
agencies;
(3) overseeing development of authority plans and
programs; and
(4) performing other duties assigned by the board.

(c) The board shall determine the terms of office and
employment and the compensation of the general manager.

(d) The board may discharge the general manager by a
majority vote of the board. (Acts 76th Leg., R.S., Ch. 1029, Sec.
3.02.)

Source Law

Sec. 3.02. (a) The board shall employ a general
manager as the chief administrative officer of the
authority. The board may delegate to the general
manager full authority to manage and operate the
affairs of the authority subject only to the orders of
the board.

(b) The duties of the general manager include:

(1) the administration of the orders of
the board;
(2) coordination with state, federal, and
local agencies;
(3) the oversight of development of
authority plans and programs; and
(4) other duties assigned by the board.

(c) The board shall determine the terms of
office and employment and the compensation to be paid
the general manager. The general manager may be
discharged by majority vote of the board.

Revised Law

Sec. 8888.108. EMPLOYEES. (a) The general manager shall
employ all persons necessary to properly handle authority business
and operations. The general manager may employ attorneys,
bookkeepers, engineers, and other expert and specialized employees
the board considers necessary.

(b) The general manager shall determine the compensation to
be paid by the authority.

(c) The general manager may discharge an authority employee. (Acts 76th Leg., R.S., Ch. 1029, Secs. 3.03(a), (b).)

Source Law

Sec. 3.03. (a) The general manager of the authority shall employ all persons necessary for the proper handling of the business and operations of the authority and may employ attorneys, bookkeepers, engineers, and other expert and specialized personnel the board considers necessary. The general manager shall determine compensation to be paid by the authority.

(b) The general manager may discharge employees of the authority.

Revised Law

Sec. 8888.109. FIDELITY BOND. The general manager and each authority employee or contractor who is charged with the collection, custody, or payment of any authority money shall execute a fidelity bond in an amount determined by the board and in a form and with a surety approved by the board. The authority shall pay for the bond. (Acts 76th Leg., R.S., Ch. 1029, Sec. 3.03(c).)

Source Law

(c) The general manager of the authority and each employee or contractor of the authority who is charged with the collection, custody, or payment of any money of the authority shall execute a fidelity bond in an amount determined by the board and in a form and with a surety approved by the board. The authority shall pay for the bond.

Revisor's Note

(End of Subchapter)

Section 2.03, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, provides that directors serve staggered four-year terms. The revised law omits that provision because it duplicates in substance Section 49.103(a), Water Code. Throughout this chapter, the revised law omits law that is superseded by Chapter 49, Water Code, or that duplicates law contained in that chapter. Chapter 49, Water Code, applies to the authority under Sections 49.001 and 49.002 of that code. The omitted law reads:

Sec. 2.03. Directors serve staggered
Sec. 8888.151. GENERAL POWERS AND DUTIES. (a) The authority has the rights, powers, privileges, functions, and duties necessary and convenient to accomplish the purposes of this chapter, including those provided by Chapter 49, Water Code.

(b) The authority shall exercise its rights, powers, and privileges in a manner that will promote regionalization of water treatment and distribution. (Acts 76th Leg., R.S., Ch. 1029, Secs. 4.01(a), (d).)

Sec. 4.01. (a) The authority has all of the rights, powers, privileges, authority, functions, and duties necessary and convenient to accomplish the purposes of this Act, including those provided by Chapter 49, Water Code.

(d) The authority shall exercise its rights, powers, privileges, and authority in a manner that will promote regionalization of water treatment and distribution.

Revisor's Note
Sections 4.01(a) and (d), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, refer to "rights, powers, privileges, [and] authority" of the authority. The revised law omits "authority" because, in context, "authority" is included in the meaning of "rights, powers, [and] privileges."

Sec. 8888.152. ADDITIONAL POWERS. The authority may:

(1) provide for the conservation, preservation, protection, recharge, and prevention of waste of groundwater in a manner consistent with the purposes of Section 59, Article XVI, Texas Constitution;

(2) for the purposes of reducing groundwater withdrawals and subsidence, acquire or develop surface water and groundwater supplies from sources inside or outside the authority and may conserve, store, transport, treat, purify, distribute,
sell, and deliver water to persons inside and outside the
authority;

(3) coordinate water services provided inside, outside, or into the authority;

(4) provide for the reduction of groundwater withdrawals by the development, implementation, or enforcement of a groundwater reduction plan as provided by Section 8888.157;

(5) identify sources of water other than groundwater to be provided by the authority;

(6) specify the rates and terms under which sources of water other than groundwater will be provided by the authority, which may be changed as considered necessary by the authority;

(7) specify the dates and extent to which each person in the authority shall accept water from the authority; and

(8) administer and enforce this chapter. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.01(b) (part).)

Source Law

(b) The authority may:

(1) provide for the conservation, preservation, protection, recharge, and prevention of waste of groundwater in a manner consistent with the purposes of Section 59, Article XVI, Texas Constitution;

(2) for the purposes of reducing groundwater withdrawals and subsidence, acquire or develop surface water and groundwater supplies from sources inside of or outside of the boundaries of the authority and may conserve, store, transport, treat, purify, distribute, sell, and deliver water to persons, corporations, municipal corporations, political subdivisions of the state, and others, inside of and outside of the boundaries of the authority;

(4) coordinate water services provided inside of, outside of, or into the authority;

(5) provide for the reduction of groundwater withdrawals by the development, implementation, or enforcement of a groundwater reduction plan as provided in Subsection (e) of this section;

(6) identify sources of water other than groundwater to be provided by the authority;

(7) specify the rates, terms, and conditions under which sources of water other than groundwater will be provided by the authority, which may be changed from time to time as deemed necessary by the authority;

(8) specify the dates and extent to which each person or district within the authority's
boundaries shall accept water from the authority; and
(9) administer and enforce the provisions of the Act.

Revisor's Note

(1) Section 4.01(b)(2), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, refers to the power of the authority to conserve, store, transport, treat, purify, distribute, sell, and deliver water to "persons, corporations, municipal corporations, political subdivisions of the state, and others." Section 4.01(b)(8) refers to the power of the authority to specify the dates and extent to which each "person or district" in the authority shall accept water from the authority. Throughout this chapter, the revised law substitutes "person" for the quoted language or similar language because under Section 311.005(2), Government Code (Code Construction Act), "person" is defined to include any legal entity.

(2) Section 4.01(b)(7), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, provides that the authority may specify the rates, "terms, and conditions" under which sources of water other than groundwater will be provided by the authority. The revised law omits "conditions" because "conditions" is included in the meaning of "terms."

(3) Section 4.01(b)(7), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, provides that the authority may change "from time to time" the rates and terms under which sources of water other than groundwater are provided. The revised law omits the reference to "from time to time" because the power to take an action implies the power to do so at any time.

Revised Law
Sec. 8888.153. AUTHORITY RULES. (a) The authority shall adopt and enforce rules reasonably required to implement this
chapter, including rules governing procedures before the board.

(b) The board shall compile the authority's rules in a book
and make the rules available for use and inspection at the
authority's principal office. (Acts 76th Leg., R.S., Ch. 1029, Sec.
4.02.)

Source Law

Sec. 4.02. (a) The authority shall adopt and
enforce rules reasonably required to implement this
Act, including rules governing procedures before the
board.

(b) The board shall compile its rules in a book
and make them available for use and inspection at the
authority's principal office.

Revised Law

Sec. 8888.154. FEES, RATES, AND CHARGES. As necessary to
enable the authority to fulfill the authority's purposes and
regulatory obligations provided by this chapter, the authority may
establish:

(1) fees, rates, and charges; and

(2) classifications of fee and rate payers. (Acts 76th
Leg., R.S., Ch. 1029, Sec. 4.03(a).)

Source Law

Sec. 4.03. (a) The authority may establish
fees, rates, and charges, and classifications of fee
and rate payers, as necessary to enable the authority
to fulfill the authority's purposes and regulatory
obligations provided by this Act.

Revised Law

Sec. 8888.155. FEE AMOUNTS. Fees established by the board
must be sufficient to:

(1) achieve water conservation;

(2) prevent waste of water;

(3) serve as a disincentive to pumping groundwater;

(4) accomplish the purposes of this chapter, including
making available alternative water supplies;

(5) enable the authority to meet operation and
maintenance expenses; and

(6) pay the principal of and interest on debt issued in
connection with the exercise of the authority's general powers and
duties. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.03(c).)

Source Law

(c) Fees the board establishes must be sufficient to:
(1) achieve water conservation, prevent waste of water, serve as a disincentive to pumping groundwater, and accomplish the purposes of this Act, including making available alternative water supplies; and
(2) enable the authority to meet operation and maintenance expenses and pay the principal of and interest on debt issued in connection with the exercise of the authority's general powers and duties.

Revised Law

Sec. 8888.156. PRODUCTION FEES. (a) The authority may charge the owner of a well located in the authority a fee on the amount of water pumped from the well. The board shall establish the rate of a fee under this subsection only after a special meeting on the fee.

(b) The board by rule shall exempt from the fee established under Subsection (a) each class of wells that is not subject to a groundwater reduction requirement imposed by the subsidence district. If an exempted class of wells becomes subject to a groundwater reduction requirement imposed by the subsidence district, the authority may charge the fee established under Subsection (a) on the wells of that class. The board by rule may exempt any other class of wells from the fee established under Subsection (a).

(c) Notwithstanding any other law, the authority may charge a fee established under Subsection (a) on a well or class of wells located in the authority that, on or after June 30, 2013:
(1) ceases to be subject to a groundwater reduction requirement imposed by the subsidence district; or
(2) is no longer subject to the regulatory provisions, permitting requirements, or jurisdiction of the subsidence district.

(d) The board may not apply the fee established under Subsection (a) to a well:
(1) with a casing diameter of less than five inches.
that serves a single-family dwelling;

(2) regulated under Chapter 27, Water Code;

(3) used for irrigation of agricultural crops; or

(4) used solely for electric generation. (Acts 76th Leg., R.S., Ch. 1029, Secs. 4.03(b), (e).)

Source Law

(b) The authority may charge against the owner of a well located in the authority's boundaries a fee on the amount of water pumped from the well. The board shall establish the rate of a fee under this subsection only after a special meeting on the fee. The board shall by rule exempt from the fee under this subsection those classes of wells that are not subject to groundwater reduction requirements imposed by the subsidence district, except that if any of those classes of wells become subject at a future date to a groundwater reduction requirement imposed by the subsidence district, then the authority may after that date charge the fee under this subsection to those affected classes of wells. The board by rule may exempt any other classes of wells from the fee under this subsection. The board may not apply the fee to a well:

(1) with a casing diameter of less than five inches that serves a single-family dwelling;

(2) regulated under Chapter 27, Water Code;

(3) used for irrigation of agricultural crops; or

(4) used solely for electric generation.

(e) Notwithstanding any other law, the authority may impose a charge under Subsection (b) on a well or class of wells located within the boundaries of the authority that, on or after June 30, 2013:

(1) ceases to be subject to a groundwater reduction requirement imposed by the subsidence district; or

(2) is no longer subject to the regulatory provisions, permitting requirements, or jurisdiction of the subsidence district.

Revised Law

Sec. 8888.157. GROUNDWATER REDUCTION PLAN. (a) The authority may develop, implement, participate in, and enforce a groundwater reduction plan. The groundwater reduction plan is binding on persons and wells in the authority.

(b) The groundwater reduction plan may be amended at the discretion of the authority subject to the requirements and procedures of the subsidence district applicable to the amendment of groundwater reduction plans.

(c) The groundwater reduction plan may exceed the minimum
requirements imposed by the subsidence district, including any
applicable groundwater reduction requirements.

(d) The authority may contract on mutually agreeable terms
with a person located outside the authority to allow the person to
be included in the groundwater reduction plan. A contract entered
into under this subsection has the same force and effect as if the
person were located in the authority, except that the person is not
entitled to vote in an election for members of the board. (Acts 76th
Leg., R.S., Ch. 1029, Secs. 4.01(e), (f), (g), (h).)

Source Law

(e) The authority may develop, implement,
participate in, and enforce a groundwater reduction
plan. A groundwater reduction plan developed,
implemented, participated in, or enforced by the
authority shall be binding on persons, districts,
entities, and wells within the authority's boundaries.

(f) The authority may contract on such terms as
are mutually agreeable with any person or district
located outside the authority to allow the person or
district to be included in the authority's groundwater
reduction plan. Such contracts shall have the same
force and effect as if the person or district were
located within the authority, except that the person
or district shall not have the right to vote in
elections for members of the board of the authority.

(g) The plan authorized by Subsection (e) of
this section may be amended from time to time at the
discretion of the authority subject to the
requirements and procedures of the subsidence district
applicable to the amendment of groundwater reduction
plans.

(h) The groundwater reduction plan developed by
the authority may exceed the minimum requirements
imposed by the subsidence district, including without
limitation any applicable groundwater reduction
requirements.

Revisor's Note

(1) Section 4.01(g), Chapter 1029, Acts of the
76th Legislature, Regular Session, 1999, provides that
the authority may amend the groundwater reduction plan
"from time to time." The revised law omits the quoted
language for the reasons stated in Revisor's Note (3)
to Section 8888.152.

(2) Section 4.01(h), Chapter 1029, Acts of the
76th Legislature, Regular Session, 1999, provides that
the groundwater reduction plan may exceed minimum
requirements imposed by the subsidence district, "including without limitation any applicable groundwater reduction requirements." The revised law omits "without limitation" because Section 311.005(13), Government Code (Code Construction Act), provides that "includes" and "including" are terms of enlargement and not of limitation and do not create a presumption that components not expressed are excluded.

Revised Law

Sec. 8888.158. WATER SUPPLY AND DROUGHT CONTINGENCY PLANS. As needed but not less frequently than every five years, the authority by rule shall develop, prepare, revise, and adopt comprehensive water supply and drought contingency plans for various areas of the authority. The plans must:

(1) be consistent with regional planning; and
(2) include 10-year, 20-year, and 50-year projections of water needs in the authority. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.05.)

Source Law

Sec. 4.05. The authority by rule shall, as needed but not less frequently than every five years, develop, prepare, revise, and adopt comprehensive water supply and drought contingency plans for various areas of the authority. The plans:

(1) must be consistent with regional planning; and
(2) must include 10-year, 20-year, and 50-year projections of water needs within the authority.

Revised Law

Sec. 8888.159. ACQUISITION, CONSTRUCTION, AND OPERATION OF SYSTEMS. (a) The authority may:

(1) by purchase, gift, lease, contract, or any other legal means, acquire and provide a water treatment or supply system, or any other work, plant, improvement, or facility necessary or convenient to accomplish the purposes of the authority, or any interest in those assets, inside or outside the
authority;

(2) design, finance, or construct a water treatment or supply system, or other supply system, or any other work, plant, improvement, or facility necessary or convenient to accomplish the purposes of the authority, and provide water services inside or outside the authority;

(3) maintain, operate, lease, or sell a water treatment or supply system, or any other work, plant, improvement, or facility necessary or convenient to accomplish the purposes of the authority, that the authority constructs or acquires inside or outside the authority; or

(4) contract with a person who owns a water treatment or supply system to operate or maintain the system.

(b) The authority shall give a person outside the authority, including the City of Houston, the option to contract for available excess capacity of the authority's water treatment or supply system or, before construction of a water treatment or supply system begins, for additional capacity of the system. The authority must offer a contract that would enable the person to pay for the excess or additional capacity in accordance with the person's pro rata share of the capital investment and operational and maintenance costs for providing the excess or additional capacity. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.06.)

Source Law
Sec. 4.06. (a) The authority may:

(1) acquire and provide by purchase, gift, lease, contract, or any other legal means, a water treatment or supply system, or any other works, plants, improvements, or facilities necessary or convenient to accomplish the purposes of the authority, or any interest in those assets, inside of or outside of the authority's boundaries;

(2) design, finance, or construct a water treatment or supply system, or any other supply systems, or any other works, plants, improvements, or facilities necessary or convenient to accomplish the purposes of the authority, and provide water services inside of or outside of the authority's boundaries;

(3) maintain, operate, lease, or sell a water treatment or supply system, or any other works, plants, improvements, or facilities necessary or convenient to accomplish the purposes of the authority, that the authority constructs or acquires
inside of or outside of the authority's boundaries; and
(4) contract with any person to operate or
maintain a water treatment or supply system the person
owns.
(b) The authority shall give persons outside the
authority's boundaries, including the city of Houston,
the option to contract for available excess capacity
of the authority's water treatment or supply system or,
before construction of a water treatment or supply
system begins, for additional capacity of the system.
The authority must offer a contract that would enable
the person to pay for the excess capacity or additional
capacity in accordance with the person's pro rata share
of the capital investment and operational and
maintenance costs for providing the excess capacity or
additional capacity.

Revised Law
Sec. 8888.160. STORAGE, SALE, OR REUSE OF WATER OR
BY-PRODUCT. The authority may store, sell, or reuse:
(1) water; or
(2) any by-product from the authority's operations.
(Acts 76th Leg., R.S., Ch. 1029, Sec. 4.07.)

Source Law
Sec. 4.07. The authority may store, sell, or
reuse:
(1) water; or
(2) any by-product from the authority's
operations.

Revised Law
Sec. 8888.161. GENERAL CONTRACTING AUTHORITY. (a) The
authority may enter into a contract with any person on terms the
board considers desirable, fair, and advantageous for the
performance of its rights and powers under this chapter.
(b) The authority may enter into a contract with any person
regarding the performance of any purpose or function of the
authority, including a contract to jointly construct, finance, own,
or operate works, improvements, facilities, plants, equipment, or
appliances necessary to accomplish a purpose or function of the
authority. A contract may be of unlimited duration.
(c) Notwithstanding any inconsistent provision of general
law or of a home-rule municipal charter or ordinance, the authority
and a municipality may, after January 1, 2002, enter into a contract
of unlimited duration. (Acts 76th Leg., R.S., Ch. 1029, Secs.
4.01(b) (part), 4.09(a), 4.10(d); Acts 78th Leg., R.S., Ch. 381,
Sec. 6.)

**Source Law**

[Acts 76th Leg., R.S., Ch. 1029]
[Sec. 4.01]
(b) [The authority may:]

(3) enter into contracts with persons, including political subdivisions of the state, on terms and conditions the board considers desirable, fair, and advantageous for the performance of its rights, powers, and authority under this Act;

Sec. 4.09. (a) The authority may enter into a contract with any person or legal entity regarding the performance of any purpose or function of the authority, including a contract to jointly construct, finance, own, or operate works, improvements, facilities, plants, equipment, or appliances necessary to accomplish a purpose or function of the authority. A contract may be of unlimited duration.

[Sec. 4.10]
(d) Notwithstanding any inconsistent provision of general law or of a home-rule municipal charter or ordinance, the authority and a municipality may enter into a contract of unlimited duration.

[Acts 78th Leg., R.S., Ch. 381]
Sec. 6. The change in law made by Subsection (d), Section 4.10, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, as added by this Act, applies only to a contract between the North Harris County Regional Water Authority and a municipality that was entered into after January 1, 2002.

**Revisor's Note**

(1) Section 4.01(b)(3), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, refers to the "terms and conditions" of contracts. The revised law omits "conditions" for the reason stated in Revisor's Note (2) to Section 8888.152.

(2) Section 4.01(b)(3), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, refers to "rights, powers, and authority." The revised law omits "authority" in this context for the reason stated in the revisor's note to Section 8888.151.

**Revised Law**

Sec. 8888.162. SPECIFIC CONTRACTING AUTHORITY. The authority may contract for:
(1) the purchase or sale of water or water rights;
(2) the performance of activities within the powers of
the authority to promote the continuing and orderly development of
land and property in the authority through the purchase,
construction, or installation of works, improvements, facilities,
plants, equipment, or appliances so that, to the greatest extent
possible considering sound engineering practices and economic
feasibility, all the land and property in the authority may receive
services of the works, improvements, facilities, plants,
equipment, or appliances of the authority; or

(3) the construction, ownership, maintenance, or
operation of any works, improvements, facilities, plants,
equipment, or appliances of the authority or another person. (Acts
76th Leg., R.S., Ch. 1029, Sec. 4.09(c).)

Source Law

(c) The authority may contract for:
(1) the purchase or sale of water or water
rights;
(2) the performance of activities within
the powers of the authority to promote the continuing
and orderly development of land and property in the
authority through the purchase, construction, or
installation of works, improvements, facilities,
plants, equipment, or appliances so that, to the
greatest extent possible, considering sound
engineering practices and economic feasibility, all
the land and property in the authority may receive
services of the works, improvements, facilities,
plants, equipment, or appliances of the authority; or
(3) the construction, ownership,
maintenance, or operation of any works, improvements,
facilities, plants, equipment, or appliances of the
authority or another person or legal entity.

Revised Law

Sec. 8888.163. PURCHASE OF SURPLUS PROPERTY. (a) The
authority may purchase surplus property from this state, the United
States, or another public entity through a negotiated contract
without bids.

(b) An officer, agent, or employee of the authority who is
financially interested in a contract described by Subsection (a)
shall disclose the interest to the board before the board votes on
the acceptance of the contract. (Acts 76th Leg., R.S., Ch. 1029,
Secs. 4.09(d), (e).

**Source Law**

(d) The authority may purchase surplus property from this state, the United States, or another public entity through a negotiated contract without bids.

(e) An officer, agent, or employee of the authority who is financially interested in the contract of the type described by Subsection (d) of this section shall disclose the interest to the board before the board votes on the acceptance of the contract.

**Revised Law**

Sec. 8888.164. PURCHASE OF INTEREST IN PROJECT. The authority may purchase an interest in a project used for a purpose or function of the authority. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.09(b).)

**Source Law**

(b) The authority may purchase an interest in a project used for a purpose or function of the authority.

**Revised Law**

Sec. 8888.165. COOPERATION WITH PUBLIC ENTITIES. (a) In implementing this chapter, the board may cooperate with and request the assistance of the Texas Water Development Board, the commission, the United States Geological Survey, the subsidence district, other local governments, and other agencies of the United States and this state.

(b) The subsidence district may:

(1) enter into an interlocal contract with the authority to carry out the authority's purposes; and

(2) carry out the governmental functions and services specified in the interlocal contract.

(c) The board shall coordinate with the City of Houston to develop an interregional plan for a system to distribute treated surface water in an economical and efficient manner. (Acts 76th Leg., R.S., Ch. 1029, Secs. 4.10(a), (b), (c).)

**Source Law**

Sec. 4.10. (a) In implementing this Act, the board may cooperate with and request the assistance of the Texas Water Development Board, the commission, the
United States Geological Survey, the subsidence district, other local governments, and other agencies of the United States and this state.

(b) The subsidence district may enter into an interlocal contract with the authority to carry out the authority's purposes and may carry out the governmental functions and services specified in the interlocal contract.

(c) The board shall coordinate with the city of Houston to develop an interregional plan for a system to distribute treated surface water in an economical and efficient manner.

Revised Law

Sec. 8888.166. SURFACE WATER DELIVERY SYSTEM. (a) In this section, "surface water delivery system":

(1) includes a facility that is to be constructed and that will be:

(A) used to transport groundwater between utility districts;

(B) used temporarily to transport groundwater between utility districts if there is a reasonable probability that the facility will be used for that purpose on a permanent basis in the future; or

(C) necessary to accomplish an authority purpose, including management of water, water conservation, or water reuse; and

(2) does not include the use of the bed and banks to transport water or wastewater.

(b) The authority may expedite the financing and construction of a surface water delivery system, or other projects of the authority, to accomplish a conversion from reliance on groundwater to reliance on surface water not later than the earlier of:

(1) the date required by the subsidence district; or

(2) the date determined by the board to be in the interest of the authority or one or more districts inside or outside the authority.

(c) It is the intent of the legislature that the commission cooperate with and assist the authority in developing a surface water delivery system or other authority project in an expedited manner.
manner as provided by Subsection (b).

(d) The commission and the authority may enter into a memorandum of understanding that relates to the construction of a surface water delivery system. The memorandum of understanding may:

(1) establish standard procedures for the commission to grant conditional or final approval of authority construction projects;

(2) establish standing waivers or conditions applicable to those construction projects;

(3) delegate powers to the authority to carry out any commission duty relating to an activity that the authority may undertake if the delegation:

   (A) does not violate federal law; and
   (B) is not inconsistent with any agreement of this state with, or any delegation of authority to this state from, the United States Environmental Protection Agency;

(4) set minimum standards for construction or other projects; or

(5) address any other matter that relates to an activity that the authority may undertake and that the commission may regulate. (Acts 76th Leg., R.S., Ch. 1029, Secs. 4.10(e), (f), (g) (part), (j).)

(e) The authority may expedite the financing and construction of a surface water delivery system, or other projects of the authority to accomplish a conversion from reliance on groundwater to reliance on surface water not later than the earlier of:

   (1) the date required by the subsidence district; or
   (2) the date determined by the board to be in the interest of the authority or one or more districts inside or outside the authority.

(f)(1) In this section, "surface water delivery system" includes a facility that is to be constructed and that will be:

   (A) used to transport groundwater between utility districts;
   (B) used temporarily to transport groundwater between utility districts if there is a reasonable probability that the facility will be used for that purpose on a permanent basis in the future; or
(C) necessary to accomplish an authority purpose, including management of water, water conservation, or water reuse.

(2) For purposes of Subsections (e)-(k), "surface water delivery system" does not include the use of the bed and banks to transport water or wastewater.

(g) It is the intent of the legislature that the commission cooperate with and assist the authority in developing a surface water delivery system or other authority project in an expedited manner as provided by Subsection (e). . . .

(j) The commission and the authority may enter into a memorandum of understanding that relates to the construction of a surface water delivery system. The memorandum of understanding may:

(1) establish standard procedures for the commission to grant conditional or final approval of authority construction projects;

(2) establish standing waivers or conditions applicable to those construction projects;

(3) if the delegation does not violate federal law and is not inconsistent with any agreement of this state with, or any delegation of authority to this state from, the United States Environmental Protection Agency, delegate powers to the authority to carry out any commission duty relating to an activity that the authority may undertake;

(4) set minimum standards for construction or other projects; or

(5) address any other matter that relates to an activity that the authority may undertake and that the commission may regulate.

Sec. 8888.167. CONDITIONAL APPROVAL OF CONSTRUCTION PROJECTS. (a) The commission may grant conditional approval of a construction project or waive a requirement of any law or commission rule with respect to a construction project if the conditional approval or waiver does not compromise public health or safety.

(b) If the commission grants conditional approval of or a waiver for a construction project, the authority shall make any subsequent changes required by the commission in the construction project necessary to protect the public health or safety.

(c) The commission may not require that the authority enter into a contract with another person as a condition for approving an authority construction project. The authority may meet the authority's obligations under commission rules that require certain issues to be addressed by contract by adopting rules that address the commission issues and that allocate responsibility as
necessary between the authority and a person in the authority.

(Acts 76th Leg., R.S., Ch. 1029, Secs. 4.10(g) (part), (h), (i).)

Source Law

(g) ... The commission may grant conditional
approval of a construction project or waive a
requirement of any law or commission rule with respect
to a construction project, if the conditional approval
or waiver does not compromise public health or safety.
(h) If the commission grants conditional
approval of or a waiver for a construction project, the
authority shall make any subsequent changes in the
construction project necessary to protect the public
health or safety that the commission requires.
(i) The commission may not require as a
condition for approving an authority construction
project that the authority enter into a contract with
another person. The authority may meet its
obligations under commission rules that require that
certain issues be addressed by contract by adopting
rules that address those issues and that allocate
responsibility as necessary between the authority and
a district or person within the boundaries of the
authority.

Revised Law

Sec. 8888.168. STATEMENT OF AMOUNTS OF WATER TO BE
DELIVERED. To comply with commission rules that would require the
authority to state specific amounts of water that may or will be
provided to another entity receiving water from the authority, the
authority may state the amount in ranges that the authority may
change on prompt notification to the commission. (Acts 76th Leg.,
R.S., Ch. 1029, Sec. 4.10(k).)

Source Law

(k) To comply with commission rules that would
require the authority to state specific amounts of
water that may or will be provided to another entity
receiving water from the authority, the authority may
state the amount in ranges that the authority may
change on prompt notification to the commission.

Revised Law

Sec. 8888.169. EFFECT OF MUNICIPAL ANNEXATION ON FEES AND
SERVICES. (a) Except to the extent the authority agrees in
writing, a municipality's annexation of territory that is in the
authority does not affect the authority's ability to assess and
collect inside the annexed territory the types of fees, rates,
charges, or special assessments that the authority was assessing
and collecting at the time the municipality initiated the
annexation.

(b) The authority's ability to assess and collect the types of fees, rates, charges, or special assessments described by Subsection (a) terminates on the later of:

(1) the date of final payment or defeasance of any bonds or other indebtedness, including any refunding bonds, that are secured by those fees, rates, charges, or special assessments; or

(2) the date that the authority no longer provides services inside the annexed territory.

(c) The authority shall continue to provide services to the annexed territory in accordance with contracts in effect at the time of the annexation unless a written agreement between the board and the governing body of the municipality provides otherwise.

Source Law

(d) Except to the extent the authority agrees in writing, a municipality's annexation of territory within the authority has no effect on the authority’s ability to assess and collect inside the territory annexed by the municipality the types of fees, rates, charges, or special assessments that the authority was assessing and collecting at the time the municipality initiated the annexation; provided, however, that the authority's ability to assess and collect such fees, rates, charges, or special assessments shall terminate on the later to occur of (i) the date of final payment or defeasance of any bonds or other indebtedness, including any refunding bonds, that are secured by such fees, rates, charges, or special assessments, or (ii) the date that the authority no longer provides services inside the annexed territory. The authority shall continue to provide services to the annexed territory in accordance with contracts in effect at the time of the annexation unless a written agreement between the board and the governing body of the municipality provides otherwise.

Revised Law

Sec. 8888.170. CIVIL PENALTY; CIVIL ACTION; INJUNCTION.

(a) A person who violates a rule or order of the authority is subject to a civil penalty of not less than $50 and not more than $5,000 for each violation or each day of a continuing violation.

(b) The authority may bring an action to recover the penalty in a district court in the county where the violation occurred. The
penalty shall be paid to the authority.

(c) The authority may bring an action for injunctive relief in a district court in the county where a violation of an authority rule or order occurs or is threatened to occur. The court may grant to the authority, without bond or other undertaking, a prohibitory or mandatory injunction that the facts warrant, including a temporary restraining order, temporary injunction, or permanent injunction.

(d) The authority may bring an action for a civil penalty and injunctive relief in the same proceeding.

(e) The authority may bring an action in a district court against a person located in the authority or included in the authority's groundwater reduction plan to:

(1) recover any fees, rates, charges, assessments, collection expenses, attorney's fees, interest, penalties, or administrative penalties due the authority; or

(2) enforce the authority's rules or orders.

(f) Governmental immunity from suit or liability of a district or other political subdivision is waived for the purposes of an action described by Subsection (e). (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.04.)

Source Law

Sec. 4.04. (a) A person who violates a rule or order of the authority is subject to a civil penalty of not less than $50 and not more than $5,000 for each violation or each day of a continuing violation.

(b) The authority may bring an action to recover the penalty in a district court in the county where the violation occurred. The penalty shall be paid to the authority.

(b-1) The authority may bring an action in a district court against a district, other political subdivision, or other person located in the authority's territory or included in the authority's groundwater reduction plan to:

(1) recover any fees, rates, charges, assessments, collection expenses, attorney's fees, interest, penalties, or administrative penalties due the authority; or

(2) enforce the authority's rules or orders.

(c) The authority may bring an action for injunctive relief in a district court in the county where a violation of an authority rule or order occurs or is threatened to occur. The court may grant to the
authority, without bond or other undertaking, a prohibitory or mandatory injunction that the facts warrant, including a temporary restraining order, temporary injunction, or permanent injunction.

(d) The authority may bring an action for a civil penalty and injunctive relief in the same proceeding.

(e) Governmental immunity from suit or liability of a district or other political subdivision is waived for the purposes of an action described by Subsection (b-1) of this section.

Revised Law

Sec. 8888.171. EMINENT DOMAIN. (a) The authority may exercise the power of eminent domain in the authority to acquire property of any kind to further the authorized purposes of the authority.

(b) The authority may exercise the power of eminent domain outside the authority to acquire any land, easements, or other property for the purpose of pumping, treating, storing, or transporting water.

(c) The authority may not exercise the power of eminent domain under Subsection (b):

(1) for the condemnation of land for the purpose of acquiring groundwater rights, water, or water rights; or

(2) to acquire property of any kind that is:

(A) owned by a municipality with a population of 1.6 million or more or any instrumentality of a municipality with a population of 1.6 million or more, including any local government corporation created by the municipality; or

(B) located in the corporate boundaries of a municipality with a population of 1.6 million or more as of February 1, 2001.

(d) Notwithstanding Subsection (c)(2)(B), the authority may exercise the power of eminent domain under Subsection (b) to acquire property in the corporate boundaries of a municipality with a population of 1.6 million or more if:

(1) the condemnation is to be used to provide facilities between two points that are in the authority and the area in the municipality is bounded by a line parallel to and 150 feet...
north of the north side of Greens Bayou and by a line parallel to and
150 feet south of the south side of Greens Bayou;
(2) annexation of the territory by the municipality
was completed between January 1, 1962, and January 1, 1964; or
(3) the municipality grants permission for the
condemnation.
(e) The authority may not exercise the power of eminent
domain to acquire property of any kind in Galveston County.
(f) The authority must exercise the power of eminent domain
in the manner provided by Chapter 21, Property Code. The authority
is not required to give bond for appeal or bond for costs in a
condemnation suit, or other suit to which the authority is a party,
and is not required to deposit more than the amount of an award in a
suit.
(g) The authority may elect to condemn either the fee simple
or a lesser property interest when exercising the power of eminent
domain.
(h) The authority's authority under this section to
exercise the power of eminent domain expired on September 1, 2013,
unless the authority submitted a letter to the comptroller in
accordance with Section 2206.101(b), Government Code, not later
than December 31, 2012. (Acts 76th Leg., R.S., Ch. 1029, Secs.
4.08(a), (b), (c), (d), (e); New.)

Source Law
Sec. 4.08. (a) The authority may exercise the
power of eminent domain inside the boundaries of the
authority to acquire property of any kind to further
the authorized purposes of the authority.
(b)(1) The authority may exercise the power of
eminent domain outside the boundaries of the authority
to acquire any land, easements, or other property for
purposes of pumping, treating, storing, and
transporting water.
(2) The authority may not use the power of
eminent domain granted by Subsection (b)(1) of this
section for the condemnation of land for the purpose of
acquiring rights to underground water or water or
water rights.
(3) The authority may not use the power of
eminent domain granted by Subsection (b)(1) of this
section to acquire property of any kind that is:
(A) owned by a municipality with a
population of 1.6 million or more or any
instrumentality of a municipality with a population of
1.6 million or more, including any local government
corporation created by the municipality; or
(B) located within the corporate
boundaries of a municipality with a population of 1.6
million or more for limited or general purposes as of
February 1, 2001.
(4) Notwithstanding Subsection (b)(3)(B)
of this section, the authority may use the power of
eminent domain granted by Subsection (b)(1) of this
section to acquire property:
(A) within the corporate boundaries
of a municipality with a population of 1.6 million or
more if:
(i) the condemnation is to be
used to provide facilities between two points that are
within the authority; and
(ii) the area within the
municipality is bounded by a line parallel to and 150
feet north of the north side of Greens Bayou and by a
line parallel to and 150 feet south of the south side
of Greens Bayou;
(B) that is within the corporate
boundaries of a municipality with a population of 1.6
million and annexation of the territory by the
municipality was completed between January 1, 1962,
and January 1, 1964; or
(C) that is within an area of the
corporate boundaries of a municipality with a
population of 1.6 million or more if the municipality
grants permission for such condemnation.
(c) The power of eminent domain granted by
Subsections (a) and (b) of this section shall be
exercised in the manner provided in Chapter 21,
Property Code, except that the authority shall not be
required to give bond for appeal or bond for costs in
any condemnation suit, or other suit to which it is a
party, and shall not be required to deposit more than
the amount of any award in any suit.
(d) When exercising the power of eminent domain
granted by Subsections (a) and (b) of this section, the
authority may elect to condemn either the fee simple or
a lesser property interest.
(e) The authority may not exercise the power of
eminent domain granted by Subsections (a) and (b) of
this section to acquire property of any kind in
Galveston County.
Revisor's Note
(1) Section 4.08(b)(2), Chapter 1029, Acts of
the 76th Legislature, Regular Session, 1999,
authorizes the authority to acquire rights to
underground water. The revised law substitutes
"groundwater" for "underground water" because that is
the term used in Chapter 36, Water Code.
(2) Section 4.08(b)(3)(B), Chapter 1029, Acts
of the 76th Legislature, Regular Session, 1999,
prohibits the authority from exercising the power of
eminent domain to acquire property in certain municipalities "for limited or general purposes." The revised law omits the quoted language as unnecessary because it does not act as a limitation on the restriction of the authority's authority to exercise the power of eminent domain.

(3) Section 4.08(b)(4)(B), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, authorizes the authority to exercise the power of eminent domain to acquire property in certain municipalities with a population of "1.6 million." The revised law substitutes "1.6 million or more" for "1.6 million" because it is clear that "1.6 million" is a typographical error and that the legislature intended to refer to "1.6 million or more," which is consistent with the other references to population in Section 4.08(b).

(4) Section 4.08(f), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, provides that Section 54.209, Water Code, does not apply to the authority. Chapter 54, Water Code, does not apply to the authority because Chapter 1029 does not provide that Chapter 54 applies to the authority or that the authority is a municipal utility district operating under that chapter. Because Chapter 54, Water Code, does not apply to the authority, the provision stating that Section 54.209 of that chapter does not apply to the authority may be omitted as unnecessary. The omitted law reads:

(f) Section 54.209, Water Code, does not apply to the district.

(5) Section 4.08, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, provided the authority limited eminent domain authority. Section
2206.101, Government Code, required an entity with eminent domain authority to submit a letter with certain information to the comptroller not later than December 31, 2012, to prevent the entity's eminent domain authority from expiring on September 1, 2013. To avoid the appearance that this revision recognizes authority that the authority may not possess at the time of the revision, the revised law includes a provision setting out the requirements of Section 2206.101, Government Code.

Revisor's Note
(End of Subchapter)

(1) Section 4.01(c), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, refers to the continuing right of this state to supervise the authority through the Texas Natural Resource Conservation Commission. The revised law omits the provision because the Texas Commission on Environmental Quality is the successor to the Texas Natural Resource Conservation Commission, and therefore the provision duplicates in substance part of Section 12.081, Water Code, which subjects certain special districts and authorities, including the authority, to supervision by the commission. The omitted law reads:

(c) The authority's rights, powers, privileges, authority, functions, and duties are subject to the continuing right of supervision of the state, to be exercised by and through the commission.

(2) Section 4.03(d), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, authorizes the temporary board to set fees to pay for the initial operation of the authority and the election of the initial permanent board. The revised law omits that provision as executed. The omitted law reads:
The temporary board may set fees to pay for the initial operation of the authority and the election of the initial permanent board until the permanent board has been elected.

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Revised Law

Sec. 8888.201. GIFT OR GRANT FROM SUBSIDENCE DISTRICT. The authority may accept a gift or grant from money collected by the subsidence district under Chapter 8801 to fund a water treatment or supply system. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.11 (part).)

Source Law

Sec. 4.11. The authority is authorized to accept a gift or grant from money collected by the subsidence district under Chapter 151, Water Code, to fund a water treatment or supply system. . . .

Revisor's Note

(1) Section 4.11, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, refers to Chapter 151, Water Code. The revised law substitutes for the reference to Chapter 151, Water Code, a reference to Chapter 8801, Special District Local Laws Code, for the reason stated in the revisor's note to Section 8888.005.

(2) Section 4.11, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, provides that the authorization in that section for the authority to accept a gift or grant is in addition to the authorization provided in Section 49.229, Water Code. The revised law omits that provision because an accepted general principle of statutory construction requires that a statute be given cumulative effect with other statutes unless the statute provides otherwise or unless the statute conflicts with another statute. That general principle applies to the revised law. The omitted law reads:

Sec. 4.11. . . . The authorization in this section is in addition to the authorization provided in Section 49.229,
Water Code.

Revised Law
Sec. 8888.202. AUTHORIZATION OF DISBURSEMENT. A disbursement of the authority must be signed by at least two directors. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.12(b) (part).)

Source Law
(b) Disbursements of the authority must be signed by at least two directors, except, . . . .

Revised Law
Sec. 8888.203. AD VALOREM TAX PROHIBITED. The authority may not impose an ad valorem tax. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.13.)

Source Law
Sec. 4.13. The authority may not impose an ad valorem tax.

Revised Law
Sec. 8888.204. COOPERATIVE FUNDING. (a) The authority may develop a procedure for funding cooperatively a project of the authority with money from a political subdivision located entirely in the authority, and may develop a procedure for funding cooperatively a project of the authority with money from a political subdivision located wholly or partly outside the authority, a water supply corporation, or other private entity, if the authority project fulfills a governmental purpose of both the authority and the political subdivision, or fulfills a governmental purpose of the authority that the authority determines would be furthered by cooperative funding from a private entity.

(b) A political subdivision may enter into a contract with the authority for the political subdivision to finance a portion of the proposed project with the political subdivision's resources instead of using only the proceeds from bonds of the authority for that purpose. The contract must be executed before the authority issues the bonds. As provided in the contract, the authority may:

(1) reduce the value of the bond issuance to the degree that the political subdivision provides project funding; and
(2) credit the political subdivision for the political subdivision's contribution to the project financing and adjust the allocation of revenue pledged to the payment of the bonds so that the authority avoids using, to a degree reasonably commensurate with the contribution, revenue from the political subdivision to service the authority's bond debt or interest. (Acts 76th Leg., R.S., Ch. 1029, Sec. 5.05.)

Source Law

Sec. 5.05. (a) The authority may develop a procedure for cooperatively funding a project of the authority with money from other political subdivisions located entirely inside the authority's boundaries, and may develop a procedure for cooperatively funding a project of the authority with money from political subdivisions located in whole or in part outside the authority's boundaries, water supply corporations, or other private entities, if the authority project fulfills a governmental purpose of both the authority and other political subdivisions, or fulfills a governmental purpose of the authority that the authority determines would be furthered by cooperative funding from a private entity.

(c) A political subdivision may enter into a contract with the authority for the political subdivision to finance a portion of the proposed project with the political subdivision's resources instead of using only the proceeds from bonds of the authority for that purpose. The contract must be executed before the authority issues the bonds. As provided in the contract, the authority may:

(1) reduce the value of the bond issuance to the degree that the political subdivision provides project funding; and

(2) credit the political subdivision for its contribution to the project financing and adjust the allocation of revenue pledged to the payment of the bonds so that the authority avoids using, to a degree reasonably commensurate with the contribution, revenue from the political subdivision to service the authority's bond debt or interest.

Revisor's Note

(End of Subchapter)

Section 4.12, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, governs the authority's disbursements. The revised law omits part of the provision because it duplicates in substance Section 49.151, Water Code. The omitted law reads:

Sec. 4.12. (a) The authority's money may be disbursed only by check, draft, order, or other instrument.

(b) . . . notwithstanding any other law, the board by resolution may allow the
general manager, treasurer, bookkeeper, or other employee of the authority to sign disbursements.

(c) The board by resolution may allow disbursements to be transferred by federal reserve wire system to accounts in the name of the authority.

SUBCHAPTER F. NOTES AND BONDS

Revised Law

Sec. 8888.251. REVENUE NOTES. (a) The board, without an election, may borrow money on negotiable notes of the authority payable solely from the revenue from any source, including:

(1) tolls, charges, and fees the authority imposes;
(2) the sale of water, water or sewer services, or any other service or product of the authority;
(3) grants or gifts;
(4) the ownership and operation of all or a designated part of the authority's works, improvements, facilities, plants, or equipment; and
(5) contracts between the authority and any person.

(b) The notes may be first or subordinate lien notes at the board's discretion. An obligation may not be a charge on the property of the authority. An obligation may only be a charge on revenue pledged for the payment of the obligation. (Acts 76th Leg., R.S., Ch. 1029, Sec. 5.01.)

Source Law

Sec. 5.01. (a) The board, without an election, may borrow money on negotiable notes of the authority to be paid solely from the revenue derived from any legal source, including:

(1) tolls, charges, and fees the authority imposes;
(2) the sale of water, water or sewer services, or any other service or product of the authority;
(3) grants or gifts;
(4) the ownership and operation of all or a designated part of the authority's works, improvements, facilities, plants, or equipment; and
(5) contracts between the authority and any person, including a local government.

(b) The notes may be first or subordinate lien notes at the board's discretion. An obligation may not be a charge on the property of the authority. An obligation may only be a charge on revenue pledged for the payment of the obligation.
Revisor's Note
Section 5.01(a), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, refers to a pledge of revenue derived from any "legal" source. The revised law omits "legal" as unnecessary because the phrase does not act as a limitation. The omission of "legal" does not imply that the statute authorizes a pledge of revenue derived from an illegal source.

Revised Law
Sec. 8888.252. REVENUE AND BOND ANTICIPATION NOTES. (a) The board may issue negotiable revenue anticipation notes or negotiable bond anticipation notes to borrow the money needed by the authority without advertising or giving notice of the sale.

(b) The board may also issue negotiable combination revenue and bond anticipation notes. Negotiable combination revenue and bond anticipation notes may contain any term authorized under this section for revenue anticipation notes or bond anticipation notes.

(c) Any note issued must mature not later than one year after its date of issuance.

(d) A revenue anticipation note:
(1) may be issued to enable the authority to carry out any purpose authorized by this chapter; and
(2) must be secured by the proceeds of revenue to be collected by the authority in the 12-month period following the date of issuance of the note.

(e) The board may covenant with the purchasers of revenue anticipation notes that the board will charge and collect sufficient revenue to pay the principal of and interest on the notes and pay the cost of collecting the revenue.

(f) A bond anticipation note may be issued:
(1) for any purpose for which a bond of the authority may be issued; or
(2) to refund previously issued revenue or bond anticipation notes.
(g) The authority may covenant with the purchasers of the bond anticipation notes that the authority will use the proceeds of the sale of any bonds in the process of issuance for the purpose of refunding the bond anticipation notes, in which case the board shall use the proceeds received from the sale of the bonds in the process of issuance to pay the principal, interest, or redemption price on the bond anticipation notes.

(h) For purposes of Section 1202.007, Government Code, a note issued under this section is considered to be payable only out of:

(1) current revenue collected in the year the note is issued; or

(2) the proceeds of other public securities. (Acts 76th Leg., R.S., Ch. 1029, Sec. 5.01A.)

Source Law

Sec. 5.01A. (a) The board may issue negotiable revenue anticipation notes or negotiable bond anticipation notes to borrow the money needed by the authority without advertising or giving notice of the sale. The board may also issue negotiable combination revenue and bond anticipation notes. Negotiable combination revenue and bond anticipation notes may contain any term authorized under this section for revenue anticipation notes or bond anticipation notes. Any note issued must mature not later than one year after its date of issuance.

(b) A revenue anticipation note may be issued to enable the authority to carry out any purpose authorized by this Act. A revenue anticipation note must be secured by the proceeds of revenues to be collected by the authority in the 12-month period following the date of issuance of the note. The board may covenant with the purchasers of the notes that the board will charge and collect sufficient revenues to pay the principal of and interest on the notes and pay the cost of collecting the revenues.

(c) A bond anticipation note may be issued for any purpose for which a bond of the authority may be issued or to refund previously issued revenue or bond anticipation notes. The authority may covenant with the purchasers of the bond anticipation notes that the authority will use the proceeds of the sale of any bonds in the process of issuance for the purpose of refunding the bond anticipation notes, in which case the board shall use the proceeds received from the sale of the bonds in the process of issuance to pay the principal, interest, or redemption price on the bond anticipation notes.

(d) For purposes of Section 1202.007, Government Code, a note issued under this section is considered to be payable only out of:

(1) current revenues collected in the year
the note is issued; or
(2) the proceeds of other public
securities.

Revised Law
Sec. 8888.253. BONDS AND NOTES. (a) To carry out a power
conferred by this chapter, the authority may issue bonds secured by
all or part of the revenue from any source, including any source
described by Section 8888.251(a).
(b) In issuing or securing a bond or note of the authority,
the authority may exercise any power of an issuer under Chapter
1371, Government Code.
(c) The authority may conduct a public, private, or
negotiated sale of the bonds.
(d) The bonds must:
(1) be authorized by board resolution;
(2) be issued in the authority's name;
(3) be signed by the board president or vice
president;
(4) be attested by the board secretary; and
(5) bear the authority's seal or facsimile seal.
(e) The bonds may be secured by an indenture of trust with a
corporate trustee.
(f) The authority may issue bonds in more than one series as
required for carrying out the purposes of this chapter. In issuing
bonds secured by the authority's revenue, the authority may reserve
the right to issue additional bonds secured by the authority's
revenue that are on a parity with or are senior or subordinate to
the bonds issued earlier.
(g) The resolution authorizing the bonds or the trust
indenture securing the bonds may specify additional provisions that
constitute a contract between the authority and the authority's
bondholders. The board may provide for:
(1) additional bond provisions; and
(2) a corporate trustee or receiver to take possession
of the authority's facilities if the authority defaults.
Section 49.181, Water Code, does not apply to bonds or notes issued by the authority. (Acts 76th Leg., R.S., Ch. 1029, Secs. 5.02(a), (b), (c), (d) (part), (e), (f), (g), (h).)

Source Law

Sec. 5.02. (a) To carry out a power or authority conferred by this Act, the authority may issue bonds secured by all or part of the revenue derived from any source, including any source described by Section 5.01(a) of this Act.

(b) In issuing or securing a bond or note of the authority, the authority may exercise any power of an issuer under Chapter 656, Acts of the 68th Legislature, Regular Session, 1983 (Article 717q, Vernon's Texas Civil Statutes).

(c) The authority may conduct a public, private, or negotiated sale of the bonds.

(d) The authority's bonds must:

(1) be authorized by board resolution;

(2) be issued in the authority's name;

(3) be signed by the president or vice president of the board, . . . ;

(4) be attested by the secretary of the board, . . . ; and

(5) bear the authority's seal or facsimile seal.

(e) An authority bond may be secured by an indenture of trust with a corporate trustee.

(f) The authority may issue bonds in more than one series as required for carrying out the purposes of this Act. In issuing bonds secured by revenue of the authority, the authority may reserve the right to issue additional bonds secured by the authority's revenue that are on a parity with or are senior or subordinate to the bonds issued earlier.

(g) The resolution authorizing the bonds or the trust indenture securing the bonds may specify additional provisions that constitute a contract between the authority and its bondholders. The board may provide:

(1) for additional bond provisions; and

(2) for a corporate trustee or receiver to take possession of the authority's facilities if the authority defaults.

(h) Section 49.181, Water Code, does not apply to bonds or notes issued by the authority.

Revisor's Note

(1) Section 5.02(a), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, refers to the authority's "power or authority." The revised law omits "authority" in this context for the reason stated in the revisor's note to Section 8888.151.

(2) Section 5.02(b), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, refers to Chapter 656, Acts of the 68th Legislature, Regular
Session, 1983 (Article 717q, Vernon's Texas Civil Statutes). Article 717q was codified in 1999 as Chapter 1371, Government Code. The revised law is drafted accordingly.

(3) Section 5.02(d), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, authorizes facsimile signatures. The revised law omits that provision as unnecessary. The authorization for the use of facsimile signatures duplicates Section 1201.026(a), Government Code, which provides that bonds may be executed with a manual or facsimile signature. Section 1201.026(a) applies to authority bonds under Sections 1201.002 and 1201.003, Government Code. The omitted law reads:

(d) [The authority's bonds must:

. . .

(3) be signed by the president or vice president of the board,] which may be accomplished by facsimile signature[;

(4) be attested by the secretary of the board,] which may be accomplished by facsimile signature . . . .

Revised Law

Sec. 8888.254. BONDS SECURED BY CONTRACT PROCEEDS: APPROVAL. (a) If bonds issued under this subchapter are secured by a pledge of the proceeds of a contract between the authority and a municipality or other governmental agency, authority, or district, the authority shall submit to the attorney general a copy of the contract and the proceedings of the municipality or other governmental agency, authority, or district authorizing the contract.

(b) If the attorney general finds that the bonds have been authorized and the contract has been made in accordance with law, the attorney general shall approve the bonds and contract. (Acts 76th Leg., R.S., Ch. 1029, Sec. 5.04 (part).)

Source Law

Sec. 5.04. . . . If the bonds are secured by a pledge of the proceeds of a contract between the
authority and a municipality or other governmental
agency, authority, or district, the authority shall
submit to the attorney general a copy of the contract
and the proceedings of the municipality or other
governmental agency, authority, or district
authorizing the contract. If the attorney general
finds that the bonds have been authorized and each
contract has been made in accordance with the
constitution and laws of this state, the attorney
general shall approve the bonds and contracts.

Revisor's Note

(1) Section 5.04, Chapter 1029, Acts of the 76th
Legislature, Regular Session, 1999, requires the
authority to deliver its bonds to the attorney general
for examination and approval. The revised law omits
that provision because it duplicates in substance
Section 1202.003, Government Code. Section 1202.003,
Government Code, applies to authority bonds by
application of Sections 1202.001 and 1202.003(c),
Government Code. The omitted law reads:

Sec. 5.04. After the authority
authorizes bonds, the authority shall
submit the bonds and the record relating to
their issuance to the attorney general for
approval.

(2) Section 5.04, Chapter 1029, Acts of the 76th
Legislature, Regular Session, 1999, provides that,
after approval, the bonds shall be registered with the
comptroller. The revised law omits that provision
because it duplicates in substance Section 1202.005,
Government Code. Section 1202.005, Government Code,
applies to authority bonds by application of Sections
1202.001 and 1202.003(c), Government Code. The
omitted law reads:

Sec. 5.04. ... On approval, the
bonds shall be registered by the
comptroller.

Revised Law

Sec. 8888.255. REFUNDING BONDS. The provisions of this
subchapter regarding the issuance of other bonds, their security,
and the remedies of the holders apply to refunding bonds. (Acts
76th Leg., R.S., Ch. 1029, Sec. 5.03.)
Sec. A5.03.AA The provisions of this Act that apply to the authority's issuance of other bonds, their security, and the remedies of the holders apply to refunding bonds.

Sec. 8888.256. VALIDITY OF BONDS AFTER ADDITION OF TERRITORY. The annexation or addition of territory to the authority under Section 8888.052 or 8888.053 does not affect the validity of bonds issued by the authority. (Acts 76th Leg., R.S., Ch. 1029, Sec. 1.03(h).)

(h) The annexation or addition of territory to the authority under this section does not affect the validity of bonds issued by the authority.

Section 1.03(h), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, refers to the annexation or addition of territory to the authority under "this section." Section 1.03 is revised in pertinent part in this chapter as Sections 8888.052 and 8888.053, and the revised law is drafted accordingly.

(1) Section 6.01, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, Section 13.04, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, Section 7, Chapter 321, Acts of the 82nd Legislature, Regular Session, 2011, and Section 4, Chapter 723, Acts of the 83rd Legislature, Regular Session, 2013, recite legislative findings regarding procedural requirements for legislation affecting the authority under the constitution and other laws and rules, including proper legal notice and the filing of recommendations. The revised law omits those provisions as executed. The omitted law reads:
Sec. 6.01. (a) The proper and legal notice of the intention to introduce this Act, setting out the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and the Act to the commission.

(b) The commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

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

Sec. 13.04. (a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Natural Resource Conservation Commission.

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

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

Sec. 7. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its
recommendations relating to this Act with
the governor, the lieutenant governor, and
the speaker of the house of representatives
within the required time.
(d) All requirements of the
constitution and laws of this state and the
rules and procedures of the legislature
with respect to the notice, introduction,
and passage of this Act are fulfilled and
accomplished.

[Acts 83rd Leg., R.S., Ch. 723]
Sec. 4. (a) The legal notice of the
intention to introduce this Act, setting
forth the general substance of this Act, has
been published as provided by law, and the
notice and a copy of this Act have been
furnished to all persons, agencies,
officials, or entities to which they are
required to be furnished under Section 59,
Article XVI, Texas Constitution, and
Chapter 313, Government Code.
(b) The governor, one of the required
recipients, has submitted the notice and
Act to the Texas Commission on
Environmental Quality.
(c) The Texas Commission on
Environmental Quality has filed its
recommendations relating to this Act with
the governor, the lieutenant governor, and
the speaker of the house of representatives
within the required time.
(d) All requirements of the
constitution and laws of this state and the
rules and procedures of the legislature
with respect to the notice, introduction,
and passage of this Act are fulfilled and
accomplished.

(2) Section 13.05, Chapter 966, Acts of the 77th
Legislature, Regular Session, 2001, provides that the
act is severable. The revised law omits that provision
because the same result is produced by application of
Section 311.032, Government Code (Code Construction
Act), which provides that a provision of a statute is
severable from each other provision of the statute
that can be given effect. The omitted law reads:

Sec. 13.05. If any provision of this
Act or its application to any person or
circumstance is held invalid, the
invalidity does not affect other provisions
or applications of this Act that can be
given effect without the invalid provision
or application, and to this end the
provisions of this Act are declared to be
severable.

(3) Section 3, Chapter 271, Acts of the 79th
Legislature, Regular Session, 2005, provides that the
act applies only to an eminent domain action initiated on or after the effective date of the act. The revised law omits the section as unnecessary because Section 311.022, Government Code (Code Construction Act), provides a presumption that a statute will be prospective in its operation. The omitted law reads:

Sec. 3. The change in law made by this Act does not affect an eminent domain action initiated before the effective date of this Act. Such an action is governed by the law in effect when the action was initiated, and the former law is continued in effect for that purpose.

(4) Section 2, Chapter 723, Acts of the 83rd Legislature, Regular Session, 2013, states that the authority retains all rights, powers, privileges, authorities, duties, and functions it had before the enactment of that act. The revised law omits that provision because an accepted general principle of statutory construction requires a statute to be given cumulative effect with other statutes unless the statute provides otherwise or the statutes are in conflict. Since Chapter 723 provides additional authority to the authority and does not otherwise limit or conflict with the authority's existing law, the general principle applies to this revision. The omitted law reads:

Sec. 2. The North Harris County Regional Water Authority retains all rights, powers, privileges, authorities, duties, and functions that it had before the effective date of this Act.

(5) Section 3, Chapter 723, Acts of the 83rd Legislature, Regular Session, 2013, validates certain authority actions. The revised law omits the validation because it served its purpose on the date it took effect and is executed law. Section 311.031(a)(2), Government Code (Code Construction Act), provides that the repeal of a statute does not
affect any validation previously made under the statute. Therefore, the omission of the executed validation provision does not affect the validation.

The omitted law reads:

Sec. 3. (a) The legislature validates and confirms all governmental acts and proceedings of the North Harris County Regional Water Authority that were taken before the effective date of this Act.

(b) This section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

(2) has been held invalid by a final court judgment.

SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS

CHAPTER 9048. EL PASO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9048.001. DEFINITION. In this chapter, "district" means the El Paso County Water Control and Improvement District No. 4. (Acts 54th Leg., R.S., Ch. 58, Sec. 2A(a).)
Section 2A(a), Chapter 58, Acts of the 54th Legislature, Regular Session, 1955, defines "district" for purposes of Section 2A to mean the El Paso County Water Control and Improvement District No. 4. As a drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition, the revised law expands the definition to apply to all references to the district in this chapter.

Revised Law
Sec. 9048.002. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit. (b) Except for property owned by a railroad or public utility that does not use the facilities of the district, all land included in the boundaries of the district will be benefited. (Acts 54th Leg., R.S., Ch. 58, Sec. 2 (part).)

Source Law
Sec. 2. It is hereby found and determined that all of the lands except all property owned by railroads and public utilities not using the facilities of such District included within the boundaries of the District will be benefited and that the District is created to serve a public use and benefit. . . .

Revised Law
Sec. 9048.003. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 1, Chapter 268, Acts of the 82nd Legislature, Regular Session, 2011, as that territory may have been modified under:
(1) Subchapter O, Chapter 51, Water Code;
(2) Subchapter J, Chapter 49, Water Code; or
(3) other law.
(b) The boundaries and field notes of the district form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect:
(1) the district's organization, existence, or
validity;
(2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;
(3) the district's right to impose a tax; or
(4) the legality or operation of the district. (Acts 54th Leg., R.S., Ch. 58, Secs. 2A(b), (c); New.)

Source Law
(b) The district is composed of the territory described by Subsection (d) of this section.
(c) The boundaries and field notes contained in Subsection (d) of this section form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:
(1) organization, existence, or validity;
(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;
(3) right to impose a tax; or
(4) legality or operation.

Revisor's Note
The revision of the law governing the district does not revise the statutory language describing the territory of the district to avoid the lengthy recitation of the description and because that description may not be accurate on the effective date of the revision or at the time of a later reading. For the reader's convenience, the revised law includes references to the statutory description of the district's territory and to statutory authority to change the district's territory under Subchapter O, Chapter 51, Water Code, applicable to water control and improvement districts, and Subchapter J, Chapter 49, Water Code, applicable to the district under Sections 49.001 and 49.002 of that chapter and Section 9048.051 of this chapter. The revised law also includes a reference to the general authority of the legislature to enact other laws to change the district's territory.
SUBCHAPTER B. POWERS AND DUTIES

Revised Law

Sec. 9048.051. GENERAL POWERS AND DUTIES. Except as otherwise provided by this chapter, the district has all the rights, powers, privileges, and duties, including the control of storm and flood waters, provided by general law applicable to a water control and improvement district created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 51, Water Code. (Acts 54th Leg., R.S., Ch. 58, Sec. 1 (part), Sec. 3 (part); New.)

Source Law

Sec. 1. . . . the General Law governing water control and improvement districts shall apply to said district in all other respects, including but not limited to the control of storm and flood waters, except as otherwise provided in this Act.

Sec. 3. The District shall have and exercise, and is hereby vested with all of the rights, powers, privileges and duties conferred and imposed by the General Laws of this State now in force or hereafter enacted, applicable to water control and improvement districts created under authority of Section 59, Article 16, of the Constitution, but . . . .

Revisor's Note

(1) Section 1, Chapter 58, Acts of the 54th Legislature, Regular Session, 1955, provides that the general law governing water control and improvement districts, "including but not limited to" the control of storm and flood waters, applies to the district. The revised law omits "but not limited to" because Section 311.005(13), Government Code (Code Construction Act), provides that "includes" and "including" are terms of enlargement and not of limitation and do not create a presumption that components not expressed are excluded.

(2) Section 3, Chapter 58, Acts of the 54th Legislature, Regular Session, 1955, states that the district "shall have and exercise, and is hereby vested with" certain powers. The revised law
substitutes "has" for the quoted language because, in
context, the terms are synonymous and "has" is more
commonly used.

(3) Section 3, Chapter 58, Acts of the 54th
Legislature, Regular Session, 1955, states that the
district has the rights, powers, privileges, and
duties "conferred and imposed" by general law. The
revised law substitutes "provided" for the quoted
language because regardless of whether a right, power,
privilege, or duty is "conferred" by general law or
"imposed" by general law, it is not necessary to
characterize in the revised law the nature of the
granting of that authority. In context, "provided" is
synonymous with "conferred and imposed" and "provided"
is more commonly used.

(4) Section 3, Chapter 58, Acts of the 54th
Legislature, Regular Session, 1955, refers to the
general laws of this state "now in force or hereafter
enacted." The revised law omits the quoted language as
unnecessary under accepted general principles of
statutory construction. The "General Laws of this
State" means those laws "in force" at the time the
provision was adopted. It is unnecessary to state that
the district may be granted additional powers by later
enacted laws because those laws apply on their own
terms.

(5) Section 3, Chapter 58, Acts of the 54th
Legislature, Regular Session, 1955, refers to the
general laws "applicable to water control and
improvement districts." For the reader’s convenience,
the revised law adds references to Chapter 49, Water
Code, applicable under Sections 49.001 and 49.002 of
that chapter to many types of districts, including
water control and improvement districts, created under
Section 59, Article XVI, Texas Constitution, and to Chapter 51, Water Code, applicable to water control and improvement districts.

(6) Section 3, Chapter 58, Acts of the 54th Legislature, Regular Session, 1955, provides that the act prevails over general law in case of a conflict or other inconsistency and that all general laws applicable to water control and improvement districts not in conflict or inconsistent with the provisions of the act are incorporated by reference. The revised law omits the portion of the provision relating to the act prevailing over general law because it duplicates in substance Section 311.026(b), Government Code (Code Construction Act). The revised law omits the portion of the provision relating to incorporation of general laws because the portion of Section 3, Chapter 58, revised as this section already provides that those laws apply to the district, and it is unnecessary to further incorporate those laws in this chapter. The omitted law reads:

Sec. 3. [The District shall have . . . all of the rights, powers, privileges and duties conferred and imposed by the General Laws of this State . . . applicable to water control and improvement districts . . . but] to the extent that the provisions of any such General Laws may be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such General Laws are hereby incorporated by reference with the same effect as if incorporated in full in this Act.

Revised Law
Sec. 9048.052. POWERS RELATING TO SANITARY SEWER SYSTEM.
The district may construct, maintain, and operate a sanitary sewer system. (Acts 54th Leg., R.S., Ch. 58, Sec. 1 (part).)

Source Law
Sec. 1. The powers and authority to construct, maintain and operate a sanitary sewer system as contained in Section 3a, as added by Chapter 280, Acts
Regular Session of the 41st Legislature, to Chapter 25, Acts Regular Session of the 39th Legislature, as brought forward as Article 7880-3a, Vernon's Revised Civil Statutes, as amended, are hereby conferred on El Paso County Water Control and Improvement District No. 4, and . . . .

Revisor's Note

Section 1, Chapter 58, Acts of the 54th Legislature, Regular Session, 1955, grants the district the authority to construct, maintain, and operate a sanitary sewer system as described by Article 7880-3a, Vernon's Texas Civil Statutes, without the need to obtain approval from the State Board of Water Engineers as provided by that article.

The revised law omits the reference to the board's approval as executed since that exception served its purpose on the date it took effect. The omitted law reads:

Sec. 1. . . . it shall not be necessary for said District to obtain such powers and authority from the State Board of Water Engineers as provided in said Act; but

SUBCHAPTER C. BONDS

Revised Law

Sec. 9048.101. BOND ELECTION REQUIRED. The district may not issue bonds unless the bonds are authorized by a majority of the voters of the district voting at an election held for that purpose.

(Acts 54th Leg., R.S., Ch. 58, Sec. 2 (part).)

Source Law

Sec. 2. . . . provided, however, that no bonds shall be issued by said District unless authorized by a majority of the resident qualified property taxpayers of the District who own taxable property in the District and who have duly rendered the same for taxation, voting at an election held for that purpose.

Revisor's Note

Section 2, Chapter 58, Acts of the 54th Legislature, Regular Session, 1955, refers to a majority vote of the "resident qualified property taxing voters of the District who own taxable
property in the District and who have duly rendered the
same for taxation." The revised law omits the
reference to "resident qualified . . . voters" as
unnecessary in this context because Chapter 11,
Election Code, governs eligibility to vote in an
election in this state and allows only qualified
voters who are residents of the territory covered by
the election to vote in an election. The revised law
also omits the reference to voting by persons who own
taxable property and render that property for taxation
because in Hill v. Stone, 421 U.S. 289 (1975), the
United States Supreme Court determined that property
ownership as a qualification for voting is an
unconstitutional denial of equal protection.

Revisor's Note
(End of Chapter)

(1) Section 2, Chapter 58, Acts of the 54th
Legislature, Regular Session, 1955, provides that it
is unnecessary to hold a confirmation election or a
hearing on the exclusion of territory from the
district. The revised law omits those provisions as
executed. The omitted law reads:

Sec. 2. . . . No election shall be
necessary for the purpose of confirming its
organization and no hearings shall be held
to determine whether any lands included
within its boundaries should be excluded;

. . . .

(2) Section 4, Chapter 58, Acts of the 54th
Legislature, Regular Session, 1955, validates actions
of the district in creating the district and
appointing directors for the district before the
effective date of the legislation. The revised law
omits that provision because it served its purpose on
the day it took effect and is executed law. Section
311.031(a)(2), Government Code (Code Construction
Act), provides that the repeal of a statute does not
affect any validation previously made under the statute. Therefore, the omission of the executed validation provision does not affect the validation.

The omitted law reads:

Sec. 4. That all acts and proceedings heretofore had and taken in connection with the creation of said District and the appointment of directors therefor, are hereby in all things validated, ratified and confirmed.

(3) Section 2, Chapter 268, Acts of the 82nd Legislature, Regular Session, 2011, contains legislative findings relating to the performance of procedural requirements for the enactment of those chapters under the constitution and other laws and rules. The revised law omits those provisions as executed. The omitted law reads:

Sec. 2. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.
CHAPTER 9070. FAYETTE COUNTY WATER CONTROL AND IMPROVEMENT
DISTRICT-MONUMENT HILL

Revised Law
Sec. 9070.001. DEFINITION. In this chapter, "district" means the Fayette County Water Control and Improvement District-Monument Hill. (Acts 72nd Leg., R.S., Ch. 316, Sec. 1.)

Source Law
Sec. 1. In this Act, "district" means the Fayette County Water Control and Improvement District-Monument Hill.

Revised Law
Sec. 9070.002. EXCLUSION OF TERRITORY. The boundaries of the district exclude the approximately 100 acres of territory previously included in the district that are located across Buckners Creek from the district. (Acts 72nd Leg., R.S., Ch. 316, Sec. 2.)

Source Law
Sec. 2. The boundaries of the district are adjusted to exclude the area consisting of approximately 100 acres located across Buckners Creek from the remainder of the district.

Revisor's Note
Chapter 316, Acts of the 72nd Legislature, Regular Session, 1991, refers to "area" and "land" in the district. The revised law substitutes "territory" for "area" and "land" throughout this chapter for consistency in the terminology used within this code and because, in this context, "area" and "land" are included in the meaning of "territory."

Revised Law
Sec. 9070.003. RIGHTS OF BONDHOLDERS. The exclusion of territory under this chapter does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other certificates of indebtedness of the district. (Acts 72nd Leg., R.S., Ch. 316, Sec. 3.)
Sec. 3. The exclusion of land under this Act does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other certificates of indebtedness of the district.

Revised Law

Sec. 9070.004. TAX LIABILITY OF EXCLUDED TERRITORY. (a) Territory excluded from the district under Section 9070.002 is not released from the payment of its pro rata share of the district's debt.

(b) The district shall continue to impose taxes each year on the excluded territory at the same rate imposed on other district property until the taxes collected from the excluded territory equal its pro rata share of the district's debt at the time the territory was excluded. The taxes collected shall be applied exclusively to the payment of the excluded territory's pro rata share of the debt.

(c) The owner of all or part of the excluded territory may pay in full, at any time, the owner's share of the pro rata share of the district's debt. (Acts 72nd Leg., R.S., Ch. 316, Sec. 4.)

Source Law

Sec. 4. (a) The excluded land is not released from the payment of its pro rata share of the district's indebtedness.

(b) The district shall continue to levy taxes each year on the property excluded from the district at the same rate levied on other property of the district until the taxes collected from the excluded land equal its pro rata share of the indebtedness of the district at the time of the exclusion of the land. The taxes collected shall be applied exclusively to the payment of the excluded land's pro rata share of the indebtedness.

(c) The owner of all or part of the excluded land may pay in full, at any time, his share of the pro rata share of the indebtedness of the district.

Revisor's Note

(1) Section 4, Chapter 316, Acts of the 72nd Legislature, Regular Session, 1991, refers to the "district's indebtedness." The revised law substitutes "debt" for "indebtedness" because, in the context of this section, the terms are synonymous and "debt" is
(2) Section 4, Chapter 316, Acts of the 72nd Legislature, Regular Session, 1991, refers to the district's obligation to "levy" taxes. The revised law substitutes "impose" for "levy" because "impose" is the term generally used in Title 1, Tax Code.
CONFORMING AMENDMENTS

SECTION 2.01. Section 1, Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, is amended to read as follows:

Sec. 1. The [creation and establishment of] North Plains Groundwater Conservation District is composed of lands and territories situated within all or a portion of the Texas Counties of Dallam, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree and Sherman, the boundaries of said District being described by metes and bounds in order canvassing returns and declaring results of confirmation election, dated January 27, 1955, recorded in Volume 1, Page 53, of the Ground Water Conservation Records of Ochiltree County, Texas, and recorded in Volume 119, Page 21 of the Deed Records of Ochiltree County, Texas[, to which reference is here made for a more complete description, and which is incorporated herein by reference the same as if copied herein in full, is hereby ratified, confirmed and validated. All acts of the Board of Water Engineers of the State of Texas in regard to the designation of Subdivision Number Two, of the Groundwater Reservoir in the Ogallala Formation, North of the Canadian River in Texas, dated August 16, 1954, in regard to the creation and establishing of said District, and the appointment of seven (7) directors, and all acts of the Board of Directors of said District in regard to the creation and establishment of said District and in regard to levying and collecting ad valorem taxes by said District are in all things ratified, confirmed and validated, and said District, composed of the land and territory described above, is hereby declared to have been fully and duly created and established and authorized to collect ad valorem taxes from and after the confirmation and tax elections held within said District on January 21, 1955].

SECTION 3.01. The following statutes are repealed:

(1) Chapter 46, Acts of the 54th Legislature, Regular Session, 1955;
(2) Chapter 1168, Acts of the 71st Legislature, Regular Session, 1989;

(3) Chapter 21, Acts of the 68th Legislature, Regular Session, 1983;

(4) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955;

(5) Sections 1, 2(c), 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16A, 16B, 16C, 16D, 16E, 16F, and 16G, Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983;

(6) Sections 3, 4, 5, and 6, Chapter 600, Acts of the 70th Legislature, Regular Session, 1987;

(7) Chapter 318, Acts of the 72nd Legislature, Regular Session, 1991;

(8) Chapter 1200, Acts of the 75th Legislature, Regular Session, 1997;

(9) Chapter 350, Acts of the 81st Legislature, Regular Session, 2009;

(10) Chapter 524, Acts of the 71st Legislature, Regular Session, 1989;

(11) Chapter 22, Acts of the 77th Legislature, Regular Session, 2001;

(12) Chapter 64, Acts of the 81st Legislature, Regular Session, 2009;

(13) Sections 1, 1A, 2, 4, 5, 6, 7, 8, 9, 10A, 10B, 11, and 12, Chapter 712, Acts of the 71st Legislature, Regular Session, 1989;

(14) Chapter 1123, Acts of the 80th Legislature, Regular Session, 2007;

(15) Chapter 368, Acts of the 74th Legislature, Regular Session, 1995;

(16) Chapter 658, Acts of the 82nd Legislature, Regular Session, 2011;

(17) Chapter 669, Acts of the 71st Legislature, 1989;
1 Regular Session, 1989;
2 (18) Chapter 673, Acts of the 71st Legislature, Regular Session, 1989;
3 (19) Chapter 653, Acts of the 71st Legislature, Regular Session, 1989;
4 (20) Chapter 879, Acts of the 81st Legislature, Regular Session, 2009;
6 (22) Chapter 1173, Acts of the 79th Legislature, Regular Session, 2005;
7 (23) Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991;
10 (26) Sections 1A, 2, 3, 4, 4a, and 5, Chapter 498, Acts of the 54th Legislature, Regular Session, 1955;
12 (28) Chapter 63, Acts of the 69th Legislature, Regular Session, 1985;
13 (29) Sections 2, 3, 4, and 5, Chapter 1152, Acts of the 76th Legislature, Regular Session, 1999;
14 (30) Chapter 644, Acts of the 84th Legislature, Regular Session, 2015;
15 (31) Sections 1.01, 1.02, 1.03(d), 1.03(f), 1.03(g), 1.03(h), 1.045, 1.05, and 1.06, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999;
16 (32) Articles 2, 3, 4, 5, and 6, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999;
17 (33) Chapter 232, Acts of the 77th Legislature, Regular Session, 2001;
(34) Article 12, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001;
(35) Section 13.04, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001;
(36) Sections 1, 3, 4, 5, 6, and 7, Chapter 1296, Acts of the 77th Legislature, Regular Session, 2001;
(37) Sections 39 and 40, Chapter 1423, Acts of the 77th Legislature, Regular Session, 2001;
(38) Chapter 381, Acts of the 78th Legislature, Regular Session, 2003;
(39) Section 2, Chapter 271, Acts of the 79th Legislature, Regular Session, 2005;
(40) Sections 2, 3, 4, 5, and 7, Chapter 321, Acts of the 82nd Legislature, Regular Session, 2011;
(41) Chapter 723, Acts of the 83rd Legislature, Regular Session, 2013;
(42) Chapter 1343, Acts of the 79th Legislature, Regular Session, 2005;
(43) Section 199, Chapter 1163, Acts of the 82nd Legislature, Regular Session, 2011;
(44) Sections 1, 2, 2A(a), 2A(b), 2A(c), 3, and 4, Chapter 58, Acts of the 54th Legislature, Regular Session, 1955;
(45) Chapter 491, Acts of the 54th Legislature, Regular Session, 1955;
(46) Section 2, Chapter 268, Acts of the 82nd Legislature, Regular Session, 2011;
(47) Chapter 316, Acts of the 72nd Legislature, Regular Session, 1991; and
(48) Sections 2, 3, 6, 7, 8, 9, 10, 11, 13, and 14, Chapter 1196, Acts of the 84th Legislature, Regular Session, 2015.

SECTION 4.01. LEGISLATIVE INTENT OF NO SUBSTANTIVE CHANGE.
This Act is enacted under Section 43, Article III, Texas Constitution. This Act is intended as a codification only, and no substantive change in the law is intended by this Act. This Act
does not increase or decrease the territory of any special district of the state as those boundaries exist on the effective date of this Act.

SECTION 4.02. PRESERVATION OF VALIDATION MADE BY PREVIOUS LAW. (a) The repeal of a law, including a validating law, by this Act does not remove, void, or otherwise affect in any manner a validation under the repealed law. The validation is preserved and continues to have the same effect that it would have if the law were not repealed.

(b) Subsection (a) of this section does not diminish the saving provisions prescribed by Section 311.031, Government Code.

SECTION 4.03. EFFECTIVE DATE. This Act takes effect April 1, 2019.
APPENDIX B

CHAPTER 311. CODE CONSTRUCTION ACT

(current as of end of 85th Legislature, 1st Called Session, 2017)

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 311.001. SHORT TITLE. This chapter may be cited as the Code Construction Act.

Sec. 311.002. APPLICATION. This chapter applies to:

(1) each code enacted by the 60th or a subsequent legislature as part of the state's continuing statutory revision program;

(2) each amendment, repeal, revision, and reenactment of a code or code provision by the 60th or a subsequent legislature;

(3) each repeal of a statute by a code; and

(4) each rule adopted under a code.

Sec. 311.003. RULES NOT EXCLUSIVE. The rules provided in this chapter are not exclusive but are meant to describe and clarify common situations in order to guide the preparation and construction of codes.

Sec. 311.004. CITATION OF CODES. A code may be cited by its name preceded by the specific part concerned. Examples of citations are:

(1) Title 1, Business & Commerce Code;

(2) Chapter 5, Business & Commerce Code;

(3) Section 9.304, Business & Commerce Code;

(4) Section 15.06(a), Business & Commerce Code; and

(5) Section 17.18(b)(1)(B)(ii), Business & Commerce Code.

Sec. 311.005. GENERAL DEFINITIONS. The following definitions apply unless the statute or context in which the word or phrase is used requires a different definition:

(1) "Oath" includes affirmation.

(2) "Person" includes corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal
(3) "Population" means the population shown by the most recent federal decennial census.

(4) "Property" means real and personal property.

(5) "Rule" includes regulation.

(6) "Signed" includes any symbol executed or adopted by a person with present intention to authenticate a writing.

(7) "State," when referring to a part of the United States, includes any state, district, commonwealth, territory, and insular possession of the United States and any area subject to the legislative authority of the United States of America.

(8) "Swear" includes affirm.

(9) "United States" includes a department, bureau, or other agency of the United States of America.

(10) "Week" means seven consecutive days.

(11) "Written" includes any representation of words, letters, symbols, or figures.

(12) "Year" means 12 consecutive months.

(13) "Includes" and "including" are terms of enlargement and not of limitation or exclusive enumeration, and use of the terms does not create a presumption that components not expressed are excluded.

Sec. 311.006. INTERNAL REFERENCES. In a code:

(1) a reference to a title, chapter, or section without further identification is a reference to a title, chapter, or section of the code; and

(2) a reference to a subtitle, subchapter, subsection, subdivision, paragraph, or other numbered or lettered unit without further identification is a reference to a unit of the next larger unit of the code in which the reference appears.

SUBCHAPTER B. CONSTRUCTION OF WORDS AND PHRASES

Sec. 311.011. COMMON AND TECHNICAL USAGE OF WORDS. (a) Words and phrases shall be read in context and construed according to the rules of grammar and common usage.
(b) Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

Sec. 311.012. TENSE, NUMBER, AND GENDER. (a) Words in the present tense include the future tense.

(b) The singular includes the plural and the plural includes the singular.

(c) Words of one gender include the other genders.

Sec. 311.013. AUTHORITY AND QUORUM OF PUBLIC BODY. (a) A grant of authority to three or more persons as a public body confers the authority on a majority of the number of members fixed by statute.

(b) A quorum of a public body is a majority of the number of members fixed by statute.

Sec. 311.014. COMPUTATION OF TIME. (a) In computing a period of days, the first day is excluded and the last day is included.

(b) If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

(c) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

Sec. 311.015. REFERENCE TO A SERIES. If a statute refers to a series of numbers or letters, the first and last numbers or letters are included.

Sec. 311.016. "MAY," "SHALL," "MUST," ETC. The following constructions apply unless the context in which the word or phrase appears necessarily requires a different construction or unless a different construction is expressly provided by statute:

(1) "May" creates discretionary authority or grants
permission or a power.
(2) "Shall" imposes a duty.
(3) "Must" creates or recognizes a condition precedent.
(4) "Is entitled to" creates or recognizes a right.
(5) "May not" imposes a prohibition and is synonymous with "shall not."
(6) "Is not entitled to" negates a right.
(7) "Is not required to" negates a duty or condition precedent.

SUBCHAPTER C. CONSTRUCTION OF STATUTES
Sec. 311.021. INTENTION IN ENACTMENT OF STATUTES. In enacting a statute, it is presumed that:
(1) compliance with the constitutions of this state and the United States is intended;
(2) the entire statute is intended to be effective;
(3) a just and reasonable result is intended;
(4) a result feasible of execution is intended; and
(5) public interest is favored over any private interest.

Sec. 311.022. PROSPECTIVE OPERATION OF STATUTES. A statute is presumed to be prospective in its operation unless expressly made retrospective.

Sec. 311.023. STATUTE CONSTRUCTION AIDS. In construing a statute, whether or not the statute is considered ambiguous on its face, a court may consider among other matters the:
(1) object sought to be attained;
(2) circumstances under which the statute was enacted;
(3) legislative history;
(4) common law or former statutory provisions, including laws on the same or similar subjects;
(5) consequences of a particular construction;
(6) administrative construction of the statute; and
(7) title (caption), preamble, and emergency
Sec. 311.024. HEADINGS. The heading of a title, subtitle, chapter, subchapter, or section does not limit or expand the meaning of a statute.

Sec. 311.025. IRRECONCILABLE STATUTES AND AMENDMENTS. (a) Except as provided by Section 311.031(d), if statutes enacted at the same or different sessions of the legislature are irreconcilable, the statute latest in date of enactment prevails.

(b) Except as provided by Section 311.031(d), if amendments to the same statute are enacted at the same session of the legislature, one amendment without reference to another, the amendments shall be harmonized, if possible, so that effect may be given to each. If the amendments are irreconcilable, the latest in date of enactment prevails.

(c) In determining whether amendments are irreconcilable, text that is reenacted because of the requirement of Article III, Section 36, of the Texas Constitution is not considered to be irreconcilable with additions or omissions in the same text made by another amendment. Unless clearly indicated to the contrary, an amendment that reenacts text in compliance with that constitutional requirement does not indicate legislative intent that the reenacted text prevail over changes in the same text made by another amendment, regardless of the relative dates of enactment.

(d) In this section, the date of enactment is the date on which the last legislative vote is taken on the bill enacting the statute.

(e) If the journals or other legislative records fail to disclose which of two or more bills in conflict is latest in date of enactment, the date of enactment of the respective bills is considered to be, in order of priority:

(1) the date on which the last presiding officer signed the bill;

(2) the date on which the governor signed the bill; or

(3) the date on which the bill became law by operation
Sec. 311.026. SPECIAL OR LOCAL PROVISION PREVAILS OVER GENERAL. (a) If a general provision conflicts with a special or local provision, the provisions shall be construed, if possible, so that effect is given to both.

(b) If the conflict between the general provision and the special or local provision is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later enactment and the manifest intent is that the general provision prevail.

Sec. 311.027. STATUTORY REFERENCES. Unless expressly provided otherwise, a reference to any portion of a statute or rule applies to all reenactments, revisions, or amendments of the statute or rule.

Sec. 311.028. UNIFORM CONSTRUCTION OF UNIFORM ACTS. A uniform act included in a code shall be construed to effect its general purpose to make uniform the law of those states that enact it.

Sec. 311.029. ENROLLED BILL CONTROLS. If the language of the enrolled bill version of a statute conflicts with the language of any subsequent printing or reprinting of the statute, the language of the enrolled bill version controls.

Sec. 311.030. REPEAL OF REPEALING STATUTE. The repeal of a repealing statute does not revive the statute originally repealed nor impair the effect of any saving provision in it.

Sec. 311.031. SAVING PROVISIONS. (a) Except as provided by Subsection (b), the reenactment, revision, amendment, or repeal of a statute does not affect:

1. the prior operation of the statute or any prior action taken under it;
2. any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accords, or incurred under it;
3. any violation of the statute or any penalty,
forfeiture, or punishment incurred under the statute before its amendment or repeal; or

(4) any investigation, proceeding, or remedy concerning any privilege, obligation, liability, penalty, forfeiture, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the statute had not been repealed or amended.

(b) If the penalty, forfeiture, or punishment for any offense is reduced by a reenactment, revision, or amendment of a statute, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the statute as amended.

(c) The repeal of a statute by a code does not affect an amendment, revision, or reenactment of the statute by the same legislature that enacted the code. The amendment, revision, or reenactment is preserved and given effect as part of the code provision that revised the statute so amended, revised, or reenacted.

(d) If any provision of a code conflicts with a statute enacted by the same legislature that enacted the code, the statute controls.

Sec. 311.032. SEVERABILITY OF STATUTES. (a) If any statute contains a provision for severability, that provision prevails in interpreting that statute.

(b) If any statute contains a provision for nonseverability, that provision prevails in interpreting that statute.

(c) In a statute that does not contain a provision for severability or nonseverability, if any provision of the statute or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the statute that can be given effect without the invalid provision or application, and to this end the provisions of the statute are severable.
Sec. 311.034. WAIVER OF SOVEREIGN IMMUNITY. In order to preserve the legislature's interest in managing state fiscal matters through the appropriations process, a statute shall not be construed as a waiver of sovereign immunity unless the waiver is effected by clear and unambiguous language. In a statute, the use of "person," as defined by Section 311.005 to include governmental entities, does not indicate legislative intent to waive sovereign immunity unless the context of the statute indicates no other reasonable construction. Statutory prerequisites to a suit, including the provision of notice, are jurisdictional requirements in all suits against a governmental entity.

Sec. 311.035. CONSTRUCTION OF STATUTE OR RULE INVOLVING CRIMINAL OFFENSE OR PENALTY. (a) In this section, "actor" and "element of offense" have the meanings assigned by Section 1.07, Penal Code.

(b) Except as provided by Subsection (c), a statute or rule that creates or defines a criminal offense or penalty shall be construed in favor of the actor if any part of the statute or rule is ambiguous on its face or as applied to the case, including:

(1) an element of offense; or
(2) the penalty to be imposed.

(c) Subsection (b) does not apply to a criminal offense or penalty under the Penal Code or under the Texas Controlled Substances Act.

(d) The ambiguity of a part of a statute or rule to which this section applies is a matter of law to be resolved by the judge.
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 1</td>
<td></td>
<td>RN 5009.103</td>
</tr>
<tr>
<td>Sec. 2</td>
<td></td>
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<tr>
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<tr>
<td>Sec. 4</td>
<td>(part)</td>
<td>5009.002</td>
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<tr>
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<td>RN 6913.108</td>
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<td>(part)</td>
<td>RN 6913.108</td>
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<td>RN 6913.108</td>
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</tr>
<tr>
<td></td>
<td>(part)</td>
<td>RN 6913.058</td>
</tr>
</tbody>
</table>
1 (part) .............................................. 8887.151
2 (part) .............................................. 8887.152
3 (part) .............................................. 8887.153
4 (part) .............................................. RN 8887.153
5 Sec. 3 .............................................. RN 8887.101
6 Sec. 4 (part) ........................................ 8887.002
7 (part) .............................................. 8887.003
8 Sec. 4a .............................................. RN 8887.153
9 Sec. 5 .............................................. RN 8887.153

10 68th Leg., R.S., Ch. 21
11 Sec. 1(a) .............................................. 5013.001
12 (b) .............................................. 5013.002
13

14 68th Leg., R.S., Ch. 760
15 Sec. 3(a) .............................................. RN 8887.051
16 (b) .............................................. RN 8887.051

17 68th Leg., R.S., Ch. 1081
18 Sec. 1(a) .............................................. 7811.002
19 (b) (part) .............................................. 7811.001
20 (part) .............................................. 7811.002
21 (c) .............................................. 7811.001
22 (d) (part) .............................................. RN 7811.002
23 (part) .............................................. 7811.101
24 (part) .............................................. RN 7811.101
25 (e) .............................................. 7811.101
26 (f) .............................................. RN 7811.101
27 (g) .............................................. 7811.107
28 Sec. 2(a) (part) ........................................ 7811.001
29 (part) .............................................. 7811.004
30 (part) .............................................. RN 7811.004
31 (b) .............................................. 7811.004
32 (c) .............................................. 7811.004
33 (d) .............................................. 7811.004
34 Sec. 3(a) .............................................. 7811.051
35 (b) .............................................. 7811.054
36 (c) (part) .............................................. 7811.052
37 (part) .............................................. 7811.053
38 (part) .............................................. RN 7811.053
39 (d) (part) .............................................. 7811.059
40 (part) .............................................. RN 7811.059
41 (e) .............................................. 7811.060
42 (f) (part) .............................................. 7811.055
43 (part) .............................................. RN 7811.062
44 (g) .............................................. 7811.055
45 (h) .............................................. 7811.056
46 (i) (part) .............................................. 7811.058
47 (part) .............................................. RN 7811.058
48 (j) .............................................. RN 7811.062
49 (k) .............................................. 7811.062
50 Sec. 4(a) .............................................. RN 7811.205
51 (b) (part) .............................................. 7811.205
52 (part) .............................................. RN 7811.205
53 (c) .............................................. 7811.202
54 (d) .............................................. 7811.202
55 (e) .............................................. 7811.202
56 (f) .............................................. 7811.203
57 Sec. 5 .............................................. RN 7811.205
58 Sec. 6(a) .............................................. 7811.204
59 (b) (part) .............................................. 7811.204
60 (part) .............................................. RN 7811.204
61 (c) .............................................. 7811.204
62 (d) .............................................. 7811.204
63 Sec. 7 .............................................. 7811.105
64 Sec. 8 .............................................. 7811.003
65 Sec. 9(a) .............................................. 7811.102
1. Sec. 10 ................................................. 7811.102
2. (b) (part) .............................................. 7811.102
3. (part) ................................................. RN 7811.102
4. (c) ...................................................... 7811.103
5. (d) ...................................................... 7811.102
6. Sec. 11(a) ............................................... 7811.104
7. (b) ...................................................... 7811.201
8. (c) ...................................................... 7811.201
9. (d) ...................................................... 7811.057
10. Sec. 12 ................................................ 7811.061
11. Sec. 13 (part) ......................................... 7811.005
12. (part) .................................................. RN 7811.005
13. Sec. 14 ................................................ 7811.003
14. Sec. 15 ................................................ 7811.106
15. Sec. 16A (part) ....................................... 7811.151
16. (part) .................................................. 7811.154
17. (part) .................................................. 7811.155
18. (part) .................................................. 7811.156
19. Sec. 16B ............................................... 7811.159
20. Sec. 16C ............................................... 7811.151
21. Sec. 16D(a) ........................................... 7811.152
22. (b) ...................................................... 7811.153
23. Sec. 16E(a) ........................................... 7811.154
24. (b) ...................................................... 7811.156
25. (c) ...................................................... 7811.156
26. (d) ...................................................... 7811.155
27. (e) ...................................................... 7811.156
28. (f) ...................................................... 7811.156
29. (g) (part) ............................................... 7811.156
30. (part) .................................................. RN 7811.156
31. (h) ...................................................... 7811.156
32. Sec. 16F ............................................... 7811.157
33. Sec. 16G ............................................... 7811.158
34. 69th Leg., R.S., Ch. 63 ................................ 8887.153
35. Sec. 3 ................................................ 8887.153
36. 69th Leg., R.S., Ch. 377 .............................. 8886.002
37. Sec. 1 (part) ........................................... 8886.002
38. (part) .................................................. RN 8886.002
39. Sec. 2 ................................................ 8886.151
40. Sec. 3 ................................................ 8886.001
41. Sec. 4 ................................................ 8886.003
42. Sec. 5 ................................................ 8886.051
43. Sec. 6 ................................................ 8886.002
44. Sec. 7(a) ............................................... 8886.162
45. (b) ...................................................... 8886.153
46. (c) (part) ............................................... 8886.153
47. (part) .................................................. 8886.154
48. (d) (part) ............................................... 8886.155
49. (part) .................................................. RN 8886.155
50. (e) ...................................................... 8886.161
51. (f) (part) ............................................... 8886.156
52. (part) .................................................. 8886.157
53. (g) ...................................................... 8886.162
54. (h) ...................................................... 8886.158
55. (i) ...................................................... 8886.159
56. (j) ...................................................... RN 8886.162
57. (k) ...................................................... 8886.160
58. Sec. 8 ................................................ 8886.152
59. Sec. 9 ................................................ 8886.104
60. Sec. 10 ............................................... RN 8886.104
61. Sec. 11 ............................................... 8886.052
62. Sec. 12(a) ........................................... 8886.201
63. (b) (part) ............................................... 8886.201
64. (part) .................................................. RN 8886.201
65. (c) ...................................................... 8886.201
66. Sec. 13 ............................................... 8886.251
1  Sec. 14 ........................................... 8886.053
2  Sec. 15(a) ...................................... 8886.101
3  (b) ............................................. 8886.101
4  (c) ............................................. 8886.102
5  (d) ............................................. 8886.104
6  (e) ............................................. 8886.103
7  (f) ............................................. 8886.101
8  Sec. 16 (part) .................................. 8886.162
9  (part) ........................................... RN 8886.162
10 Sec. 17 .......................................... 8886.004

11 70th Leg., R.S., Ch. 600
12 Sec. 4 .......................................... RN 7811.062
13 Sec. 5 .......................................... RN 7811.205
14 Sec. 6 .......................................... RN 7811.205

15 71st Leg., R.S., Ch. 519
16 Sec. 1(a) (part) ............................... 8884.001
17 (part) ........................................... 8884.002
18 (part) ........................................... RN 8884.002
19 (b) ............................................. 8884.001
20 Sec. 2 .......................................... 8884.001
21 Sec. 3 .......................................... 8884.004
22 Sec. 4 .......................................... 8884.004
23 Sec. 5 .......................................... 8884.003
24 Sec. 6(a) (part) ................................ 8884.004
25 (part) ........................................... 8884.101
26 (b) ............................................. RN 8884.101
27 (c) ............................................. RN 8884.101
28 Sec. 7(a) (part) ............................... 8884.051
29 (part) ........................................... 8884.052
30 (b) ............................................. 8884.051
31 (c) ............................................. 8884.053
32 (d) ............................................. 8884.052
33 (e) ............................................. 8884.054
34 (f) ............................................. 8884.052
35 (g) ............................................. 8884.052
36 Sec. 8 .......................................... RN 8884.004
37 Sec. 9 .......................................... RN 8884.004
38 Sec. 10 .......................................... RN 8884.101

39 71st Leg., R.S., Ch. 524
40 Sec. 1(a) (part) ............................... 8877.001
41 (part) ........................................... 8877.002
42 (part) ........................................... RN 8877.002
43 (part) ........................................... RN 8877.054
44 (b) ............................................. 8877.002
45 Sec. 2 .......................................... 8877.001
46 Sec. 3 .......................................... 8877.004
47 (part) ........................................... 8877.002
48 Sec. 4 .......................................... RN 8877.004
49 Sec. 5 .......................................... 8877.003
50 Sec. 6(a) (part) ............................... 8877.005
51 (part) ........................................... 8877.101
52 (b) ............................................. RN 8877.101
53 Sec. 7(a) ...................................... 8877.051
54 (b) ............................................. RN 8877.054
55 (c) ............................................. RN 8877.054
56 (d) ............................................. 8877.051
57 (e) ............................................. RN 8877.051
58 (f) ............................................. RN 8877.051
59 Sec. 8 .......................................... RN 8877.054
60 Sec. 9 .......................................... RN 8877.054
61 Sec. 10(a) .................................... 8877.052
62 (b) ............................................. 8877.052
63 (c) ............................................. 8877.054
64 (d) ............................................. 8877.052
65 (e) (part) .................................... 8877.051

86C63 SLB-D 332
<table>
<thead>
<tr>
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<th>Description</th>
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<tbody>
<tr>
<td>71st Leg., R.S., Ch. 653</td>
<td>Sec. 1(a) (part)</td>
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<td>8883.003</td>
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2  Sec. 7(a) ........................................................... 8885.052
3  (b) ................................................................. 8885.051
4  (c) ................................................................. 8885.055
5  (d) ................................................................. 8885.054
6  (e) ................................................................. RN 8885.055
7  Sec. 8(a) ......................................................... RN 8885.055
8  (b) ................................................................. RN 8885.055
9  (c) ................................................................. 8885.051
10  (d) ................................................................. RN 8885.051
11  (e) ................................................................. RN 8885.051
12  Sec. 9 ......................................................... RN 8885.055
13  Sec. 10 ......................................................... RN 8885.055
14  Sec. 11 ......................................................... 8885.053
15  Sec. 12 ......................................................... RN 8885.101

16  72nd Leg., R.S., Ch. 316
17  Sec. 1 ......................................................... 9070.001
18  Sec. 2 ......................................................... 9070.002
19  Sec. 3 ......................................................... 9070.003
20  Sec. 4 ......................................................... 9070.004
21  72nd Leg., R.S., Ch. 318
22  Sec. 2 ......................................................... 7811.160
23  72nd Leg., R.S., Ch. 757
24  Sec. 2 ......................................................... RN 8886.103
25  Sec. 3(a) ....................................................... RN 8886.103
26  (b) (part) ....................................................... 8886.101
27  (part) .......................................................... RN 8886.103
28  74th Leg., R.S., Ch. 368
29  Sec. 1 ......................................................... 8880.001
30  Sec. 2 ......................................................... 8880.051
31  Sec. 3 ......................................................... RN 8880.051
32  Sec. 4 ......................................................... RN 8880.051
33  76th Leg., R.S., Ch. 1029
34  Sec. 1.01(a) (part) ........................................ 8888.001
35  (part) ........................................................ 8888.002
36  (part) ........................................................ RN 8888.002
37  Sec. 1.02(1) ................................................... 8888.001
38  (2) ............................................................... 8888.001
39  (3) ............................................................... 8888.001
40  (4) ............................................................... 8888.001
41  (5) ............................................................... 8888.001
42  (6) ............................................................... RN 8888.001
43  (7) ............................................................... 8888.001
44  (8) ............................................................... 8888.001
45  (9) ............................................................... 8888.001
46  (10) ............................................................. 8888.001
47  (11) ............................................................. 8888.001
48  (12) as added Acts 77th Leg., R.S., Ch. 232. .... 8888.001
49  (12) as added Acts 77th Leg., R.S., Ch. 1296. .... 8888.001
50  (13) ............................................................. 8888.001
51  (14) ............................................................. 8888.001
52  Sec. 1.03(d) ................................................... 8888.169
53  (f) ............................................................... 8888.052
54  (g) ............................................................... 8888.053
55  (h) ............................................................... 8888.256
56  Sec. 1.04 ....................................................... 8888.054
57  Sec. 1.05 ....................................................... 8888.005
58  Sec. 1.06 ....................................................... 8888.003
59  Sec. 2.01(a) .................................................. 8888.101
60  (b) ............................................................... 8888.105
61  (c) ............................................................... 8888.104
62  Sec. 2.02 ....................................................... 8888.102
63  (a) (part) ....................................................... 8888.101
1  Sec. 2.03  ......................................................... RN  8888.109
2  Sec. 2.06  ......................................................... 8888.103
3  Sec. 3.01  ......................................................... 8888.106
4  Sec. 3.02  ......................................................... 8888.107
5  Sec. 3.03(a) ......................................................... 8888.108
6  (b) ................................................................. 8888.108
7  (c) ................................................................. 8888.109
8  Sec. 4.01(a) ......................................................... 8888.151
9  (b) (part) ......................................................... 8888.152
10  (part) ......................................................... 8888.161
11  (c) ................................................................. RN  8888.171
12  (d) ................................................................. 8888.151
13  (e) ................................................................. 8888.157
14  (f) ................................................................. 8888.157
15  (g) ................................................................. 8888.157
16  (h) ................................................................. 8888.157
17  Sec. 4.02  ......................................................... 8888.153
18  Sec. 4.03(a) ......................................................... 8888.154
19  (b) ................................................................. 8888.156
20  (c) ................................................................. 8888.155
21  (d) ................................................................. RN  8888.171
22  (e) ................................................................. 8888.156
23  Sec. 4.04  ......................................................... 8888.170
24  Sec. 4.05  ......................................................... 8888.158
25  Sec. 4.06  ......................................................... 8888.159
26  Sec. 4.07  ......................................................... 8888.160
27  Sec. 4.08(a) ......................................................... 8888.171
28  (b) ................................................................. 8888.171
29  (c) ................................................................. 8888.171
30  (d) ................................................................. 8888.171
31  (e) ................................................................. 8888.171
32  (f) ................................................................. RN  8888.171
33  Sec. 4.09(a) ......................................................... 8888.161
34  (b) ................................................................. 8888.164
35  (c) ................................................................. 8888.162
36  (d) ................................................................. 8888.163
37  (e) ................................................................. 8888.163
38  Sec. 4.10(a) ......................................................... 8888.165
39  (b) ................................................................. 8888.165
40  (c) ................................................................. 8888.165
41  (d) ................................................................. 8888.161
42  (e) ................................................................. 8888.166
43  (f) ................................................................. 8888.166
44  (g) (part) ......................................................... 8888.166
45  (part) ......................................................... 8888.167
46  (h) ................................................................. 8888.167
47  (i) ................................................................. 8888.167
48  (j) ................................................................. 8888.166
49  (k) ................................................................. 8888.168
50  Sec. 4.11 (part) ......................................................... 8888.201
51  (part) ......................................................... RN  8888.201
52  Sec. 4.12(a) ......................................................... RN  8888.204
53  (b) (part) ......................................................... 8888.202
54  (part) ......................................................... RN  8888.204
55  (c) ................................................................. RN  8888.204
56  Sec. 4.13  ......................................................... 8888.203
57  Sec. 4.14  ......................................................... 8888.004
58  Sec. 5.01  ......................................................... 8888.251
59  Sec. 5.01A  ......................................................... 8888.252
60  Sec. 5.02(a) ......................................................... 8888.253
61  (b) ................................................................. 8888.253
62  (c) ................................................................. 8888.253
63  (d) (part) ......................................................... 8888.253
64  (part) ......................................................... RN  8888.253
65  (e) ................................................................. 8888.253
66  (f) ................................................................. 8888.253
67  (g) ................................................................. 8888.253
68  (h) ................................................................. 8888.253
<table>
<thead>
<tr>
<th>Page</th>
<th>Section</th>
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<td>Sec. 5.03</td>
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