

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL  
Special District Local  
Laws Code  
Chapter 8865  
9/11/12

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1 CHAPTER 8865. POST OAK SAVANNAH GROUNDWATER

2 CONSERVATION DISTRICT

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Revised Law

5 Sec. 8865.001. DEFINITIONS. In this chapter:

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

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

8 (3) "District" means the Post Oak Savannah Groundwater  
9 Conservation District. (Acts 77th Leg., R.S., Ch. 966, Sec.  
10 3.1402; Acts 77th Leg., R.S., Ch. 1307, Sec. 3.02; New.)

11 Source Law

12 [Acts 77th Leg., R.S., Ch. 966]

13 Sec. 3.1402. In this part, "district" means the  
14 Post Oak Savannah Groundwater Conservation District.

15 [Acts 77th Leg., R.S., Ch. 1307]

16 Sec. 3.02. In this article, "district" means  
17 the Post Oak Savannah Groundwater Conservation  
18 District.

19 Revisor's Note

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

24 Revised Law

25 Sec. 8865.002. NATURE OF DISTRICT. The district is a  
26 groundwater conservation district in Milam and Burleson Counties  
27 created under and essential to accomplish the purposes of Section  
28 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch.  
29 966, Secs. 3.1401(a) (part), (b); Acts 77th Leg., R.S., Ch. 1307,  
30 Secs. 3.01(a) (part), (b).)

31 Source Law

32 [Acts 77th Leg., R.S., Ch. 966]

33 Sec. 3.1401. (a) A groundwater conservation  
34 district, to be known as the Post Oak Savannah  
35 Groundwater Conservation District, is created in Milam  
36 and Burleson counties, . . . .

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

40 [Acts 77th Leg., R.S., Ch. 1307]

1           Sec. 3.01. (a)     A groundwater conservation  
2 district, to be known as the Post Oak Savannah  
3 Groundwater Conservation District, is created in Milam  
4 and Burleson counties, . . . .

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

8                               Revisor's Note

9           (1) Section 3.1401(a), Chapter 966, and Section  
10 3.01(a), Chapter 1307, Acts of the 77th Legislature,  
11 Regular Session, 2001, refer to a confirmation  
12 election. Because the confirmation election has  
13 already been held, the revised law omits the  
14 provisions as executed. The omitted law reads:

15                   [Acts 77th Leg., R.S., Ch. 966]

16                   Sec. 3.1401. (a) . . . subject to  
17 approval at a confirmation election under  
18 Section 3.1412 of this part. . . .

19                   [Acts 77th Leg., R.S., Ch. 1307]

20                   Sec. 3.01. (a) . . . subject to  
21 approval at a confirmation election under  
22 Section 3.13 of this article. . . .

23           (2) Section 3.1401(a), Chapter 966, and Section  
24 3.01(a), Chapter 1307, Acts of the 77th Legislature,  
25 Regular Session, 2001, provide the district is a  
26 governmental agency and a body politic and corporate.  
27 The revised law omits those provisions because they  
28 duplicate a portion of Section 59(b), Article XVI,  
29 Texas Constitution, which provides that a conservation  
30 and reclamation district is a governmental agency and  
31 body politic and corporate. The omitted law reads:

32                   [Acts 77th Leg., R.S., Ch. 966]

33                   Sec. 3.1401. (a) . . . The district  
34 is a governmental agency and a body politic  
35 and corporate.

36                   [Acts 77th Leg., R.S., Ch. 1307]

37                   Sec. 3.01. (a) . . . The district  
38 is a governmental agency and a body politic  
39 and corporate.

40                               Revised Law

41           Sec. 8865.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The  
42 district is created to serve a public use and benefit.

43           (b) All land and other property included in the district

1 will benefit from the works and projects accomplished by the  
2 district under the powers conferred by Section 59, Article XVI,  
3 Texas Constitution. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1404;  
4 Acts 77th Leg., R.S., Ch. 1307, Sec. 3.04.)

5 Source Law

6 [Acts 77th Leg., R.S., Ch. 966]

7 Sec. 3.1404. All of the land and other property  
8 included within the boundaries of the district will be  
9 benefited by the works and projects that are to be  
10 accomplished by the district under powers conferred by  
11 Section 59, Article XVI, Texas Constitution. The  
12 district is created to serve a public use and benefit.

13 [Acts 77th Leg., R.S., Ch. 1307]

14 Sec. 3.04. All of the land and other property  
15 included within the boundaries of the district will be  
16 benefitted by the works and projects that are to be  
17 accomplished by the district under powers conferred by  
18 Section 59, Article XVI, Texas Constitution. The  
19 district is created to serve a public use and benefit.

20 Revised Law

21 Sec. 8865.004. DISTRICT TERRITORY. The district's  
22 boundaries are coextensive with the boundaries of Milam and  
23 Burleson Counties unless the district's territory has been modified  
24 under:

- 25 (1) Subchapter J or K, Chapter 36, Water Code; or  
26 (2) other law. (Acts 77th Leg., R.S., Ch. 966, Sec.  
27 3.1403; Acts 77th Leg., R.S., Ch. 1307, Sec. 3.03; New.)

28 Source Law

29 [Acts 77th Leg., R.S., Ch. 966]

30 Sec. 3.1403. The boundaries of the district are  
31 coextensive with the boundaries of Milam and Burleson  
32 counties.

33 [Acts 77th Leg., R.S., Ch. 1307]

34 Sec. 3.03. The boundaries of the district are  
35 coextensive with the boundaries of Milam and Burleson  
36 counties.

37 Revisor's Note

38 Section 3.1403, Chapter 966, and Section 3.03,  
39 Chapter 1307, Acts of the 77th Legislature, Regular  
40 Session, 2001, contain a description of the territory  
41 of the district. That description may not be accurate  
42 on the effective date of the revised law or at the time  
43 of a later reading because the district's boundaries

1 are subject to change. For the reader's convenience,  
2 the revised law adds references to the authority to  
3 change the district's territory under Subchapter J or  
4 K, Chapter 36, Water Code, applicable to groundwater  
5 conservation districts, and to the general authority  
6 of the legislature to enact other laws under which the  
7 district's territory may change.

8 Revisor's Note  
9 (End of Subchapter)

10 Section 3.1405(a), Chapter 966, and Section  
11 3.05(a), Chapter 1307, Acts of the 77th Legislature,  
12 Regular Session, 2001, provide that the portions of  
13 the acts pertaining to the district prevail over  
14 general law, including Chapter 36, Water Code, in case  
15 of a conflict or inconsistency.

16 The revised law omits the portions of Section  
17 3.1405(a), Chapter 966, and Section 3.05(a), Chapter  
18 1307, pertaining to conflicts with general law because  
19 they substantively duplicate Section 311.026,  
20 Government Code (Code Construction Act), and part of  
21 Section 36.052(a), Water Code, which provides that a  
22 "special law governing a specific district" prevails  
23 over Chapter 36. Throughout this chapter, the revised  
24 law omits law that duplicates law contained in Chapter  
25 36, which applies to the district under Section  
26 8865.101 of this chapter and Section 36.001(1), Water  
27 Code. The omitted law reads:

28 [Acts 77th Leg., R.S., Ch. 966]

29 Sec. 3.1405. (a) . . . This part  
30 prevails over any provision of general law  
31 that is in conflict or inconsistent with  
32 this part, including any provision of  
33 Chapter 36, Water Code.

34 [Acts 77th Leg., R.S., Ch. 1307]

35 Sec. 3.05. (a) . . . This article  
36 prevails over any provision of general law  
37 that is in conflict or inconsistent with  
38 this article, including any provision of  
39 Chapter 36, Water Code.

1 [Sections 8865.005-8865.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Revised Law

4 Sec. 8865.051. COMPOSITION OF BOARD; TERMS. (a) The  
5 district is governed by a board of 10 directors.

6 (b) Directors serve staggered four-year terms.

7 (c) A director may serve consecutive terms. (Acts 77th Leg.,  
8 R.S., Ch. 966, Secs. 3.1409(a), (c), (f); Acts 77th Leg., R.S., Ch.  
9 1307, Secs. 3.10(a), (c), (f).)

10 Source Law

11 [Acts 77th Leg., R.S., Ch. 966]

12 Sec. 3.1409. (a) The district is governed by a  
13 board of 10 directors.

14 (c) Permanent directors serve four-year  
15 staggered terms.

16 (f) A director may serve consecutive terms.

17 [Acts 77th Leg., R.S., Ch. 1307]

18 Sec. 3.10. (a) The district is governed by a  
19 board of 10 directors.

20 (c) Permanent directors serve four-year  
21 staggered terms.

22 (f) A director may serve consecutive terms.

23 Revisor's Note

24 (1) Section 3.1409(c), Chapter 966, and Section  
25 3.10(c), Chapter 1307, Acts of the 77th Legislature,  
26 Regular Session, 2001, refer to "[p]ermanent"  
27 directors. The revised law omits "permanent."  
28 Section 3.1409, Chapter 966, and Section 3.10, Chapter  
29 1307, refer to "initial" and "permanent" directors to  
30 distinguish between the district's "initial" directors  
31 and subsequently serving "permanent" directors. For  
32 the reasons stated in Revisor's Note (2) to Section  
33 8865.052 and the revisor's notes at the end of this  
34 subchapter, the revised law omits provisions regarding  
35 "initial" directors. It is therefore no longer  
36 necessary to distinguish between "initial" and  
37 "permanent" directors, and the revised law is drafted

1 accordingly.

2 (2) Section 3.1409(d), Chapter 966, and Section  
3 3.10(d), Chapter 1307, Acts of the 77th Legislature,  
4 Regular Session, 2001, provide that a director must  
5 qualify to serve in the manner provided by Section  
6 36.055, Water Code. The revised law omits those  
7 provisions because Section 36.055, Water Code, applies  
8 to the district under Section 8865.101 of this chapter  
9 and Section 36.001(1), Water Code. The omitted law  
10 reads:

11 [Acts 77th Leg., R.S., Ch. 966, Sec. 3.1409]  
12 (d) Each director must qualify to  
13 serve as a director in the manner provided  
14 by Section 36.055, Water Code.

15 [Acts 77th Leg., R.S., Ch. 1307, Sec. 3.10]  
16 (d) Each director must qualify to  
17 serve as a director in the manner provided  
18 by Section 36.055, Water Code.

19 (3) Section 3.1409(e), Chapter 966, and Section  
20 3.10(e), Chapter 1307, Acts of the 77th Legislature,  
21 Regular Session, 2001, provide that a director serves  
22 until a successor has qualified. The revised law omits  
23 those provisions because they duplicate Section 17,  
24 Article XVI, Texas Constitution, which provides that  
25 an officer in this state continues to perform the  
26 officer's official duties until a successor has  
27 qualified. The omitted law reads:

28 [Acts 77th Leg., R.S., Ch. 966, Sec. 3.1409]  
29 (e) A director serves until the  
30 director's successor has qualified.

31 [Acts 77th Leg., R.S., Ch. 1307, Sec. 3.10]  
32 (e) A director serves until the  
33 director's successor has qualified.

34 Revised Law

35 Sec. 8865.052. APPOINTMENT OF DIRECTORS. (a) The Milam  
36 County Commissioners Court shall appoint five directors, of whom:

37 (1) one must represent municipal interests in the  
38 county;

39 (2) one must be a bona fide agricultural producer who

1 derives a substantial portion of the producer's income from  
2 agriculture in the county;

3 (3) one must be a director or employee of a rural water  
4 supply corporation in the county;

5 (4) one must represent active industrial interests in  
6 the county; and

7 (5) one must represent the interests of the county at  
8 large.

9 (b) The Burleson County Commissioners Court shall appoint  
10 five directors, of whom:

11 (1) one must represent municipal interests in the  
12 county;

13 (2) one must be a bona fide agricultural producer who  
14 derives a substantial portion of the producer's income from  
15 agriculture in the county;

16 (3) one must be a director or employee of a rural water  
17 supply corporation in the county;

18 (4) one must represent active industrial interests in  
19 the county; and

20 (5) one must represent the interests of the county at  
21 large.

22 (c) On January 1 of each even-numbered year, the appropriate  
23 commissioners court shall appoint the appropriate number of  
24 directors. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1410(d) (part);  
25 Acts 77th Leg., R.S., Ch. 1307, Secs. 3.11(a), (b), (d) (part).)

26 Source Law

27 [Acts 77th Leg., R.S., Ch. 966, Sec. 3.1410]  
28 (d) . . . On January 1 of the second year  
29 following confirmation of the district and every two  
30 years after that date, the appropriate commissioners  
31 court shall appoint the appropriate number of  
32 permanent directors.

33 [Acts 77th Leg., R.S., Ch. 1307]  
34 Sec. 3.11. (a) The Milam County Commissioners  
35 Court shall appoint five directors, of whom:  
36 (1) one must represent municipal interests  
37 in the county;  
38 (2) one must be a bona fide agricultural  
39 producer who derives a substantial portion of his or  
40 her income from agriculture in the county;



1 (3) one must be a director or employee of a  
2 rural water supply corporation in the county;

3 (4) one must represent active industrial  
4 interests in the county; and

5 (5) one must represent the interests of  
6 the county at large.

7 (b) The Burleson County Commissioners Court  
8 shall appoint five directors, of whom:

9 (1) one must represent municipal interests  
10 in the county;

11 (2) one must be a bona fide agricultural  
12 producer who derives a substantial portion of his or  
13 her income from agriculture in the county;

14 (3) one must be a director or employee of a  
15 rural water supply corporation in the county;

16 (4) one must represent active industrial  
17 interests in the county; and

18 (5) one must represent the interests of  
19 the county at large.

20 (d) . . . On January 1 of the second year  
21 following confirmation of the district and every two  
22 years after that date, the appropriate commissioners  
23 court shall appoint the appropriate number of  
24 permanent directors.

25 Revisor's Note

26 (1) Sections 3.1410(a) and (b), Chapter 966, and  
27 Sections 3.11(a) and (b), Chapter 1307, Acts of the  
28 77th Legislature, Regular Session, were enacted in  
29 2001. Chapter 966 provides for the appointment of  
30 directors by the Milam County Commissioners Court and  
31 the Burleson County Commissioners Court. Chapter 1307  
32 contains similar provisions regarding the appointment  
33 of directors by the Milam County Commissioners Court  
34 and the Burleson County Commissioners Court but is  
35 more specific in its requirements for who may serve in  
36 certain director positions. Section 6.01(d), Chapter  
37 1307, Acts of the 77th Legislature, Regular Session,  
38 2001, provides that "[t]o the extent of any conflicts,  
39 this Act prevails over any provision of Senate Bill No.  
40 2, Acts of the 77th Legislature, Regular Session,  
41 2001" (i.e., Chapter 966). Consequently, the revised  
42 law gives effect to the more specific requirements in  
43 Chapter 1307 and omits Sections 3.1410(a) and (b),  
44 Chapter 966, Acts of the 77th Legislature, Regular  
45 Session, 2001.

1           Additionally, the revised law omits Section  
2           6.01(d), Chapter 1307, Acts of the 77th Legislature,  
3           Regular Session, 2001, because after the effective  
4           date of the revised law, that provision will have no  
5           continued effect. The omitted law reads:

6           [Acts 77th Leg., R.S., Ch. 966]

7           Sec. 3.1410. (a) The Milam County  
8           Commissioners Court shall appoint five  
9           directors, of whom:

10           (1) one must represent  
11           municipal interests in the county;

12           (2) one must represent  
13           agricultural interests in the county;

14           (3) one must represent rural  
15           water suppliers' interests in the county;

16           (4) one must represent  
17           industrial interests in the county; and

18           (5) one must represent the  
19           interests of the county at large.

20           (b) The Burleson County  
21           Commissioners Court shall appoint five  
22           directors, of whom:

23           (1) one must represent  
24           municipal interests in the county;

25           (2) one must represent  
26           agricultural interests in the county;

27           (3) one must represent rural  
28           water suppliers' interests in the county;

29           (4) one must represent  
30           industrial interests in the county; and

31           (5) one must represent the  
32           interests of the county at large.

33           [Acts 77th Leg., R.S., Ch. 1307, Sec. 6.01]

34           (d) To the extent of any conflicts,  
35           this Act prevails over any provision of  
36           Senate Bill No. 2, Acts of the 77th  
37           Legislature, Regular Session, 2001.

38           (2) Sections 3.1410(c) and (d), Chapter 966, and  
39           Sections 3.11(c) and (d), Chapter 1307, Acts of the  
40           77th Legislature, Regular Session, 2001, provide for  
41           the appointment and terms of office of the initial  
42           directors. The revised law omits those provisions as  
43           executed. The omitted law reads:

44           [Acts 77th Leg., R.S., Ch. 966, Sec. 3.1410]

45           (c) Each of the governing bodies  
46           authorized by this section to make an  
47           appointment shall appoint the appropriate  
48           number of initial directors as soon as  
49           practicable following the effective date of  
50           this Act, but not later than the 45th day  
51           after the effective date of this Act.

52           (d) The initial directors shall draw  
53           lots to determine their terms. Two initial  
54           directors from Milam County and two initial

1 directors from Burleson County serve terms  
2 that expire on January 1 of the second year  
3 following the confirmation of the district  
4 at an election held under Section 3.1412 of  
5 this part. The remaining six initial  
6 directors serve terms that expire on  
7 January 1 of the fourth year following the  
8 confirmation of the district. . . .

9 [Acts 77th Leg., R.S., Ch. 1307, Sec. 3.11]

10 (c) Each of the governing bodies  
11 authorized by this section to make an  
12 appointment shall appoint the appropriate  
13 number of initial directors as soon as  
14 practicable following the effective date of  
15 this Act, but not later than the 45th day  
16 after the effective date of this Act.

17 (d) The initial directors shall draw  
18 lots to determine their terms. Two initial  
19 directors from Milam County and two initial  
20 directors from Burleson County serve terms  
21 that expire on January 1 of the second year  
22 following the confirmation of the district  
23 at an election held under Section 3.13 of  
24 this article. The remaining six initial  
25 directors serve terms that expire on  
26 January 1 of the fourth year following the  
27 confirmation of the district. . . .

28 (3) Section 3.1410(d), Chapter 966, and Section  
29 3.11(d), Chapter 1307, Acts of the 77th Legislature,  
30 Regular Session, 2001, provide for the appointment of  
31 "permanent" directors "[o]n January 1 of the second  
32 year following confirmation of the district and every  
33 two years after that date." The revised law omits the  
34 reference to "permanent" directors for the reason  
35 stated in Revisor's Note (1) to Section 8865.051 and  
36 omits as executed the language referring to the first  
37 appointment of "permanent" directors on January 1 of  
38 the second year following confirmation of the  
39 district. The revised law also substitutes "each  
40 even-numbered year" for "every two years" after  
41 January 1 of the second year following confirmation of  
42 the district because the directors are appointed in  
43 even-numbered years following the confirmation  
44 election in 2002.

45 Revised Law

46 Sec. 8865.053. BOARD VACANCY. If there is a vacancy on the  
47 board, the commissioners court that appointed the director who

1 vacated the office shall appoint a director to serve the remainder  
2 of the term. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1409(g); Acts  
3 77th Leg., R.S., Ch. 1307, Sec. 3.10(g).)

4 Source Law

5 [Acts 77th Leg., R.S., Ch. 966, Sec. 3.1409]

6 (g) If there is a vacancy on the board, the  
7 governing body of the entity that appointed the  
8 director who vacated the office shall appoint a  
9 director to serve the remainder of the term.

10 [Acts 77th Leg., R.S., Ch. 1307, Sec. 3.10]

11 (g) If there is a vacancy on the board, the  
12 governing body of the entity that appointed the  
13 director who vacated the office shall appoint a  
14 director to serve the remainder of the term.

15 Revisor's Note

16 Section 3.1409(g), Chapter 966, and Section  
17 3.10(g), Chapter 1307, Acts of the 77th Legislature,  
18 Regular Session, 2001, refer to the "governing body of  
19 the entity" that appointed a vacating director. The  
20 revised law substitutes "commissioners court" for the  
21 quoted language because a commissioners court is the  
22 governing body that appoints all directors.

23 Revised Law

24 Sec. 8865.054. COMPENSATION; EXPENSES. (a) A director is  
25 not entitled to receive compensation for serving as a director.

26 (b) A director may be reimbursed for actual, reasonable  
27 expenses incurred in discharging official duties. (Acts 77th Leg.,  
28 R.S., Ch. 966, Sec. 3.1409(h); Acts 77th Leg., R.S., Ch. 1307, Sec.  
29 3.10(h).)

30 Source Law

31 [Acts 77th Leg., R.S., Ch. 966, Sec. 3.1409]

32 (h) Directors are not entitled to receive  
33 compensation for serving as a director but may be  
34 reimbursed for actual, reasonable expenses incurred in  
35 the discharge of official duties.

36 [Acts 77th Leg., R.S., Ch. 1307, Sec. 3.10]

37 (h) Directors are not entitled to receive  
38 compensation for serving as a director but may be  
39 reimbursed for actual, reasonable expenses incurred in  
40 the discharge of official duties.

41 Revised Law

42 Sec. 8865.055. QUORUM; VOTE REQUIRED FOR BOARD ACTION. (a)

1 A quorum exists when at least two-thirds of the directors are  
2 present.

3 (b) A majority vote of a quorum of the board is required for  
4 board action. If there is a tie vote, the proposed action fails.  
5 (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1409(i); Acts 77th Leg.,  
6 R.S., Ch. 1307, Sec. 3.10(i).)

7 Source Law

8 [Acts 77th Leg., R.S., Ch. 966, Sec. 3.1409]

9 (i) A quorum exists when at least two-thirds of  
10 the board members are present. A majority vote of a  
11 quorum is required for board action. If there is a tie  
12 vote, the proposed action fails.

13 [Acts 77th Leg., R.S., Ch. 1307, Sec. 3.10]

14 (i) A quorum exists when at least two-thirds of  
15 the board members are present. A majority vote of a  
16 quorum is required for board action. If there is a tie  
17 vote, the proposed action fails.

18 Revisor's Note  
19 (End of Subchapter)

20 (1) Section 3.1409(b), Chapter 966, and Section  
21 3.10(b), Chapter 1307, Acts of the 77th Legislature,  
22 Regular Session, 2001, provide that initial directors  
23 serve until permanent directors are appointed.  
24 Because the terms of the initial directors have  
25 expired, the revised law omits those provisions as  
26 executed. The omitted law reads:

27 [Acts 77th Leg., R.S., Ch. 966, Sec. 3.1409]

28 (b) Initial directors serve until  
29 permanent directors are appointed under  
30 Section 3.1410 of this part and qualified as  
31 required by Subsection (d) of this section.

32 [Acts 77th Leg., R.S., Ch. 1307, Sec. 3.10]

33 (b) Initial directors serve until  
34 permanent directors are appointed under  
35 Section 3.11 of this article and qualified  
36 as required by Subsection (d) of this  
37 section.

38 (2) Section 3.1411, Chapter 966, and Section  
39 3.12, Chapter 1307, Acts of the 77th Legislature,  
40 Regular Session, 2001, require the initial directors  
41 to hold an organizational meeting of the district.  
42 Section 3.1412, Chapter 966, and Section 3.13, Chapter  
43 1307, Acts of the 77th Legislature, Regular Session,

1 2001, provide procedures for holding an election to  
2 confirm the district's creation. The revised law omits  
3 those provisions because the organizational meeting of  
4 the initial directors has been held and the creation of  
5 the district has been confirmed. The omitted law  
6 reads:

7 [Acts 77th Leg., R.S., Ch. 966]

8 Sec. 3.1411. As soon as practicable  
9 after all the initial directors have been  
10 appointed and have qualified as provided in  
11 this part, a majority of the directors shall  
12 convene the organizational meeting of the  
13 district at a location within the district  
14 agreeable to a majority of the directors. If  
15 no location can be agreed on, the  
16 organizational meeting of the directors  
17 shall be at the Milam County Courthouse.

18 Sec. 3.1412. (a) The initial board  
19 of directors shall call and hold an election  
20 on the same date in each county within the  
21 district to confirm the creation of the  
22 district.

23 (b) Except as provided by this  
24 section, a confirmation election must be  
25 conducted as provided by Sections 36.017,  
26 36.018, and 36.019, Water Code, and Section  
27 41.001, Election Code.

28 (c) If the majority of qualified  
29 voters in a county who vote in the election  
30 vote to confirm the creation of the  
31 district, that county is included in the  
32 district.

33 (d) The district is dissolved and  
34 this part expires on August 31, 2003, unless  
35 the voters confirm the creation of the  
36 district before that date.

37 [Acts 77th Leg., R.S., Ch. 1307]

38 Sec. 3.12. As soon as practicable  
39 after all the initial directors have been  
40 appointed and have qualified as provided in  
41 this article, a majority of the directors  
42 shall convene the organizational meeting of  
43 the district at a location within the  
44 district agreeable to a majority of the  
45 directors. If no location can be agreed on,  
46 the organizational meeting of the directors  
47 shall be at the Milam County Courthouse.

48 Sec. 3.13. (a) The initial board of  
49 directors shall call and hold an election on  
50 the same date in each county within the  
51 district to confirm the creation of the  
52 district.

53 (b) Except as provided by this  
54 section, a confirmation election must be  
55 conducted as provided by Sections 36.017,  
56 36.018, and 36.019, Water Code, and Section  
57 41.001, Election Code.

58 (c) If the majority of qualified  
59 voters in a county who vote in the election  
60 vote to confirm the creation of the

1 district, that county is included in the  
2 district. If the majority of qualified  
3 voters in a county who vote in the election  
4 vote not to confirm the creation of the  
5 district, that county is excluded from the  
6 district.

7 (d) The district is dissolved and  
8 this article expires on August 31, 2003,  
9 unless the voters confirm the creation of  
10 the district before that date.

11 [Sections 8865.056-8865.100 reserved for expansion]

12 SUBCHAPTER C. POWERS AND DUTIES

13 Revised Law

14 Sec. 8865.101. GROUNDWATER CONSERVATION DISTRICT POWERS  
15 AND DUTIES. Except as otherwise provided by this chapter, the  
16 district has the rights, powers, privileges, functions, and duties  
17 provided by the general law of this state, including Chapter 36,  
18 Water Code, applicable to groundwater conservation districts  
19 created under Section 59, Article XVI, Texas Constitution. (Acts  
20 77th Leg., R.S., Ch. 966, Sec. 3.1405(a) (part); Acts 77th Leg.,  
21 R.S., Ch. 1307, Sec. 3.05(a) (part).)

22 Source Law

23 [Acts 77th Leg., R.S., Ch. 966]

24 Sec. 3.1405. (a) Except as otherwise provided  
25 by this part, the district has all of the rights,  
26 powers, privileges, authority, functions, and duties  
27 provided by the general law of this state, including  
28 Chapter 36, Water Code, applicable to groundwater  
29 conservation districts created under Section 59,  
30 Article XVI, Texas Constitution. . . .

31 [Acts 77th Leg., R.S., Ch. 1307]

32 Sec. 3.05. (a) Except as otherwise provided by  
33 this article, the district has all of the rights,  
34 powers, privileges, authority, functions, and duties  
35 provided by the general law of this state, including  
36 Chapter 36, Water Code, applicable to groundwater  
37 conservation districts created under Section 59,  
38 Article XVI, Texas Constitution. . . .

39 Revisor's Note

40 Section 3.1405(a), Chapter 966, and Section  
41 3.05(a), Chapter 1307, Acts of the 77th Legislature,  
42 Regular Session, 2001, refer to the "rights, powers,  
43 privileges, [and] authority" of the district. The  
44 revised law omits the reference to "authority"  
45 because, in context, "authority" is included in the  
46 meaning of "rights, powers, [and] privileges."

Revised Law

Sec. 8865.102. GROUNDWATER WELLS UNDER JURISDICTION OF RAILROAD COMMISSION. (a) In this section, "railroad commission" means the Railroad Commission of Texas.

(b) A groundwater well drilled or operated in the district under a permit issued by the railroad commission is under the exclusive jurisdiction of the railroad commission and is exempt from regulation by the district.

(c) Groundwater produced in an amount authorized by a railroad commission permit may be used in or exported from the district without a permit from the district.

(d) To the extent groundwater production exceeds railroad commission authorization, the holder of the railroad commission permit:

(1) must apply to the district for the appropriate permit for the excess production; and

(2) is subject to the applicable regulatory fees.

(e) Groundwater produced from a well under the jurisdiction of the railroad commission is generally exempt from water district fees. However, the district may impose either a pumping fee or an export fee on groundwater produced from an otherwise exempt mine well that is used for municipal purposes or by a public utility. A fee imposed by the district under this subsection may not exceed the fee imposed on other groundwater producers in the district. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1407; Acts 77th Leg., R.S., Ch. 1307, Sec. 3.07; New.)

## Source Law

[Acts 77th Leg., R.S., Ch. 966]

Sec. 3.1407. (a) Groundwater wells drilled or operated within the district under permits issued by the Railroad Commission of Texas are under the exclusive jurisdiction of the railroad commission and are exempt from regulation by the district.

(b) Groundwater produced in an amount authorized by a Railroad Commission of Texas permit may be used within or exported from the district without obtaining a permit from the district.

(c) To the extent groundwater production exceeds Railroad Commission of Texas authorization, the holder of the railroad commission permit must



1 apply to the district for appropriate permits for the  
2 excess production and is subject to the applicable  
3 regulatory fees.

4 (d) Groundwater produced from wells under the  
5 jurisdiction of the Railroad Commission of Texas is  
6 generally exempt from water district fees. However,  
7 the district may impose either a pumping fee or an  
8 export fee on groundwater produced from an otherwise  
9 exempt mine well that is used for municipal purposes or  
10 by a public utility. Any fee imposed by the district  
11 under this subsection may not exceed the fee imposed on  
12 other groundwater producers in the district.

13 [Acts 77th Leg., R.S., Ch. 1307]

14 Sec. 3.07. (a) A groundwater well drilled or  
15 operated within the district under a permit issued by  
16 the Railroad Commission of Texas is under the  
17 exclusive jurisdiction of the railroad commission and  
18 is exempt from regulation by the district.

19 (b) Groundwater produced in an amount  
20 authorized by a railroad commission permit may be used  
21 within or exported from the district without a permit  
22 from the district.

23 (c) To the extent groundwater is produced in  
24 excess of railroad commission authorization, the  
25 holder of the railroad commission permit must apply to  
26 the district for the appropriate permit for the excess  
27 production and is subject to the applicable regulatory  
28 fees.

29 (d) Groundwater produced from a well under the  
30 jurisdiction of the railroad commission is generally  
31 exempt from water district fees. However, the district  
32 may impose either a pumping fee or an export fee on  
33 groundwater produced from an otherwise exempt mine  
34 well that is used for municipal purposes or by a public  
35 utility. Any fee imposed by the district under this  
36 subsection may not exceed the fee imposed on other  
37 groundwater producers in the district.

#### 38 Revisor's Note

39 The definition of "railroad commission" is added  
40 to the revised law for drafting convenience and to  
41 eliminate frequent, unnecessary repetition of the  
42 substance of the definition.

#### 43 Revised Law

44 Sec. 8865.103. LIMITATION ON POWER OF EMINENT DOMAIN. The  
45 district does not have the authority granted by Section 36.105,  
46 Water Code, relating to eminent domain. (Acts 77th Leg., R.S., Ch.  
47 966, Sec. 3.1405(b) (part); Acts 77th Leg., R.S., Ch. 1307, Sec.  
48 3.05(b) (part).)

#### 49 Source Law

50 [Acts 77th Leg., R.S., Ch. 966, Sec. 3.1405]

51 (b) The district does not have the authority  
52 granted by the following provisions of Chapter 36,  
53 Water Code:

54 (1) Section 36.105, relating to eminent

1 domain; and

2 . . .

3 [Acts 77th Leg., R.S., Ch. 1307, Sec. 3.05]

4 (b) The district does not have the authority  
5 granted by the following provisions of Chapter 36,  
6 Water Code:

7 (1) Section 36.105, relating to eminent  
8 domain; and

9 . . .

10 Revisor's Note  
11 (End of Subchapter)

12 (1) Section 3.1408, Chapter 966, Acts of the  
13 77th Legislature, Regular Session, 2001, requires the  
14 district to coordinate with other groundwater  
15 districts in its designated management area to manage  
16 groundwater.

17 Section 3.08, Chapter 1307, Acts of the 77th  
18 Legislature, Regular Session, 2001, also addresses  
19 regional coordination. Under Subsections (a)-(c) of  
20 that section, the district is required to coordinate  
21 with other groundwater districts in certain specified  
22 counties as a part of the Central Carrizo-Wilcox  
23 Coordinating Council. However, under Subsection (d)  
24 of that section, if the Central Carrizo-Wilcox  
25 Coordinating Council is not created at the first  
26 regional coordination meeting held under Subsection  
27 (a) of that section, the district is required to follow  
28 the joint planning in management area requirements  
29 under Chapter 36, Water Code.

30 The districts located in Groundwater Management  
31 Area 12, which includes all of the counties listed in  
32 Section 3.08(a) of Chapter 1307, have met at least  
33 twice since the creation of the district, but the  
34 Central Carrizo-Wilcox Coordinating Council has not  
35 been created. The revised law therefore omits  
36 Sections 3.08(a), (b), and (c), Chapter 1307, as  
37 unnecessary because the council was never created and  
38 the authority to create the council has expired. The

1 revised law also omits Section 3.08(d), Chapter 1307,  
2 because it requires participation in joint planning in  
3 the appropriate management area under Chapter 36,  
4 Water Code, which applies to the district under  
5 Section 8865.101 of this chapter and Section  
6 36.001(1), Water Code, without a specific reference to  
7 those provisions in the revised law.

8 As noted, Section 3.08(d) of Chapter 1307  
9 requires the district to follow the joint planning  
10 requirements under Chapter 36, Water Code, rather than  
11 the requirements of Sections 3.08(a)-(c) of that  
12 chapter if the Central Carrizo-Wilcox Coordinating  
13 Council is not created. In addition, as noted in  
14 Revisor's Note (1) to Section 8865.052, Section  
15 6.01(d) of Chapter 1307 provides that to the extent of  
16 any conflicts, Chapter 1307 prevails over Chapter 966.  
17 Those provisions of Chapters 966 and 1307, taken  
18 together, indicate a legislative intent that the  
19 district follow the joint planning requirements of  
20 Chapter 36, Water Code. Accordingly, the revised law  
21 also omits Section 3.1408, Chapter 966. The omitted  
22 law reads:

23 [Acts 77th Leg., R.S., Ch. 966]

24 Sec. 3.1408. (a) To provide for  
25 regional continuity, the district shall:

26 (1) participate in a regular  
27 annual coordination meeting with other  
28 groundwater districts in its designated  
29 management area and may hold coordination  
30 meetings at other times as needed;

31 (2) coordinate the collection  
32 of data with other groundwater districts in  
33 its designated management area in such a way  
34 as to achieve relative uniformity of data  
35 type and quality;

36 (3) coordinate efforts to  
37 monitor water quality with other  
38 groundwater districts in its designated  
39 management area, local governments, and  
40 state agencies;

41 (4) provide groundwater level  
42 data to other groundwater districts in its  
43 designated management area;

44 (5) investigate any groundwater  
45 and aquifer pollution with the intention of

1 locating its source;

2 (6) notify other groundwater  
3 districts in its designated management area  
4 and all appropriate agencies of any  
5 detected groundwater pollution;

6 (7) annually provide to other  
7 groundwater districts in its designated  
8 management area an inventory of water wells  
9 and an estimate of groundwater production  
10 within the district; and

11 (8) include other groundwater  
12 districts in its designated management area  
13 on the mailing lists for district  
14 newsletters, seminars, public education  
15 events, news articles, and field days.

16 (b) The district shall prepare a  
17 comprehensive management plan as required  
18 by Section 36.1071, Water Code, covering  
19 that district's respective territory. On  
20 completion and certification of the plan as  
21 required by Section 36.1072, Water Code,  
22 the district shall forward a copy of the new  
23 or revised management plan to the other  
24 districts in its designated management  
25 area. The district shall consider the  
26 management plans individually and shall  
27 compare them to other management plans in  
28 the designated management area.

29 (1) The district shall, by  
30 resolution, call for joint planning with  
31 the other districts in the designated  
32 management area to review and coordinate  
33 the management plans and accomplishments  
34 for the designated management area. In  
35 reviewing and coordinating the management  
36 plans, the boards shall consider:

37 (A) the goals of each  
38 management plan and its impact on planning  
39 throughout the management area;

40 (B) the groundwater  
41 management standards of each district  
42 describing the desired condition of the  
43 groundwater source over time as indicated  
44 by indices of quantity of water in the  
45 source, quality of water produced from the  
46 source, springflows, or subsidence of the  
47 land surface;

48 (C) the groundwater  
49 withdrawal rates adopted by each district  
50 and the effectiveness of those rates in  
51 achieving the groundwater management  
52 standard of the district;

53 (D) the effectiveness of  
54 the measures established by each management  
55 plan for conserving and protecting  
56 groundwater and preventing waste, and the  
57 effectiveness of these measures in the  
58 management area generally; and

59 (E) any other matters that  
60 the boards consider relevant to the  
61 protection and conservation of groundwater  
62 and the prevention of waste in the  
63 management area.

64 (2) In the management plan the  
65 district may establish and coordinate with  
66 the other districts within the designated  
67 management area an annual total groundwater  
68 withdrawal limit and equitable allocation

1 as determined from an evaluation of the  
2 overall scientific data of the groundwater  
3 resources in the region, including the  
4 Texas Water Development Board's groundwater  
5 availability model. The determination of  
6 sustainable groundwater withdrawal shall be  
7 reviewed at least every five years.

8 (3) Each district participating  
9 in the joint planning process initiated  
10 under this subsection shall ensure that the  
11 groundwater management standards adopted by  
12 the district are adequate to protect the  
13 groundwater within the area of each  
14 district and are not incompatible with the  
15 groundwater management standards adopted by  
16 the other districts in the management area.

17 (4) If a joint meeting of the  
18 boards of directors is called, the meeting  
19 must be held in accordance with Chapter 551,  
20 Government Code. Notice of the meeting  
21 shall be given in accordance with the  
22 requirements for notice of district board  
23 of directors meetings under that chapter.  
24 In addition, notice of the meeting shall be  
25 published not later than the 30th day before  
26 the date of the scheduled meeting in a  
27 newspaper with general circulation in each  
28 county in the management area.

29 (5) A district in the  
30 management area may file with good cause a  
31 petition with the Texas Natural Resource  
32 Conservation Commission requesting an  
33 inquiry if the petitioner district adopted  
34 a resolution calling for joint planning and  
35 the other district or districts refused to  
36 join in the planning process or the process  
37 failed to result in adequate planning, and  
38 the petition provides evidence that:

39 (A) another district in  
40 the management area has failed to adopt  
41 rules;

42 (B) the groundwater in the  
43 management area is not adequately protected  
44 by the rules adopted by another district; or

45 (C) the groundwater in the  
46 management area is not adequately protected  
47 due to the failure of another district to  
48 enforce substantial compliance with its  
49 rules.

50 (6) The district may contract  
51 to jointly conduct studies or research, or  
52 to construct projects, under terms and  
53 conditions that the districts consider  
54 beneficial with districts located within  
55 the same management area or in adjacent  
56 management areas. These joint efforts may  
57 include studies of groundwater availability  
58 and quality, aquifer modeling, and the  
59 interaction of groundwater and surface  
60 water; educational programs; the purchase  
61 and sharing of equipment; and the  
62 implementation of projects to make  
63 groundwater available, including aquifer  
64 recharge, brush control, weather  
65 modification, desalination,  
66 regionalization, and treatment or  
67 conveyance facilities. The districts may  
68 contract under their existing

1 authorizations including those of Chapter  
2 791, Government Code, if their contracting  
3 authority is not limited by Sections  
4 791.011(c)(2) and (d)(3) and Section  
5 791.014, Government Code.

6 (c) The district shall determine  
7 biennially, using the overall available  
8 scientific data of groundwater resources in  
9 the Central Carrizo-Wilcox area, whether  
10 pumping within the district or an adjacent  
11 district is unreasonably affecting  
12 groundwater wells. The district, in  
13 agreement with other districts within the  
14 designated management area, may adopt  
15 mitigation measures in response to such  
16 unreasonable adverse effects only if the  
17 measures are based on a scientific  
18 determination made.

19 (d) The district may assist in the  
20 mediation between landowners regarding the  
21 mitigation of the loss of existing  
22 groundwater supply of exempt domestic and  
23 livestock users due to the groundwater  
24 pumping of others in adjoining districts.

25 [Acts 77th Leg., R.S., Ch. 1307]

26 Sec. 3.08. (a) To provide for  
27 regional continuity, the district shall  
28 participate in a regular annual  
29 coordination meeting with any groundwater  
30 districts that are created and/or existing  
31 in Bastrop, Lee, Robertson, Brazos, Milam,  
32 Burleson, Leon, Madison, and/or Freestone  
33 counties, and may hold coordination  
34 meetings at other times as needed.

35 (b) Prior to the first annual  
36 regional coordination meeting held under  
37 Subsection (a), the district's board of  
38 directors shall vote whether to create and  
39 be a member of the Central Carrizo-Wilcox  
40 Coordinating Council under Article 5 of  
41 this Act.

42 (c) At the first annual regional  
43 coordination meeting held under Subsection  
44 (a), if all of the groundwater districts  
45 created and/or existing in Bastrop, Lee,  
46 Robertson, Brazos, Milam, Burleson, Leon,  
47 Madison, and/or Freestone counties  
48 unanimously vote to create and be members of  
49 the Central Carrizo-Wilcox Coordinating  
50 Council, then the district shall be a member  
51 of the Central Carrizo-Wilcox Coordinating  
52 Council under Article 5.

53 (d) If the Central Carrizo-Wilcox  
54 Coordinating Council is not created at the  
55 first annual regional coordination meeting  
56 held under Subsection (a), then the  
57 district shall follow the joint planning in  
58 management area requirements under Chapter  
59 36, Water Code.

60 (2) Section 3.09, Chapter 1307, Acts of the 77th  
61 Legislature, Regular Session, 2001, governs district  
62 management plans. Section 3.09(a) of that chapter  
63 requires the district to develop or contract to

1 develop a management plan under Section 36.1071, Water  
2 Code. Section 3.09(b) of that chapter requires the  
3 district to submit the management plan to the Central  
4 Carrizo-Wilcox Coordinating Council to be included in  
5 the management plan developed by the council if the  
6 council is created. The revised law omits Section  
7 3.09(a) of Chapter 1307 because Section 36.1071, Water  
8 Code, applies to the district under Section 8865.101  
9 of this chapter and Section 36.001(1), Water Code,  
10 without a specific reference to that provision in the  
11 revised law. The revised law omits Section 3.09(b) of  
12 Chapter 1307 because the Central Carrizo-Wilcox  
13 Coordinating Council has not been created (see  
14 Revisor's Note (1) at the end of this subchapter). The  
15 omitted law reads:

16 Sec. 3.09. (a) The district shall  
17 develop or contract to develop its own  
18 management plan under Section 36.1071,  
19 Water Code.

20 (b) The district shall submit its  
21 management plan under Subsection (a) to the  
22 Central Carrizo-Wilcox Coordinating  
23 Council to be included in the management  
24 plan developed by the Central  
25 Carrizo-Wilcox Coordinating Council under  
26 Section 5.06 of this Act, if the Central  
27 Carrizo-Wilcox Coordinating Council is  
28 created at the first annual regional  
29 coordination meeting.

30 [Sections 8865.104-8865.150 reserved for expansion]

#### 31 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

##### 32 Revised Law

33 Sec. 8865.151. FEES. (a) The board by rule may impose a  
34 reasonable fee on each well that is not exempt from regulation by  
35 the district and for which a permit is issued by the district. The  
36 fee may be based on:

- 37 (1) the size of column pipe used by the well; or  
38 (2) the actual, authorized, or anticipated amount of  
39 water to be withdrawn from the well.

40 (b) Fees may not exceed:





1 Subsection (b) of this section, the district may  
2 impose a reasonable fee or surcharge for an export fee  
3 using one of the following methods:

4 (1) a fee negotiated between the district  
5 and the transporter; or

6 (2) a combined production and export fee  
7 not to exceed 17 cents per thousand gallons of water  
8 used.

9 (d) Fees authorized by this section may be  
10 assessed annually and may be used to fund the cost of  
11 operations of the district or the Central  
12 Carrizo-Wilcox Coordinating Council.

13 Revisor's Note

14 (1) Section 3.1406(b), Chapter 966, and Section  
15 3.06(b), Chapter 1307, Acts of the 77th Legislature,  
16 Regular Session, were enacted in 2001. Chapter 966  
17 limits the amount of the fee that the district may  
18 charge under this section for water used for  
19 irrigating agricultural crops to one dollar per  
20 acre-foot. Chapter 1307 limits the amount of the fee  
21 for water used for that purpose to \$0.25 per acre-foot  
22 for water used for irrigating agricultural crops. For  
23 the reasons stated in Revisor's Note (1) to Section  
24 8865.052, the revised law gives effect to the fee  
25 limitation contained in Chapter 1307 and omits Section  
26 3.1406(b) of Chapter 966. The omitted law reads:

27 (b) Fees may not exceed:

28 (1) one dollar per acre-foot  
29 for water used for irrigating agricultural  
30 crops; or

31 (2) 17 cents per thousand  
32 gallons for water used for any other  
33 purpose.

34 (2) Section 3.1406(c), Chapter 966, and Section  
35 3.06(c), Chapter 1307, Acts of the 77th Legislature,  
36 Regular Session, 2001, refer to a "fee authorized  
37 under Subsection (b)." Subsection (b) of those  
38 sections provides a limit on the amount of the fee, but  
39 the fee is authorized under Subsection (a) of each of  
40 those sections. The revised law therefore substitutes  
41 a cross-reference to "Subsection (a)" for "Subsection  
42 (b)."

43 (3) Section 3.06(d), Chapter 1307, Acts of the

1 77th Legislature, Regular Session, 2001, provides that  
2 district fees may be used to fund the operations of the  
3 district "or the Central Carrizo-Wilcox Coordinating  
4 Council." The revised law omits the quoted language  
5 for the reasons stated in Revisor's Note (1) at the end  
6 of Subchapter C.

7 Revised Law

8 Sec. 8865.152. LIMITATION ON AUTHORITY TO IMPOSE TAXES.

9 The district does not have the authority granted by Sections 36.020  
10 and 36.201-36.204, Water Code, relating to taxes. (Acts 77th Leg.,  
11 R.S., Ch. 966, Sec. 3.1405(b) (part); Acts 77th Leg., R.S., Ch.  
12 1307, Sec. 3.05(b) (part).)

13 Source Law

14 [Acts 77th Leg., R.S., Ch. 966, Sec. 3.1405]

15 (b) The district does not have the authority  
16 granted by the following provisions of Chapter 36,  
17 Water Code:

18 . . .  
19 (2) Sections 36.020 and 36.201-36.204,  
20 relating to taxes.

21 [Acts 77th Leg., R.S., Ch. 1307, Sec. 3.05]

22 (b) The district does not have the authority  
23 granted by the following provisions of Chapter 36,  
24 Water Code:

25 . . .  
26 (2) Sections 36.020 and 36.201-36.204,  
27 relating to taxes.

28 Revisor's Note  
29 (End of Chapter)

30 (1) Section 13.04, Chapter 966, and Sections  
31 6.01(a)-(c), Chapter 1307, Acts of the 77th  
32 Legislature, Regular Session, 2001, recite  
33 legislative findings regarding procedural  
34 requirements for legislation affecting the district  
35 under the constitution and other laws and rules,  
36 including proper legal notice and the filing of  
37 recommendations. The revised law omits those  
38 provisions as executed. The omitted law reads:

39 [Acts 77th Leg., R.S., Ch. 966]

40 Sec. 13.04. (a) The proper and  
41 legal notice of the intention to introduce  
42 this Act, setting forth the general

1 substance of this Act, has been published as  
2 provided by law, and the notice and a copy  
3 of this Act have been furnished to all  
4 persons, agencies, officials, or entities  
5 to which they are required to be furnished  
6 by the constitution and other laws of this  
7 state, including the governor, who has  
8 submitted the notice and Act to the Texas  
9 Natural Resource Conservation Commission.

10 (b) The Texas Natural Resource  
11 Conservation Commission has filed its  
12 recommendations relating to this Act with  
13 the governor, lieutenant governor, and  
14 speaker of the house of representatives  
15 within the required time.

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

22 [Acts 77th Leg., R.S., Ch. 1307]

23 Sec. 6.01. (a) The proper and legal  
24 notice of the intention to introduce this  
25 Act, setting forth the general substance of  
26 this Act, has been published as provided by  
27 law, and the notice and a copy of this Act  
28 have been furnished to all persons,  
29 agencies, officials, or entities to which  
30 they are required to be furnished by the  
31 constitution and other laws of this state,  
32 including the governor, who has submitted  
33 the notice and Act to the Texas Natural  
34 Resource Conservation Commission.

35 (b) The Texas Natural Resource  
36 Conservation Commission has filed its  
37 recommendations relating to this Act with  
38 the governor, the lieutenant governor, and  
39 the speaker of the house of representatives  
40 within the required time.

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

47 (2) Section 13.05, Chapter 966, Acts of the 77th  
48 Legislature, Regular Session, 2001, provides that the  
49 act is severable. The revised law omits that provision  
50 because it duplicates Section 311.032, Government Code  
51 (Code Construction Act), which states that a provision  
52 of a statute is severable from each other provision of  
53 the statute that can be given effect. The omitted law  
54 reads:

55 [Acts 77th Leg., R.S., Ch. 966]

56 Sec. 13.05. If any provision of this  
57 Act or its application to any person or  
58 circumstance is held invalid, the

1           invalidity does not affect other provisions  
2           or applications of this Act that can be  
3           given effect without the invalid provision  
4           or application, and to this end the  
5           provisions of this Act are declared to be  
6           severable.