



The Attorney General of Texas

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All Bond Counsel:

This letter will inform you of a new division requirement in the approval of bonds of water districts. The requirement relates to the annexation of land by a district on petition of a single land owner.

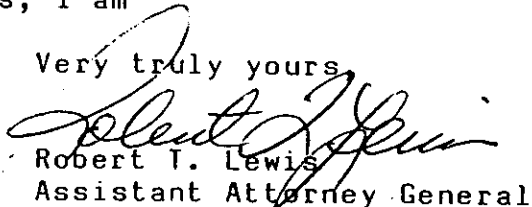
Very clearly, Chapters 51 and 54 of the Water Code provide that no assumption election or revote of voted but unissued bonds is required in such a situation. Just as clearly, the Constitution at Article 16, Section 59 states that no bonds shall be issued nor any tax levied "...unless such proposition shall first be submitted to the qualified...voters of such district and the proposition adopted."

Should the annexed property happen to have residents who are qualified voters, the Constitution, therefore, would require an election, regardless of the statutory provisions. If there are no qualified voters residing in the annexed area, the Constitutional mandate would be satisfied, as all those who could have voted did vote in the initial authorizing elections.

Certification that there are no qualified voters residing in the annexed portion in the General Certificate will be required from this date when land is annexed on petition of a single landholder and no assumption election is held.

With best wishes, I am

Very truly yours


Robert T. Lewis
Assistant Attorney General

RTL: jh