



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

March 10, 1969

Honorable John Allen  
Chairman, Conservation and  
Reclamation Committee,  
House of Representatives  
State Capitol Building  
Austin, Texas 78711

Opinion No. M-352

Re: Senate Bill No. 232,  
Changing appointment  
of Board of Directors  
of the Galveston County  
Water Authority; con-  
stitutionality under  
Section 59(d) of Article  
XVI, Texas Constitution.

Dear Mr. Allen:

You have requested an opinion concerning the applica-  
tion of the requirement of Section 59(d) of Article XVI, of  
the Constitution of Texas, to Senate Bill No. 232, 61st  
Legislature.

Senate Bill No. 232 proposes to amend the Act which  
created the Galveston County Water Authority. Article 8280-  
339, V.C.S. Under that Act, vacancies on the Board of Direc-  
tors are filled by appointment of the Commissioners Court of  
Galveston County. Senate Bill No. 232 would require after  
May 1, 1969, that three of the seven directors shall be resi-  
dents of the City of Galveston and shall be appointed by the  
Commissioners Court upon the recommendation of the Galveston  
City Council. Section 5 of the present Act does not contain  
that requirement.

Section 59(d) of Article XVI of the Constitution of  
Texas provides that notice of the intention to introduce  
any bill which alters the qualifications or terms of the  
office of the members of the governing body of the district,  
together with a copy of the bill, shall have been published  
at least thirty days and not more than ninety days prior to  
the introduction thereof in a newspaper or newspapers having  
general circulation in the county or counties in which said  
district or any part thereof is located, and by delivering  
a copy of such notice and such bill to the Governor, who  
shall submit such notice and bill to the Texas Water Rights  
Commission, which shall in turn file its recommendations as  
to such bill with the Governor, Lieutenant Governor and

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Speaker of the House of Representatives within thirty days from the date notice was received by the Commission.

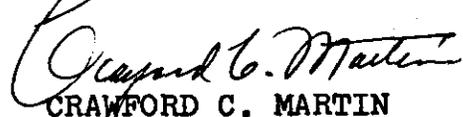
You indicate in your request that "The Texas Water Rights Commission has raised the question that this Bill alters the qualifications of the directors, thus bringing the Bill within the purview of Section 59(d) of Article XVI."

You state that such constitutional notice requirements have not been met. It is the opinion of this office that Senate Bill No. 232 if enacted into law would be contrary to Section 59(d) of Article XVI of the Constitution of Texas. Attorney General Opinion M-59 (1967).

SUMMARY

Senate Bill No. 232, relating to the appointment of the Board of Directors of the Galveston County Water Authority, if enacted, would be in violation of Section 59(d) of Article XVI of the Texas Constitution, as the notices provided for in Section 59(d) of Article XVI were not given.

Very truly yours,



CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by Vince Taylor

APPROVED:

OPINION COMMITTEE

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