

By: Kitzman

H.B. No. 4943

A BILL TO BE ENTITLED

AN ACT

relating to the election of directors in certain special utility districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 65, Water Code, is amended by adding Section 65.104 to read as follows:

Sec. 65.104. OPTION TO IMPLEMENT SINGLE-MEMBER DISTRICTS.

(a) The board of a district, on its own motion, may order that directors of the district are to be elected from single-member districts.

(b) Before adopting an order under Subsection (a), the board must:

(1) hold a public hearing at which registered voters of the district are given an opportunity to comment on whether or not they favor the election of directors in the manner proposed by the board; and

(2) publish notice of the hearing in a newspaper that has general circulation in the district, not later than the seventh day before the date of the hearing.

(c) An order of the board adopted under Subsection (a) must be entered not later than the 120th day before the date of the first election at which the directors are elected from single-member districts authorized by the order.

(d) If single-member districts are adopted as provided by

1 this section, the board shall divide the district into the
2 appropriate number of districts, based on the number of members of
3 the board that are to be elected from single-member districts, and
4 shall number each district. The districts must be compact and
5 contiguous and must be as nearly as practicable of equal
6 population. The districts must be drawn not later than the 90th day
7 before the date of the first election of directors from those
8 districts.

9 (e) Residents of each district are entitled to elect one
10 director to the board. Except as provided by Subsection (f), a
11 candidate who seeks to represent a single-member district must be a
12 resident of the district the candidate seeks to represent. A person
13 appointed to fill a vacancy in a district must be a resident of that
14 district. A director vacates the office if the director fails to
15 establish residency in the district the director represents within
16 the time provided by Subsection (f) or ceases to reside in the
17 district the director represents.

18 (f) At the first election at which the directors are elected
19 in a manner authorized by this section, a director elected to
20 represent the district must be a resident of the district the
21 director represents not later than:

22 (1) the 90th day after the date election returns are
23 canvassed; or

24 (2) the 60th day after the date of a final judgment in
25 an election contest filed concerning that district.

26 (g) At the first election at which the directors are elected
27 in a manner authorized by this section and after each

1 redistricting, all positions on the board shall be filled. The
2 directors then elected shall draw lots for staggered terms as
3 provided by a policy of the board.

4 (h) Not later than the 90th day before the date of the first
5 general election at which directors may officially recognize and
6 act on the last preceding federal census, the board shall redivide
7 the district into the appropriate number of districts if the census
8 data indicates that the population of the most populous district
9 exceeds the population of the least populous district by more than
10 10 percent. Redivision of the district shall be in the manner
11 provided for division of the district under Subsection (d).

12 SECTION 2. This Act takes effect September 1, 2023.