

By: Hughes

S.B. No. 1226

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the term of office for a director of the Northeast Texas  
3 Municipal Water District.

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

5 SECTION 1. Section 3, Chapter 78, Acts of the 53rd  
6 Legislature, Regular Session, 1953, is amended by amending  
7 Subsection (a) and adding Subsection (a-1) to read as follows:

8 (a) All powers of the District shall be exercised by a Board  
9 of Directors. Such directors shall be appointed by a majority vote  
10 of ~~[for]~~ the governing body of each of the cities contained in the  
11 District. ~~[In appointing the first directors for a city containing~~  
12 ~~5,000 population or more according to the most recent Federal~~  
13 ~~Census, the governing body of such city shall appoint one director~~  
14 ~~who shall serve to and including May 31, 1954, and one who shall~~  
15 ~~serve to and including May 31, 1955.]~~ In ~~[May, 1954, and in]~~ May of  
16 each even-numbered year ~~[thereafter]~~, the governing bodies ~~[body]~~  
17 of Avinger, Hughes Springs, Jefferson, and Ore City each ~~[such~~  
18 ~~city]~~ shall appoint one director for a two ~~[the]~~ year term beginning  
19 on June 1 ~~[1st]~~ of that year. In May of each odd-numbered year, the  
20 governing bodies of Daingerfield, Lone Star, and Pittsburg each  
21 shall appoint one director for a two year term beginning on June 1  
22 of that year. ~~[In appointing the first director for a city of less~~  
23 ~~than 5,000 population according to the most recent Federal Census,~~  
24 ~~the governing body of such city shall appoint one director who shall~~

1 ~~serve to and including May 31, 1954. In May, 1954, and in May of~~  
2 ~~each even year thereafter, the governing body shall appoint one~~  
3 ~~director for the two year term beginning on June 1st of that year.]~~  
4 Each director shall serve for the director's [his] term of office as  
5 herein provided, and thereafter until the director's [his]  
6 successor shall be appointed and qualified. A governing body of a  
7 city may not appoint a [No] person to the position of [~~shall be~~  
8 ~~appointed~~] a director unless the person [he] resides in and owns  
9 taxable property in the city [~~from which he is appointed~~]. A  
10 governing body of a city may not appoint a [No] member of a  
11 governing body of a city or an [~~, and no~~] employee of a city [~~shall be~~  
12 ~~appointed as director~~]. Such directors shall subscribe the  
13 constitutional oath of office, and each shall give bond for the  
14 faithful performance of the director's [his] duties in the amount  
15 of Five Thousand (\$5,000.00) Dollars, the cost of which shall be  
16 paid by the District. A majority shall constitute a quorum.

17 (a-1) If the population of a city described by Subsection  
18 (a) of this section is 5,000 or more, the governing body of the city  
19 is entitled to appoint a second director to serve a term that ends  
20 on May 31 of the year following the expiration of the term of the  
21 serving director appointed by the governing body of that city under  
22 Subsection (a) of this section and every second year thereafter. If  
23 the population of the city described by Subsection (a) of this  
24 section is less than 5,000 and the governing body of the city has  
25 two director positions by an earlier application of this  
26 subsection, the governing body of the city is entitled to appoint  
27 only one director and the director position for the city that

1 expires on the first May 31 following the most recent federal  
2 decennial census that shows a population less than 5,000 is  
3 eliminated effective on that date.

4 SECTION 2. Section 6, Chapter 78, Acts of the 53rd  
5 Legislature, Regular Session, 1953, is amended to read as follows:

6 Sec. 6. (a) This section applies only to the annexation of a  
7 city by the District other than the cities described by Section 3 of  
8 this Act.

9 (b) When [~~any city,~~] the territory of a city with a  
10 population of 5,000 [~~which~~] is [~~hereafter~~] annexed to the District,  
11 [~~contains 5,000 inhabitants or more according to the most recent~~  
12 ~~Federal Census,~~] the governing body of the city shall appoint one  
13 director for the term ending the following May 31 [~~31st~~], and one  
14 director for the term ending one year after the following May 31  
15 [~~31st~~], and in May of each year shall appoint one director for a two  
16 year term the same as provided in this Act for cities described by  
17 Section 3(a-1) of this Act [~~originally included in the District~~].  
18 If the population of the annexed city at a later date is less than  
19 5,000, the governing body of the city is entitled to appoint only  
20 one director and the director position for that city that expires on  
21 the first May 31 following the most recent federal decennial census  
22 that shows a population less than 5,000 is eliminated effective on  
23 that date.

24 (c) When the territory of a city with a population of less  
25 than 5,000 is annexed to the District [~~If such city contains less~~  
26 ~~than 5,000 inhabitants according to the most recent Federal~~  
27 ~~Census~~], the governing body of the city shall appoint one director

1 whose term shall expire the following May 31 [~~31st~~], and in May of  
2 each second year thereafter shall appoint one director for a two  
3 year term beginning on June 1 of that year and expiring on May 31 two  
4 years later. Whenever such city may later attain a population of  
5 5,000 or more [~~according to the Federal Census~~], the governing body  
6 of the city is [~~it shall thereafter be~~] entitled to appoint two  
7 directors in the manner [~~to be appointed as herein~~] provided by  
8 Section 3(a-1) of this Act.

9 (d) A person appointed as a director under this section must  
10 meet the qualifications for office provided by Section 3(a) of this  
11 Act.

12 SECTION 3. (a) A person who is appointed by the governing  
13 body of the city of Avinger, Hughes Springs, Jefferson, or Ore City  
14 and is serving as a director of the Northeast Texas Municipal Water  
15 District on the effective date of this Act may continue to serve as  
16 a director for a term of office that expires May 31, 2024.

17 (b) As soon as practicable after the effective date of this  
18 Act, the governing bodies of the cities of Daingerfield, Lone Star,  
19 and Pittsburg shall each appoint a person to serve as a director of  
20 the Northeast Texas Municipal Water District for a term of office  
21 that begins June 1, 2023, and expires May 31, 2025.

22 SECTION 4. (a) The legal notice of the intention to  
23 introduce this Act, setting forth the general substance of this  
24 Act, has been published as provided by law, and the notice and a  
25 copy of this Act have been furnished to all persons, agencies,  
26 officials, or entities to which they are required to be furnished  
27 under Section 59, Article XVI, Texas Constitution, and Chapter 313,

1 Government Code.

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

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

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

13 SECTION 5. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2023.