

By: Hughes
(Hefner)

S.B. No. 1226

A BILL TO BE ENTITLED

AN ACT

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

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

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

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