

By: Hughes

H.B. No. 3635

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Upshur Groundwater Conservation
4 District.

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

6 SECTION 1. DEFINITIONS. In this Act:

7 (1) "Board" means the board of directors of the
8 district.

9 (2) "Commission" means the Texas Commission on
10 Environmental Quality.

11 (3) "District" means the Upshur Groundwater
12 Conservation District.

13 SECTION 2. CREATION. (a) A groundwater conservation
14 district, to be known as the Upshur Groundwater Conservation
15 District, is created in Upshur County, subject to approval at a
16 confirmation election under Section 11 of this Act.

17 (b) The district is a governmental agency and a political
18 subdivision of this state.

19 SECTION 3. AUTHORITY FOR CREATION. The district is created
20 under and is essential to accomplish the purposes of Section 59,
21 Article XVI, Texas Constitution.

22 SECTION 4. FINDING OF BENEFIT AND PUBLIC PURPOSE. (a) The
23 district is created to serve a public use and benefit.

24 (b) All of the land and other property included within the

1 boundaries of the district will be benefited by the works and
2 projects that are to be accomplished by the district under powers
3 conferred by Section 59, Article XVI, Texas Constitution.

4 SECTION 5. BOUNDARIES. The boundaries of the district are
5 coextensive with the boundaries of Upshur County, Texas.

6 SECTION 6. GENERAL POWERS. The district has all of the
7 rights, powers, privileges, authority, functions, and duties
8 provided by the general law of this state, including Chapter 36,
9 Water Code, applicable to groundwater conservation districts
10 created under Section 59, Article XVI, Texas Constitution.

11 SECTION 7. APPLICABILITY OF OTHER LAW. This Act prevails
12 over any provision of general law that is in conflict or
13 inconsistent with this Act.

14 SECTION 8. BOARD OF DIRECTORS. (a) The district is
15 governed by a board of five directors.

16 (b) Temporary directors serve until initial directors are
17 elected under Section 11 of this Act.

18 (c) Initial directors serve until the election of permanent
19 directors under Section 12 of this Act.

20 (d) Permanent directors serve staggered four-year terms.

21 (e) Each director must qualify to serve as director in the
22 manner provided by Section 36.055, Water Code.

23 SECTION 9. TEMPORARY DIRECTORS. (a) The temporary board
24 consists of five members appointed by the commissioners court of
25 Upshur County.

26 (b) If a temporary director fails to qualify for office, the
27 commissioners court of Upshur County shall appoint a person to fill

1 the vacancy.

2 SECTION 10. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
3 PRECINCTS. (a) The directors of the district shall be elected
4 according to the commissioners precinct method as provided by this
5 section.

6 (b) One director shall be elected by the voters of the
7 entire district, and one director shall be elected from each county
8 commissioners precinct by the voters of that precinct.

9 (c) Except as provided by Subsection (e) of this section, to
10 be eligible to be a candidate for or to serve as director at large, a
11 person must be a registered voter in the district. To be a
12 candidate for or to serve as director from a county commissioners
13 precinct, a person must be a registered voter of that precinct.

14 (d) A person shall indicate on the application for a place
15 on the ballot:

16 (1) the precinct that the person seeks to represent;

17 or

18 (2) that the person seeks to represent the district at
19 large.

20 (e) When the boundaries of the county commissioners
21 precincts are redrawn under Section 18, Article V, Texas
22 Constitution, a director in office on the effective date of the
23 change, or elected or appointed before the effective date of the
24 change to a term of office beginning on or after the effective date
25 of the change, shall serve the term or the remainder of the term in
26 the precinct to which elected or appointed even though the change in
27 boundaries places the person's residence outside the precinct for

1 which the person was elected or appointed.

2 SECTION 11. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

3 (a) The temporary board shall hold an election to confirm
4 establishment of the district and to elect initial directors.

5 (b) At the confirmation and initial directors election, the
6 temporary board shall have placed on the ballot the name of any
7 candidate who files for an initial director's position and blank
8 spaces to write in the names of other persons. A temporary director
9 who is eligible to be a candidate under Section 10 may file for an
10 initial director's position.

11 (c) The initial directors elected shall draw lots to
12 determine which two directors shall serve terms lasting until the
13 first regularly scheduled directors election under Section 12 of
14 this Act and which three shall serve until the second regularly
15 scheduled directors election.

16 (d) Section 41.001(a), Election Code, does not apply to a
17 confirmation and initial directors election held under this
18 section.

19 (e) Except as provided by this section, a confirmation and
20 initial directors election must be conducted as provided by
21 Sections 36.017(b)-(i), Water Code, and the Election Code.

22 SECTION 12. ELECTION OF DIRECTORS. (a) On the first
23 Saturday in May of the first even-numbered year after the year in
24 which the district is authorized to be created at a confirmation
25 election, an election shall be held in the district to elect two
26 directors.

27 (b) On the first Saturday in May of each subsequent

1 even-numbered year, the appropriate number of directors shall be
2 elected.

3 SECTION 13. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

4 (a) The legal notice of the intention to introduce this Act,
5 setting forth the general substance of this Act, has been published
6 as provided by law, and the notice and a copy of this Act have been
7 furnished to all persons, agencies, officials, or entities to which
8 they are required to be furnished under Section 59, Article XVI,
9 Texas Constitution, and Chapter 313, Government Code.

10 (b) The governor has submitted the notice and Act to the
11 commission.

12 (c) The commission has filed its recommendations relating
13 to this Act with the governor, lieutenant governor, and speaker of
14 the house of representatives within the required time.

15 (d) All requirements of the constitution and laws of this
16 state and the rules and procedures of the legislature with respect
17 to the notice, introduction, and passage of this Act are fulfilled
18 and accomplished.

19 SECTION 14. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
20 takes effect September 1, 2003.

21 (b) If the creation of the district is not confirmed at a
22 confirmation election held under Section 11 of this Act before
23 September 1, 2005, this Act expires on that date.