

By: Fraser

S.B. No. 822

A BILL TO BE ENTITLED

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AN ACT

relating to the validation of the creation and certain actions and proceedings of the Middle Trinity Groundwater Conservation District and to related conforming changes to the district's enabling act.

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

SECTION 1. (a) The creation of the Middle Trinity Groundwater Conservation District under Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, composed of the territory in Erath County is validated as of the date of the election held on May 4, 2002, at which the voters of Erath County approved the confirmation of the district and the levy of a maintenance tax by the district. All acts and proceedings relating to the creation of the district in Erath County, the levy of a maintenance tax in Erath County for 2002, or the election of initial directors from Erath County are validated as of the dates they occurred.

(b) The addition of the territory in Comanche County to the Middle Trinity Groundwater Conservation District under Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, is validated as of the date of the election held on November 5, 2002, at which the voters of Comanche County approved the levy of a maintenance tax for the district. All acts and proceedings relating to the addition of that territory to the district, the levy of a maintenance tax in Erath and Comanche counties for 2003, and

1 the election of initial directors from Comanche County are  
2 validated as of the dates they occurred.

3 (c) A governmental act or proceeding of the Middle Trinity  
4 Groundwater Conservation District occurring after an act or  
5 proceeding validated by this Act may not be held invalid on the  
6 ground that the prior act or proceeding, in the absence of this Act,  
7 was invalid.

8 (d) The temporary board of directors established by Chapter  
9 1362, Acts of the 77th Legislature, Regular Session, 2001, for the  
10 Middle Trinity Groundwater Conservation District is abolished on  
11 the effective date of this Act. Any proceedings of the temporary  
12 board of directors pending on the effective date of this Act are  
13 dismissed on that date. Any act of the temporary board of directors  
14 that conflicts with the validation of the district as provided by  
15 this section is void.

16 (e) This section does not apply to any matter that on the  
17 effective date of this Act:

18 (1) is involved in litigation if the litigation  
19 ultimately results in the matter being held invalid by a final  
20 judgment of a court of competent jurisdiction; or

21 (2) has been held invalid by a final judgment of a  
22 court of competent jurisdiction.

23 SECTION 2. Subsection (a), Section 1, Chapter 1362, Acts of  
24 the 77th Legislature, Regular Session, 2001, is amended to read as  
25 follows:

26 (a) A groundwater conservation district, to be known as the  
27 Middle Trinity Groundwater Conservation District, is created in

1 ~~[Bosque, Callahan, Coryell, Eastland,]~~ Erath and~~[, Somervell,]~~  
2 Comanche~~[, and Hamilton]~~ counties~~[, subject to a confirmation~~  
3 ~~election under Section 10 of this Act]~~. The district is a  
4 governmental agency and a body politic and corporate.

5 SECTION 3. Section 3, Chapter 1362, Acts of the 77th  
6 Legislature, Regular Session, 2001, is amended to read as follows:

7 Sec. 3. BOUNDARIES. The boundaries of the district are  
8 coextensive with the boundaries of ~~[Bosque, Callahan, Coryell,~~  
9 ~~Eastland,]~~ Erath and~~[, Somervell,]~~ Comanche~~[, and Hamilton]~~  
10 counties.

11 SECTION 4. Subsection (a), Section 6, Chapter 1362, Acts of  
12 the 77th Legislature, Regular Session, 2001, is amended to read as  
13 follows:

14 (a) Except as provided by Section 10 of this Act, the ~~[The]~~  
15 district is governed by a board of six ~~[not fewer than five or more~~  
16 ~~than 16]~~ directors.

17 SECTION 5. Subsection (a), Section 9, Chapter 1362, Acts of  
18 the 77th Legislature, Regular Session, 2001, is amended to read as  
19 follows:

20 (a) Except as provided by Section 10 of this Act, three  
21 ~~[Two]~~ directors shall be elected from each county in the district  
22 ~~[as provided by this section]~~.

23 SECTION 6. The heading to Section 10, Chapter 1362, Acts of  
24 the 77th Legislature, Regular Session, 2001, is amended to read as  
25 follows:

26 Sec. 10. ~~[CONFIRMATION AND]~~ INITIAL DIRECTORS ~~[DIRECTORS'~~  
27 ~~ELECTION]~~.

1 SECTION 7. Subsection (a), Section 10, Chapter 1362, Acts  
2 of the 77th Legislature, Regular Session, 2001, is amended to read  
3 as follows:

4 ~~[(a)]~~ The initial ~~[temporary]~~ board of directors is  
5 composed of two directors elected from each county in the district  
6 ~~[shall call and hold an election in each county in the district to~~  
7 ~~confirm establishment of the district and to elect initial~~  
8 ~~directors to represent the county]~~.

9 SECTION 8. Subsection (a), Section 11, Chapter 1362, Acts  
10 of the 77th Legislature, Regular Session, 2001, is amended to read  
11 as follows:

12 (a) On the first Saturday in May 2004 ~~[of the first~~  
13 ~~even-numbered year after the year in which the district is~~  
14 ~~authorized to be created at a confirmation election]~~, an election  
15 shall be held in each county in the district for the election of  
16 permanent directors. The initial permanent directors from each  
17 county shall draw lots to determine which county will have two  
18 initial permanent directors who serve four-year terms and one  
19 initial permanent director who serves a two-year term and which  
20 county will have two initial permanent directors who serve two-year  
21 terms and one initial permanent director who serves a four-year  
22 term. The initial permanent directors from ~~[in]~~ each  
23 ~~[participating]~~ county shall draw lots to determine the length of  
24 the term that each initial permanent director from that county will  
25 serve ~~[which permanent director from that county shall serve a~~  
26 ~~two-year term and which permanent director from that county shall~~  
27 ~~serve a four-year term]~~.

1           SECTION 9. Sections 6(b), 7, 8, 9(c) and (d), 10(b) through  
2 (e), and 14(b), Chapter 1362, Acts of the 77th Legislature, Regular  
3 Session, 2001, are repealed.

4           SECTION 10. This Act takes effect immediately if it  
5 receives a vote of two-thirds of all the members elected to each  
6 house, as provided by Section 39, Article III, Texas Constitution.  
7 If this Act does not receive the vote necessary for immediate  
8 effect, this Act takes effect September 1, 2003.