

By: Fraser

S.B. No. 822

A BILL TO BE ENTITLED

1 AN ACT

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

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

7 SECTION 1. (a) The creation of the Middle Trinity
8 Groundwater Conservation District under Chapter 1362, Acts of the
9 77th Legislature, Regular Session, 2001, composed of the territory
10 in Erath County is validated as of the date of the election held on
11 May 4, 2002, at which the voters of Erath County approved the
12 confirmation of the district and the levy of a maintenance tax by
13 the district. All acts and proceedings relating to the creation of
14 the district in Erath County, the levy of a maintenance tax in Erath
15 County for 2002, or the election of initial directors from Erath
16 County are validated as of the dates they occurred.

17 (b) The addition of the territory in Comanche County to the
18 Middle Trinity Groundwater Conservation District under Chapter
19 1362, Acts of the 77th Legislature, Regular Session, 2001, is
20 validated as of the date of the election held on November 5, 2002,
21 at which the voters of Comanche County approved the levy of a
22 maintenance tax for the district. All acts and proceedings
23 relating to the addition of that territory to the district, the levy
24 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. Section 1(a), Chapter 1362, Acts of the 77th
24 Legislature, Regular Session, 2001, is amended to read as follows:

25 (a) A groundwater conservation district, to be known as the
26 Middle Trinity Groundwater Conservation District, is created in
27 [~~Bosque, Callahan, Coryell, Eastland,~~] Erath and [~~7-Somervell,~~]

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

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

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

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

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

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

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

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

23 Sec. 10. [~~CONFIRMATION AND~~] INITIAL DIRECTORS [~~ELECTION~~].

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

26 [~~(a)~~] The initial [~~temporary~~] board of directors is
27 composed of two directors elected from each county in the district

1 ~~[shall call and hold an election in each county in the district to~~
2 ~~confirm establishment of the district and to elect initial~~
3 ~~directors to represent the county].~~

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

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

22 SECTION 9. Sections 6(b), 7, 8, 9(c) and (d), 10(b)-(e), and
23 14(b), Chapter 1362, Acts of the 77th Legislature, Regular Session,
24 2001, are repealed.

25 SECTION 10. This Act takes effect immediately if it
26 receives a vote of two-thirds of all the members elected to each
27 house, as provided by Section 39, Article III, Texas Constitution.

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1 If this Act does not receive the vote necessary for immediate
2 effect, this Act takes effect September 1, 2003.