

1-1 By: Fraser S.B. No. 822
1-2 (In the Senate - Filed March 3, 2003; March 10, 2003, read
1-3 first time and referred to Committee on Natural Resources;
1-4 March 19, 2003, reported favorably by the following vote: Yeas 11,
1-5 Nays 0; March 19, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the validation of the creation and certain actions and
1-9 proceedings of the Middle Trinity Groundwater Conservation
1-10 District and to related conforming changes to the district's
1-11 enabling act.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. (a) The creation of the Middle Trinity
1-14 Groundwater Conservation District under Chapter 1362, Acts of the
1-15 77th Legislature, Regular Session, 2001, composed of the territory
1-16 in Erath County is validated as of the date of the election held on
1-17 May 4, 2002, at which the voters of Erath County approved the
1-18 confirmation of the district and the levy of a maintenance tax by
1-19 the district. All acts and proceedings relating to the creation of
1-20 the district in Erath County, the levy of a maintenance tax in Erath
1-21 County for 2002, or the election of initial directors from Erath
1-22 County are validated as of the dates they occurred.

1-23 (b) The addition of the territory in Comanche County to the
1-24 Middle Trinity Groundwater Conservation District under Chapter
1-25 1362, Acts of the 77th Legislature, Regular Session, 2001, is
1-26 validated as of the date of the election held on November 5, 2002,
1-27 at which the voters of Comanche County approved the levy of a
1-28 maintenance tax for the district. All acts and proceedings
1-29 relating to the addition of that territory to the district, the levy
1-30 of a maintenance tax in Erath and Comanche counties for 2003, and
1-31 the election of initial directors from Comanche County are
1-32 validated as of the dates they occurred.

1-33 (c) A governmental act or proceeding of the Middle Trinity
1-34 Groundwater Conservation District occurring after an act or
1-35 proceeding validated by this Act may not be held invalid on the
1-36 ground that the prior act or proceeding, in the absence of this Act,
1-37 was invalid.

1-38 (d) The temporary board of directors established by Chapter
1-39 1362, Acts of the 77th Legislature, Regular Session, 2001, for the
1-40 Middle Trinity Groundwater Conservation District is abolished on
1-41 the effective date of this Act. Any proceedings of the temporary
1-42 board of directors pending on the effective date of this Act are
1-43 dismissed on that date. Any act of the temporary board of directors
1-44 that conflicts with the validation of the district as provided by
1-45 this section is void.

1-46 (e) This section does not apply to any matter that on the
1-47 effective date of this Act:

1-48 (1) is involved in litigation if the litigation
1-49 ultimately results in the matter being held invalid by a final
1-50 judgment of a court of competent jurisdiction; or

1-51 (2) has been held invalid by a final judgment of a
1-52 court of competent jurisdiction.

1-53 SECTION 2. Subsection (a), Section 1, Chapter 1362, Acts of
1-54 the 77th Legislature, Regular Session, 2001, is amended to read as
1-55 follows:

1-56 (a) A groundwater conservation district, to be known as the
1-57 Middle Trinity Groundwater Conservation District, is created in
1-58 [~~Bosque, Callahan, Coryell, Eastland,~~] Erath and [~~7, Somervell,~~]
1-59 Comanche [~~7, and Hamilton~~] counties [~~7, subject to a confirmation~~
1-60 ~~election under Section 10 of this Act~~]. The district is a
1-61 governmental agency and a body politic and corporate.

1-62 SECTION 3. Section 3, Chapter 1362, Acts of the 77th
1-63 Legislature, Regular Session, 2001, is amended to read as follows:

1-64 Sec. 3. BOUNDARIES. The boundaries of the district are

2-1 coextensive with the boundaries of [~~Bosque, Callahan, Coryell,~~
 2-2 ~~Eastland,~~] Erath and [~~Somervell,~~] Comanche [~~, and Hamilton~~]
 2-3 counties.

2-4 SECTION 4. Subsection (a), Section 6, Chapter 1362, Acts of
 2-5 the 77th Legislature, Regular Session, 2001, is amended to read as
 2-6 follows:

2-7 (a) Except as provided by Section 10 of this Act, the [~~The~~]
 2-8 district is governed by a board of six [~~not fewer than five or more~~
 2-9 ~~than 16~~] directors.

2-10 SECTION 5. Subsection (a), Section 9, Chapter 1362, Acts of
 2-11 the 77th Legislature, Regular Session, 2001, is amended to read as
 2-12 follows:

2-13 (a) Except as provided by Section 10 of this Act, three
 2-14 [~~Two~~] directors shall be elected from each county in the district
 2-15 [~~as provided by this section~~].

2-16 SECTION 6. The heading to Section 10, Chapter 1362, Acts of
 2-17 the 77th Legislature, Regular Session, 2001, is amended to read as
 2-18 follows:

2-19 Sec. 10. [~~CONFIRMATION AND~~] INITIAL DIRECTORS [~~DIRECTORS'~~
 2-20 ~~ELECTION~~].

2-21 SECTION 7. Subsection (a), Section 10, Chapter 1362, Acts
 2-22 of the 77th Legislature, Regular Session, 2001, is amended to read
 2-23 as follows:

2-24 [~~(a)~~] The initial [~~temporary~~] board of directors is
 2-25 composed of two directors elected from each county in the district
 2-26 [~~shall call and hold an election in each county in the district to~~
 2-27 ~~confirm establishment of the district and to elect initial~~
 2-28 ~~directors to represent the county~~].

2-29 SECTION 8. Subsection (a), Section 11, Chapter 1362, Acts
 2-30 of the 77th Legislature, Regular Session, 2001, is amended to read
 2-31 as follows:

2-32 (a) On the first Saturday in May 2004 [~~of the first~~
 2-33 ~~even-numbered year after the year in which the district is~~
 2-34 ~~authorized to be created at a confirmation election~~], an election
 2-35 shall be held in each county in the district for the election of
 2-36 permanent directors. The initial permanent directors from each
 2-37 county shall draw lots to determine which county will have two
 2-38 initial permanent directors who serve four-year terms and one
 2-39 initial permanent director who serves a two-year term and which
 2-40 county will have two initial permanent directors who serve two-year
 2-41 terms and one initial permanent director who serves a four-year
 2-42 term. The initial permanent directors from [~~in~~] each
 2-43 [~~participating~~] county shall draw lots to determine the length of
 2-44 the term that each initial permanent director from that county will
 2-45 serve [~~which permanent director from that county shall serve a~~
 2-46 ~~two-year term and which permanent director from that county shall~~
 2-47 ~~serve a four-year term~~].

2-48 SECTION 9. Sections 6(b), 7, 8, 9(c) and (d), 10(b) through
 2-49 (e), and 14(b), Chapter 1362, Acts of the 77th Legislature, Regular
 2-50 Session, 2001, are repealed.

2-51 SECTION 10. This Act takes effect immediately if it
 2-52 receives a vote of two-thirds of all the members elected to each
 2-53 house, as provided by Section 39, Article III, Texas Constitution.
 2-54 If this Act does not receive the vote necessary for immediate
 2-55 effect, this Act takes effect September 1, 2003.

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