

By: Guillen

H.B. No. 2072

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the appointment of temporary directors and the
3 confirmation election of the Starr County Groundwater Conservation
4 District.

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

6 SECTION 1. Subchapter A, Chapter 8803, Special District
7 Local Laws Code, is amended by adding Section 8803.004 to read as
8 follows:

9 Sec. 8803.004. CONFIRMATION ELECTION REQUIRED. If the
10 creation of the district is not confirmed at a confirmation
11 election held before September 1, 2009:

12 (1) the district is dissolved on September 1, 2009,
13 except that:

14 (A) any debts incurred shall be paid;

15 (B) any assets that remain after the payment of
16 debts shall be transferred to Starr County; and

17 (C) the organization of the district shall be
18 maintained until all debts are paid and remaining assets are
19 transferred; and

20 (2) this chapter expires September 1, 2012.

21 SECTION 2. Chapter 8803, Special District Local Laws Code,
22 is amended by adding Subchapter A-1 to read as follows:

23 SUBCHAPTER A-1. TEMPORARY PROVISIONS

24 Sec. 8803.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)

1 Not later than the 45th day after the effective date of this
2 subchapter, five temporary directors shall be appointed as follows:

3 (1) the Starr County Commissioners Court shall appoint
4 four temporary directors, with one of the temporary directors
5 appointed from each of the four commissioners precincts in the
6 county to represent the precinct in which the temporary director
7 resides; and

8 (2) the county judge of Starr County shall appoint one
9 temporary director who resides in the district to represent the
10 district at large.

11 (b) If there is a vacancy on the temporary board of
12 directors of the district, the remaining temporary directors shall
13 appoint a person to fill the vacancy in a manner that meets the
14 representational requirements of this section.

15 (c) Temporary directors serve until the earlier of:

16 (1) the time the temporary directors become initial
17 directors as provided by Section 8803.024; or

18 (2) the date this chapter expires under Section
19 8803.004.

20 Sec. 8803.022. ORGANIZATIONAL MEETING OF TEMPORARY
21 DIRECTORS. As soon as practicable after all the temporary
22 directors have qualified under Section 36.055, Water Code, a
23 majority of the temporary directors shall convene the
24 organizational meeting of the district at a location within the
25 district agreeable to a majority of the directors. If an agreement
26 on location cannot be reached, the organizational meeting shall be
27 at the Starr County Courthouse.

1 Sec. 8803.023. CONFIRMATION ELECTION. (a) The temporary
2 directors shall hold an election to confirm the creation of the
3 district.

4 (b) Section 41.001(a), Election Code, does not apply to a
5 confirmation election held as provided by this section.

6 (c) Except as provided by this section, a confirmation
7 election must be conducted as provided by Sections 36.017(b)-(i),
8 Water Code, and the Election Code. The provision of Section
9 36.017(d), Water Code, relating to the election of permanent
10 directors does not apply to a confirmation election under this
11 section.

12 (d) Starr County may pay for any portion of the costs
13 incident to the district's confirmation election.

14 Sec. 8803.024. INITIAL DIRECTORS. (a) If creation of the
15 district is confirmed at an election held under Section 8803.023,
16 the temporary directors of the district become the initial
17 directors of the district and serve on the board of directors until
18 permanent directors are elected under Section 8803.025.

19 (b) The initial directors for county precincts 2 and 3 serve
20 a term expiring June 1 following the first regularly scheduled
21 election of directors under Section 8803.025, and the initial
22 directors for county precincts 1 and 4 serve a term expiring June 1
23 following the second regularly scheduled election of directors.
24 The at-large director shall serve a term expiring June 1 following
25 the second regularly scheduled election of directors.

26 Sec. 8803.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
27 the uniform election date prescribed by Section 41.001, Election

1 Code, in May of the first even-numbered year after the year in which
2 the district is authorized to be created at a confirmation
3 election, an election shall be held in the district for the election
4 of two directors to replace the initial directors who, under
5 Section 8803.024(b), serve a term expiring June 1 following that
6 election.

7 Sec. 8803.026. EXPIRATION OF SUBCHAPTER. This subchapter
8 expires September 1, 2012.

9 SECTION 3. Sections 5, 6, 7, 8, 9, and 11, Chapter 451, Acts
10 of the 79th Legislature, Regular Session, 2005, are repealed.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2007.