

By: Miller of Erath

H.B. No. 3521

Substitute the following for H.B. No. 3521:

By: Corte

C.S.H.B. No. 3521

A BILL TO BE ENTITLED

AN ACT

relating to the Fox Crossing Water District.

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

SECTION 1. Section 7, Chapter 779, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 7. BOARD OF DIRECTORS. (a) The district ~~is~~ ~~[shall be]~~ governed by a board of directors composed of five directors ~~[members]~~ elected according to the commissioners precinct method as provided by this section ~~[at large from the district]~~.

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

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

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

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

or

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

(e) When the boundaries of the county commissioners

1 precincts are redrawn after each federal decennial census to  
2 reflect population changes, a director in office on the effective  
3 date of the change, or a director elected or appointed before the  
4 effective date of the change whose term of office begins on or after  
5 the effective date of the change, shall serve in the precinct to  
6 which elected or appointed even though the change in boundaries  
7 places the person's residence outside the precinct for which the  
8 person was elected or appointed.

9 (f) If territory is added to the district, the board shall  
10 change the method of electing directors as necessary to ensure that  
11 all district voters have fair representation on the board. A change  
12 in the method of electing directors adopted by the board under this  
13 subsection shall be implemented at the next directors' election at  
14 which the change may be implemented consistent with federal  
15 election law and election law of this state.

16 SECTION 2. Section 10(a), Chapter 779, Acts of the 69th  
17 Legislature, Regular Session, 1985, is amended to read as follows:

18 (a) On the uniform election date [~~first Saturday~~] in  
19 November [~~May~~] in each even-numbered [~~odd-numbered~~] year, an  
20 election shall be held in the district to elect the appropriate  
21 number of directors to the board.

22 SECTION 3. Section 29(c), Chapter 779, Acts of the 69th  
23 Legislature, Regular Session, 1985, is amended to read as follows:

24 (c) In addition to other [~~the~~] authority granted by this  
25 Act, the district has the rights, powers, privileges, authority,  
26 and functions applicable to groundwater conservation districts as  
27 provided by Chapter 36, Water Code, and municipal utility districts

1 provided by Chapter [~~Chapters 52 and~~] 54, Water Code. The district  
2 has the rights, powers, privileges, authority, and functions under  
3 Chapter 51, Water Code, to the extent necessary to carry out its  
4 duties and authority relating to groundwater [~~underground water~~].  
5 Chapter 49, Water Code, applies to the district to the extent that  
6 it does not conflict with Chapter 36, Water Code. If any provision  
7 of Chapter 36, 51, [~~52,~~] or 54, Water Code, conflicts or is  
8 inconsistent with this Act, this Act prevails.

9 SECTION 4. The following sections of Chapter 779, Acts of  
10 the 69th Legislature, Regular Session, 1985, are repealed:

- 11 (1) Section 5;
- 12 (2) Section 10(b);
- 13 (3) Section 11;
- 14 (4) Section 12;
- 15 (5) Section 13;
- 16 (6) Section 14;
- 17 (7) Section 15;
- 18 (8) Section 16;
- 19 (9) Section 17;
- 20 (10) Section 18;
- 21 (11) Section 19;
- 22 (12) Section 20;
- 23 (13) Section 21;
- 24 (14) Section 22;
- 25 (15) Section 23;
- 26 (16) Section 24;
- 27 (17) Section 25;

- 1 (18) Section 26;
- 2 (19) Section 27;
- 3 (20) Section 28;
- 4 (21) Section 30;
- 5 (22) Section 32;
- 6 (23) Section 35;
- 7 (24) Section 36;
- 8 (25) Section 52;
- 9 (26) Section 53;
- 10 (27) Section 54;
- 11 (28) Section 55;
- 12 (29) Section 56;
- 13 (30) Section 57;
- 14 (31) Section 58;
- 15 (32) Section 59;
- 16 (33) Section 60;
- 17 (34) Section 61;
- 18 (35) Section 62;
- 19 (36) Section 64;
- 20 (37) Section 65;
- 21 (38) Section 66;
- 22 (39) Section 67;
- 23 (40) Section 68;
- 24 (41) Section 69;
- 25 (42) Section 71;
- 26 (43) Section 72;
- 27 (44) Section 73;

- 1           (45) Section 74;
- 2           (46) Section 75; and
- 3           (47) Section 76.

4           SECTION 5. (a) A director of the board of the Fox Crossing  
5 Water District who is serving on the day before the effective date  
6 of this Act shall serve until the director's term expires. A  
7 director whose term expires in May 2010 shall serve until the  
8 director's successor has qualified following the directors'  
9 election held on the uniform election date in November 2010 in  
10 accordance with Section 10(a), Chapter 779, Acts of the 69th  
11 Legislature, Regular Session, 1985, as amended by this Act. A  
12 director whose term expires in May 2012 shall serve until the  
13 director's successor has qualified following the directors'  
14 election held on the uniform election date in November 2012.

15           (b) On the uniform election date in November 2010, the board  
16 of directors of the Fox Crossing Water District shall hold an  
17 election to elect successors to directors whose terms expire in  
18 2010. The at-large director and the appropriate number of  
19 directors from commissioners precincts shall be elected.

20           (c) On the uniform election date in November 2012, the board  
21 of directors of the Fox Crossing Water District shall hold an  
22 election to elect successors to directors whose terms expire in  
23 2012. The appropriate number of directors from commissioners  
24 precincts shall be elected.

25           SECTION 6. (a) All governmental acts and proceedings of the  
26 Fox Crossing Water District relating to the election of members of  
27 the board of directors of the district that were taken before the

1 effective date of this Act are validated, ratified, and confirmed  
2 in all respects as if they had been taken as authorized by law.

3 (b) This section does not apply to any matter that on the  
4 effective date of this Act:

5 (1) is involved in litigation if the litigation  
6 ultimately results in the matter being held invalid by a final court  
7 judgment; or

8 (2) has been held invalid by a final court judgment.

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

16 (b) The governor, one of the required recipients, has  
17 submitted the notice and Act to the Texas Commission on  
18 Environmental Quality.

19 (c) The Texas Commission on Environmental Quality has filed  
20 its recommendations relating to this Act with the governor, the  
21 lieutenant governor, and the speaker of the house of  
22 representatives within the required time.

23 (d) All requirements of the constitution and laws of this  
24 state and the rules and procedures of the legislature with respect  
25 to the notice, introduction, and passage of this Act are fulfilled  
26 and accomplished.

27 SECTION 8. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2009.