

By: Gallego

H.B. No. 4807

A BILL TO BE ENTITLED

AN ACT

relating to the board of directors of the Red Bluff Water Power Control District.

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

SECTION 1. Title 6, Special District Local Laws Code, is amended by adding Subtitle M to read as follows:

SUBTITLE M. WATER POWER CONTROL DISTRICTS

CHAPTER 9701. RED BLUFF WATER POWER CONTROL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9701.001. DEFINITIONS. In this chapter:

(1) "Director" means a member of the Red Bluff board.

(2) "Member district" means the following water improvement districts and irrigation districts:

(A) Loving County Water Improvement District No.

1;

(B) Pecos County Water Improvement District No.

2;

(C) Pecos County Water Improvement District No.

3;

(D) Reeves County Water Improvement District No.

2;

(E) Ward County Irrigation District No. 1;

(F) Ward County Irrigation District No. 3; and

(G) Ward County Water Improvement District No. 2.

1 (3) "Red Bluff board" means the board of directors of
2 the Red Bluff District.

3 (4) "Red Bluff District" means the Red Bluff Water
4 Power Control District.

5 Sec. 9701.002. NATURE OF DISTRICT. The Red Bluff District
6 is a water power control district in Loving, Pecos, Reeves, and Ward
7 Counties, created under and essential to accomplish the purposes of
8 Section 59, Article XVI, Texas Constitution.

9 Sec. 9701.003. DISTRICT TYPES ELIGIBLE FOR MEMBERSHIP. A
10 member district may be a water improvement district operating under
11 Chapter 55, Water Code, or an irrigation district operating under
12 Chapter 58, Water Code.

13 Sec. 9701.004. TERRITORY OF RED BLUFF DISTRICT. The
14 territory of the Red Bluff District is only that territory included
15 in the combined territory of the member districts.

16 [Sections 9701.005-9701.050 reserved for expansion]

17 SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

18 Sec. 9701.051. APPOINTED BOARD OF DIRECTORS. (a) The Red
19 Bluff District is governed by a board of seven directors.

20 (b) The governing body of each member district shall appoint
21 one director to serve on the Red Bluff board. Each director
22 represents the member district from which the director was
23 appointed and serves at the pleasure of the governing body of that
24 member district.

25 (c) An elected official of any county, municipality, or
26 other political subdivision in the territory of the district may be
27 appointed to and serve on the Red Bluff board as a director without

1 penalty or forfeiture of office.

2 (d) If a vacancy occurs on the Red Bluff board, the member
3 district that appointed the director to the vacated position shall
4 appoint a person to fill the vacancy.

5 (e) Except as provided by this subsection, directors serve
6 staggered terms of six years. The initially appointed directors
7 shall draw lots to begin the staggering so that one or two directors
8 are appointed every two years.

9 (f) A director may not serve consecutive terms.

10 Sec. 9701.052. COMPENSATION; REIMBURSEMENT. (a) A
11 director is not entitled to compensation for performing the duties
12 of a director but is entitled to reimbursement of expenses
13 necessarily incurred in performing the duties of a director.

14 (b) A position on the Red Bluff board may not be construed to
15 be a civil office of emolument for any purpose, including a purpose
16 described by Section 40, Article XVI, Texas Constitution.

17 Sec. 9701.053. DIRECTOR AS ACTING GENERAL MANAGER. A
18 director may serve as the acting general manager of the district
19 only:

20 (1) during the initial establishment of the appointed
21 Red Bluff board; or

22 (2) for a period not to exceed six months if a vacancy
23 occurs in the position of general manager.

24 Sec. 9701.054. ORGANIZATIONAL MEETING. As soon as
25 practicable after all the initially appointed directors have
26 qualified under Section 49.055, Water Code, the directors shall
27 meet at a location in the Red Bluff District agreeable to a majority

1 of the directors. At the meeting, the directors shall elect
2 officers from among the directors and conduct any other district
3 business.

4 Sec. 9701.055. DISTRICT EMPLOYMENT RESTRICTION. The Red
5 Bluff District may not employ a person who is related to a director
6 within the third degree by consanguinity or affinity, as determined
7 under Subchapter B, Chapter 573, Government Code, during that
8 director's term of office. A district employee who is related
9 within the third degree by consanguinity or affinity to a person
10 appointed as a director shall resign from employment when that
11 director takes office.

12 [Sections 9701.056-9701.100 reserved for expansion]

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 9701.101. GENERAL POWERS AND DUTIES. The Red Bluff
15 District has all of the rights, powers, privileges, authority,
16 functions, and duties provided by the general law of this state,
17 including Chapters 49 and 51, Water Code, Chapter 76, General Laws,
18 Acts of the 43rd Legislature, Regular Session, 1933 (Article 7807d,
19 Vernon's Texas Civil Statutes), and Chapter 19, Acts of the 43rd
20 Legislature, 1st Called Session, 1933 (Article 7807dd, Vernon's
21 Texas Civil Statutes), applicable to water power control districts
22 created under Section 59, Article XVI, Texas Constitution.

23 SECTION 2. (a) In this section, "member district" has the
24 meaning assigned by Section 9701.001, Special District Local Laws
25 Code, as added by this Act.

26 (b) Not later than the 60th day after the later of the
27 effective date of this Act or the date on which this Act is

1 precleared under Section 5, Voting Rights Act of 1965 (42 U.S.C.
2 Section 1973c), the board of directors of each member district
3 shall appoint a director to the board of the Red Bluff Water Power
4 Control District and file the certificate of appointment with the
5 board of the Red Bluff Water Power Control District.

6 (c) On the date a director's certificate of appointment is
7 filed under Subsection (b) of this section, a director appointed
8 under Subsection (b) of this section replaces the director elected
9 to represent the same member district.

10 SECTION 3. (a) The legal notice of the intention to
11 introduce this Act, setting forth the general substance of this
12 Act, has been published as provided by law, and the notice and a
13 copy of this Act have been furnished to all persons, agencies,
14 officials, or entities to which they are required to be furnished
15 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
16 Government Code.

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

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

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

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