

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) A person who holds an elected office of a political  
26 subdivision in the Red Bluff District may be appointed to serve as a  
27 director of the Red Bluff District without incurring a penalty or

1 forfeiting the office unless the Texas Constitution so requires.

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. A director may not be appointed to  
9 or serve more than one term of office.

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

14 Sec. 9701.053. DIRECTOR AS ACTING GENERAL MANAGER. A  
15 director may serve as the acting general manager of the district  
16 only:

17 (1) during the initial establishment of the appointed  
18 Red Bluff board; or

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

21 Sec. 9701.054. ORGANIZATIONAL MEETING. As soon as  
22 practicable after all the initially appointed directors have  
23 qualified under Section 49.055, Water Code, the directors shall  
24 meet at a location in the Red Bluff District agreeable to a majority  
25 of the directors. At the meeting, the directors shall elect  
26 officers from among the directors and conduct any other district  
27 business.

1           [Sections 9701.055-9701.100 reserved for expansion]

2                           SUBCHAPTER C. POWERS AND DUTIES

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

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

16           (b) Not later than the 60th day after the later of the  
17 effective date of this Act or the date on which this Act is  
18 precleared under Section 5, Voting Rights Act of 1965 (42 U.S.C.  
19 Section 1973c), the board of directors of each member district  
20 shall appoint a director to the board of the Red Bluff Water Power  
21 Control District and file the certificate of appointment with the  
22 board of the Red Bluff Water Power Control District.

23           (c) On the date a director's certificate of appointment is  
24 filed under Subsection (b) of this section, a director appointed  
25 under Subsection (b) of this section replaces the director elected  
26 to represent the same member district.

27           SECTION 3. (a) The legal notice of the intention to

1 introduce this Act, setting forth the general substance of this  
2 Act, has been published as provided by law, and the notice and a  
3 copy of this Act have been furnished to all persons, agencies,  
4 officials, or entities to which they are required to be furnished  
5 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
6 Government Code.

7 (b) The governor, one of the required recipients, has  
8 submitted the notice and Act to the Texas Commission on  
9 Environmental Quality.

10 (c) The Texas Commission on Environmental Quality has filed  
11 its recommendations relating to this Act with the governor, the  
12 lieutenant governor, and the speaker of the house of  
13 representatives within the required time.

14 (d) All requirements of the constitution and laws of this  
15 state and the rules and procedures of the legislature with respect  
16 to the notice, introduction, and passage of this Act are fulfilled  
17 and accomplished.

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