

By: Morrison

H.B. No. 3805

A BILL TO BE ENTITLED

AN ACT

relating to director elections and powers of the Texana Groundwater Conservation District.

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

ARTICLE 1. ELECTION DATE

SECTION 1.01. NOVEMBER ELECTIONS. Section 8(b), Chapter 307, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(b) On the uniform election date in November of each even-numbered year [~~first Saturday in May of each subsequent second year following the election~~], the appropriate number of directors shall be elected.

SECTION 1.02. NOVEMBER ELECTIONS. Section 3.1108(b), Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(b) On the uniform election date in November of each even-numbered year [~~first Saturday in May of each subsequent second year following the election~~], the appropriate number of directors shall be elected.

ARTICLE 2. DISTRICT POWERS

SECTION 2.01. NO EMINENT DOMAIN POWER. (a) Chapter 307, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Section 4A to read as follows:

Sec. 4A. NO EMINENT DOMAIN POWER. The district may not

1 exercise the powers granted by Section 36.105, Water Code.

2 (b) Chapter 966, Acts of the 77th Legislature, Regular
3 Session, 2001, is amended by adding Section 3.11041 to read as
4 follows:

5 Sec. 3.11041. NO EMINENT DOMAIN POWER. The district may not
6 exercise the powers granted by Section 36.105, Water Code.

7 SECTION 2.02. CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES.
8 Section 10(b), Chapter 307, Acts of the 77th Legislature, Regular
9 Session, 2001, is amended to read as follows:

10 (b) The district may contract with other governmental
11 entities[~~, including river authorities located in the district,~~]
12 for the performance of any or all district functions. The district
13 may not contract with a [A] river authority to perform district
14 functions except as provided by Chapter 791, Government Code [with
15 ~~which the district contracts under this section may perform~~
16 ~~district functions as provided by the contract].~~ The district may
17 not exercise the powers granted by Section 36.105, Water Code.

18 SECTION 2.03. CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES.
19 Section 3.1110(b), Chapter 966, Acts of the 77th Legislature,
20 Regular Session, 2001, is amended to read as follows:

21 (b) The district may contract with other governmental
22 entities[~~, including river authorities located in the district,~~]
23 for the performance of any or all district functions. The district
24 may not contract with a [A] river authority to perform district
25 functions except as provided by Chapter 791, Government Code [with
26 ~~which the district contracts under this section may perform~~
27 ~~district functions as provided by the contract].~~

1 ARTICLE 3. TRANSITION; VALIDATION; EFFECTIVE DATE

2 SECTION 3.01. TRANSITION. A member of the board of
3 directors of the Texana Groundwater Conservation District who is
4 serving as a director on the day before the effective date of this
5 Act shall serve until the director's term expires. A director whose
6 term expires in May 2012 shall continue to serve until the
7 director's successor has qualified following the directors'
8 election held on the uniform election date in November 2012 in
9 accordance with Section 8, Chapter 307, and Section 3.1108, Chapter
10 966, Acts of the 77th Legislature, Regular Session, 2001, as
11 amended by this Act. A director whose term expires in May 2014
12 shall continue to serve until the director's successor has
13 qualified following the directors' election held on the uniform
14 election date in November 2014.

15 SECTION 3.02. VALIDATION. (a) All governmental acts and
16 proceedings of the Texana Groundwater Conservation District
17 relating to the election or appointment of members of the board of
18 directors of the district that were taken before the effective date
19 of this Act are validated, ratified, and confirmed in all respects
20 as if they had been taken as authorized by law.

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

23 (1) is involved in litigation if the litigation
24 ultimately results in the matter being held invalid by a final court
25 judgment; or

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

27 SECTION 3.03. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

1 (a) The legal notice of the intention to introduce this Act,
2 setting forth the general substance of this Act, has been published
3 as provided by law, and the notice and a copy of this Act have been
4 furnished to all persons, agencies, officials, or entities to which
5 they are required to be furnished under Section 59, Article XVI,
6 Texas Constitution, and Chapter 313, 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 3.04. EFFECTIVE DATE. This Act takes effect
19 immediately if it receives a vote of two-thirds of all the members
20 elected to each house, as provided by Section 39, Article III, Texas
21 Constitution. If this Act does not receive the vote necessary for
22 immediate effect, this Act takes effect September 1, 2011.