

1-1 By: Hegar S.B. No. 1895
1-2 (In the Senate - Filed April 5, 2011; April 7, 2011, read
1-3 first time and referred to Committee on Natural Resources;
1-4 May 4, 2011, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; May 4, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to director elections and powers of the Texana Groundwater
1-9 Conservation District.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 ARTICLE 1. ELECTION DATE

1-12 SECTION 1.01. NOVEMBER ELECTIONS. Subsection (b), Section
1-13 8, Chapter 307, Acts of the 77th Legislature, Regular Session,
1-14 2001, is amended to read as follows:

1-15 (b) On the uniform election date in November of each
1-16 even-numbered year [~~first Saturday in May of each subsequent second~~
1-17 ~~year following the election~~], the appropriate number of directors
1-18 shall be elected.

1-19 SECTION 1.02. NOVEMBER ELECTIONS. Subsection (b), Section
1-20 3.1108, Chapter 966, Acts of the 77th Legislature, Regular Session,
1-21 2001, is amended to read as follows:

1-22 (b) On the uniform election date in November of each
1-23 even-numbered year [~~first Saturday in May of each subsequent second~~
1-24 ~~year following the election~~], the appropriate number of directors
1-25 shall be elected.

1-26 ARTICLE 2. DISTRICT POWERS

1-27 SECTION 2.01. NO EMINENT DOMAIN POWER. (a) Chapter 307,
1-28 Acts of the 77th Legislature, Regular Session, 2001, is amended by
1-29 adding Section 4A to read as follows:

1-30 Sec. 4A. NO EMINENT DOMAIN POWER. The district may not
1-31 exercise the powers granted by Section 36.105, Water Code.

1-32 (b) Chapter 966, Acts of the 77th Legislature, Regular
1-33 Session, 2001, is amended by adding Section 3.11041 to read as
1-34 follows:

1-35 Sec. 3.11041. NO EMINENT DOMAIN POWER. The district may not
1-36 exercise the powers granted by Section 36.105, Water Code.

1-37 SECTION 2.02. CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES.
1-38 Subsection (b), Section 10, Chapter 307, Acts of the 77th
1-39 Legislature, Regular Session, 2001, is amended to read as follows:

1-40 (b) The district may contract with other governmental
1-41 entities [~~, including river authorities located in the district,~~]
1-42 for the performance of any or all district functions. The district
1-43 may not contract with a [A] river authority to perform district
1-44 functions except as provided by Chapter 791, Government Code [~~with~~
1-45 ~~which the district contracts under this section may perform~~
1-46 ~~district functions as provided by the contract~~]. The district may
1-47 not exercise the powers granted by Section 36.105, Water Code.

1-48 SECTION 2.03. CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES.
1-49 Subsection (b), Section 3.1110, Chapter 966, Acts of the 77th
1-50 Legislature, Regular Session, 2001, is amended to read as follows:

1-51 (b) The district may contract with other governmental
1-52 entities [~~, including river authorities located in the district,~~]
1-53 for the performance of any or all district functions. The district
1-54 may not contract with a [A] river authority to perform district
1-55 functions except as provided by Chapter 791, Government Code [~~with~~
1-56 ~~which the district contracts under this section may perform~~
1-57 ~~district functions as provided by the contract~~].

1-58 ARTICLE 3. TRANSITION; VALIDATION; EFFECTIVE DATE

1-59 SECTION 3.01. TRANSITION. A member of the board of
1-60 directors of the Texana Groundwater Conservation District who is
1-61 serving as a director on the day before the effective date of this
1-62 Act shall serve until the director's term expires. A director whose
1-63 term expires in May 2012 shall continue to serve until the
1-64 director's successor has qualified following the directors'

2-1 election held on the uniform election date in November 2012 in
2-2 accordance with Section 8, Chapter 307, and Section 3.1108, Chapter
2-3 966, Acts of the 77th Legislature, Regular Session, 2001, as
2-4 amended by this Act. A director whose term expires in May 2014
2-5 shall continue to serve until the director's successor has
2-6 qualified following the directors' election held on the uniform
2-7 election date in November 2014.

2-8 SECTION 3.02. VALIDATION. (a) All governmental acts and
2-9 proceedings of the Texana Groundwater Conservation District
2-10 relating to the election or appointment of members of the board of
2-11 directors of the district that were taken before the effective date
2-12 of this Act are validated, ratified, and confirmed in all respects
2-13 as if they had been taken as authorized by law.

2-14 (b) This section does not apply to any matter that on the
2-15 effective date of this Act:

2-16 (1) is involved in litigation if the litigation
2-17 ultimately results in the matter being held invalid by a final court
2-18 judgment; or

2-19 (2) has been held invalid by a final court judgment.

2-20 SECTION 3.03. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

2-21 (a) The legal notice of the intention to introduce this Act,
2-22 setting forth the general substance of this Act, has been published
2-23 as provided by law, and the notice and a copy of this Act have been
2-24 furnished to all persons, agencies, officials, or entities to which
2-25 they are required to be furnished under Section 59, Article XVI,
2-26 Texas Constitution, and Chapter 313, Government Code.

2-27 (b) The governor, one of the required recipients, has
2-28 submitted the notice and Act to the Texas Commission on
2-29 Environmental Quality.

2-30 (c) The Texas Commission on Environmental Quality has filed
2-31 its recommendations relating to this Act with the governor, the
2-32 lieutenant governor, and the speaker of the house of
2-33 representatives within the required time.

2-34 (d) All requirements of the constitution and laws of this
2-35 state and the rules and procedures of the legislature with respect
2-36 to the notice, introduction, and passage of this Act are fulfilled
2-37 and accomplished.

2-38 SECTION 3.04. EFFECTIVE DATE. This Act takes effect
2-39 immediately if it receives a vote of two-thirds of all the members
2-40 elected to each house, as provided by Section 39, Article III, Texas
2-41 Constitution. If this Act does not receive the vote necessary for
2-42 immediate effect, this Act takes effect September 1, 2011.

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