

By: Shine

H.B. No. 2105

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the territory and board of directors of the Bell County
3 Water Control and Improvement District No. 1; creating a criminal
4 offense.

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

6 SECTION 1. Section 9005.001, Special District Local Laws
7 Code, is amended by adding Subdivision (1-a) to read as follows:

8 (1-a) "Director" means a member of the board of
9 directors of the district.

10 SECTION 2. Subchapter A, Chapter 9005, Special District
11 Local Laws Code, is amended by adding Sections 9005.0025 and
12 9005.0026 to read as follows:

13 Sec. 9005.0025. BOARD. (a) The district is governed by a
14 board of seven elected directors.

15 (b) The district shall hold an election to elect the
16 appropriate number of directors on the uniform election date in
17 November of each even-numbered year.

18 (c) The board shall divide the district into seven
19 single-member director precincts that comply with the federal
20 Voting Rights Act of 1965 (52 U.S.C. Sections 10101 and 10301 et
21 seq.) with:

22 (1) the precincts each containing an approximately
23 equal number of voters; and

24 (2) the population of the City of Killeen divided into

1 three precincts composed only of residents of the City of Killeen.

2 (d) The board may redraw the single-member director
3 precincts in a manner that is reasonable and equitable:

4 (1) after any change in the boundaries of the district
5 or of the City of Killeen; or

6 (2) by a resolution redrawing the director precincts
7 adopted by a two-thirds majority of the board based on changed
8 circumstances.

9 Sec. 9005.0026. BOARD QUALIFICATIONS; REMOVAL. (a)
10 Section 49.052, Water Code, does not apply to a director.

11 (b) A person is disqualified from serving as a director if
12 the person:

13 (1) is a party to a contract with or along with the
14 district except for the purchase of public services furnished by
15 the district to the public generally; or

16 (2) during the term of office, fails to maintain the
17 qualifications required by law to serve as a director.

18 (c) Within 60 days after the board determines a condition of
19 disqualification exists, the board must replace the person serving
20 as a member of the board with a person who would not be
21 disqualified.

22 (d) Any person who wilfully occupies an office as a member
23 of a board and exercises the powers and duties of that office when
24 disqualified is guilty of a misdemeanor and, on conviction, shall
25 be fined not less than \$100 nor more than \$1,000.

26 (e) A board by unanimous vote of its remaining members may
27 remove a board member only if that board member has missed one-half

1 or more of the regular meetings scheduled during the previous 12
2 months. Any board member so removed may file a written appeal with
3 the commission within 30 days after receiving written notice of the
4 board action. The commission may reinstate a removed director if
5 the commission finds that the removal was unwarranted under the
6 circumstances, including the reasons for absences, the time and
7 place of the meetings missed, the business conducted at the
8 meetings missed, and any other facts or circumstances the
9 commission considers relevant.

10 (f) Any rights obtained by any third party through official
11 action of a board covered by this section are not impaired or
12 affected by the disqualification under this section of any member
13 of the board to serve, provided that the third party had no
14 knowledge at the time the rights were obtained of the fact that the
15 member of the board was disqualified to serve.

16 SECTION 3. Sections 9005.003 and 9005.004, Special District
17 Local Laws Code, are amended to read as follows:

18 Sec. 9005.003. DISTRICT TERRITORY. (a) The district is
19 composed of the territory described by Subsection (b) and Section
20 1, Chapter 523, Acts of the 54th Legislature, Regular Session, 1955
21 (Article 8280-189, Vernon's Texas Civil Statutes), as that
22 territory may have been modified under:

23 (1) Subchapter J, Chapter 49, Water Code;

24 (2) Subchapter O, Chapter 51, Water Code, before
25 September 1, 1995;

26 (3) former Section 4A, Chapter 523, Acts of the 54th
27 Legislature, Regular Session, 1955 (Article 8280-189, Vernon's

1 Texas Civil Statutes); or

2 (4) other law.

3 (b) Effective September 1, 2019, the territory of the
4 district includes the following areas as those areas are legally
5 described on that date:

6 (1) the territory inside the corporate boundaries of:

7 (A) the City of Harker Heights;

8 (B) the City of Copperas Cove;

9 (C) the City of Belton; and

10 (D) the City of Killeen;

11 (2) the service area of the 439 Water Supply
12 Corporation;

13 (3) the territory of the Bell County Water Control and
14 Improvement District No. 3; and

15 (4) the Bell County portion of the Fort Hood Military
16 Reservation.

17 Sec. 9005.004. ANNEXATION OF TERRITORY. (a) The [~~If an~~
18 ~~election concerning the annexation of territory to the district~~
19 ~~would result in the district boundaries becoming coterminous with~~
20 ~~the boundaries of the City of Killeen, the~~] board[, ~~in a separate~~
21 ~~proposition,~~] may submit for approval at an election the question
22 of whether to automatically annex to [~~extend the boundaries of~~] the
23 district [~~to include~~] territory later annexed by the City of
24 Killeen or a political subdivision described by Section 9005.003(b)
25 or to include territory added to the service area of the 439 Water
26 Supply Corporation [~~the City of Killeen annexes~~] that is not
27 already included in the district.

1 (b) An automatic annexation authorized [~~Land annexed by the~~
2 ~~City of Killeen~~] under Subsection (a) is effective [~~part of the~~
3 ~~district~~] only after:

4 (1) the annexed area assumes its pro rata share of all
5 bonds, notes, or other obligations or taxes owed, contracted, or
6 authorized by the district; and

7 (2) that assumption is approved by a majority of the
8 voters voting at an election held in the district territory as
9 enlarged as a result of the annexation.

10 SECTION 4. Subchapter B, Chapter 9005, Special District
11 Local Laws Code, is amended by adding Section 9005.0515 to read as
12 follows:

13 Sec. 9005.0515. LIMITATION OF DISTRICT POWER. In the
14 territory of the district that coincides with the territory of the
15 Bell County Water Control and Improvement District No. 3, the
16 powers of the district, including the power to issue bonds and
17 exercise eminent domain, are limited to the powers necessary to
18 provide wholesale water service.

19 SECTION 5. (a) The Bell County Water Control and
20 Improvement District No. 1 shall hold the first election to elect
21 directors as described by Section 9005.0025, Special District Local
22 Laws Code, as added by this Act, on the uniform election date in
23 November 2020.

24 (b) The terms of the directors serving on the board of
25 directors of the Bell County Water Control and Improvement District
26 No. 1 on the effective date of this Act expire on the date the
27 directors elected under Subsection (a) of this section have

1 qualified. A director elected to a term that expires in May 2020
2 serves until the director's successor has qualified after the
3 November 2020 election.

4 (c) At the first meeting of the board of directors of the
5 Bell County Water Control and Improvement District No. 1 that
6 follows the election held under Subsection (a) of this section, the
7 directors shall draw lots to determine which four directors serve a
8 term of four years and which three directors serve a term of two
9 years.

10 SECTION 6. (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 7. This Act takes effect September 1, 2019.