S.B. No. 1056

AN ACT

relating to the directors and administration of the Hidalgo County Water Improvement District No. 3.

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

SECTION 1.  Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9054 to read as follows:

CHAPTER 9054. HIDALGO COUNTY WATER IMPROVEMENT DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9054.0001.  DEFINITIONS. In this chapter:

(1)  "Board" means the district's board of directors.

(2)  "Commission" means the Texas Commission on Environmental Quality.

(3)  "Director" means a board member.

(4)  "District" means the Hidalgo County Water Improvement District No. 3.

Sec. 9054.0002.  NATURE OF DISTRICT. The district is a conservation and reclamation district organized to accomplish the purposes of Section 59, Article XVI, Texas Constitution, and operating as a water control and improvement district in accordance with Chapters 49 and 51, Water Code.

SUBCHAPTER B. ELECTIONS

Sec. 9054.0101.  ELECTIONS. (a) The district shall hold an election on the uniform election date in November of each even-numbered year to elect the appropriate number of directors.

(b)  The district shall contract with the county elections administrator as provided by Subchapter D, Chapter 31, Election Code, to perform all duties and functions of the district in relation to an election of directors.

Sec. 9054.0102.  ELIGIBILITY TO VOTE. To be eligible to vote in an election in the district, a person must be:

(1)  a qualified voter as defined by Section 11.002, Election Code, on the day the person offers to vote; and

(2)  a person who resides on land inside the territory defined by the boundaries of the district as submitted to the commission under Section 49.455(j), Water Code, or commission rule.

Sec. 9054.0103.  PROCEDURES FOR IDENTIFYING VOTERS; PROVISIONAL VOTING. (a) The district shall submit to the registrar a description or map of the territory defined by the boundaries of the district as submitted to the commission under Section 49.455(j), Water Code, or commission rule, that is in sufficient detail to enable the registrar to produce the official list of the district's eligible voters.

(b)  The district shall submit the information required under this section not later than the 30th day after the date of the last day to order a general or special election.

(c)  If county election officials are unable to verify whether a voter is eligible under Section 9054.0102, the voter may be accepted to vote only provisionally under Section 63.011, Election Code.

Sec. 9054.0104.  BOND AND CONTRACT ELECTIONS; NOVEMBER DATES. (a) A bond election held by the district must be held in accordance with Section 49.106, Water Code, except that the district may not hold the election on a date other than the uniform election date prescribed by Section 41.001, Election Code, that occurs in November of the applicable tax year.

(b)  A contract election held by the district must be held in accordance with Section 49.108, Water Code, except that the district may not hold the election on a date other than the uniform election date prescribed by Section 41.001, Election Code, that occurs in November of the applicable tax year.

Sec. 9054.0105.  EXCLUSION OF TERRITORY. (a) This section applies to the exclusion of territory by the district under the authority of Subchapters J and J-1, Chapter 49, Water Code, and Subchapter O, Chapter 51, Water Code.

(b)  The district may exclude territory on the basis that the land is in agricultural use only if the land meets the requirements for agricultural use under Section 23.51, Tax Code.

(c)  The district may exclude territory on the basis that the land is nonirrigated property only if the land meets the requirements for nonirrigated property under Section 49.309, Water Code.

(d)  The district may exclude territory on the basis of the property being urban property only if the property meets the requirements of Section 49.3181, Water Code.

(e)  The district may not exclude territory during the period of time between the first day that a candidate may file an application under Section 141.040, Election Code, and the day of the election in which that candidate appears on the ballot.

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 9054.0201.  DIRECTORS; TERMS. (a) The district is governed by a board of five directors.

(b)  Directors serve staggered terms of four years.

Sec. 9054.0202.  VACANCIES. (a) The district shall fill a vacancy on the board in accordance with Sections 49.105(a)-(c), Water Code.

(b)  If a position on the board becomes vacant on a date that is more than two years before the next scheduled date for an election for the office, the board shall:

(1)  appoint a person to fill the vacant office until a person elected to that office has qualified; and

(2)  hold an election to elect a member to fill the vacant office for the remainder of the unexpired term together with the next regularly scheduled election for other directors' offices.

(c)  Section 49.105(d) does not apply to the board.

Sec. 9054.0203.  QUALIFICATIONS FOR DIRECTOR. (a) To be qualified to serve as a director, a person:

(1)  must be eligible to hold office under Section 141.001, Election Code, and Section 9054.0204; and

(2)  must:

(A)  own land subject to taxation in the district;

(B)  be a user of the facilities of the district; or

(C)  be a qualified voter of the district under Section 9054.0102.

(b)  Section 49.052, Water Code, applies to the district.

Sec. 9054.0204.  DISQUALIFICATION OF DIRECTORS. (a) A member of the governing body of another political subdivision is disqualified from serving as a director.

(b)  A director is disqualified from serving as a director if:

(1)  the director is appointed or elected as a member of the governing body of another political subdivision; or

(2)  the board determines a relationship or employment exists that constitutes a disqualification under Section 49.052(a), Water Code.

(c)  A person is disqualified from serving as a director if the person or a relative of the person within the third degree by consanguinity or affinity, as determined by Chapter 573, Government Code:

(1)  received 10 percent or more of gross income for the previous year from a business entity or other organization, other than a governmental entity, that receives money from the district;

(2)  is employed by or participates in the management of a business entity or other organization, other than a governmental entity, that receives money from the district;

(3)  directly or indirectly owns or controls more than a 10 percent interest in the fair market value of a business or other organization that receives money from the district;

(4)  serves as a corporate officer or member of the board of directors of a business entity or other organization that receives money from the district;

(5)  is a creditor, debtor, or guarantor in an amount of $5,000 or more of a person or business entity that receives money from the district;

(6)  uses or receives a substantial amount of tangible goods, services, or money from the district other than compensation or reimbursement authorized by law; or

(7)  is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the district.

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

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

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

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

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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I hereby certify that S.B. No. 1056 passed the Senate on April 26, 2023, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2023, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 1056 passed the House, with amendment, on May 24, 2023, by the following vote: Yeas 117, Nays 21, one present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor