

By: Hinojosa
(Canales)

S.B. No. 1056

Substitute the following for S.B. No. 1056:

By: King of Uvalde

C.S.S.B. No. 1056

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the directors and administration of the Hidalgo County
3 Water Improvement District No. 3.

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

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

7 CHAPTER 9054. HIDALGO COUNTY WATER IMPROVEMENT DISTRICT NO. 3

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 9054.0001. DEFINITIONS. In this chapter:

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

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

13 (3) "Director" means a board member.

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

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

21 SUBCHAPTER B. ELECTIONS

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

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

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

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

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

12 Sec. 9054.0103. PROCEDURES FOR IDENTIFYING VOTERS;
13 PROVISIONAL VOTING. (a) The district shall submit to the registrar
14 a description or map of the territory defined by the boundaries of
15 the district as submitted to the commission under Section
16 49.455(j), Water Code, or commission rule, that is in sufficient
17 detail to enable the registrar to produce the official list of the
18 district's eligible voters.

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

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

26 Sec. 9054.0104. BOND AND CONTRACT ELECTIONS; NOVEMBER
27 DATES. (a) A bond election held by the district must be held in

1 accordance with Section 49.106, Water Code, except that the
2 district may not hold the election on a date other than the uniform
3 election date prescribed by Section 41.001, Election Code, that
4 occurs in November of the applicable tax year.

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

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

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

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

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

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

1 SUBCHAPTER C. BOARD OF DIRECTORS

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

4 (b) Directors serve staggered terms of four years.

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

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

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

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

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

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

19 (1) must be eligible to hold office under Section
20 141.001, Election Code, and Section 9054.0204; and

21 (2) must:

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

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

24 or

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

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

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

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

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

8 (2) the board determines a relationship or employment
9 exists that constitutes a disqualification under Section
10 49.052(a), Water Code.

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

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

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

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

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

27 (5) is a creditor, debtor, or guarantor in an amount of

1 \$5,000 or more of a person or business entity that receives money
2 from the district;

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

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

10 SECTION 2. (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 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2023.