

BILL ANALYSIS

S.B. 1870
By: Seliger
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Martin County Underground Water Conservation District was formed in 1985 as a single county underground water district located in Martin County. In 1991, the district's enabling legislation was amended to include parts of neighboring Howard County and to change the name of the district to the Permian Basin Underground Water Conservation District (district). The 1991 legislation allowed the board of directors to address the board's directorship by resolution, which it did in 2001 following legislation to annex additional land in Howard County.

The resolution passed by the board in 2001 increased the board from five to six directors in order to elect three directors from each county. Due to language in the 1991 legislation, the board is restricted from doing so. The current statutory requirements for the board allow four directors from Martin County, one director from Howard County, and one at-large director.

As proposed, S.B. 1870 allows the district to elect from five to nine directors and requires that there be an equal number of directors elected from each county as well as one at-large director. In addition, S.B. 1870 includes a conforming change to reference the correct chapter in the Water Code related to annexation and includes validation language to validate the current board and the actions of the district to date.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 11, Chapter 408, 69th Legislature, Regular Session, 1985, to authorize additional territory to be added to the Permian Basin Underground Water Conservation District (district) as provided by Chapter 36 (Groundwater Conservation Districts), rather than Chapter 52 (Underground Water Conservation Districts), Water Code. Deletes existing text requiring the board of directors to determine to which precinct the annexed land will be added for purposes of the election of the board.

SECTION 2. Amends Section 12(a), Chapter 408, 69th Legislature, Regular Session, 1985, to require the district to be governed by a board of directors (board) that consists of not more than five and not more than nine directors, rather than five directors. Deletes the exception to the rule that there are five directors unless the number of directors is increased in accordance with Section 12A of this Act. Authorizes the number of directors to be changed as determined by the board when territory is annexed by the district.

SECTION 3. Amends Chapter 408, 69th Legislature, Regular Session, 1985, by adding Section 12B, as follows:

Sec. 12B. BOARD COMPOSITION AND ELECTIONS FOLLOWING ANNEXATION OF TERRITORY. (a) Requires the board, if the district contains territory in more than one county, to consist of an equal number of directors elected from each county and one director elected from the district at large.

(b) Sets forth the eligibility requirements for a person to serve as a director at large or as a director from a county in the district.

(c) Requires the person to indicate on the application for a place on the ballot the county that the person seeks to represent or that the person seeks to represent the district at large.

SECTION 4. Repealer: Section 12A, Chapter 408, 69th Legislature, Regular Session, 1985.

SECTION 5. (a) Validates and confirms all acts and proceedings of the district taken before the effective date of this Act and the election or appointment of directors or other officers of the district who took office before the effective date of this Act as if the actions had been done as authorized by law.

(b) Prohibits a governmental act or proceeding of the district occurring after an act or proceeding validated by this Act from being held invalid on the ground that the prior act or proceeding, in the absence of this Act, was invalid.

(c) Sets forth certain matters to which this section does not apply.

SECTION 6. (a) Provides that a director of the district serving on the effective date of this Act continues to serve until the expiration of the term for which the director was elected.

(b) Requires one director to be elected from the district at large, in addition to the election of one director from Martin County and one director from Howard County, in the first regularly scheduled directors' election for the district after the effective date of this Act.

SECTION 7. Effective date: upon passage or September 1, 2005.

EFFECTIVE DATE

Upon passage or September 1, 2005.