

BILL ANALYSIS

Senate Research Center
80R6276 JLL-F

H.B. 2072
By: Guillen (Zaffirini)
Natural Resources
5/14/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Starr County Groundwater Conservation District (district) lacks certain provisions relating to confirmation election and appointment of temporary directors.

H.B. 2072 requires the temporary directors of the district to be appointed and charges those directors with holding an election to confirm the creation of the district. This bill authorizes Starr County to pay the expenses of the district's confirmation election.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 8803, Special District Local Laws Code, by adding Section 8803.004, as follows:

Sec. 8803.004. CONFIRMATION ELECTION REQUIRED. Provides that, if the creation of the Starr County Groundwater Conservation District (district) is not confirmed at a confirmation election held before September 1, 2009, the district is dissolved on September 1, 2009, except that any debts incurred shall be paid, any assets that remain after the payment of debts shall be transferred to Starr County, and the organization of the district shall be maintained until all debts are paid and remaining assets are transferred. Provides that this chapter expires September 1, 2012.

SECTION 2. Amends Chapter 8803, Special District Local Laws Code, by adding Subchapter A-1, as follows:

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8803.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a) Requires five temporary directors to be appointed by a certain method not later than the 45th day after the effective date of this subchapter.

(b) Requires the remaining temporary directors to appoint a person to fill the vacancy in a manner that meets the representational requirements of this section if there is a vacancy on the temporary board of directors of the district.

(c) Provides that the temporary directors serve until the earlier of the time the temporary directors become initial directors as provided by Section 8803.024, or the date this chapter expires under Section 8803.004.

Sec. 8803.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. Requires a majority of the temporary directors, as soon as practicable after all the temporary directors have qualified under Section 36.055 (Sworn Statement, Bond, and Oath of Office), Water Code, to convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors. Requires the organizational meeting to be at the Starr County Courthouse if an agreement on location cannot be reached.

Sec. 8803.023. CONFIRMATION ELECTION. (a) Requires the temporary directors to hold an election to confirm the creation of the district.

(b) Provides that Section 41.001(a) (relating to uniform election dates of special or general elections), Election Code, does not apply to a confirmation election held as provided by this section.

(c) Requires a confirmation election to be conducted as provided by Sections 36.017(b)-(i) (relating to the election of temporary directors), Water Code, and the Election Code, except as provided by this section. Provides that the provision of Section 36.017(d) (relating to the format of the ballot), Water Code, relating to the election of permanent directors does not apply to a confirmation election under this section.

(d) Authorizes Starr County to pay for any portion of the costs incident to the district's confirmation election.

Sec. 8803.024. INITIAL DIRECTORS. (a) Provides that the temporary directors of the district become the initial directors of the district and serve on the board of directors until permanent directors are elected under Section 8803.025 if creation of the district is confirmed at an election held under Section 8803.023.

(b) Provides that the initial directors for county precincts 2 and 3 serve a term expiring June 1 following the first regularly scheduled election of directors under Section 8803.025, and the initial directors for county precincts 1 and 4 serve a term expiring June 1 following the second regularly scheduled election of directors. Requires the at-large director to serve a term expiring June 1 following the second regularly scheduled election of directors.

Sec. 8803.025. INITIAL ELECTION OF PERMANENT DIRECTORS. Requires an election to be held in the district for the election of two directors to replace the initial directors who, under Section 8803.024(b), serve a term expiring June 1 following that election on the uniform election date prescribed by Section 41.001, Election Code, in May of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election.

Sec. 8803.026. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires September 1, 2012.

SECTION 3. Repealer: Sections 5 (Appointment of Temporary Directors), 6 (Organizational Meeting of Temporary Directors), 7 (Confirmation election), 8 (Initial Directors), 9 (Election of Permanent Directors), and 11 (Contingent expiration Date; Debts), Chapter 451, Acts of the 79th Legislature, Regular Session, 2005.

SECTION 4. Effective date: upon passage or September 1, 2007.