

## **BILL ANALYSIS**

H.B. 2072  
By: Guillen  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Starr County Groundwater Conservation District was legislatively created by the 79th Legislature, but lacks certain provisions relating to a confirmation election and the appointment of temporary directors.

H.B. 2072 requires temporary directors to be appointed for the Starr County Groundwater Conservation District. The bill charges these directors with holding an election to confirm the creation of the district. The bill also authorizes Starr County to pay the expenses of the district's confirmation election.

### **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 Chapter 8803, Special District Local Laws Code, by adding Section 8803.004 to require a confirmation election to take place before September 1, 2009; stipulates the actions that will follow if the election is not held and the district is, therefore, dissolved on September 1, 2009; and provides an expiration date for the chapter of 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) Provides that not later than the 45th day after the effective date of this subchapter, five temporary directors shall be appointed as follows: (1) the Starr County Commissioners Court shall appoint four temporary directors, with one of the temporary directors appointed from each of the four commissioners precincts in the county to represent the precinct in which the temporary director resides; and (2) the county judge of Starr County shall appoint one temporary director who resides in the district to represent the district at large.

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

(c) Temporary directors serve until the earlier of: (1) the time the temporary directors become initial directors as provided by Section 8803.024; or (2) 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, Water Code, to convene the organizational meeting at a location within the district agreeable to a majority of the directors. Requires that if an agreement on location cannot be reached, the organizational meeting shall be at the Starr County Courthouse.

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

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(b) Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section.

(c) Except as provided by this section, a confirmation election must be conducted as provided by Sections 36.017(b)-(i), Water Code, and the Election Code. The provision of Section 36.017(d), Water Code, relating to the election of permanent directors does not apply to a confirmation election under this section.

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

Sec. 8803.024. INITIAL DIRECTORS. (a) If creation of the district is confirmed at an election held under Section 8803.023, 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.

(b) 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. The at-large director shall serve a term expiring June 1 following the second regularly scheduled election of directors.

Sec. 8803.025. INITIAL ELECTION OF PERMANENT DIRECTORS. 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, an election shall 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.

Sec. 8803.026. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2012.

SECTION 3: Repeals Sections 5, 6, 7, 8, 9, and 11, Chapter 451, Acts of the 79th Legislature, Regular Session, 2005.

SECTION 4: Effective date: upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

#### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.