

BILL ANALYSIS

C.S.H.B. 3521
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Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Fox Crossing Water District was created in 1985 to perform a number of functions, including water development, water supply, waste management, and groundwater management. The original district covered three counties, but two of the counties failed to confirm creation of the district and withdrew. As a result, the district never implemented its water development or supply authority and is now primarily a groundwater conservation district. Coordinating the elections with the Mills County elections would enable the district to save considerable resources, and the public will more likely participate in the district election process.

C.S.H.B. 3521 moves the district's director elections to November of even-numbered years and changes the board's composition from five at-large positions to one director elected from each of the four county commissioner's precincts and one director elected at-large.

C.S.H.B. 3521 clarifies the district's status as a groundwater conservation district and repeals a number of sections of the district's enabling act that are no longer necessary or that have been superseded by application of provisions of the Water Code to the district.

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

C.S.H.B. 3521 amends Chapter 779, Acts of the 69th Legislature, Regular Session, 1985, the session law creating the Fox Crossing Water District. The bill changes the composition of the district's board of directors from five members elected at large to one director elected at large and one director elected from each county commissioners precinct. The bill establishes eligibility and ballot application requirements for candidates for a position on the board. The bill requires a director in office on the effective date of a boundary change when county commissioners precincts are redrawn after each federal decennial census, or a director elected or appointed before the effective date of the change whose term of office begins on or after the effective date of the change, to serve in the precinct to which elected or appointed even though the change in boundaries places the person's residence outside the precinct for which the person was elected or appointed. The bill requires the board, if territory is added to the district, to change the method of electing directors as necessary to ensure that all district voters have fair representation on the board. The bill requires a change in the method of electing directors adopted by the board to be implemented at the next director's election at which the change may be implemented consistent with federal election law and election law of Texas.

C.S.H.B. 3521 requires the election of the appropriate number of directors to the board to be held on the uniform election date in November in each even-numbered year, rather than on the first Saturday in May in each odd-numbered year.

C.S.H.B. 3521 grants the district the rights, powers, privileges, authority, and functions applicable to groundwater conservation districts, in addition to those previously granted applicable to municipal utility districts and other authority granted by the session law creating the Fox Crossing Water District. The bill makes provisions that are generally applicable to all districts applicable to the Fox Crossing Water District to the extent that those provisions do not conflict with the provisions applicable to groundwater conservation districts and makes conforming changes to statutory citations to reflect the district's status as a groundwater conservation district rather than as an underground water conservation district.

C.S.H.B. 3521 requires a director whose term expires in May 2010 to serve until the director's successor has qualified following the directors' election held on the uniform election date in November 2010, and a director whose term expires in May 2012 to serve until the director's successor has qualified following the November 2012 election. The bill requires the board of directors of the Fox Crossing Water District, on the uniform election date in November 2010, to hold an election to elect successors to directors whose terms expire in 2010, including the at-large director and the appropriate number of directors from commissioners precincts. The bill requires the board of directors, on the uniform election date in November 2012, to hold an election to elect successors to directors whose terms expire in 2012, including the appropriate number of directors from commissioners precincts. The bill validates, ratifies, and confirms all governmental acts and proceedings of the district relating to the election of members of the board taken before the effective date of the bill, except for any matter that, on the effective date of this bill, is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment or has been held invalid by a final court judgment.

C.S.H.B. 3521 repeals provisions of Chapter 779, Acts of the 69th Legislature, Regular Session, 1985, relating to the confirmation election of the district; petition to have name on the ballot at a directors' election; the beginning of a director's term; a vacancy on the board; the oath of office; compensation of directors; the organization of the board; a quorum of the board; other officers of the board; the general manager of the board; appointment of a civil engineer; employment of personnel; office of the board; board meetings; minutes and records; contracts; rules; supervision of the district; payment of judgments in a suit; the seal of the district; gifts, grants, and other funds; the acquisition of property; attachments to contracts; execution and availability of contracts; fiscal year; annual audits; annual budget; amending the budget; limitation on expenditures; depository; investments; payment of expenses; borrowing money; issuance of bonds; manner of repayment of bonds; form of bonds; provisions of bonds; approval by the attorney general and registration by the comptroller of public accounts; refunding bonds; bonds as investments; bonds as security for deposits; application of other laws; tax status of bonds; levy of taxes; board authority; tax rate; and tax appraisal, assessment, and collection.

C.S.H.B. 3521 repeals Sections 5, 10(b), 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 32, 35, 36, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 71, 72, 73, 74, 75, and 76, Chapter 779, Acts of the 69th Legislature, Regular Session, 1985.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3521 differs from the original by changing the composition of the board of directors of the Fox Crossing Water District from five members elected at large to one director elected at large and one director elected from each county commissioner precinct, establishing residency and ballot application requirements for candidates and providing for implementing this and future election method changes.

C.S.H.B. 3521 differs from the original by making conforming changes to the session law that created the district, including conforming and statutory citation changes, to reflect the district's status as a groundwater conservation district rather than an underground water district and clarifying the district's rights, powers, privileges, authority, and functions.

C.S.H.B. 3521 differs from the original by repealing obsolete and superseded provisions of the session law that created the district, whereas the original did not repeal any provisions.