

## **BILL ANALYSIS**

C.S.H.B. 4807  
By: Gallego  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Red Bluff Water Power Control District is a water power control district created under Chapter 76, General Laws, Acts of the 43rd Legislature, Regular Session, 1933. The district administers Red Bluff Lake, which is a source of irrigation water for various water districts. The district, which is governed by a board of directors, has the authority to levy a property tax upon voter approval.

In September 1991, the Red Bluff District and seven member districts received \$13.8 million, plus accrued interest, from the State of Texas. These funds were the result of a settlement of the lawsuit *Texas v. New Mexico* (58 U.S.L.W 3543) involving water rights concerning the Pecos River and the State of New Mexico. The \$13.8 million principal is held by U.S. Trust under an investment agreement, and can only be used upon board approval of the Red Bluff District and at least five of the member districts.

The funds received by the Red Bluff District under this article, together with any interest earned on the funds, shall be used by the Red Bluff District or a member district only for agricultural or irrigation projects, including associated water quality improvement projects that affect surface water irrigators in the counties of Loving, Ward, Reeves, and Pecos. The projects may include the operation of the Red Bluff District or a member district and the maintenance of the water supply reservoirs, associated downstream diversion facilities, and internal distribution systems of the Red Bluff District or a member district.

The purpose of this legislation is to ensure the seven member districts associated with the Red Bluff Water Power Control District retain their rights to a voice in the governance and management of the Red Bluff District.

C.S.H.B. 4807 clarifies language stating that an elected official would not have to forfeit the official's office to serve as a member of the Red Bluff board. The bill states that directors may not serve consecutive terms, a position on the board may not be construed to be a civil office of emolument, and that the Red Bluff District may not employ a person who is related to a director by a certain degree of consanguinity or affinity.

### **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. 4807 amends the Special District Local Laws Code to establish the Red Bluff Water Power Control District as a water power control district in Loving, Pecos, Reeves, and Ward Counties and to authorize a member district to be a water improvement district or irrigation district. The bill specifies that the territory of the district is only that territory included in the combined territory of the member districts.

C.S.H.B. 4807 establishes and sets forth administrative provisions for the seven member board of directors of the district, including provisions for the appointment of the board, the compensation and reimbursement of directors, conditions under which a director may serve as the acting general manager of the district, and an organizational meeting to elect officers from among the board and conduct any other district business. The bill requires the board of directors of each member district to appoint a director to the board of the district and file the certificate of appointment with the board of the district not later than the 60th day after the later of the effective date of the bill or the date the bill is precleared, and specifies the appointed director replaces the director elected to represent the member district on the date the director's certificate is filed. The bill prohibits a director from serving consecutive terms, and specifies that a position on the board may not be construed to be a civil office of emolument for any purpose. The bill prohibits the district from employing a person who is related to a director within the third degree by consanguinity or affinity, and requires any such employee to resign from employment when that director takes office.

C.S.H.B. 4807 grants the district general powers and duties applicable to water power control districts. The bill defines "director," "member district," "Red Bluff board," and "Red Bluff District."

#### **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. 4807 differs from the original by establishing that a director of the Red Bluff Water Power Control District may not serve consecutive terms, whereas the original provides that a director may not serve more than one term of office. The substitute adds a provision not in the original providing that a position on the Red Bluff District board may not be construed to be a civil office of emolument for any purpose. The substitute adds a provision not in the original prohibiting the district from employing a person who is related to a director within the third degree by consanguinity or affinity.