

BILL ANALYSIS

S.B. 564
By: Uresti
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The purpose of this proposed legislation is to change the date of elections for the board of directors of the Middle Pecos Groundwater Conservation District (district) from the uniform election date in May to the uniform election date in November of each even-numbered year. This is expected to save the district money on the costs of elections and to draw more people to participate in the district's elections because more people generally vote in the November elections. The district's enabling act set the date of elections on the first Saturday in May of each even-numbered year, and the proposed legislation would move the election date to the uniform election date of each even-numbered year.

As proposed, S.B. 564 amends current law relating to the election of members of the board of directors of the Middle Pecos Groundwater Conservation 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

SECTION 1. Amends Section 8, Chapter 1299, Acts of the 77th Legislature, Regular Session, 2001, as follows:

Sec. 8. ELECTION OF DIRECTORS. Requires an election to be held in the Middle Pecos Groundwater Conservation District (district) to elect the appropriate number of directors, on the uniform election date in November of each even-numbered year,. Deletes existing text requiring an election to be held on the first Saturday in May of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election and on the first Saturday in May of each subsequent second year.

SECTION 2. Requires a director of the district (director) who is serving on the day before the effective date of this Act to serve until the director's term expires. Requires a director whose term expires in May 2012 to continue to serve until the director's successor has qualified following the director's election held on the uniform election date in November 2012 in accordance with Section 8, Chapter 1299, Acts of the 77th Legislature, Regular Session, 2001, as amended by this Act. Requires a director whose term expires in May 2014 to continue to serve until the director's successor has qualified following the director's election held on the uniform election date in November 2014.

SECTION 3. (a) Provides that all governmental acts and proceedings of the district relating to the election of members of the board of directors of the district that were taken before the effective date of this Act are validated, ratified, and confirmed in all respects as if they had been taken as authorized by law.

(b) Provides that this section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

(2) has been held invalid by a final court judgment.

SECTION 4. Provides that all requirements of the constitution and the laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 5. Provides for the effective date of this Act.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.