

BILL ANALYSIS

S.B. 1875
By: Hinojosa
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Agua Special Utility District (district) is a reconstituted entity that assumed the duties of the defunct La Joya Water Supply Corporation. As part of the reorganization of the entity, the Agua district elected a new board of directors to lead the district.

S.B. 1875 has two provisions. The first creates a limit of two consecutive terms for directors. An initial term for the first appointed directors constitutes one term.

The bill also clarifies that appointed directors may serve a second elected term. There was confusion as to whether appointed directors were eligible for elected service.

The SUD requested these changes to establish term limits and to create continuity for a reconstituted entity. By allowing appointed directors to qualify for election to their posts, voters in the district may retain directors with institutional knowledge necessary for a successful transition from its former constitution.

S.B. 1875 amends current law relating to the governing body and the powers of the Agua Special Utility 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 7201.052, Special District Local Laws Code, by amending Subsection (j) and adding Subsection (k-1), as follows:

(j) Prohibits a director from serving more than two consecutive terms. Provides that an initial appointment under Section 7201.051 (Appointment of Initial Directors) constitutes one term.

(k-1) Provides that a person who was appointed as an initial director under Section 7201.051 is eligible to serve as an elected director.

SECTION 2. Amends Section 7201.205(a), Special District Local Laws Code, to prohibit the Agua Special Utility District (district) from disconnecting service of a customer for late payment before the 11th day, rather than 31st day, after the date the district notifies the customer of the overdue payment.

SECTION 3. (a) Provides that the legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI (General Provisions), Texas Constitution, and Chapter 313 (Notice for Local and Special Laws), Government Code.

(b) Provides that the governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality (TCEQ).

(c) Provides that TCEQ has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) Provides that all requirements of the constitution and 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 4. Provides for the effective date of this Act.

EFFECTIVE DATE

This Act takes effect September 1, 2011.