

## **BILL ANALYSIS**

C.S.H.B. 2914  
By: Hefner  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Northeast Texas Municipal Water District was created by the Texas Legislature in 1953 to, among other things, serve the water needs of its member cities in the Big Cypress Creek Basin. The district is governed by a board of directors whose members are appointed by the governing body of each of the district's seven member cities, which are the cities of Avinger, Hughes Springs, Jefferson, Ore City, Daingerfield, Lone Star, and Pittsburg. The district's enabling legislation provides for an appointment schedule that fails to stagger appointments, potentially allowing the entire board to turn over at once. For over half a century, the member cities have addressed this by voluntarily staggering their appointments so that three member cities appoint their directors in one year and the other four member cities appoint their directors the following year. C.S.H.B. 2914 seeks to address this issue by providing for a staggered appointment schedule to conform to this longstanding practice of the member cities to stagger appointments.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 2914 amends Chapter 78, Acts of the 53rd Legislature, Regular Session, 1953, to do the following with respect to the Northeast Texas Municipal Water District:

- require the governing bodies of Avinger, Hughes Springs, Jefferson, and Ore City to each appoint, in May of each even-numbered year, one director for a two year term beginning on June 1 of that year; and
- require the governing bodies of Daingerfield, Lone Star, and Pittsburg to each appoint, in May of each odd-numbered year, one director for a two year term beginning on June 1 of that year.

The bill sets out provisions retaining the entitlement of the governing body of a city with a population of 5,000 or more, including the governing body of such a city annexed to the district, to appoint two directors and retaining the entitlement of the governing body of a city with a population of less than 5,000, including the governing body of such a city annexed to the district, to appoint only one director. The bill also provides for the elimination of a director position of a city that has two director positions but that falls below the population threshold that entitles the city to those two positions.

The bill requires a person appointed as a director from an applicable city annexed by the district to meet the same qualifications for office applicable to the other cities in the district.

C.S.H.B. 2914 authorizes a person who is appointed by the governing body of the city of Avinger, Hughes Springs, Jefferson, or Ore City and is serving as a director of the district on the bill's effective date to continue to serve as a director for a term of office that expires May 31, 2024. The bill requires the governing bodies of the cities of Daingerfield, Lone Star, and Pittsburg, as soon as practicable after the bill's effective date, to each appoint a person to serve as a director of the district for a term of office that begins June 1, 2023, and expires May 31, 2025.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 2914 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute differs from the introduced by retaining the entitlement of the governing body of a city with a population of 5,000 or more to appoint two directors and the entitlement of the governing body of a city with a population of less than 5,000 to appoint only one director and by also providing for the elimination of a director position of a city that has two director positions but that falls below the population threshold that entitles the city to those two positions, whereas the introduced provided for each city to only have one director.

Whereas the introduced revised provisions regarding the appointment of a director by the governing body of a city annexed by the district to require the governing body to appoint one director regardless of the annexed city's population, the substitute retains the following:

- the entitlement for the governing body of an annexed city to appoint one or two directors depending on population size; and
- the entitlement for the governing body of an annexed city with a population under 5,000 to appoint an additional director if the city attains a population of 5,000 or more.

The substitute includes a provision absent from the introduced providing for the elimination of a director position if the annexed city's population falls under 5,000.

The substitute includes a provision absent from the introduced that requires a person appointed as a director from an applicable city annexed by the district to meet the same qualifications for office applicable to the other cities in the district.

Whereas the introduced required a person who is appointed by the governing body of the city of Avinger, Hughes Springs, Jefferson, or Ore City and is serving as a district director on the bill's effective date to continue to serve as a director for a term of office that expires May 31, 2024, the substitute instead authorizes such a person to continue to serve as such.