

BILL ANALYSIS

C.S.H.B. 3789
By: Miller
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have raised certain concerns regarding the process for the appointment and election of levee improvement district directors. C.S.H.B. 3789 seeks to address these concerns by revising applicable statutory provisions.

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. 3789 amends the Water Code to authorize a commissioners court, in a levee improvement district with a population of 2,000 or more, to increase the total number of directors appointed to serve on the district's board of directors to five. The bill requires any additional members so appointed to be registered voters in the district.

C.S.H.B. 3789, with regard to a district that has an elected board, replaces provisions that provide for the election of certain directors from single-member precincts with a requirement that all of the directors be elected district-wide and provides for the terms of the initial elected directors. The bill changes the number of district electors required to sign a petition requesting that an election be held to determine whether district directors should be elected from at least 100 electors to the greater of at least 10 percent of the total number of electors or 100 electors. The bill removes the requirement that the petition include the name of one or more nominees for each director's position and, with respect to the determination as a result of an election that directors will be elected, replaces a provision providing for directors to be elected at the election to serve until the next regular director election with a provision establishing that the current directors continue to serve until the elected directors qualify to take office.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3789 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 57.051, Water Code, is amended to read as follows:

Sec. 57.051. APPOINTMENT OF BOARD OF DIRECTORS. (a) The commissioners court which creates a levee improvement district under this chapter, by majority vote, shall appoint three directors for the district.

(b) The governing body of a levee improvement district consisting of three directors appointed by commissioners court may petition commissioners court to increase the total number of directors serving on the governing body of the levee improvement district. Upon receipt of a petition under this subsection, commissioners court may appoint up to two additional directors to serve on the governing body of the district.

SECTION 2. Section 57.058, Water Code, is amended.

SECTION 3. Section 57.060, Water Code, is amended to read as follows:

Sec. 57.060. PETITION. Before an election is held under Section 57.057, a petition, signed by at least 10 percent of the total number of [400] electors in the district who are qualified to vote, shall be presented to the district requesting that an election be held in the district to determine whether or not directors for the district should be elected [~~and, if so, to elect directors to serve until the next regular director election. The petition shall include the name of one or more nominees for each director's position~~]. If the results of an election held under Section 57.057 determine that directors will be elected, the current directors continue to serve until the elected directors qualify to take office.

SECTION 4. The changes in law made by Section 57.058, Water Code, as amended by this Act, apply only to an election of directors held on or after the effective date of this Act. An election of directors held before the effective date of this Act is

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 57.051, Water Code, is amended to read as follows:

Sec. 57.051. APPOINTMENT OF BOARD OF DIRECTORS. (a) The commissioners court which creates a levee improvement district under this chapter, by majority vote, shall appoint three directors for the district.

(b) In a district with a population of 2,000 or more the commissioners court may increase the total number of directors to five.

The additional members appointed under this section must be registered voters in the district.

SECTION 2. Same as introduced version.

SECTION 3. Section 57.060, Water Code, is amended to read as follows:

Sec. 57.060. PETITION. Before an election is held under Section 57.057, a petition, signed by the greater of at least 10 percent of the total number of [400] electors or 100 electors in the district who are qualified to vote, shall be presented to the district requesting that an election be held in the district to determine whether or not directors for the district should be elected [~~and, if so, to elect directors to serve until the next regular director election. The petition shall include the name of one or more nominees for each director's position~~]. If the results of an election held under Section 57.057 determine that directors will be elected, the current directors continue to serve until the elected directors qualify to take office.

SECTION 4. Same as introduced version.

subject to the law in effect on the date the election is held, and that law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2017.

SECTION 5. Same as introduced version.