

BILL ANALYSIS

Senate Research Center

H.B. 338
By: Ramsay (Ratliff)
Natural Resources
3-18-97
Engrossed

DIGEST

The Legislature created the Franklin County Water District (district) in a 1965 special law as a conservation and reclamation district under Article XVI, Section 59 of the Texas Constitution, to provide water to the residents of Franklin County. The district's boundaries are identical to the boundaries of Franklin County. The current five-member board of directors of the district is elected at-large by the voters in Franklin County. This bill will provide that four of the five members of the board of directors of the district are elected from single member districts and a fifth director is elected from the county as a whole.

PURPOSE

As proposed, H.B. 338 provides that four of the five members of the board of directors of the Franklin County Water District are elected from single member districts and a fifth director is elected from Franklin County as a whole.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 3(c), Article 8280-341, V.T.C.S., to require an election of the board of directors (directors) of the Franklin County Water District (district) to be held on the first Saturday in May, rather than April, of each odd-numbered year. Provides that a directors' election is held as provided by Chapter 49, rather than 51, Water Code, and the Election Code. Requires the directors to appoint presiding judges as necessary. Requires each presiding judge to appoint one assistant judge and at least two clerks to assist in holding such election. Provides that one director represents the district as a whole and is elected at-large. Requires a candidate for the at-large directorship to be a qualified voter who resides in the district. Provides that one director represents each of the county commissioners precincts in Franklin County. Provides that the director for a precinct is elected by qualified voters. Requires a candidate for a precinct's directorship to be a qualified voter who resides in the precinct. Requires only qualified voters, rather than electors, residing in the district to be entitled to vote. Deletes a provision requiring the candidates receiving the highest number of votes to be declared elected.

SECTION 2. (a) Requires the directors of the district whose terms expire in 1997 to continue in office until successor directors are elected as provided by Subsection (b) or (c) of this section and qualify for office.

(b) Requires the election of directors for the district for Franklin County commissioners precincts numbers one and two to be held the first Saturday in May 1997, except as provided by Subsection (c) of this section.

(c) Sets forth procedures to be followed to schedule an election if this Act takes effect after March 9, 1997, or has not received from the United States Department of Justice or the United States District Court for the District of Columbia preclearance under Section 5, 42 U.S.C. Section 1973c (Voting Rights Act of 1965).

(d) Requires the election of directors of the district for Franklin County commissioners precincts numbers three and four, and the election of the director at-large of the district to be held the first Saturday in May 1999.

(e) Requires the directors of the district whose terms expire in 1999 to represent the interests of all residents of the district and to continue in office until successor directors are elected as provided by Subsection (d) of this section.

SECTION 3. Emergency clause.

Effective date: upon passage.