

BILL ANALYSIS

Senate Research Center
82R9043 SGA-F

H.B. 3821
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Bolivar Yacht Basin Water Control and Improvement District Number 1 (district) of Galveston County is an existing special district that was created by the legislature in 2007. H.B. 3821 seeks to eliminate the deadline for a confirmation election of temporary directors of the district and establish provisions relating to temporary directors and the continuation in existence of the district.

Specifically, H.B. 3821 amends the Special District Local Laws Code to establish that the temporary directors of the district serve until the fourth anniversary of the effective date of provisions relating to the district.

The extension allows developers to maintain the district while waiting for economic improvement to begin prior to starting development. Extension of the deadline for the district is particularly important, due to the lag in development on the Bolivar Peninsula caused by Hurricane Ike.

H.B. 3821 amends current law relating to temporary directors and the continuation in existence of the Bolivar Yacht Basin Water Control and Improvement District No. 1 of Galveston County.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Subchapter A-1, Chapter 9027, Special District Local Laws Code, to read as follows:

SUBCHAPTER A-1. ORGANIZATION AND CONFIRMATION

SECTION 2. Amends Section 9027.021, Special District Local Laws Code, by amending Subsection (d) and adding Subsections (e) and (f), as follows:

(d) Provides that temporary members of the Bolivar Yacht Basin Water Control and Improvement District No. 1 of Galveston County board of directors (temporary directors; district) serve until the earlier of:

(1) the date directors are elected under Section 9027.023 (Confirmation and Initial Directors' Election); or

(2) the fourth anniversary of the effective date of the Act enacting this chapter, rather than the date this chapter expires under Section 9027.003 (Confirmation Election Required).

(e) Requires successor temporary directors to be appointed or reappointed as provided by Subsection (f), if directors have not been elected under Section 9027.023 and the terms of the temporary directors have expired, to serve terms that expire on the earlier of:

(1) the date directors are elected under Section 9027.023; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(f) Authorizes the owner or owners of a majority of the assessed value of the real property in the district to submit a petition to the Texas Commission on Environmental Quality (TCEQ) requesting that TCEQ appoint as successor temporary directors the five persons named in the petition if Subsection (e) applies. Requires TCEQ to appoint as successor temporary directors the five persons named in the petition.

SECTION 3. Repealers: Sections 9027.003 (Confirmation Election Required) and 9027.025 (Expiration of Subchapter), Special District Local Laws Code.

SECTION 4. Provides that regardless of whether Section 9027.003, Special District Local Laws Code, is repealed on the same day that this Act takes effect, the district is continued in existence and is not dissolved September 1, 2011.

SECTION 5. 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 6. Effective date: upon passage or September 1, 2011.