

BILL ANALYSIS

Senate Research Center
82R12370 SLB-D

C.S.S.B. 833
By: Uresti
Natural Resources
3/30/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The enabling legislation for the Crockett County Water Control and Improvement District No. 1 (district) sets the election date for its board of directors for the first Saturday in May of each even-numbered year. May elections traditionally have lower voter turnout than November general elections and May elections cost the district more because there are fewer entities holding elections with which to share the cost of the elections.

Without legislative action, current law fails to provide a mechanism for the district to move its elections to the November general election day.

The purpose of this bill is to authorize the district to change the date of elections for the district's board of directors from the uniform election date in May to the uniform election date in November of each even-numbered year. This is expected to save the district money on the costs of elections and to increase participation in the district's elections.

C.S.S.B. 833 amends current law relating to the election of the board of directors of the Crockett County Water Control and Improvement District No. 1.

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 Subtitle I, Title 6, Special District Local Laws Code, by adding Chapter 9035, as follows:

CHAPTER 9035. CROCKETT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9035.001. DEFINITIONS. Defines "board," "director," and "district" in this chapter.

[Reserves Sections 9035.002-9035.050 for expansion.]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9035.051. ELECTION OF DIRECTORS. (a) Requires the Crockett County Water Control and Improvement District No. 1 (district), notwithstanding Section 49.103(b) (relating to requiring an election to be held on the uniform election date in May of each even-numbered year), Water Code, on the uniform election date in November of each even-numbered year, to hold an election to elect the appropriate number of directors to the district's board of directors (board).

(b) Authorizes the election to be held at any location that is in the boundaries of the district, and Crockett County.

SECTION 2. (a) Provides that all governmental acts and proceedings of the district relating to the election of members of the board that were taken before the effective date of this Act are validated, ratified, and confirmed in all respects as if they had been taken as authorized by law.

(b) Provides that this section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

(2) has been held invalid by a final court judgment.

SECTION 3. Requires a director of the board of the district who is serving on the day before the effective date of this Act to serve until the director's term expires. Requires a director whose term expires in May 2012 to serve until the director's successor has qualified following the directors' election held on the uniform election date in November 2012 in accordance with Section 9035.051, Special District Local Laws Code, as added by this Act. Requires a director whose term expires in May 2014 to serve until the director's successor has qualified following the directors' election held on the uniform election date in November 2014.

SECTION 4. (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 has 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, 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 5. Effective date: upon passage or September 1, 2011.