

BILL ANALYSIS

Senate Research Center
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S.B. 1469
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When a special district is created under Chapters 49 and 54, Water Code, an initial board of directors is appointed to govern the district. Those appointed directors remain either until the enabling legislation allows for an election of permanent directors or for four years after the creation of the district. Currently, the only mechanism for recalling directors are the elections held every four years. S.B. 1469 creates recall procedures for district directors to create greater accountability of these directors to their residents and give more options for recourse to the residents of a special district. S.B. 1469 enables residents of special districts to gather signatures on a recall petition. If that petition garners more than 10 percent of the residents of that district's signatures, a recall election must be held within 78 days of delivery of the petition to the district's board of directors.

As proposed, S.B. 1469 amends current law relating to an election for the removal of a director serving on the board of directors of certain water districts.

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 Subchapter D, Chapter 49, Water Code, by adding Section 49.114, as follows:

Sec. 49.114. REMOVAL ELECTION CALLED BY PETITION. (a) Provides that this section applies only to a district that is a water control and improvement district operating under Chapter 51 (Water Control and Improvement Districts), or a municipal utility district operating under Chapter 54 (Municipal Utility Districts).

(b) Requires the governing body of a district (board) to order an election on the question of removing a director if the board receives a petition requesting an election on that question. Requires the petition be signed by at least 10 percent of the district's registered voters.

(c) Requires an election order under this section to be held not earlier than the 78th day after the date on which the board received a petition under Subsection (b).

(d) Requires an order calling an election held under this section to state the nature of the election, including the proposition that is to appear on the ballot, the date of the election, the hours during which the polls will be open, and the location of the polling places.

(e) Requires the board to give notice of an election ordered under this section by publishing a substantial copy of the election order in a newspaper with general circulation in the district once a week for two consecutive weeks.

(f) Requires the first publication to appear by a certain date.

(g) Provides that Section 41.001 (Uniform Election Dates), Election Code, does not apply to an election held under this section.

(h) Requires the board, if a majority of the votes in an election held under this section favor removal, to order the removal of the director who is the subject of the petition.

(i) Provides that the removal of a director as provided by this section creates a vacancy on the board to be filled in the manner prescribed by the law governing the district.

(j) Provides that, if a majority of the votes in an election held under this section do not favor removal, the director is entitled to serve the remainder of the director's unexpired term.

SECTION 2. Effective date: September 1, 2017.