

BILL ANALYSIS

Senate Research Center
86R21531 GRM-F

H.B. 2202
By: Miller (Kolkhorst)
Water & Rural Affairs
5/3/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised regarding ambiguity in the application of certain provisions relating to levee improvement districts and the process for the initial election of district directors. H.B. 2202 seeks to address this ambiguity by revising provisions relating to the appointment and election of levee improvement district directors.

H.B. 2202 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 from three to five. The bill requires the additional appointed members to be registered voters in the district.

H.B. 2202 requires the initial elected directors, for a levee improvement district that has an elected board, to draw lots to determine which two initial directors serve two-year terms and which three initial directors serve four-year terms.

H.B. 2202 changes the number of electors required to sign a petition requesting that an election be held in the levee improvement district to determine whether or not directors for the district should be elected from at least 100 electors in the district who are qualified to vote to the greater of that number or at least 10 percent of the total number of electors. The bill removes a specification that such an election also conditionally elect directors to serve until the next regular director election and removes a requirement that the petition include the name of one or more nominees for each director's position. The bill provides for the continued service of current directors until elected directors qualify to take office if the election results in a determination that directors will be elected.

H.B. 2202 amends current law relating to the appointment and election of levee improvement district directors.

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 Section 57.051, Water Code, as follows:

Sec. APPOINTMENT OF BOARD OF DIRECTORS. (a) Creates this subsection from existing text and makes no further changes.

(b) Authorizes the commissioners court, in a district with a population of 2,000 or more, to increase the total number of directors to five. Requires the additional members appointed under this section to be registered voters in the district.

SECTION 2. Amends Section 57.058, Water Code, as follows:

Sec. 57.058. New heading: NUMBER OF ELECTED DIRECTORS; TERMS. Requires the initial elected directors to draw lots to determine which two initial directors serve two-year terms and which three initial directors serve four-year terms.

SECTION 3. Amends Section 57.060, Water Code, as follows:

Sec. 57.060. PETITION. Requires a petition, signed by the greater of at least 10 percent of the total number of electors or 100 electors in the district who are qualified to vote, before an election is held under Section 57.057 (Election of Board of Directors), to 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, rather than requiring a petition, signed by at least 100 electors in the district who are qualified to vote, to 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 the directors to serve until the next regular director election. Provides that 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. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2019.