

BILL ANALYSIS

Senate Research Center

S.B. 1226
By: Hughes
Local Government
5/2/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1226 relates to the terms of office of the directors of the Northeast Texas Municipal Water District (district), which was created by the Texas legislature in 1953 to, among other things, serve the water needs of its member cities in the Big Cypress Creek Basin.

The district is governed by a board of directors whose members are appointed by a majority vote of the governing body of each of the seven member cities of the district, which are the cities of Avinger, Hughes Springs, Jefferson, Ore City, Daingerfield, Lone Star, and Pittsburg. The 1953 legislation that created the district provided that the governing body of each of these seven member cities appoint a director to the district in May of each even-numbered year for a two-year term to begin on June 1 of that year.

This method of appointing directors fails to stagger the board appointments so that the entire membership of the board could turn over at once. For over half a century, the member cities have addressed this by voluntarily staggering their appointments to the district's board of directors, such that three member cities appoint their directors in one year and the other four member cities appoint their directors the following year.

S.B. 1226 would update the enabling legislation of the district to conform it to this longstanding practice of the member cities to stagger the appointments of their directors. S.B. 1226 also amends the enabling legislation of the district to provide that each member city is entitled to appoint only one director to the district's board of directors, regardless of the population of the member city, as has also been the practice of the member cities since the district was created in 1953.

(Original Author's/Sponsor's Statement of Intent)

S.B. 1226 amends current law relating to the term of office for a director of the Northeast Texas Municipal Water District.

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 3, Chapter 78, Acts of the 53rd Legislature, Regular Session, 1953, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires the board of directors of the Northeast Texas Municipal Water District (district) to be appointed by a majority vote of the governing body of each of the cities contained in the district. Requires each of the governing bodies of Avinger, Hughes Springs, Jefferson, and Ore City, in May of each even-numbered year, to appoint one director for a two year term beginning on June 1 of that year. Requires each of the governing bodies of Daingerfield, Lone Star, and Pittsburg, in May of each odd-numbered year, to appoint one director for a two year term beginning on June 1 of that year. Requires each director to serve for the director's term of office as herein provided,

and thereafter until the director's successor shall be appointed and qualified. Prohibits a governing body of a city from appointing a person to the position of a director unless the person resides in and owns taxable property in the city. Prohibits a governing body of a city from appointing a member of a governing body of a city or an employee of a city. Requires such directors to subscribe the constitutional oath of office, and requires each director to give bond for the faithful performance of the director's duties in the amount of \$5,000 dollars, the cost of which is required to be paid by the district.

Deletes existing text requiring the governing body of such city, in appointing the first directors for a city containing 5,000 population or more according to the most recent Federal Census, to appoint one director who is required to serve to and including May 31, 1954, and one who is required to serve to and including May 31, 1955. Deletes existing text requiring the governing body of such a city, in appointing the first director for a city of less than 5,000 population according to the most recent Federal Census, to appoint one director who is required to serve to and including May 31, 1954. Deletes existing text requiring the governing body, in May 1954, and in May of each even year thereafter, to appoint one director for the two year term beginning on June 1st of that year. Makes conforming and nonsubstantive changes.

(a-1) Entitles the governing body of a city, if the population of a city described by Subsection (a) of Section 3 is 5,000 or more, to appoint a second director to serve a term that ends on May 31 of the year following the expiration of the term of the serving director appointed by the governing body of that city under Subsection (a) of this section and every second year thereafter. Entitles the governing body of a city, if the population of the city described by Subsection (a) of this section is less than 5,000 and the governing body of the city has two director positions by an earlier application of this subsection, to appoint only one director and the director position for the city that expires on the first May 31 following the most recent federal decennial census that shows a population less than 5,000 is eliminated effective on that date.

SECTION 2. Amends Section 6, Chapter 78, Acts of the 53rd Legislature, Regular Session, 1953, as follows:

Sec. 6. (a) Provides that this section applies only to the annexation of a city by the district other than the cities described by Section 3 of this Act.

(b) Requires the governing body of the city, when the territory of a city with a population of 5,000 is annexed to the district, to appoint one director for the term ending the following May 31, and one director for the term ending one year after the following May 31, and in May of each year to appoint one director for a two year term the same as provided in this Act for cities described by Section 3(a-1) of this Act. Provides that the governing body of the city, if the population of the annexed city at a later date is less than 5,000, is entitled to appoint only one director and the director position for that city that expires on the first May 31 following the most recent federal decennial census that shows a population less than 5,000 is eliminated effective on that date. Makes conforming and nonsubstantive changes.

(c) Requires the governing body of the city, when the territory of a city with a population of less than 5,000 is annexed to the district, rather than if such city contains less than 5,000 inhabitants according to the most recent Federal Census, to appoint one director whose term is required to expire the following May 31, and in May of each second year thereafter is required to appoint one director for a two year term beginning on June 1 of that year and expiring on May 31 two years later. Entitles the governing body of the city, whenever a city with a population of less than 5,000 may later to attain a population of 5,000 or more, to appoint two directors in the manner provided by Section 3(a-1) of this Act. Makes nonsubstantive and conforming changes.

(d) Requires a person appointed as a director under this section to meet the qualifications for office provided by Section 3(a) of this Act.

SECTION 3. (a) Authorizes a person who is appointed by the governing body of the city of Avinger, Hughes Springs, Jefferson, or Ore City and is serving as a director of the district on the effective date of this Act to continue to serve as a director for a term of office that expires May 31, 2024.

(b) Requires the governing bodies of the cities of Daingerfield, Lone Star, and Pittsburg, as soon as practicable after the effective date of this Act, to each appoint a person to serve as a director of the district for a term of office that begins June 1, 2023, and expires May 31, 2025.

SECTION 4. 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, 2023.