

SUBJECT: Restagging terms of the Texas Irrigators Advisory Council

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 6 ayes — Counts, Cook, Corte, Culberson, King, Puente

0 nays

3 absent — Walker, R. Lewis, Moffat

WITNESSES: None

BACKGROUND : The Texas Irrigators Advisory Council, appointed by the Texas Natural Resource Conservation Commission, is composed of nine members who serve six-year terms. Six members of the council are licensed irrigators, and three are members of the public. The council advises the Texas Natural Resource Conservation Commission on issues concerning the licensing and regulation of commercial irrigators who sell, install, and repair landscape irrigation systems.

The Texas Constitution authorizes the Legislature to establish six-year terms for members of state boards. Art. 16, sec. 30a, specifies that one-third of the membership of a board with six-year terms is to be appointed every two years.

HB 2510 by Wilson, enacted in 1995 by the 74th Legislature, overhauled the statutes relating to the licensing of irrigators and irrigation systems. The bill required that the terms of two members of the nine-member council expire February 1 of each odd-numbered year.

DIGEST: HB 56 would require that the terms of three, rather than two, members of the nine-member Texas Irrigators Advisory Council expire on February 1 of each odd-numbered year.

The bill would also validate any action of the council that occurred before HB 56 was enacted and prohibit any council action from being held invalid because the terms of the members were established incorrectly.

HB 56
House Research Organization
page 2

HB 56 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

**SUPPORTERS
SAY:**

HB 56 would correct a drafting error in a bill enacted in 1995 and properly stagger the terms of the nine members of the Texas Irrigators Advisory Council. The terms of three, rather than two, members would expire every two years, which would conform the law to the constitutional requirement that the terms of one-third of the members of a board with six-year terms expire every two years. The validation provision would ensure that no action by the board taken during the last two years could be legally challenged based on the error corrected by HB 56.

**OPPONENTS
SAY:**

No apparent opposition.