

SUBJECT: Eligibility to serve as a supervisor of a fresh water supply district.

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 9 ayes — Puente, Hamilton, Gattis, Creighton, Gallego, Guillen,  
Hilderbran, Laubenberg, O'Day

0 nays

WITNESSES: For — Val Perkins

Against — None

BACKGROUND: Water Code, ch. 53 governs fresh water supply districts (FWSDs). A fresh water supply district is a political subdivision of the state of Texas that may be created to conserve, transport, and distribute fresh water for domestic and commercial purposes. A FWSD, governed by five elected supervisors, can be created by petition to the commissioners court of the county in which the district would be located. The county commissioners court appoints five temporary supervisors to serve on the board of the district until permanent supervisors are elected. To be qualified as a supervisor, an individual must be a registered voter of the district.

DIGEST: Under HB 2984, to be qualified for election as a supervisor of a fresh water supply district, an individual would have to be:

- a resident of Texas;
- an owner of property in the district; and
- at least 18 years of age.

The bill would not affect the eligibility of a person serving as a supervisor of an FWSD when the bill took effect. Such an individual would be able to serve for the remainder of that person's term.

The bill would take effect September 1, 2007.

SUPPORTERS SAY: By allowing an individual who owned property in a FWSD to serve as a supervisor in the district, HB 2984 would improve governance and

administration of these water utility districts. Current law on FWSD governance often is not practical because many districts are created in uninhabited areas of the state. A developer who does not live in a FWSD but who plans to develop land that person owns in a district may not serve as a supervisor under current law, so in uninhabited FWSDs without any voters it is impossible to have a board.

The primary benefit of HB 2984 is that it would enable a developer to serve as supervisor of a district that did not yet have any residents. Once a development had been complete and residents had moved in, voters in a FWSD still would have the final say on the make-up of the district's governing board. Residents would not have to elect developers who live d outside the district if they did not wish to do so.

Supervisors of municipal utility districts and water control and improvement districts are governed by provisions similar to those included in HB 2984, and the bill simply would align FWSDs with these other areas of state law.

OPPONENTS  
SAY:

No apparent opposition.

NOTES:

The companion bill, SB 1178 by Hegar, was reported favorably, without amendment, by the Senate Natural Resources Committee on April 11 and recommended for the Local and Uncontested Calendar. It was removed from that calendar and placed on the Intent Calendar for April 23.