

BILL ANALYSIS

Senate Research Center
87R16348 ANG-F

H.B. 2951
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Water, Agriculture & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Levee improvement districts (LIDs) can be created by an act of a commissioners court or by a special act of the legislature. LIDs, which are governed by Chapters 49 and 57 of the Texas Water Code (TWC), are used throughout the state but are particularly common in Fort Bend County and in Texas House District 26. Most of these levee districts are governed by a board of directors whose members are appointed by the commissioners court of the county in which the district is located. However, TWC Chapter 57 provides for an alternative process where the resident voters within an LID can convert its governance from an appointed to an elected board of directors. In Fort Bend County there are three LIDs that have elected boards: FBCLID Nos. 7, 15, and 19.

Currently, there exists an ambiguity in the legal procedure for filling vacancies on elected LID boards. Certain sections of TWC Chapter 57 (which specifically applies only to LIDs) can be read to provide that vacancies on elected boards are filled by majority vote of the commissioners court of the county. Other sections of TWC Chapter 49 (which generally applies to all water districts, including LIDs unless there is a more specific provision otherwise in TWC Chapter 57) can be read that vacancies on elected LID boards can be filled by majority vote of the remaining board members. LID Nos. 15 and 19 have each filled vacancies on their boards by majority vote of the remaining board members, in accordance with the procedures in TWC Chapter 49. LID No. 7 has not yet had a vacancy but could, at any time, need to do so.

H.B. 2951 removes the ambiguity, ratifies prior appointments by the elected boards, and clarifies the procedure so that vacancies on appointed LID boards are filled by the appointment of a commissioners court and vacancies on elected LID boards are filled by the majority vote of the remaining board members.

H.B. 2951 amends current law relating to the appointment and removal of directors of a levee improvement district and validates certain appointments and actions of certain levee improvement 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 Section 57.053, Water Code, as follows:

Sec. 57.053. New heading: VACANCY AND REMOVAL. (a) Provides that a vacancy on an appointed board is filled by the appointment of a director by a majority vote of the commissioners court. Requires a director appointed to fill a vacancy to be a person qualified for election as a director under Section 57.059 (Qualifications for Elected Directors). Requires the commissioners court to appoint directors so that the board will always have full membership. Deletes existing text requiring that a vacancy on the board be filled by majority vote of the commissioners court.

(b) Authorizes the commissioners court, by majority vote, to remove a director who was appointed by the commissioners court, rather than to remove an appointed member of the board.

(c) Provides that a vacancy on an elected board is filled in accordance with Section 49.105 (Vacancies).

SECTION 2. (a) Provides that the changes in law made by this Act apply only to the board of directors of a levee improvement district governed by Chapter 57 (Levee Improvement Districts), Water Code, in relation to a vacancy on the board filled, or the removal of a director, that occurs on or after the effective date of this Act. Provides that a vacancy filled or removal of a director before the effective date of this Act is governed by the law in effect on the date the vacancy was filled or the director was removed.

(b) Provides that the filling of a vacancy on the board of directors of a levee improvement district governed by Chapter 57, Water Code, that occurred before the effective date of this Act and that was accomplished in accordance with Section 49.105, Water Code, is ratified, confirmed, and validated and all governmental acts and proceedings of a board of directors affected by the validation that occurred before the effective date of this Act are validated for all purposes.

SECTION 3. Effective date: upon passage or September 1, 2021.