

BILL ANALYSIS

Senate Research Center

H.B. 3567
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Natural Resources
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Engrossed

DIGEST

Duval County is a rural county with an economy largely based on agriculture and ranching. However, the municipalities in Duval County are experiencing some urban growth. As municipalities grow, they typically desire greater autonomy from their counties. The Duval County Conservation and Reclamation District (district) serves two of the three municipalities in Duval County, and nearly all of the county's rural area. The exception is the area served by the Freer Water Control and Improvement District, which includes the City of Freer and an area extending from the center of town three miles to the north and approximately one mile in each other direction. H.B. 3567 establishes disannexation procedures for the district, and guarantees rural areas representation on the district's governing board. In addition, this bill adds that part of Jim Wells County within the corporate limits of the City of San Diego, Texas to the district's territory.

PURPOSE

As proposed, H.B. 3567 establishes provisions regarding the addition of territory to, the board of directors of, and disannexation procedures for, the Duval County Conservation and Reclamation District.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1, Article 8280-138, V.T.C.S., to provide that there is created a conservation and reclamation district to be known as the Duval County Conservation and Reclamation District (district), including that part of Jim Wells County within the corporate limits of the City of San Diego, Texas, among other territory.

SECTION 2. Amends Section 3, Article 8280-138, V.T.C.S., to require the board of directors (board) to be composed of seven, rather than four, members elected to positions using the place system as described in this section. Sets forth the procedure regarding the place system of elections. Deletes existing text regarding the appointment of directors of the district. Requires an election to be held on a certain date each year, and requires the elected directors to serve for certain terms. Sets forth the requirements regarding board directors if either San Diego or Benavides and the area within its extraterritorial jurisdiction disannex under Section 4A of this Act; if both San Diego and Benavides and the areas within their extraterritorial jurisdictions disannex; if San Diego and the area within its extraterritorial jurisdiction disannex; or if Benavides and the area within its extraterritorial jurisdiction disannex.

SECTION 3. Amends Article 8280-138, V.T.C.S., by adding Sections 4A and 4B, as follows:

Sec. 4A. Authorizes a municipality within the district and the area within the extraterritorial jurisdiction of that municipality to be disannexed on petition for an election on disannexation and a majority vote in favor of disannexation at the election called for that purpose. Sets forth the requirements regarding the petition for an election to disannex. Requires the petition to be filed with the district manager, and requires the district manager to follow a certain procedure in verifying the validity of the petition. Sets forth the terms by which the board is

required to call an election for the purpose of disannexation. Requires the disannexation measure to appear on the ballot in a certain manner. Establishes the conditions under which the municipality and the area within its extraterritorial jurisdiction are not disannexed, and by which the majority of the vote is for disannexation. Sets forth the terms by which the directors of the district are required to vote to disannex following a vote for disannexation; and by which the executive director of the Texas Natural Resource Conservation Commission is required to appoint an independent master to oversee the distribution of assets. Sets forth the terms by which assets are required to be divided following disannexation.

Sec. 4B. Authorizes a municipal water or sewer system established or acquired by the city council of the disannexed municipality to serve an area immediately outside the extraterritorial jurisdiction of the disannexed municipality if the residents of the area agree to be served by that system, if a municipality and the area within its extraterritorial jurisdiction disannex and the city council of the disannexed municipality is required to establish or acquire systems to provide the water and sewer services formerly provided by the district in the disannexed area. Provides that if the City of San Diego and the area within its extraterritorial jurisdiction disannex and a municipal water or sewer system is established or acquired, the Glossbrenner Substance Abuse Facility is disannexed from the district effective on the date on which that system is established or acquired. Authorizes that system to serve that facility.

SECTION 4. (a) Effective date: September 1, 1997.

(b) Sets forth the terms of service for directors serving on August 31, 1997. Requires the additional positions on the board to be filled in a certain manner.

(c) Establishes the terms of service of the two directors elected at the May 1994 election and the two directors elected at the May 1995 election.

(d) Sets forth the terms by which seven directors are required to be elected at the May 1998 election.

(e) Sets forth provisions regarding the election of directors if, before the May 1998 election, the City of Benavides has disannexed and the City of San Diego has not disannexed.

(f) Sets forth the procedure regarding election of directors if, before the May 1998 election, the City of San Diego has disannexed; the City of Benavides has not disannexed; and the City of Benavides has disannexed.

SECTION 5. Emergency clause.