

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1655
By: Sibley
Natural Resources
4/27/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, Texas faces a difficult challenge to develop water policies that serve both state and regional interests. The Texas Constitution authorizes the creation of groundwater conservation districts to plan, develop, and regulate the use of water. C.S.S.B. 1655 creates the Middle Trinity Groundwater Conservation District, subject to approval at a confirmation election, to manage the groundwater resources of Bosque, Callahan, Coryell, Eastland, Erath, Somervell, Comanche, and Hamilton counties.

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. CREATION. (a) Creates a groundwater conservation district to be known as the Middle Trinity Groundwater Conservation District (district) in Bosque, Callahan, Coryell, Eastland, Erath, Somervell, Comanche, and Hamilton counties, subject to a confirmation election under SECTION 10 of this Act. Provides that the district is a governmental agency and a body politic and corporate.

(b) Provides that the district is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

SECTION 2. DEFINITION. Defines “district.”

SECTION 3. BOUNDARIES. Sets forth the boundaries of the district.

SECTION 4. FINDING OF BENEFIT. Sets forth findings of benefit of the district.

SECTION 5. GENERAL POWERS. (a) Provides that the district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 (Groundwater Conservation Districts), Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. Provides that this Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) Provides that notwithstanding Subsection (a), that certain provisions prevail over a conflicting or inconsistent provision of this Act.

(c) Provides that Chapter 49 (Provisions Applicable to All Districts), Water Code, does not apply to the district.

SECTION 6. BOARD OF DIRECTORS. (a) Provides that the district is governed by a board of not fewer than 5 or more than 16 directors who are appointed as provided by SECTION 7 of this Act.

(b) Provides that initial directors serve until permanent directors are appointed under SECTION 7 of this Act.

(c) Provides that permanent directors serve staggered four-year terms.

(d) Requires each director to qualify to serve as director in the manner provided by Section 36.055 (Sworn Statement, Bond, and Oath of Office), Water Code.

(e) Provides that a director serves until the director's successor has qualified.

(f) Authorizes directors to serve consecutive terms.

SECTION 7. APPOINTMENT OF DIRECTORS. Requires the commissioners court of each county in the district to appoint two directors.

(b) Requires that if the district consists of two counties, the commissioners court of these counties appoint three directors.

(c) Requires that if the district consists of one county, the commissioners court of that county appoint five directors.

SECTION 8. (a) Sets forth the composition of the initial board of directors.

(b) Requires the commissioners court that appointed the director, if an initial director fails to qualify for office, to appoint a person to fill the vacancy.

SECTION 9. TERMS OF OFFICE OF INITIAL DIRECTORS. Sets forth provisions for the terms of office for initial directors.

SECTION 10. CONFIRMATION ELECTION. (a) Require the initial board of directors to call and hold an election to confirm the establishment of the district.

(b) Provides that Section 41.001(a) (relating to uniform election dates), Election Code, does not apply to a confirmation election held as provided by this section.

(c) Requires a confirmation election to be conducted as provided by Sections 36.017(b)-(h), Water Code, and the Election Code, except as provided by this section.

(d) Provides that if the majority of qualified voters in a county who vote in the election vote to confirm the creation of the district, that county is included in the district. Provides that if the majority of qualified voters in a county who vote in the election vote not to confirm the creation of the district, that county is excluded from the district.

SECTION 11. DISTRICT REVENUES. Authorizes the board to impose taxes annually to pay the maintenance and operating expenses of the district at a rate not to exceed five cents on each \$100 of assessed valuation.

SECTION 12. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Sets forth provisions for findings related to procedural requirements.

SECTION 13. EFFECTIVE DATE; EXPIRATION DATE. (a) Effective date: September 1, 2001.

(b) Provides that if the creation of the district is not confirmed at a confirmation election held under SECTION 10 of this Act before September 1, 2003, this Act expires on that date.

SUMMARY OF COMMITTEE CHANGES

Differs from original in SECTION 6 by changing proposed language to provide that the district is governed by a board of not fewer than 5 or more than 16 directors who are appointed as provided by SECTION 7 of this Act.

Differs from original in SECTION 7 by adding new Subsections (b) and (c).

Differs from original in SECTION 10 by adding new Subsection (d).