

BILL ANALYSIS

Senate Research Center
78R6046 RCJ-F

H.B. 3556
By: Campbell (Duncan)
Natural Resources
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Engrossed

DIGEST AND PURPOSE

Currently the Sterling County Underground Water Conservation District and the Irion County Water Conservation District are governed by the same general manager. Since both districts share similar concerns for groundwater management and must work together toward that end, consolidation of the districts has been discussed. H.B. 3556 lays the groundwork for that consolidation.

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 4, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to provide that the Sterling County Underground Water Conservation District (district) is composed of all the territory located within Sterling County and any additional territory annexed to or consolidated with the district.

SECTION 2. Amends Section 8, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, by adding Subsection (c) to require the board of directors of the district (board), in the event of annexation of territory or consolidation with another district, to determine the composition of the board in a manner that is equitable for the residents of the district as provided by Chapter 36 (Groundwater Conservation Districts), Water Code.

SECTION 3. Amends Section 9(b), Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to require a person who is a director from a county commissioner precinct to be a resident of that precinct unless the composition of the board is changed by annexation or consolidation, in addition to the requirements of Subsection (a) of this section.

SECTION 4. Amends Section 10, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to require an election, beginning in the year following the creation election, to be held on the uniform election day, rather than the third Saturday, in May every two years to elect the appropriate number of directors to the board.

SECTION 5. Amends Section 11, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to delete existing text relating to two and three directors' terms expiring every second year.

SECTION 6. Amends Section 18(a), Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to authorize, rather than require, the board to appoint persons to serve as treasurer and attorney for the district.

SECTION 7. Amends Section 23, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to require the board to hold regular meetings at the district's office on a date established by the board, rather than at least once each month on a date established by rule of the board.

SECTION 8. Amends Section 25, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to authorize the board to enter into contracts as provided by Chapter 36, Water Code,

rather than Chapter 51, and require those contracts to be executed by the board in the name of the district.

SECTION 9. Amends Section 28, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, as follows:

Sec. 28. New heading: NAME CHANGE. Authorizes the board to change the name of the district, rather than requires the board to adopt a seal for the district, if additional territory is annexed to or consolidated with the district.

SECTION 10. Amends Section 29, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to provide that the district is created to provide for the conservation, preservation, protection, recharge, and prevention of waste and pollution of the groundwater, rather than underground, and surface water of the district consistent with certain objectives.

SECTION 11. Amends Section 30(b), Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to authorize the board to adopt and enforce rules as provided by Chapter 36 and Subchapters H and I, Chapter 49, Water Code, rather than Sections 51.127-51.132, Water Code, in addition to the rules adopted under Subsection (a) of this section.

SECTION 12. Amends Section 31, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, as follows:

(a) Authorizes the district, except to the extent of any conflict with this Act or as specifically limited by this Act, to exercise the powers granted and requires the district to exercise the duties under Chapter 36, Water Code, rather than Subchapters E, O, and P, Chapter 51, Water Code, and Subchapter E, Chapter 52, Water Code, to carry out the purpose of the district and this act.

(b) Provides that if there is a conflict between this Act and Chapter 36, Water Code, this Act controls.

SECTION 13. Amends Section 32, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to make conforming changes.

SECTION 14. Amends Section 33, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to authorize, rather than require, the board to have professional engineers make studies and surveys of the groundwater and surface water supplies within the district and the facilities available for use in the conservation, preservation, protection, recharge, and prevention of waste and pollution of hose water resources. Authorizes, rather than requires, the professional engineers also to determine the quantities of both groundwater and surface water in the district. Makes conforming changes.

SECTION 15. Amends Section 34, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to make a conforming change.

SECTION 16. Amends Section 35, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to authorize, rather than require, the district to engage in research projects and requires the district to develop information to be used by the district in preparing and implementing its plans and in carrying out its powers and duties under this Act.

SECTION 17. Amends Section 39(b), Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to require the district to construct and acquire works, facilities, and improvements in the manner provided by Chapter 49, Water Code, rather than Chapter 51, Water Code. Deletes existing text relating to water control and improvement districts.

SECTION 18. Amends Section 43, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to authorize the district, subject to this Act and Chapter 36 and Subchapters H and I, Chapter 49, Water Code, rather than Chapters 51 and 52, Water Code, to sell or otherwise

dispose of land and other property of the district that is not necessary to carry out the purpose of powers of the district as determined by the board.

SECTION 19. Amends Section 45, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to make a conforming change.

SECTION 20. Amends Section 46, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to authorize the district to exercise the powers and require the district to exercise the duties provided by Chapter 36, Water Code, rather than Subchapter F, Chapter 52, Water Code.

SECTION 21. Amends Section 48, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, to authorize the district to issue and sell bonds and notes and to levy and collect taxes as provided by Chapter 36, Water Code, rather than Subchapters C and H, Chapter 52, Water Code.

SECTION 22. (a) Provides that certain actions of the district are validated and confirmed as if the actions had been done as authorized by law.

(b) Provides that this Act does not apply to certain acts, rules, or matters.

SECTION 23. Effective date: upon passage or September 1, 2003.