

BILL ANALYSIS

Senate Research Center

H.B. 3423
By: Morrison (Armbrister)
Natural Resources
5/20/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Texas faces a difficult challenge to develop water policies that serve state and regional interests. The Texas Constitution authorizes the creation of groundwater conservation districts to plan, develop, and regulate the use of water. HB. 3423 creates the Victoria Country Groundwater Conservation District, subject to approval at a confirmation election, to manage groundwater resources in Victoria County.

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 Subtitle H, Title 6, Special District Local Laws Code, by adding Chapter 8812, as follows:

CHAPTER 8812. VICTORIA COUNTY GROUNDWATER
CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8812.001. DEFINITIONS. Defines "board," "director," and "district."

Sec. 8812.002. NATURE OF DISTRICT. Provides that the Victoria County Groundwater Conservation District (district) is a groundwater conservation district in Victoria County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8812.003. CONFIRMATION ELECTION REQUIRED. Sets forth the subsequent events if the creation of the district is not confirmed at a confirmation election held before September 1, 2010.

Sec. 8812.004. INITIAL DISTRICT TERRITORY. Provides that the initial boundaries of the district are coextensive with the boundaries of Victoria County, Texas.

Sec. 8812.005. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT LAW. Provides that, except as otherwise provided by this chapter, Chapter 36 (Groundwater Conservation Districts), Water Code, applies to the district.

[Reserves Sections 8812.006-8812.020 for expansion.]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8812.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a) Requires the Victoria County Commissioners Court to appoint five temporary directors in a certain manner not later than the 10th day after September 1, 2005.

(b) Requires, if there is a vacancy on the temporary board of directors (board) of the district, the remaining temporary directors to select a qualified person to fill

the vacancy. Requires the Victoria County Commissioners Court to appoint the necessary number of persons to fill all vacancies on the board if, at any time, there are fewer than three qualified temporary directors.

(c) Requires a person to be a resident of Victoria County and at least 18 years of age to be eligible to serve as a temporary director.

(d) Sets forth the dates to which temporary directors serve.

Sec. 8812.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. Requires, as soon as practicable after all the temporary directors have qualified under Section 36.055 (Sworn Statement, Bond, and Oath of Office), Water Code, a majority of the temporary directors to convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors. Requires, if an agreement on location cannot be reached, the organizational meeting to be at the Victoria County Courthouse. Requires the temporary directors to elect a chair, vice chair, and secretary from among the temporary directors at the meeting.

Sec. 8812.023. CONFIRMATION ELECTION. (a) Requires the temporary board, not later than the 30th day after September 1, 2005, to order an election to be held not later than the 120th day after September 1, 2005, to confirm the creation of the district.

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

(c) Requires the ballot for the election to be printed to permit voting for or against certain propositions and sets forth the appropriate language for the ballot.

(d) Authorizes the temporary board to include any other proposition on the ballot that it considers necessary.

(e) Requires, except as provided by this section, a confirmation election to be conducted as provided by Section 36.017(b)-(i) (relating to confirmation and directors' elections for a district), Water Code, and the Election Code. Provides that the provision of Section 36.017(d), Water Code, relating to the election of permanent directors does not apply to a confirmation election under this section.

(f) Authorizes the board, if the creation of the district is not confirmed at a confirmation election held under this section, to hold another confirmation election not sooner than the first anniversary of the most recent confirmation election.

Sec. 8812.024. INITIAL DIRECTORS. (a) Provides that, if creation of the district is confirmed at an election held under Section 8812.023, the temporary directors of the district become the initial directors of the district and serve on the board of directors until permanent directors are elected under Section 8812.025.

(b) Provides that the directors for county commissioner precincts one and three serve until the first regularly scheduled election of directors under Section 8812.025. Provides that the directors for precincts two and four and the director at large serve until the second regularly scheduled election of directors under Section 8812.025.

Sec. 8812.025. INITIAL ELECTION OF PERMANENT DIRECTORS. Requires, on the uniform election date prescribed by Section 41.001, Election Code, in November of the first even-numbered year after the year in which the creation of the district is confirmed at an election held under Section 8812.023, an election to be held in the district for the election of two directors to replace the initial directors who, under Section 8812.024(b), serve until that election.

Sec. 8812.026. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires September 1, 2013.

[Reserves Sections 8812.027-8812.050 for expansion.]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8812.051. DIRECTORS; TERMS. (a) Provides that the district is governed by a board of five directors who serve staggered four-year terms.

Sec. 8812.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS. (a) Requires the directors of the district to be elected according to the commissioners precinct method as provided by this section.

(b) Requires one director to be elected by the voters of the entire district, and one director to be elected from each county commissioners precinct by the voters of that precinct.

(c) Requires a person to be at least 18 years of age and a resident of the district, except as provided by Subsection (e), to be eligible to be a candidate for or to serve as director at large. Requires a person to be at least 18 years of age and a resident of that precinct to be a candidate for or to serve as director from a county commissioners precinct.

(d) Requires a person to indicate certain information on the application for a place on the ballot.

(e) Requires a director in office on the effective date of a change in precinct boundaries due to redistricting following each federal decennial census, or a director elected or appointed before the effective date of the change whose term of office begins on or after the effective date of the change, to serve in the precinct to which elected or appointed even though the change in boundaries places the person's residence outside the precinct for which the person was elected or appointed.

Sec. 8812.053. ELECTION DATE. Requires the district to hold an election to elect the appropriate number of directors on the uniform election date prescribed by Section 41.001, Election Code, in November of each even-numbered year.

Sec. 8812.054. VACANCIES. Requires a vacancy on the board to be filled by appointment of the board until the next regularly scheduled directors' election. Requires the person appointed to fill the vacancy to serve only for the remainder of the unexpired term.

[Reserves Sections 8812.055–8812.100 for expansion.]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8812.101. PROHIBITION ON DISTRICT USE OF EMINENT DOMAIN. Prohibits the district from exercising the power of eminent domain.

[Reserves Sections 8812.102-8812.150 for expansion.]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8812.151. LIMITATION ON TAXES. Prohibits the district from imposing ad valorem taxes at a rate that exceeds two cents on each \$100 of assessed valuation of taxable property in the district.

SECTION 2. Repealer: Chapter 1332 (relating to the Crossroads Groundwater Conservation District), Acts of the 77th Legislature, Regular Session, 2001.

SECTION 3. Provides that all the requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. Effective date: September 1, 2005.