

BILL ANALYSIS

Senate Research Center
79R12229 SGA-F

H.B. 3477
By: Hupp (Fraser)
Natural Resources
5/21/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, Burnet County does not have a groundwater conservation district. H.B. 3477 creates the Central Texas Groundwater Conservation District to serve Burnet County. The district will have powers commonly granted to groundwater conservation 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 Subtitle H, Title 6, Special District Local Laws Code, by adding Chapter 8810, as follows:

CHAPTER 8810. CENTRAL TEXAS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8810.001. DEFINITIONS. Defines "board," "director," and "district."

Sec. 8810.002. NATURE OF DISTRICT. Provides that the Central Texas Groundwater Conservation District (district) is a groundwater conservation district in Burnet County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8810.003. CONFIRMATION ELECTION REQUIRED. Provides that if the creation of the district is not confirmed at a confirmation election held before September 1, 2007, the district is dissolved on September 1, 2007, except for certain requirements. Provides that this chapter expires on September 1, 2010.

Sec. 8810.004. INITIAL DISTRICT TERRITORY. Provides that the initial boundaries of the district are coextensive with the boundaries of Burnet County, Texas.

Sec. 8810.005. CONSTRUCTION OF CHAPTER. Requires this chapter to be liberally construed to achieve the legislative intent and purposes of Chapter 36 (Groundwater Conservation Districts), Water Code. Requires a power granted by Chapter 36, Water Code, or this chapter to be broadly interpreted to achieve that intent and those purposes.

Sec. 8810.006. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT LAW. Provides that except as otherwise provided by this chapter, Chapter 36, Water Code, applies to the district.

[Reserves Sections 8810.007-8810.020 for expansion.]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8810.021. APPOINTMENT OF TEMPORARY DIRECTORS. Sets forth requirements for the appointment and initial terms of the temporary directors and provides guidelines for vacancies.

Sec. 8810.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. Requires 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 as soon as practicable after all the temporary directors have qualified under Section 36.055 (Sworn Statement, Bond, and Oath of Office), Water Code. Requires the organizational meeting to be at the Burnet County Courthouse, if an agreement on location cannot be reached.

Sec. 8810.023. CONFIRMATION ELECTION. (a) Requires the temporary directors to hold an election to confirm the creation of the district.

(b) Provides that Section 41.001(a), 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)-(i), Water Code, and the Election Code, except as provided by this section. Provides that Section 36.017(d), Water Code, does not apply to a confirmation election under this section.

(d) Requires the ballot for the election to be printed to provide for voting for or against a specific proposition.

(e) Authorizes the temporary directors to call and hold a subsequent confirmation election, if a majority of the votes cast at the election are not in favor of the creation of the district. Prohibits the subsequent election from being held before the first anniversary of the date on which the previous election was held.

(f) Prohibits the district from imposing a maintenance tax unless the tax is confirmed under this section.

Sec. 8810.024. INITIAL DIRECTORS. (a) Provides that 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 8810.025, if creation of the district is confirmed at an election held under Section 8810.023.

(b) Sets forth required terms for the initial directors.

Sec. 8810.025. INITIAL ELECTION OF PERMANENT DIRECTORS. Requires an election to be held in the district for the election of two directors to replace the initial directors who, under Section 8810.024(b), serve a term expiring June 1 following that election on the uniform election date prescribed by Section 41.001, Election Code, in May of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election.

Sec. 8810.026. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires September 1, 2010.

[Reserves Sections 8810.027-8810.050 for expansion.]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8810.051. DIRECTORS; TERMS. Sets forth composition and terms for the directors. Authorizes a director to serve consecutive terms.

Sec. 8810.052. 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 a registered voter in the district to be eligible to be a candidate for or to serve as director at large, except as provided by Subsection (e). Requires a person to be a registered voter of that precinct to be a candidate for or to serve as director from a county commissioners precinct.

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

(e) Requires a director in office on the effective date of the change, 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, when the boundaries of the county commissioners precincts are redrawn after each federal decennial census to reflect population changes, 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. 8810.053. 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 May of each even-numbered year.

Sec. 8810.054. DIVISION OF MUNICIPALITY. Provides that the provision in Section 36.059(b), Water Code, concerning the division of a municipal corporation among precincts does not apply to an election under this chapter.

[Reserves Sections 8810.055-8810.100 for expansion.]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8810.101. DEFINITION. Defines "man-made excavation."

Sec. 8810.102. PERMIT CONSIDERATION. Requires the district to consider if the proposed use of water unreasonably affects surrounding landowners before granting or denying a permit under Section 36.113, Water Code.

Sec. 8810.103. PERMITS; APPLICABLE RULES. Provides that if a permit is required, the permit holder is subject to specific rules adopted by the district.

Sec. 8810.104. IMPACT OF TRANSFER. (a) Authorizes the district to impose additional requirements or limitations on the permit that are designed to minimize those impacts upon finding that a transfer of groundwater out of the district negatively impacts any of the factors described by Section 36.122(f), Water Code.

(b) Provides that Sections 36.122(c), (e), (i), and (j), Water Code, do not apply to a requirement or limitation imposed under this section.

Sec. 8810.105. PROHIBITIONS ON WASTE. Defines "waste." Provides that waste is prohibited by the district unless the district determines that the waste will not unduly diminish the groundwater resources of the district.

Sec. 8810.106. CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES. Authorizes the district and another governmental entity, including a river authority located in the district, to enter into a contract for the performance by that entity of a district function.

Sec. 8810.107. REVENUE. Authorizes the district to impose certain taxes and fees to pay the maintenance and operating costs of the district and to pay any bonds or notes issued by the district.

[Reserves Sections 8810.108-8810.150 for expansion.]

SUBCHAPTER D. DISSOLUTION

Sec. 8810.151. ELECTION FOR DISSOLUTION. (a) Authorizes the district to be dissolved by a favorable vote of a majority of the registered voters of the district at an election called for that purpose, if the district has no outstanding bond or other long-term indebtedness.

(b) Requires the board to call a dissolution election if the board receives a petition for dissolution signed by at least 50 percent of the registered voters in the district as computed by using the list of registered voters for Burnet County.

(c) Sets forth requirements for the board, if the district is dissolved under this section.

SECTION 2. Provides that all requirements of the constitution and laws of this state and the rules procedures of the legislature with respect to the notice, introductions, and passage of this Act are fulfilled and accomplished.

SECTION 3. Effective date: upon passage or September 1, 2005.