

BILL ANALYSIS

Senate Research Center
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H.B. 2859
By: Gallego (Uresti)
Natural Resources
5/5/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2859 creates the Terrell County Groundwater Conservation District. Currently, the lack of a water conservation district hinders any efforts to protect historic users and keep a sustainable approach to maintain the aquifer. Terrell County believes this is a potential problem in groundwater management.

H.B. 2859 creates the Terrell County Groundwater Conservation District in order to establish the county's ability to manage, protect, and preserve the aquifer that is located within the geographical boundaries of Terrell County. The initial boundaries of the district would be coextensive with the boundaries of Terrell County.

An election to confirm creation of the district is required. The district's five directors will be appointed by the Terrell County Commissioners Court to serve staggered four-year terms. The bill authorizes the district to impose certain reasonable well fees and allows the district to impose an ad valorem tax. The bill prohibits the district from exercising the power of eminent domain.

The Terrell County Commissioners Court has passed a resolution in support of the creation of the groundwater district with the authority to levy taxes and set fees.

H.B. 2859 amends current law relating to the creation of the Terrell County Groundwater Conservation District and provides authority to impose a tax and issue bonds.

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 8837, as follows:

CHAPTER 8837. TERRELL COUNTY GROUNDWATER CONSERVATION DISTRICT

Sets forth standard language for the creation of the Terrell County Groundwater Conservation District (district) in Terrell County. Sets forth standards, procedures, requirements, and criteria for:

General provisions, including the nature of the district, the requirement to confirm the creation of the district by election, the initial district territory, the district name change, and the construction of this chapter (Sections 8837.001-8837.020);

Temporary provisions, including the appointment of initial directors, confirmation of election, and expiration of the subchapter (Sections 8837.021-8837.050);

Size, composition, appointment, eligibility, compensation, and reimbursement of expenses for the board of directors (Sections 8837.051-8837.100);

Powers and duties of the district (Sections 8837.101-8837.150); and

General financial provisions, limitation on taxes, and limitation on indebtedness (Sections 8837.151-8837.153).

Prohibits the district from exercising the power of eminent domain,

SECTION 2. Provides that all requirements of the constitution and the 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 3. Effective date: September 1, 2011.