

BILL ANALYSIS

Senate Research Center
85R878 GRM-F

S.B. 689
By: Seliger
Agriculture, Water & Rural Affairs
3/8/2017
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 689 amends Hemphill County Underground Water Conservation District's enabling legislation to reflect updates in statutory language and changes the district's election date to the uniform election date.

As proposed, S.B. 689 amends current law relating to the powers and election dates of the Hemphill County Underground Water Conservation District.

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 1(a), Chapter 157, Acts of the 74th Legislature, Regular Session, 1995, as follows:

(a) Deletes existing text making creation of the Hemphill County Underground Water Conservation District subject to approval at a confirmation election under Section 8 of this Act. Deletes existing text providing that the district is a governmental agency and a body politic and corporate.

SECTION 2. Amends Section 5, Chapter 157, Acts of the 74th Legislature, Regular Session, 1995, as follows:

Sec. 5. POWERS. (a) Provides that the district has all of the rights, powers, privileges, 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 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI (General Provisions), Texas Constitution, except the district may not exercise the power of eminent domain for any purpose, rather than provides that the district has all of the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapters 50 (Provisions Generally Applicable to Districts) and 52 (Underground Water Conservation Districts), Water Code, applicable to underground water districts created under Section 59, Article XVI, Texas Constitution, except the district may not exercise the power of eminent domain for any purpose.

(b) Provides that the rights, powers, privileges, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Commission on Environmental Quality (TCEQ), rather than provides that the rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Natural Resource Conservation Commission.

SECTION 3. Amends Section 6(e), Chapter 157, Acts of the 74th Legislature, Regular Session, 1995, to require 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, rather than Sections 51.078 and 51.079, Water Code.

SECTION 4. Amends Section 9, Chapter 157, Acts of the 74th Legislature, Regular Session, 1995, as follows:

Sec. 9. ELECTION OF DIRECTORS. Deletes existing Subsection (a). Requires the district, on the uniform election date in May of each even-numbered year to hold an election to elect the appropriate number of directors to the board, rather than require that on the first Saturday in May of each subsequent second year following the election, the appropriate number of directors be elected to the board. Deletes designation of Subsection (b).

SECTION 5. Repealer: Section 6(b) (relating to temporary directors for the Board of Directors of the Hemphill County Underground Water Conservation District), Chapter 157, Acts of the 74th Legislature, Regular Session, 1995.

Repealer: Section 6(c) (relating to initial permanent directors), Chapter 157, Acts of the 74th Legislature, Regular Session, 1995.

Repealer: Section 7 (Temporary Directors), Chapter 157, Acts of the 74th Legislature, Regular Session, 1995.

Repealer: Section 8 (Confirmation and Initial Directors' Election), Chapter 157, Acts of the 74th Legislature, Regular Session, 1995.

Repealer: Section 10 (Findings Related to Procedural Requirements), Chapter 157, Acts of the 74th Legislature, Regular Session, 1995.

SECTION 6. 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 7. Effective date: upon passage or September 1, 2017.