

BILL ANALYSIS

Senate Research Center
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S.B. 1829
By: Zaffirini
Natural Resources
4/21/1999
Committee Report (Substituted)

DIGEST

McMullen County is wholly dependent on the waters of the Carrizo-Wilcox and Gulf Coast aquifers for its water supply. The Carrizo-Wilcox Aquifer, which serves nearly three-fourths of the county, has experienced significant water level declines, due in part to heavy irrigation use. This bill would create the McMullen County Groundwater Conservation District and authorize the issuance of bonds, the imposition of taxes, and the use of the power of eminent domain by the district.

PURPOSE

As proposed, S.B. 1829 creates the McMullen County Groundwater Conservation District and authorizes the issuance of bonds, the imposition of taxes, and the use of the power of eminent domain by the district.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. CREATION. Creates the McMullen County Groundwater Conservation District (district), subject to approval at a confirmation election under SECTION 8. Provides that the district is a governmental agency and a body politic and corporate. Provides that the district is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

SECTION 2. DEFINITION. Defines "district."

SECTION 3. BOUNDARIES. Establishes that the boundaries of the district are coextensive with the boundaries of McMullen County.

SECTION 4. FINDING OF BENEFIT. Sets forth findings of the benefit of the district for all of the land and property within the district's boundaries.

SECTION 5. POWERS. Sets forth the rights, powers, privileges, authority, functions, and duties of the district. 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 6. BOARD OF DIRECTORS. Provides that the district is governed by a board of five directors. Requires one director to be elected by the voters of the district at large, and one director to be elected from each county commissioners precinct by the voters of that precinct. Provides that temporary directors serve until initial directors are elected under SECTION 8. Provides that initial directors serve until permanent directors are elected under SECTION 9. Provides that permanent directors serve staggered four-year terms. Requires each director to qualify to serve as director in the manner provided by Section 36.055, Water Code. Provides that a person is not eligible to serve as an initial or permanent director unless the person owns land in the district. Provides that a director serves until the director's successor has qualified.

SECTION 7. TEMPORARY DIRECTORS. Sets forth the individuals composing the temporary board of directors. Establishes the method for appointing a temporary director, if a current temporary member has not qualified.

SECTION 8. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. Requires the temporary board of directors to call and hold an election to confirm establishment of the district and to elect initial directors. Requires the temporary board of directors to place on the ballot at the confirmation and initial directors' election the names of the persons serving as temporary directors who intend to run for an initial director's position together with the name of any candidate filing for an initial director's position and blank spaces to write in the names of other persons. Authorizes the temporary directors to call and hold subsequent elections to confirm establishment of the district, if a majority of the votes cast at the election are against the creation of the district. Prohibits a subsequent election from being held earlier than a certain date. Provides that if the district is not created within two years after the effective date of this Act, this Act expires. Sets forth certain required actions of the temporary board of directors if the district is created at the election. Provides that Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section. Requires a confirmation and initial directors' election to be conducted as provided by Sections 36.017(b)-(h), Water Code, and the Election Code, except as provided by this section.

SECTION 9. ELECTION OF PERMANENT DIRECTORS. Requires an election to be held on a certain date in the district for the election of directors from county commissioners precincts one and three, each of whom shall serve a two-year term, and directors from county commissioners precincts two and four and the director at large, each of whom shall serve a four-year term. Requires the appropriate number of directors to be elected to the board, each of whom shall serve a four-year term, on the first Saturday in October of each subsequent year following the election. Requires one new director to be elected from each newly drawn precinct, after the county commissioners precincts are redrawn under Section 18, Article V, Texas Constitution.

SECTION 10. LIMITATION ON TAXATION. Prohibits the district from imposing an ad valorem tax at a rate that exceeds five cents on the \$100 valuation of taxable property in the district.

SECTION 11. STATUTORY INTERPRETATION. Provides that if there is a conflict between this Act and Chapter 36, Water Code, this Act controls.

SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS. Sets forth findings related to procedural requirements.

SECTION 13. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 5.

Amends SECTION 5 to revise the rights, powers, privileges, authority, functions, and duties of the district.

SECTION 8.

Amends SECTION 8, by adding a new Subsection (c), to authorize the temporary directors to call and hold subsequent elections to confirm establishment of the district, if a majority of the votes cast at the election are against the creation of the district. Prohibits a subsequent election from being held earlier than a certain date. Provides that if the district is not created within two years after the effective date of this Act, this Act expires. Reletters the subsequent subsections accordingly.

SECTION 11.

Provides that if there is a conflict between this Act and Chapter 36, Water Code, this Act controls. Deletes text providing that if there is a conflict between this Act and Chapter 49, Water Code, this Act controls, and that if there is a conflict between Chapters 36 and 49, Water Code, Chapter 36 controls.