

BILL ANALYSIS

Senate Research Center
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H.B. 1038
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Natural Resources
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Engrossed

DIGEST AND PURPOSE

Texas faces a difficult challenge to develop water policies that serve both state and regional interests. The Texas Constitution authorizes the creation of groundwater conservation districts to plan, develop, and regulate the use of water. H.B. 1038 creates the Coastal Bend Groundwater Conservation District to manage Wharton County's groundwater resources.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Coastal Bend Groundwater Conservation District in SECTION 6 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. CREATION. Creates the Coastal Bend Groundwater Conservation District (district), subject to approval at a confirmation election under Section 10 of this Act. 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. Provides that the boundaries of the district are coextensive with the boundaries of Wharton County, Texas.

SECTION 4. FINDING OF BENEFIT. Provides findings of benefit.

SECTION 5. POWERS. Provides that, except as provided by this Act, the district has all of the rights, powers, privileges, authority, 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; Conservation and Reclamation Districts), Article XVI, Texas Constitution. Provides that this Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

SECTION 6. REGIONAL COOPERATION. Requires the district, in recognition of the need for uniform regional monitoring and regulation of common, scientifically recognized groundwater sources, and within designated management areas, to establish certain rules. Requires certain reports required under this section to include the driller's log, a description of the casing and pumping equipment installed, the capacity of the well so equipped, and the intended use of the water. Requires the district to perform certain functions in order to further regional continuity.

SECTION 7. BOARD OF DIRECTORS. Sets forth guidelines regarding the board of directors, including temporary, initial, and permanent directors and eligibility requirements, term limits, and vacancies on the board.

SECTION 8. TEMPORARY DIRECTORS. Provides that the temporary board of directors consists

of certain stated persons. Sets forth guidelines regarding vacancies among temporary directors on the board.

SECTION 9. METHOD OF ELECTING DIRECTORS. Sets forth guidelines regarding method of electing directors, qualifications for candidacy, and applications for a place on the ballot. Requires four new directors to be elected to represent the precincts at the first election after the county commissioners precincts are redrawn under Section 18, Article V, Texas Constitution. Requires the directors elected to draw lots to determine which two directors serve two-year terms and which two directors serve four-year terms.

SECTION 10. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. Sets forth guidelines regarding the initial confirmation election. Requires the temporary board of directors to perform certain functions at the time the vote is canvassed if the district is created at the election. Provides that Section 41.001(a) (regarding Uniform Election Dates), Election Code, does not apply to a confirmation and initial directors' election held as provided by this section. Requires a confirmation and initial directors' election, except as provided by this section, to be conducted as provided by Sections 36.017(b)-(h) (regarding Confirmation and Directors' Election), Water Code, and the Election Code. Authorizes the temporary board of directors, if the initial confirmation election fails to confirm the district, to hold additional confirmation elections as it deems necessary no less than one year apart and in accordance with other provisions of this section. Provides that, if the creation of the district is not confirmed at a confirmation election held under this section before the fourth anniversary of the effective date of this Act, this Act expires on that date.

SECTION 11. ELECTION OF DIRECTORS. Sets forth guidelines regarding the election of directors.

SECTION 12. DISTRICT REVENUES. Authorizes the district to perform certain functions in order to pay for the maintenance and operating costs of the district.

SECTION 13. STATUTORY INTERPRETATION. Provides that, except as otherwise provided by this Act, if there is a conflict between this Act and Chapter 36 (Groundwater Conservation Districts) or 49 (Provisions Applicable to All Districts), Water Code, this Act controls. Provides that, if there is a conflict between Chapters 36 and 49, Water Code, Chapter 36 controls.

SECTION 14. CHANGE OF DISTRICT NAME. Authorizes the board of directors to change the district's name when the district annexes territory.

SECTION 15. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS. Provides findings relating to procedural requirements.

SECTION 16. EFFECTIVE DATE. Effective date: upon passage or September 1, 2001.