

BILL ANALYSIS

Senate Research Center
77R5644 SGA-F

H.B. 1081
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Natural Resources
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Engrossed

DIGEST AND PURPOSE

Texas faces a difficult challenge in developing 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. 1081 creates the Colorado Valley Groundwater Conservation District, subject to approval at a confirmation election, to manage Fayette County's groundwater resources.

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. CREATION. Creates the Colorado Valley Groundwater Conservation District (district), in Fayette County, subject to approval at a confirmation and initial directors' 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 Fayette County, Texas.

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

SECTION 5. GENERAL POWERS. Provides that, except as otherwise 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 with or inconsistent with this Act. Provides that certain stated provisions prevail over a conflicting or inconsistent provision of this Act.

SECTION 6. REGIONAL COOPERATION. Requires the district to perform certain functions in order to provide for regional continuity.

SECTION 7. BOARD OF DIRECTORS. Sets forth guidelines regarding the district's board of directors, including temporary directors, initial directors, and permanent directors, and eligibility requirements for all directors. Provides that a director serves until the director's successor has qualified.

SECTION 8. TEMPORARY DIRECTORS. Provides that the temporary board of directors is composed of certain stated members. Requires the temporary directors who have qualified, if a temporary director fails to qualify for office, to appoint a person to fill the vacancy. Requires the Texas Natural Resource Conservation Commission (commission), if at any time there are fewer than three qualified temporary directors, to appoint the necessary number of persons to fill all vacancies on the board.

SECTION 9. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS. Sets forth guidelines regarding the election of the directors of the district, including eligibility requirements and requirements for 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 (Division of Counties into Precincts; Election of Constable and Justice of the Peace; County Commissioners and County Commissioners Court; Change in Precinct Boundaries), Article V, Texas Constitution. Requires the directors from Precincts 1 and 3 to be elected for two-year terms and requires the directors from Precincts 2 and 4 to be elected for four-year terms.

SECTION 10. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. Sets forth guidelines for an election to confirm establishment of the district and to elect initial directors. Requires the temporary board of directors at the time the vote is canvassed, if the district is created at the election, to perform certain functions. Authorizes the temporary directors, if a majority of the votes cast at the election are against the creation of the district, to call and hold a subsequent election to confirm the establishment of the district. Prohibits a subsequent election from being held earlier than the first anniversary of the date on which the previous election was held.

SECTION 11. ELECTION OF PERMANENT DIRECTORS. Sets forth guidelines regarding elections to be held in the district for the election of permanent directors.

SECTION 12. DISTRICT REVENUES. Authorizes the district to perform certain functions to pay the maintenance and operating costs of the district and to pay any bonds or notes issued by the district.

SECTION 13. ELECTION TO APPROVE BONDS OR NOTES. Prohibits the district from issuing or selling bonds or notes payable from any source unless the action is approved by a majority of the voters of the district voting at an election called and held for that purpose.

SECTION 14. DISTRICT NAME. Authorizes the board of directors of the district by resolution to change the district's name.

SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Presents findings related to procedural requirements.

SECTION 16. EFFECTIVE DATE; EXPIRATION DATE. (a) Effective date: September 1, 2001.

(b) Provides that, if the creation of the district is not confirmed at a confirmation election held under Section 10 of this Act before September 1, 2003, this Act expires on that date.