

BILL ANALYSIS

Senate Research Center
77R6644 QS-F

H.B. 1909
By: Junell (Fraser)
Natural Resources
5/6/2001
Engrossed

DIGEST AND PURPOSE

The Lipan-Kickapoo Water Conservation District (district) was created in 1987 in response to concerns of area residents about the potential contamination of groundwater from leaking oil and gas wells. At the time that the district was created, it only covered part of the Lipan Aquifer in the southern part of Tom Green County. The district would like to annex the remainder of the Lipan Aquifer in Tom Green, Concho, and Runnels counties to enable the district to manage all the aquifer and recharge zones. Currently, the district is subject to provisions regarding water control and improvement districts and underground water conservation districts. However, many of the provisions governing these districts were repealed or consolidated into other chapters of the Water Code in 1995. H.B. 1909 updates the enabling legislation for the district to allow it to annex the remainder of the Lipan Aquifer.

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 2(b), Chapter 439, Acts of the 70th Legislature, Regular Session, 1987, to change a reference from “Chapters 51 and 52, Water Code” to “Chapter 36, Water Code.”

SECTION 2. Amends Section 5, Chapter 439, Acts of the 70th Legislature, Regular Session, 1987, to change a reference from “Chapters 50 and 52, Water Code” to “Chapters 36 and 49, Water Code,” and to make conforming changes.

SECTION 3. Amends Section 7(a), Chapter 439, Acts of the 70th Legislature, Regular Session, 1987, to change a reference from “Section 50.026, Water Code” to “Section 36.051, Water Code.”

SECTION 4. Amends Section 8, Chapter 439, Acts of the 70th Legislature, Regular Session, 1987, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Changes language to provide that the board consists of an equal number of directors from each county, elected by a majority vote of the qualified voters residing in the part of the county that is included in the district, and one director elected from the district at large, and provides that the board consists of not fewer than 5 and not more than 11 directors. Deletes previous language relating to the composition of the board.

(c) Requires the board, when territory is annexed by the district, if necessary, to change the number of directors so that an equal number of directors are elected by district voters of each county and one director is elected from the district at large. Requires the board to provide that, as nearly as possible, half of the directors are elected at each subsequent election in continuing sequence.

SECTION 5. Amends Section 9(a), Chapter 439, Acts of the 70th Legislature, Regular Session,

1987, to add language to require the board, every second year, to call and hold an election on the uniform election date in May provided by Section 41.001 (Uniform Election Dates), Election Code, to elect the appropriate number of directors to the board. Deletes language requiring an election to be held, beginning in the second year following the creation election, on the third Saturday in May every second year.

SECTION 6. Amends Sections 10, 11, and 14, Chapter 439, Acts of the 70th Legislature, Regular Session, 1987, as follows:

Sec. 10. TERM OF OFFICE. (a) Provides that directors serve staggered four-year terms, and deletes language relating to the exception of initial directors.

(b) Requires three directors to be elected at one election and four at the next election in continuing sequence until there is a change in the number of directors under Section 8 of this Act. Deletes language relating to terms of office of the initial directors.

Sec. 11. COMPENSATION. (a) Changes reference from “for his services an amount not to exceed \$25 a day” to “fees of office as provided by Chapter 36, Water Code.”

(b) Entitles each director to receive reimbursement of actual expenses reasonably and necessarily incurred while engaging in duties on behalf of the district.

Sec. 14. ADDITIONAL RIGHTS AND POWERS. Deletes Subsection (c) relating to regulation of underground water by permit, deletes language prohibiting the district from entering into any contract or engage in any action to supply underground water or surface water inside or outside the district, and makes conforming changes.

SECTION 7. Provides that certain acts of the Lipan-Kickapoo Water Conservation District are validated and confirmed in all respects as if the actions had been taken as authorized by law.

SECTION 8. Provides that SECTION 7 of this Act does not apply to any act, proceeding, director, bond, or obligation the validity of which or of whom is the subject of litigation that is pending on the effective date of this Act.

SECTION 9. Effective date: upon passage or September 1, 2001.