

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2572
By: McReynolds (Staples)
Natural Resources
5/3/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Texas faces a difficult challenge to develop water policies that serve state and regional interests. The Texas Constitution authorizes the creation of groundwater conservation districts to plan, develop, and regulate the use of water. C.S.H.B. 2572 creates the Pineywoods Groundwater Conservation District, subject to approval at a confirmation election, to manage the groundwater resources of Angelina and Nacogdoches counties.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Pineywoods Groundwater Conservation District (district) and to the board of directors of the district in SECTION 5 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. CREATION. Creates the Pineywoods Groundwater Conservation District (district), subject to approval at a confirmation election held under Section 10 of this Act. Provides that the district is a governmental agency and body politic and corporate. Provides that the district is created under and is essential to accomplish the purposes of Section 59 (Conservation and Development of Natural Resources; Conservation and Reclamation Districts), 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 Angelina and Nacogdoches counties.

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

SECTION 5. POWERS. Sets forth guidelines regarding the rights, powers, privileges, authority, functions, and duties of the district, including rulemaking authority awarded to the district and the board of directors of the district.

SECTION 6. BOARD OF DIRECTORS. Sets forth guidelines regarding the board of directors of the district, including terms, qualifications for office, vacancies on the board, compensation for members, and majority vote.

SECTION 7. APPOINTMENT OF DIRECTORS. Sets forth guidelines regarding the appointment of directors.

SECTION 8. ORGANIZATIONAL MEETING. Requires a majority of the directors, as soon as practicable after all the initial directors are appointed as provided in this Act, to convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors at which time the directors will take office. Requires the meeting, if no location can be agreed upon, to be at the Nacogdoches County Courthouse.

SECTION 9. LANDOWNERS' RIGHTS. Provides that the rights of landowners and their lessees and assigns in groundwater within the district are recognized. Prohibits anything in this Act from being construed to deprive or divest the owners or their lessees and assigns of their rights, subject to district rules.

SECTION 10. CONFIRMATION ELECTION. Sets forth guidelines regarding an election to confirm the creation of the district.

SECTION 11. ADDITION OF OTHER COUNTIES TO DISTRICT. Sets forth guidelines regarding the addition of other counties to the district.

SECTION 12. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Provides findings relating to procedural requirements.

SECTION 13. EFFECTIVE DATE. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTIONS 1 - 4. No changes.

SECTION 5. Differs from the original by amending previously proposed provisions regarding certain limited authorities of the district.

SECTION 6. No change.

SECTION 7. Differs from the original by amending previously proposed provisions regarding the guidelines for the appointment of directors of the district.

SECTION 8. No change.

SECTION 9. No change.

SECTION 10. Differs from the original by amending previously proposed provisions regarding the election to confirm the creation of the district.

SECTION 11 - 13. No change.