

## **BILL ANALYSIS**

Senate Research Center

H.B. 3659  
By: Counts (Brown)  
Natural Resources  
5/9/2001  
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. 3659 creates the Wes-Tex Groundwater Conservation District, subject to approval at a confirmation election, to manage groundwater resources in Nolan County.

### **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 Wes-Tex 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 and 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 Nolan County.

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

SECTION 5. GENERAL POWERS. Sets forth guidelines regarding the rights, powers, privileges, authority, functions, and duties of the district. Provides that, notwithstanding Subsection (a), the following provisions prevail over a conflicting or inconsistent provision of this Act:

- (1) Sections 36.1071-36.108, Water Code;
- (2) Sections 36.159-36.161, Water Code; and
- (3) Subchapter I, Chapter 36, Water Code.

SECTION 6. LIMITATION ON POWERS. Provides that, notwithstanding Section 5, the district does not have certain powers.

SECTION 7. BOARD OF DIRECTORS. Sets forth guidelines regarding the district’s board of directors, including temporary, initial, and permanent directors, eligibility requirements, and terms.

SECTION 8. TEMPORARY DIRECTORS. Sets forth guidelines regarding the composition of the temporary board of directors, and vacancies on the board.

SECTION 9. METHOD OF ELECTING DIRECTORS. Sets forth guidelines regarding the method of electing of directors.

SECTION 10. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. Sets forth guidelines regarding the confirmation and initial directors' election.

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

SECTION 12. DISTRICT REVENUES. Authorizes the board to impose taxes annually to pay the maintenance and operating expenses of the district at a rate not to exceed three cents on each \$100 of assessed valuation.

SECTION 13. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS. Presents findings relating to procedural requirements.

SECTION 14. EFFECTIVE DATE; EXPIRATION DATE. Effective date: September 1, 2001. Provides that if the creation of this 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.