

## **BILL ANALYSIS**

Senate Research Center  
77R1471 QS-D

S.B. 611  
By: Haywood  
Natural Resources  
2/17/2001  
As Filed

### **DIGEST AND PURPOSE**

Currently, the language in the enabling legislation for the Haskell/Knox County Underground Water Conservation District, which was created by the 73rd Texas Legislature and authorized by voters in those counties in 1999, is inclusive of only those two counties. After the district began operation, the adjoining Baylor County became part of the district through an annexation election as authorized by Section 36.328 (Election to Ratify Annexation of Land), Water Code. As proposed, S.B. 611 allows the Haskell/Knox County Underground Water Conservation District to be more inclusive of new counties by changing the name, boundaries, board of directors, and the terms of office of the board of directors of the district.

### **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 Sections 1, 2, 3, and 5, Chapter 1028, Acts of the 73rd Legislature, Regular Session, 1993, as follows:

Sec. 1. Makes conforming changes regarding the Rolling Plains Groundwater Conservation District.

Sec. 2. Redefines "district."

Sec. 3. Provides that the boundaries of the district are coextensive with the boundaries of Haskell County, Knox County, and Baylor County, Texas.

Sec. 5. Provides that 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 the rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Natural Resource Conservation Commission.

SECTION 2. Amends Section 6(a), Chapter 1028, Acts of the 73rd Legislature, Regular Session, 1993, as follows:

(a) Provides that the district is governed by a board of directors consisting of not fewer than 5 and not more than 16 directors.

SECTION 3. Amends Section 7, Chapter 1028, Acts of the 73rd Legislature, Regular Session, 1993,

as follows:

Sec. 7. Requires an equal number of directors to be appointed by the commissioners court of each county in the district. Deletes current Subsections (b)-(f) regarding the appointment of directors and directors' term limits.

SECTION 4. Amends Chapter 1028, Acts of the 73rd Legislature, Regular Session, 1993, by adding Section 7A, as follows:

Sec. 7A. APPOINTMENT OF DIRECTORS AFTER COUNTY ADDED TO DISTRICT.

(a) Requires the board, when a county is added to the district, to change the number of directors so that an equal number of directors is appointed by the commissioners court of each county in the district. Provides that the terms of the directors then serving expire on a date set by the board, not later than the 90th day after the date the county is added to the district, and provides that the directors continue to serve only until the new directors have been appointed.

(b) Requires the board to send to the commissioners court of each county in the district notice of the number of directors the county is authorized to appoint.

(c) Requires the commissioners courts of all the counties in the district, after receiving the notice from the board, to confer to determine the number of new directors from each county who will serve four-year terms and the number who will serve two-year terms. Requires the commissioners courts to provide that, as nearly as possible, half of the new directors, in total and from each county, serve four-year terms and the remaining new directors serve two-year terms.

(d) Requires the commissioners court of each county to appoint new directors before the date set by the board in Subsection (a) of this section. Authorizes a commissioners court to reappoint a current director.

(e) Requires the new directors from each county to draw lots to determine which directors serve four-year terms and which serve two-year terms in accordance with Subsection (c) of this section.

SECTION 5. Amends Section 8(d), Chapter 1028, Acts of the 73rd Legislature, Regular Session, 1993, to require each director to qualify to serve as director in the manner provided by Section 36.055 (Sworn Statement, Bond, and Oath of Office), rather than Sections 51.078 and 51.079 (Repealed), Water Code.

SECTION 6. Amends Section 9, Chapter 1028, Acts of the 73rd Legislature, Regular Session, 1993, as follows:

Sec. 9. New heading: ELECTION OF CHAIRMAN; VOTING POWER OF CHAIRMAN. Requires the board of directors to elect one of its members as board chairman every other year, following the appointment of directors under Section 7 of this Act. Deletes text requiring the chairman of the board of directors to be appointed and the drawing of lots to determine which county appoints the initial chairman.

SECTION 7. Requires the board, not later than the 90th day after the effective date of this Act, to change the number of directors as provided by Section 7A, Chapter 1028, Acts of the 73rd Legislature, Regular Session, 1993, as added by this Act.

SECTION 8. Effective date: upon passage or September 1, 2001.