

## **BILL ANALYSIS**

Senate Research Center

S.B. 1582  
By: Wentworth  
Natural Resources  
4-10-97  
Committee Report (Amended)

### **DIGEST**

Currently, Guadalupe County is primarily composed of farming and ranching communities. Some citizens of the county speculate that the creation of an underground water conservation district will aid in the regulation of water use and water quality, as well as support local efforts to experiment with weather modification. S.B. 1582 would outline provisions regarding the creation, administration, powers, duties, operation, and financing of the Guadalupe County Groundwater Conservation District.

### **PURPOSE**

As proposed, S.B. 1582 outlines provisions regarding the creation, administration, powers, duties, operation, and financing of the Guadalupe County Groundwater Conservation District.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

**SECTION 1. CREATION.** Provides that a groundwater conservation district, to be known as the Guadalupe County Groundwater Conservation District, is created in Guadalupe County, subject to approval at a confirmation election under SECTION 8 of this Act. Provides that this district is a governmental agency and a body politic and corporate. Provides that this district is created under and is essential to accomplish the purposes of Section 58, 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 Guadalupe County.

**SECTION 4. FINDING OF BENEFIT.** Provides that all of the land and other property included within the boundaries of the district will be benefitted by the works and projects that are to be accomplished by the district under powers conferred by Section 59, Article XVI, Texas Constitution. Provides that the district is created to serve a public use and benefit.

**SECTION 5. POWERS.** Provides that the district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 36 and 49, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. Provides that this Act prevails over any provision of general law that is in conflict or inconsistent with this Act. 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 (TNRCC). Sets forth provisions which prevail over a conflicting or inconsistent provision in this Act, notwithstanding Subsection (a) of this section.

**SECTION 6. BOARD OF DIRECTORS.** Provides that the district is governed by a board of five directors. Provides that temporary directors serve until initial permanent directors are elected under SECTION 8 of this Act. Provides that initial permanent directors serve until permanent directors are

elected under SECTION 9 of this Act. Provides that permanent directors other than initial permanent directors serve staggered four-year terms. Requires each director to qualify to serve as director in the manner provided by Section 36.055, Water Code. Provides that a director serves until the director's successor has qualified.

SECTION 7. TEMPORARY DIRECTORS. Sets forth the composition of the temporary board of directors. Provides that if a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. Requires TNRCC to appoint the necessary number of persons to fill all vacancies on the board if at any time there are fewer than three qualified temporary directors.

SECTION 8. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. Sets forth requirements and outlines provisions regarding a confirmation and initial directors' election.

SECTION 9. ELECTION OF DIRECTORS. Sets forth requirements relating to the election of directors.

SECTION 10. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Provides that the proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to TNRCC. Provides that TNRCC has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time. Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 11. Emergency clause.  
Effective date: upon passage.

#### **SUMMARY OF COMMITTEE CHANGES**

Amendment 1.

SECTION 5, amends text regarding powers of certain provisions.