

BILL ANALYSIS

Senate Research Center

S.B. 16
By: Zaffirini
Natural Resources
4-24-97
Committee Report (Amended)

DIGEST

Currently, agriculture is the largest industry in Bee County. Last year the county received only 16 inches of rain, considerably less than the yearly average of 30 inches. This bill outlines provisions regarding the creation, administration, powers, duties, operation, and financing of the Bee County Groundwater Conservation District.

PURPOSE

As proposed, S.B. 16 outlines provisions regarding the creation, administration, powers, duties, operation, and financing of the Bee 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. Creates the Bee Groundwater Conservation District (district), subject to approval at a confirmation election under SECTION 9 of this Act. Provides that the district 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. Sets forth the boundaries of the district.

SECTION 4. FINDING OF BENEFIT. Provides that all of the land and property included within the boundaries of the district will be benefitted by the works and projects that are to be accomplished by the district. Provides that the district is created to serve a public use and benefit.

SECTION 5. POWERS. Sets forth the rights, powers, privileges, authority, functions, and duties of the district as provided by the general law of this 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. Requires certain provisions to prevail over a conflicting or inconsistent provision of this Act, notwithstanding Subsection (a) of this section.

SECTION 6. BOARD OF DIRECTORS. Provides that the district is governed by a board of seven directors. Sets forth the terms of the directors. Requires each director to qualify to serve as director in the manner provided by Section 36.055, Water Code. Prohibits a person from serving as a director unless certain qualifications are met. Provides that a director serves until the director's successor has qualified.

SECTION 7. TEMPORARY DIRECTORS. Sets forth persons composing the temporary board of directors. Authorizes temporary directors who have qualified to appoint a person to fill vacancies for temporary directors who fail to qualify for office. Requires the Texas Natural Resource Conservation Commission to appoint the necessary number of persons to fill vacancies on the board if there are fewer than four qualified temporary directors.

SECTION 8. SINGLE-MEMBER DISTRICTS. Authorizes the temporary directors to draw seven numbered single-member districts for electing directors. Authorizes the initial or permanent directors to revise the districts as necessary or appropriate. Requires the board to provide for one director to be elected from each of the single-member districts, for the conduct of an election under SECTION 9 or 10 of this Act. Provides that a director elected from a single-member district represents the residents of that single-member district.

SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. Requires the temporary board of directors to call and hold an election to confirm establishment of the district and to elect initial directors. Requires the temporary directors to have placed on the ballot the names of the persons serving as temporary directors who intend to run for an initial director's position together with the name of any candidate filing for an initial director's position and blank spaces to write in the names of other persons, at the confirmation and initial directors' election. Requires the temporary board of directors to meet certain requirements at the time the vote is canvassed, if the district is created at the election. Prohibits Section 41.001(a), Election Code, from applying to a confirmation and initial directors' election held as provided by this section. Requires a confirmation and initial directors' election to be conducted as provided by Sections 36.017(b)-(h), Water Code, and the Election Code, except as provided by this section.

SECTION 10. ELECTION OF DIRECTORS. Sets forth requirements for election and terms of directors.

SECTION 11. LIMITATION ON TAXES. Prohibits the district from imposing an ad valorem tax at a rate that exceeds five cents on the \$100 valuation of taxable property in the district.

SECTION 12. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Provides that the proper and legal notice of the intention to introduce this Act has been published as provided by law and the notice and copy of this Act have been furnished to certain entities as required. Provides that the Texas Natural Resource Conservation Commission 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 of the legislature are fulfilled.

SECTION 13. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Amends SECTION 5 by adding a new Subsection (c), to require certain provisions to prevail over a conflicting or inconsistent provision of this Act, notwithstanding Subsection (a) of this section.