

## **BILL ANALYSIS**

Senate Research Center  
76R5522 WP-D

S.B. 1848  
By: Madla  
Natural Resources  
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As Filed

### **DIGEST**

Currently, in areas where groundwater sources are limited, water users attempt to satisfy their water demands by finding areas where groundwater sources remain unmanaged, in order to transfer water. Left unregulated, water transfers can threaten domestic, municipal, and agricultural water needs. In West Texas, water resources are scarce, and the creation of groundwater conservation districts can effectively plan, develop, and regulate water use. S.B. 1848 creates the Trans-Pecos Groundwater Conservation District in Loving and Reeves counties and establishes the district's administration, powers, duties, operation, and financing.

### **PURPOSE**

As proposed, S.B. 1848 creates the Trans-Pecos Groundwater Conservation District in Loving and Reeves counties.

### **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 Trans-Pecos Groundwater Conservation District in Loving and Reeves counties (district), and provides that the district is a governmental agency, a body politic and corporate. Specifies that the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

SECTION 2. DEFINITION. Defines "district."

SECTION 3. FINDING OF BENEFIT. Provides that the district is created to serve a public use and will benefit all the land and property within the district's boundaries.

SECTION 4. POWERS. Sets forth the rights, powers, privileges, authority, functions, and duties of the district. Provides that this Act prevails over a conflict or inconsistency regarding provisions of general law, and sets forth specific conditions of the Water Code in which this Act does not prevail.

SECTION 5. BOARD OF DIRECTORS. Provides that the district is governed by a board of directors (board). Provides for the election of an initial board composed of five Loving County directors and five Reeves County directors. Requires the board to follow a certain procedure when adjusting the number of directors to accommodate added territory. Provides that directors serve staggered four-year terms, authorizes them to serve consecutive terms, and requires them to have certain qualifications. Provides that a director serves until the successor has qualified. Sets forth provisions for filling a director vacancy. Prohibits a director from receiving compensation for service, but entitles a director to reasonable incurred expenses.

SECTION 6. TEMPORARY DIRECTORS. Requires the commissioners court for Loving and Reeves counties to appoint temporary directors within a certain deadline.

SECTION 7. ORGANIZATIONAL MEETING. Requires the directors to hold the organizational district meeting and take office as soon as possible after their appointments. Requires the directors to hold the meeting at a democratically selected location.

SECTION 8. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. Requires the temporary board of directors to confirm the district's establishment and to elect the initial directors. Sets forth requirements for the initial directors' election, including candidate qualifications. Requires the temporary board of directors to take certain actions if the district is created at the election. Requires the initial directors to draw lots to determine term expiration schedules. Limits the application of Section 41.001(a), Election Code, to exclude a confirmation and initial directors' election under this section. Requires the confirmation and initial directors' election to be conducted as provided by Sections 36.017(b)-(h), Water Code, and the Election Code. Prescribes the expiration of this Act on the fourth anniversary of this Act, under certain conditions.

SECTION 9. ELECTION OF PERMANENT DIRECTORS. Requires a certain time frame for the election of permanent directors.

SECTION 10. BOUNDARIES. Provides that the boundaries of the district are coextensive with the boundaries of counties whose voters approve the groundwater conservation district.

SECTION 11. STATUTORY INTERPRETATION. Provides that this Act prevails over Chapter 36, Water Code, to the extent of a conflict.

SECTION 12. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Sets forth the provisions for official notice of the intention to introduce this Act. Establishes that the Texas Natural Resource Conservation Commission has filed its recommendations with certain authorities within the required time. Establishes that all requirements of the constitution and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 13. Effective date: September 1, 1999.

SECTION 14. Emergency clause.