

BILL ANALYSIS

Senate Research Center

H.B. 1258
By: Gallego (Madla)
Natural Resources
4/13/2001
Engrossed

DIGEST AND PURPOSE

Texas faces a difficult challenge to develop water policies that serve 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. 1258 ratifies the creation of the Middle Pecos Groundwater Conservation District, subject to approval at a confirmation election, to manage Pecos County's groundwater resources.

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. RATIFICATION OF CREATION. Ratifies the creation by Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999 (Senate Bill No. 1911), of the Middle Pecos Groundwater Conservation District in Pecos County as required by Section 15(a) of that Act, subject to approval at a confirmation election under SECTION 7 of this Act.

SECTION 2. DEFINITION. Defines "district" to mean the Middle Pecos Groundwater Conservation District.

SECTION 3. BOUNDARIES. Provides that the boundaries of the district are coextensive with the boundaries of Pecos County, Texas.

SECTION 4. GENERAL POWERS. (a) 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, 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, including any provision of Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999 (Senate Bill No. 1911).

(b) Provides that, notwithstanding Subsection (a) of this section, 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.

(c) Provides that Section 36.121, Water Code, does not apply to the district.

(d) Provides that the rights, powers, privileges, authority, functions, and duties of the district are not subject to the continuing right of supervision of the state through the Texas Natural Resource Conservation Commission.

SECTION 5. BOARD OF DIRECTORS. Sets forth provisions relating to the board of directors of the district.

SECTION 6. METHOD OF ELECTING DIRECTORS. (a) Requires the directors of the district to be elected according to the method provided by this section.

(b) Requires one director to be elected by the qualified voters of the entire district, two directors to be elected from each county commissioners precinct by the qualified voters of that precinct, one director to be elected from the city of Iraan by the qualified voters of that city, and one director to be elected from the city of Fort Stockton by the qualified voters of that city.

(c) Requires a person, to be qualified to be a candidate for or to serve as a director at large, to be a registered voter in the district. Requires a person, to be a candidate for or to serve as director from a county commissioners precinct or a city, to be a registered voter of that precinct or city, as applicable.

(d) Requires a person to indicate on the application for a place on the ballot the precinct or city that the person seeks to represent or that the person seeks to represent the district at large.

(e) Requires that at the first election after the county commissioners precincts are redrawn under Section 18, Article V, Texas Constitution, eight new directors be elected to represent the precincts. Requires the directors elected to draw lots to determine which four directors serve two-year terms and which four directors serve four-year terms.

SECTION 7. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. (a) Requires the temporary board of directors to call and hold an election to confirm establishment of the district and to elect initial directors.

(b) Requires the temporary board of directors, at the confirmation and initial directors' election, to have placed on the ballot the name of any candidate filing for an initial director's position and blank spaces to write in the names of other persons. Authorizes a temporary director who is qualified to be a candidate under SECTIONS 5 and 6 to file for an initial director's position.

(c) Provides that Section 41.001(a) (regarding uniform election dates), Election Code, does not apply to a confirmation and initial directors' election held as provided by this section.

(d) Requires that, except as provided by this section, a confirmation and initial directors' election be conducted as provided by Sections 36.017(b)-(h), Water Code, and the Election Code.

(e) Requires the elected initial directors to draw lots to determine their terms. Provides that one director from each county commissioners precinct and the director from the district at large serve terms that expire on the date of the first election held under SECTION 8 of this Act. Provides that the remaining directors serve terms that expire on the date of the second election held under SECTION 8 of this Act.

(f) Authorizes the temporary directors, if the majority of the votes cast at an election held under this section is against the confirmation of the district, to call another election under this section not later than August 31, 2003.

SECTION 8. ELECTION OF DIRECTORS. Requires that on the first Saturday in May of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election and on the first Saturday in May of each subsequent second year, an election be held in the district to elect the appropriate number of directors.

SECTION 9. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Sets forth provisions relating to procedural requirements.

SECTION 10. EFFECTIVE DATE; EXPIRATION DATE. (a) Effective date: September 1, 2001.

(b) Provides that if the creation of the district is not confirmed at a confirmation election held under Section 7 of this Act before September 1, 2003, the district is dissolved and this Act expires on that date.