

## **BILL ANALYSIS**

Senate Research Center  
77R685 MI-D

H.B. 1274  
By: Seaman (Armbrister)  
Natural Resources  
4/19/2001  
Engrossed

### **DIGEST AND PURPOSE**

Texas faces a difficult challenge in developing 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.1274 ratifies the creation of the Texana Groundwater Conservation District (district), subject to approval at a confirmation election, to manage Jackson 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.** Provides that the creation by Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999 (Senate Bill No. 1911), of the Texana Groundwater Conservation District in Jackson County is ratified 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."

**SECTION 3. BOUNDARIES.** Provides that the boundaries of the district are coextensive with the boundaries of Jackson 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 (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 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), certain specific provisions prevail over a conflicting or inconsistent provision of this Act.

**SECTION 5. BOARD OF DIRECTORS.** Sets forth guidelines regarding the board of directors of the district.

**SECTION 6. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS.** Sets forth guidelines for the election of the directors of the district, including eligibility requirements and requirements for an application for a place on the ballot. Requires four new directors, at the first election after the county commissioners precincts are redrawn under Section 18, Article V, Texas Constitution, to be elected to represent the precincts. Requires the directors elected to draw lots to determine which two directors serve two-year terms and which two directors serve four-year terms.

SECTION 7. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. Sets forth guidelines regarding a confirmation and initial directors' election held under this section.

SECTION 8. ELECTION OF DIRECTORS. Sets forth guidelines regarding the election of directors.

SECTION 9. LIMITATION ON TAXATION. Prohibits the district from levying or collecting an ad valorem tax at a rate that exceeds two cents on each \$100 valuation of taxable property in the district.

SECTION 10. CONTRACTS WITH GOVERNMENT ENTITIES. Authorizes the district to contract with other government entities. Authorizes the district to contract with other governmental entities, including river authorities located in the district, for the performance of any or all district functions. Authorizes a river authority with which the district contracts under this section to perform district functions as provided by the contract.

SECTION 11. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Provides findings related to procedural requirements.

SECTION 12. 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, this Act expires on that date.