

BILL ANALYSIS

Senate Research Center
77R5007 SGA-F

H.B. 2529
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Natural Resources
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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. 2529 ratifies the creation of the Lone Wolf Groundwater Conservation District, subject to approval at a confirmation election, to manage Mitchell 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 Lone Wolf Groundwater Conservation District in Mitchell 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. Provides that in this Act, "district" means the Lone Wolf Groundwater Conservation District.

SECTION 3. 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, 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), 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.

SECTION 4. BOARD OF DIRECTORS. (a) Provides that the district is governed by a board of five directors.

(b) Provides that temporary directors serve until initial directors are elected under Section 7 of this Act.

(c) Provides that initial directors serve until permanent directors are elected under Section 8 of this Act.

- (d) Provides that permanent directors serve staggered four-year terms.
- (e) Requires each director to qualify to serve as director in the manner provided by Section 36.055 (Sworn Statement, Bond, and Oath of Office), Water Code.
- (f) Provides that a director serves until the director's successor has qualified.

SECTION 5. COMPENSATION OF DIRECTORS. Provides that a director is not entitled to fees of office, but is entitled to reimbursement of actual expenses reasonably and necessarily incurred while engaging in activities on behalf of the district.

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

- (b) Requires one director to be elected by the voters of the entire district, and one director to be elected from each county commissioners precinct by the voters of that precinct.
- (c) Requires that to be eligible to be a candidate for or to serve as director at large, a person be a registered voter in the district. Requires that to be eligible to be a candidate for or to serve as director from a county commissioners precinct, a person be a registered voter of that precinct.
- (d) Requires a person to indicate on the application for a place on the ballot:
 - (1) the precinct that the person seeks to represent; or
 - (2) 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, four new directors 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. (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 that at the confirmation and initial directors' election, the temporary board of directors 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 eligible to be a candidate under Section 6 of this Act to file for an initial director's position.
- (c) Provides that Section 41.001(a), Election Code, does not apply to a confirmation and initial directors' election held as provided by this section.
- (d) Requires a confirmation and initial directors' election, except as provided by this section, to be conducted as provided by Section 36.017(b)-(h), Water Code, and the Election Code.

SECTION 8. ELECTION OF DIRECTORS. (a) 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, an election be held in the district for the election of three directors to serve four-year terms and two directors to serve two-year terms.

- (b) Requires the appropriate number of directors to be elected on the first Saturday in May of each subsequent second year following the election.

SECTION 9. LIMITATION ON TAXATION. Authorizes the district to levy property taxes at a rate not to exceed 20 cents on each \$100 of assessed valuation to pay any part of the bonds or notes issued by the district if the authority to impose property taxes under this Act is approved by a majority of the voters voting at a confirmation election under Section 7 of this Act or at a separate election called for that purpose by the board of directors.

SECTION 10. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Sets forth provisions relating to findings related to procedural requirements.

SECTION 11. VALIDATION. Provides that all past acts of the district are validated and confirmed.

SECTION 12. APPLICABILITY. Provides that Section 11 of this Act does not apply to any matter that is the subject of litigation on the effective date of this Act.

SECTION 13. 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.