

BILL ANALYSIS

Senate Research Center
77R10463 SGA-F

H.B. 3243
By: Gallego (Madla)
Natural Resources
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Engrossed

DIGEST AND PURPOSE

Texas faces a difficult challenge in developing water policies that serve both 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. 3243 creates the Kinney County Groundwater Conservation District, subject to approval at a confirmation election, to manage Kinney 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. CREATION. (a) Creates a groundwater conservation district, to be known as the Kinney County Groundwater Conservation District (district), in Kinney County, subject to approval at a confirmation election under Section 9 of this Act. Provides that the district is a governmental agency and a body politic and corporate.

(b) Provides that the district is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

SECTION 2. DEFINITIONS. Defines "commissioners court" and "district."

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

SECTION 4. FINDING OF BENEFIT. Sets forth finding of benefit.

SECTION 5. 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.

(b) Authorizes the district to exercise the power of eminent domain as authorized by Section 36.105 (Eminent Domain), Water Code.

SECTION 6. BOARD OF DIRECTORS. (a) Provides that the district is governed by a board of seven directors.

(b) Provides that temporary directors serve until initial directors are elected under Section 9 of this Act.

- (c) Provides that initial directors serve until permanent directors are elected under Section 10 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.
- (g) Authorizes directors to serve consecutive terms.
- (h) Prohibits a director from receiving compensation but requires the member to be reimbursed for actual reasonable expenses incurred by the director in performing duties as a director of the district.
- (i) Requires that if a vacancy occurs on the board, the commissioners court appoint a director to serve until the next election for directors. Requires a person to be elected to fill the position at the next election for directors. Requires the person elected to fill the position, if the position is not scheduled to be filled at the election, to serve only for the remainder of the unexpired term.

SECTION 7. TEMPORARY DIRECTORS. (a) Requires the commissioners court to appoint the temporary directors in a certain manner.

- (b) Requires the commissioners court to appoint a person to fill the vacancy if a temporary director fails to qualify for office.

SECTION 8. METHOD OF ELECTING DIRECTORS. (a) Requires the directors of the district to be elected according to the method provided by this section.

- (b) Requires three at-large directors to be elected by the voters of the entire district, and one director to be elected from each county commissioner precinct by the voters of that precinct.
- (c) Requires that to be eligible to be a candidate for or to serve as a director from a county commissioner precinct, a person be a registered voter of and reside in a rural area of that precinct.
- (d) Requires that to be eligible to be a candidate for or to serve as a director at-large, a person be a registered voter in the district and meet certain other requirements.
- (e) Requires a person to indicate on the application for a place on the ballot the position on the board for which the person is a candidate.
- (f) Requires that, at the first election after the county commissioners precincts are redrawn under Section 18, Article V, Texas Constitution, each director in office on the effective date of the change, or elected to a term of office beginning on or after the effective date of the change, serve, unless otherwise removed as provided by law, in the position to which each was elected for the entire term to which elected, even though the change in boundaries places the director's residence outside the precinct from which the director was elected.

SECTION 9. 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 district to contract with the county clerk of Kinney County to conduct the confirmation and initial directors' election and future elections of the district.

(c) Requires that at the confirmation and initial directors' election, the temporary board of directors have placed on the ballot the name of any candidate 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 8 of this Act to file for an initial director's position.

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

(e) 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.

SECTION 10. ELECTION OF PERMANENT DIRECTORS. (a) Requires that on the first Tuesday after the first Monday in November 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 four directors to serve four-year terms and three directors to serve two-year terms.

(b) Requires that on the first Tuesday after the first Monday in November of each subsequent second year following the election, the appropriate number of directors be elected.

SECTION 11. DISTRICT REVENUES. (a) Authorizes the district to levy a property tax each year to pay the maintenance and operating expenses of the district at a rate not to exceed 10 cents on each \$100 of assessed valuation if the authority to impose property taxes under this Act is approved by a majority of the voters voting on that question at a confirmation election under Section 9 of this Act or at a separate election called for that purpose by the board of directors.

(b) Authorizes the district to impose a fee on water exported out of the district.

(c) Authorizes the district to assess other fees as authorized by Chapter 36, Water Code.

SECTION 12. CHANGE OF DISTRICT NAME. Authorizes the board of directors to change the district's name when the district annexes territory.

SECTION 13. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Sets forth findings related to procedural requirements.

SECTION 14. 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 9 of this Act before September 1, 2003, this Act expires on that date.