

## **BILL ANALYSIS**

Senate Research Center  
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C.S.H.B. 3626  
By: Hardcastle (Haywood)  
Natural Resources  
5/6/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Texas faces a difficult challenge to develop 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. C.S.H.B. 3626 ratifies the creation of the Tri-County Groundwater Conservation District (district), subject to voter approval at a confirmation election.

### **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 Tri-County Groundwater Conservation District in Foard, Hardeman, and Wilbarger counties as required by Section 15(a) of that Act, subject to approval at a confirmation election under Section 8 of this Act.

SECTION 2. DEFINITION. Defines "district."

SECTION 3. BOUNDARIES. Provides that the boundaries of the district are coextensive with the boundaries of Foard, Hardeman, and Wilbarger counties.

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, 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 36.107-36.108, Water Code;
- (2) Sections 36.159-36.161, Water Code; and
- (3) Subchapter I, Chapter 36, Water Code.

SECTION 5. BOARD OF DIRECTORS. (a) Provides that the district is governed by a board of six directors.

(b) Provides that initial directors serve until permanent directors are appointed under SECTION 7 of this Act and qualified as required by Subsection (c) of this section.

(c) 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.

- (d) Provides that directors other than initial directors serve staggered four-year terms.
- (e) Provides that a director serves until the director's successor has qualified.
- (f) Requires the appropriate commissioners court to appoint a director to serve the remainder of the term if there is a vacancy on the board.
- (g) Requires the appropriate commissioners court to appoint a director to succeed a director on or before the date the director's term expires.
- (h) Prohibits a director from receiving a salary or other compensation for service as a director but provides that a director is authorized to be reimbursed for actual expenses of attending meetings.

**SECTION 6. APPOINTMENT AND TERMS OF INITIAL DIRECTORS.** (a) Requires that as soon as practicable after the effective date of this Act, the commissioners courts of Foard, Hardeman, and Wilbarger counties each appoint two initial directors.

- (b) Requires the initial directors to serve specified terms.

**SECTION 7. APPOINTMENT OF DIRECTORS.** (a) Requires the commissioners court of each county in the district to appoint two directors.

- (b) Requires that if the district consists of two counties, the commissioners courts of these counties appoint three directors.
- (c) Requires that if the district consists of one county, the commissioners court of that county appoint six directors.

**SECTION 8. CONFIRMATION ELECTION.** (a) Requires the initial board of directors to call and hold an election on the same date in each county within the district to confirm the creation of the district.

- (b) Requires a confirmation election, except as provided by this section, to be conducted as provided by Sections 36.017, 36.018, and 36.019 Water Code, and Section 41.001, Election Code.
- (c) Provides that if the majority of qualified voters in a county who vote in the election vote to confirm the creation of the district, that county is in the district. Provides that if the majority of qualified voters in a county who vote in the election vote not to confirm the creation of the district, that county is excluded from the district.

**SECTION 9. TAXING AUTHORITY.** Authorizes the district to levy and collect an ad valorem tax in the district at a rate not to exceed one cent on each \$100 of assessed valuation.

**SECTION 10. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.** Sets forth provisions relating to procedural requirements.

**SECTION 11. 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.

