

## **BILL ANALYSIS**

Senate Research Center  
77R5007 SGA-F

S.B. 1157  
By: Fraser  
Natural Resources  
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As Filed

### **DIGEST AND PURPOSE**

The 76th Texas Legislature provided a template for the creation of groundwater districts. As proposed, S.B. 1157 ratifies the creation of the Lone Wolf Groundwater Conservation District in Mitchell County.

### **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 (Creation, Administration, Powers, Duties, Operation, and Financing of Certain Groundwater Conservation Districts), Acts of the 76th Legislature, Regular Session, 1999 (Senate bill No. 1911), of the Lone Wolf Groundwater Conservation District (district) in Mitchell 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. GENERAL POWERS.** 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 (Conservation and Development of Natural Resources; Conservation and Reclamation Districts), 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). Provides that notwithstanding Subsection (a), certain provisions prevail over a conflicting or inconsistent provision of this Act.

**SECTION 4. BOARD OF DIRECTORS.** Sets forth the composition, terms, and qualifications of the board of directors of the district.

**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.** Requires the board of directors to be elected according to the commissioners precincts method as provided by this section. 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. Requires a person, to be eligible to be a candidate for or to serve as director at large, to be a registered voter in the district. Requires a person, to be eligible to be a candidate for or to serve as director from a county commissioners precinct, to be a registered voter of that precinct. Requires a person to indicate on the application for a place on the ballot certain information. Requires four new directors, at the first election

after the county commissioners precincts are redrawn under Section 18, Article V (Judicial Department), 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.** Requires the temporary board of directors to call and hold an election to confirm establishment of the district and to elect initial directors. 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 places 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. Provides that Section 41.001(a) (Uniform Election Dates), Election Code, does not apply to a confirmation and initial directors' election held as provided by this section. Requires a confirmation and initial directors' election, except as provided by this section, to be conducted as provided by Sections 36.017(b) (Requiring temporary directors to designate election precincts), (c) (Requiring temporary directors to publish notice), (d) (Requiring the ballot to be printed), (e) (Requiring the presiding judge to deliver the returns of the election), (f) (Requiring the temporary board to declare the district created), (g) (Requires the temporary board to declare a district defeated), and (h) (Providing that if the majority of the votes are against the creation of the district), Water Code, and the Election Code.

**SECTION 8. ELECTION OF DIRECTORS.** Requires an election, 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, to be held in the district for the election of three directors to serve four-year terms and two directors to serve two-year terms. 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 rent of the bonds or notes issued by the district if the opportunity 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.** Provides that the proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Natural Resource Conservation Commission (TNRCC). Provides that TNRCC has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time. Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to notice, introduction, and passage of this Act are fulfilled and accomplished.

**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 this Act expires on September 1, 2003, if the creation of the district is not confirmed at a confirmation election held before that date.