BILL ANALYSIS

DIGEST AND PURPOSE

Currently, the McMullen Groundwater Conservation District is a temporary district.
As proposed, S.B. 1764 ratifies creation of the 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 of the McMullen Groundwater Conservation District as created by Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999.

SECTION 2. DEFINITION. Defines "district" to mean the McMullen Groundwater Conservation District.

SECTION 3. BOUNDARIES. Provides that the boundaries of the district are coextensive with the boundaries of McMullen County.

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, 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.

> (b) Provides that the rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Natural Resource Conservation Commission.

> (c) Provides that notwithstanding Subsection (a) of this section, the following provisions prevail over a conflicting or inconsistent provision in 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 5. BOARD OF DIRECTORS. Sets forth provisions relating to the board of directors of the district.

SECTION 6. METHOD OF ELECTING DIRECTORS. (a) Requires the directors of the district to be elected according to the commissioners precinct 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 a person, to be qualified as a candidate for or to serve as director at large, to be a registered voter in the district. Requires a person, to be a candidate for or to serve as director from a county commissioners precinct, to be a registered voter of that precinct.

(d) Requires a person to indicate on the application for a place on the ballot the precinct that the person seeks to represent or 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 newly redrawn precincts. Requires the directors elected to draw lots to determine which two newly elected 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 the temporary board of directors, at the confirmation and initial directors' election, to have placed on the ballot the names of the persons serving as temporary directors who intend to run for an initial director's position and are qualified to be a candidate under SECTION 6 together with the name of any candidate filing for an initial director's position and blank spaces to write in the names of other persons.

(c) Requires the temporary board of directors, at the time the vote is canvassed, if the district is created at the election, to carry out certain duties.

(d) Provides that Section 41.001(a) (regarding 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.

(f) Prohibits the temporary directors from calling another election under this section before the first anniversary of that election, if the majority of the votes cast at an election held under this section is against the confirmation of the district.

SECTION 8. ELECTION OF PERMANENT DIRECTORS. (a) Requires that on the first Saturday in October of the second 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 directors from county commissioners precincts one and three, each of whom shall serve a two-year term, and directors from county commissioners precincts two and four and the director at large, each of whom shall serve a four-year term.

(b) Requires that on the first Saturday in October of each subsequent second year following the election, the appropriate number of directors be elected to the board, each of whom shall serve a four-year term.

SECTION 9. LIMITATION ON TAXATION. Prohibits the district from imposing an ad valorem tax at a rate that exceeds five cents on the $100 valuation of taxable property in the district.

SECTION 10. STATUTORY INTERPRETATION. Provides that, except as otherwise provided by this Act, if there is a conflict between this Act and Chapter 36, Water Code, this Act controls.

SECTION 11. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Sets forth provisions relating to procedural requirements.

SECTION 12. (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.