

BILL ANALYSIS

Senate Research Center

H.B. 4009
By: Hilderbran (Uresti)
Natural Resources
5/16/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1989, when the Emerald Underground Water Conservation District (district) was formed, the legislature discouraged using county names. This caused confusion on the location of the district.

When the district was formed the metes and bounds of the Crockett County Water Control and Improvement District were exempted from the Emerald Underground Water Conservation District. The Crockett County Water Control and Improvement District encompasses the unincorporated town of Ozona, which is the only town in Crockett County. The district's enabling legislation stated that the district's elections be held within the district, thereby limiting the available locations.

H.B. 4009 changes the name of the district to the Crockett County Groundwater Conservation District. The bill allows the district to hold elections in the town of Ozona and by changing the election date to November, allows the district to hold its election in conjunction with the general election in November.

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. Amends Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, by adding Section 1A, as follows:

Sec. 1A. NAME OF DISTRICT. Provides that the name of the Emerald Underground Water Conservation District is changed to the Crockett County Groundwater Conservation District.

SECTION 2. Amends Section 2, Chapter 712, Acts of the 71st Legislature, Regular Session, to redefine "district."

SECTION 3. Amends Section 7, Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, by adding Subsection (a-1) and amending Subsections (d) and (e), as follows:

(a-1) Provides that Section 49.052 (Disqualification of Directors), Water Code, applies to a director of the district, notwithstanding Sections 49.001 (Definitions) and 49.002(b) (Applicability), Water Code.

(d) Provides that directors serve staggered four-year terms, with the terms of two or three directors expiring December 1 of each even-numbered years. Deletes existing text related to permanent directors.

(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), rather than Sections 51.078 and 51.079.

SECTION 4. Amends Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, by adding Sections 10A and 10B, as follows.

Sec. 10A. DIRECTOR ELECTIONS. Requires the appropriate number of directors, on the uniform election date in November of each even-numbered year, to be elected.

Sec 10B. LOCATION OF DISTRICT ELECTIONS. Authorizes a district election to be held at any location in Crockett County.

SECTION 5. Repealer: Sections 7(b) and (c) (Board of Directors) 10 (Election of Directors), Chapter 712, Acts of the 71st Legislature, Regular Session, 1989.

SECTION 6. Provides that notwithstanding Section 7(d), Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, as amended by this Act, the terms of the directors of the Emerald Underground Water Conservation District who were elected in May 2005 expire December 1, 2008; and the terms of the directors of the Emerald Underground Water Conservation District who are elected in May 2007 expire December 1, 2010.

SECTION 7. Provides that all requirements of the constitution and the laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 8. Effective date: September 1, 2007.