

BILL ANALYSIS

Senate Research Center
80R7491 HLT-F

S.B. 1950
By: Duncan
Natural Resources
4/17/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Tri-County Groundwater Conservation District (district) was created in Foard, Hardeman, and Wilbarger counties. However, the district was only confirmed in Foard and Hardeman counties.

As proposed, S.B. 1950 changes the name of the district to the Gateway Groundwater Conservation District, because the name of the district does not reflect the composition of the district as originally envisioned. This bill clarifies that Wilbarger County is not part of the district, which consists only of Foard and Hardeman counties, and that the district may annex counties in a manner that is consistent with Chapter 36 (Groundwater Conservation Districts), Water Code.

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 Section 1(a), Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999, to delete existing text creating the Tri-County Groundwater Conservation District.

SECTION 2. Amends Section 2(a), Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999, to delete existing text providing that the boundaries of the Tri-County Groundwater Conservation District are coextensive with the boundaries of Foard, Hardeman, and Wilbarger counties.

SECTION 3. Amends Section 2, Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001, to redefine "district."

SECTION 4. Amends Section 3, Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001, as follows:

Sec. 3. BOUNDARIES. Provides that the boundaries of the district are coextensive with the boundaries of Foard and Hardeman counties, as that territory may have been modified under Chapter 36, Water Code rather than Foard, Hardeman, and Wilbarger counties.

SECTION 5. Amends Section 4(a), Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001, to delete existing text providing 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).

SECTION 6. Amends Section 5(a), Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001, to provide that the district is governed by a board of directors, rather than six directors, in the manner provided by Section 36.051, Water Code.

SECTION 7. Amends Section 7(a), Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001, to require the commissioners court of each county in the district to appoint an equal number of directors, rather than two directors.

SECTION 8. Repealer: Part 12 (Tri-County Groundwater Conservation District), Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, and Sections 1 (Ratification of Creation), 4(b) (relating to prevailing provisions over a conflicting or an inconsistent provision), 5(b) (relating to the service term of initial directors), 6 (Appointment and Terms if Initial Directors), 7(b) (relating to appointment of directors if the district consists of two counties) and (c) (relating to appointment of directors if the district consists of one county), and 8 (Confirmation Elections), Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001.

SECTION 9. Requires the board of directors of the Gateway Groundwater Conservation District to hold an election under Section 36.328, Water Code, to annex territory to the district. Provides certain conditions if a majority of voters in the territory to be annexed vote in favor of the proposition.

SECTION 10. (a) Provides that the 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 under Section 59, Article XVI, Texas Constitution, and Chapter 313 (Notice for Local and Special Laws), Government Code.

(b) Provides that the governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality (TCEQ).

(c) Provides that TCEQ has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) Provides that all requirements of the constitution and 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 11. Effective date: upon passage or September 1, 2007.