

BILL ANALYSIS

Senate Research Center
82R21646 SLB-D

C.S.S.B. 956
By: Seliger
Natural Resources
4/21/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Commission on Environmental Quality (TCEQ) designated three noncontiguous areas of Dallam County as a priority groundwater management area in 1990. This area, referred to as the Dallam County Priority Groundwater Management Area (PGMA), is surrounded by the North Plains Groundwater Conservation District (GCD) and is mostly located in the northern part of the county. On August 11, 2008, TCEQ staff recommended that the Dallam County PGMA join the North Plains GCD. This question was put before the voters on the November 2, 2010, ballot, and the proposition was defeated.

There are now three options for the Dallam County PGMA. Legislation can be enacted to create a GCD; the Dallam County PGMA can petition TCEQ to form a GCD comprised of the current PGMA; or, if neither of these options occur before November 2, 2011, TCEQ will issue an order to create a GCD comprised of the current PGMA. This bill ensures that all three options as outlined above are still viable.

C.S.S.B. 956 amends current law relating to the creation of the Northern Dallam County Groundwater Conservation District and provides authority to impose a tax and issue bonds.

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 Subtitle H, Title 6, Special District Local Laws Code, by adding Chapter 8853, as follows:

CHAPTER 8853. NORTHERN DALLAM COUNTY GROUNDWATER CONSERVATION DISTRICT

Sets forth standard language for the creation of the Northern Dallam County Groundwater Conservation District (district) in Dallam County. Sets forth standards, procedures, requirements, and criteria for:

General provisions, including the nature of the district, legislative findings, the and initial district territory (Sections 8853.001-8853.020);

Temporary provisions, including appointment of temporary directors, organization meeting of temporary directors, initial director election, initial directors, and the expiration of the temporary provisions (Sections 8853.021-8853.050);

Terms, method of election, additional eligibility to vote for property owners, eligibility, qualifications, election date, vacancies, and compensation of the board of directors (Sections 8853.051-8853.100);

Powers and duties of the district (Sections 8853.101-8853.150);

General financial provisions and authority to impose fees (Sections 8853.151-8853.153); and

Landowner option to join district (Sections 8853.201-8853.203).

Prohibits the district from exercising the power of eminent domain.

SECTION 2. Sets forth the initial boundaries of the district.

SECTION 3. Requires the North Plains Groundwater Conservation District, as soon as practicable, to submit a metes and bounds description of the territory described by Section 2 of this Act that has been added to the North Plains Groundwater Conservation District before the effective date of this Act to the:

(1) Northern Dallam County Groundwater Conservation District; and

(2) Texas Commission on Environmental Quality.

SECTION 4. 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 5. Effective date: upon passage or September 1, 2011.