

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2186
By: Zaffirini
Agriculture, Water & Rural Affairs
4/24/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The enabling act for the Live Oak Underground Conservation District (district) is not codified into law. S.B. 2186 resolves any conflicts of law so that the district can be codified. What's more, the bill eliminates antiquated or unnecessary language and modernizes the district's enabling legislation. The bill also strikes provisions where general law (Chapter 36, Water Code) already provides governance. Finally, the bill limits the bonding and taxing authority to that under Chapter 36 (Groundwater Conservation Districts), Water Code, eliminating the more broad-based powers under Chapter 49 (Provisions Applicable to All Districts), Water Code. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 2186 amends current law relating to the Live Oak Underground Water Conservation District.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Live Oak Underground Water Conservation District is rescinded in SECTION 1 (Section 5, Chapter 715, Acts of the 71st Legislature, Regular Session, 1989) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 715, Acts of the 71st Legislature, Regular Session, 1989, by amending Sections 1, 4, 5, 6, 10, 11, and 13, as follows:

Sec. 1. CREATION OF DISTRICT. Provides that, under Article XVI (General Provisions), Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Texas Constitution, the Live Oak Underground Water Conservation District (district) has the powers essential to the accomplishment of the purposes of that constitutional provision and the rights, powers, duties, privileges, and functions provided by Chapter 36 (Groundwater Conservation Districts), Water Code, and by other laws of this state relating to underground water conservation districts. Deletes existing text providing that, under Article XVI, Section 59, Texas Constitution, the district is created as a governmental agency and body politic and corporate, authorized to exercise the powers essential to the accomplishment of the purposes of that constitutional provision and to exercise the rights, powers, duties, privileges, and functions provided by this Act and by Chapters 51 (Water Control and Improvement Districts) and 52 (Underground Water Conservation Districts), Water Code, and by other laws of this state relating to underground water conservation districts.

Sec. 4. PURPOSE OF DISTRICT. Provides that the district is created for certain purposes consistent with the objectives of Article XVI, Section 59, Texas Constitution, and Chapter 36, Water Code, rather than Chapters 51 and 52, Water Code.

Sec. 5. POWERS AND DUTIES OF DISTRICT. Provides that the district has the powers, rights, duties, privileges, and functions permitted by Chapter 36, Water Code. Deletes existing text authorizing the district to exercise the powers, rights, privileges, and

functions permitted by Chapters 51 and 52, Water Code, and to perform certain actions, including rulemaking actions.

Sec. 6. ADMINISTRATIVE PROCEDURES. Provides that, except as provided by this Act, the administrative and procedural provisions of Chapter 36, Water Code, rather than Chapters 51 and 52, Water Code, apply to the district.

Sec. 10. DISSOLUTION OF DISTRICT. Provides that Subchapter I (Performance Review and Dissolution), Chapter 36, Water Code, rather than Subchapter C, Chapter 52, Water Code, applies to dissolution of the district.

Sec. 11. ANNEXATION. Deletes existing text authorizing additional territory to be added to the district as provided by Chapter 51, Water Code. Makes a nonsubstantive change.

Sec. 13. STATUTORY INTERPRETATION. Provides that if there is a conflict between this Act and Chapter 36, Water Code, rather than Chapter 51 or 52, Water Code, this Act controls. Deletes existing text providing that if there is a conflict between the application of Chapters 51 and 52, Water Code, to the district, Chapter 52 controls.

SECTION 2. Amends Section 9(a), Chapter 715, Acts of the 71st Legislature, Regular Session, 1989, to provide that, except as provided by Subsection (b), the tax and bond provisions of Subchapters F (Bonds and Notes) and G (District Revenues), Chapter 36, Water Code, rather than certain other subchapters of the Water Code, apply to the district.

SECTION 3. Amends Section 12(e), Chapter 715, Acts of the 71st Legislature, Regular Session, 1989, as follows:

(e) Requires the district to hold an election in each even-numbered year to elect the appropriate number of directors. Deletes existing text requiring that regular elections for a portion of the board of directors (board), after the election of the directors at the confirmation election held under Section 8 of this Act, be held in each even-numbered year. Deletes existing text requiring certain directors to serve as directors until the first regular meeting of the board after the second regular election of directors and requires certain directors to serve until the first regular meeting of the board after the first regular election of directors.

SECTION 4. Repealers: Sections 7 (Initial Directors) and 8 (Confirmation of District), Chapter 715, Acts of the 71st Legislature, Regular Session, 1989.

SECTION 5. 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 6. Effective date: upon passage or September 1, 2017.