

## **BILL ANALYSIS**

Senate Research Center  
78R5352 RCJ-F

H.B. 1065  
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Natural Resources  
4/6/2003  
Engrossed

### **DIGEST AND PURPOSE**

Current law prohibits a director of a groundwater conservation district from serving on the governing body of another political subdivision. However, in order to assist smaller districts in finding qualified board members, language was included in the section stating that the prohibition does not apply to districts with a population less than 50,000. Based on this exception, many small districts have board members who also serve on the governing body of other political subdivisions such as counties, municipalities, and school districts.

Despite this, a number of recent Texas Attorney General's opinions have reviewed this situation in light of the common law doctrine of incompatibility and have determined that directors of smaller districts may not serve on other political subdivisions if it violates the doctrine of incompatibility. The attorney general normally interprets the doctrine of incompatibility very broadly and, in recent opinions, has determined that service as a county commissioner or a school district board member is incompatible with service as a groundwater district board member. H.B. 1065 specifies that the common law doctrine of incompatibility does not apply to a water district directorship and a political subdivision officer or employee in a district with a population of less than 50,000.

### **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 36.051, Water Code, by adding Subsection (d), to provide that, in a district with a population of less than 50,000, the common law doctrine of incompatibility does not disqualify an officer or employee of a political subdivision from serving as a director of the district, or a director of the district from serving as a director, officer, or employee of a political subdivision.

SECTION 2. Effective date: upon passage or September 1, 2003.