

BILL ANALYSIS

S.B. 822
By: Fraser
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2001, the 77th Texas Legislature passed legislation which created the Middle Trinity Groundwater Conservation District (district). In the time period since the passage of that legislation, the district has been confirmed and given taxing authority in two of the original eight counties included in the legislation.

As proposed, S.B. 822 validates the creation of the district and makes conforming changes to the enabling legislation.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. (a) Provides that the creation of the Middle Trinity Groundwater Conservation District under Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, composed of the territory in Erath County is validated as of the date of the election held on May 4, 2002, at which the voters of Erath County approved the confirmation of the district and the levy of a maintenance tax by the district.

Provides that all acts and proceedings relating to the creation of the district in Erath County, the levy of a maintenance tax in Erath County for 2002, or the election of initial directors from Erath County are validated as of the dates they occurred.

(b) Provides that the addition of the territory in Comanche County to the Middle Trinity Groundwater Conservation District (district) under Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, is validated as of the date of the election held on November 5, 2002, at which the voters of Comanche County approved the levy of a maintenance tax for the district.

Provides that all acts and proceedings relating to the addition of that territory to the district, the levy of a maintenance tax in Erath and Comanche counties for 2003, and the election of initial directors from Comanche County are validated as of the dates they occurred.

(c) Prohibits a governmental act or proceeding of the district occurring after an act or proceeding validated by this Act from being held invalid on the ground that the prior act or proceeding, in the absence of this Act, was invalid.

(d) Provides that the temporary board of directors established by Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, for the district is abolished on the effective date of this Act. Provides that any proceedings of the temporary board of directors pending on the effective date of this Act are dismissed on that date. Provides that any act of the temporary board of directors that conflicts with the validation of the district as provided by this section is void.

(e) Provides that this section does not apply to any matter that on the effective date of this Act meets certain conditions.

SECTION 2. Amends Section 1(a), Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, to delete certain counties which were to be contained within the district. Deletes existing text related to a confirmation election.

SECTION 3. Amends Section 3, Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, to make conforming and nonsubstantive changes.

SECTION 4. Amends Section 6(a), Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, to provide that the district is governed by a board of six directors, rather than not fewer than five or more than 16 directors, except as provided by Section 10 of this Act.

SECTION 5. Amends Section 9(a), Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, to require three directors, rather than two, to be elected from each county in the district, except as provided by Section 10 of this Act, rather than as provided by this section.

SECTION 6. Amends the heading to Section 10, Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, to read as follows: Sec. 10. INITIAL DIRECTORS.

SECTION 7. Amends Section 10(a), Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, provide that the initial, rather than temporary, board of directors is composed of two directors elected from each county in the district. Deletes existing text related to an election in each county.

SECTION 8. Amends Section 11(a), Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, to require an election to be held in each county in the district for the election of permanent directors, on the first Saturday in May 2004, rather than the first Saturday of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election. Requires the initial permanent directors from each county to draw lots to determine which county will have two initial permanent directors who serve four-year terms and one initial permanent director who serves a two-year term and which county will have two permanent directors who serve two-year terms and one initial director who serves a four-year term. Requires the initial permanent directors from each county to draw lots to determine the length of the term that each initial permanent director from that county will serve. Deletes existing text related to length of terms and deletes “participating” as a modifier for “county.”

SECTION 9. Repealer: Sections 6(b), 7, 8, 9(c) and (d), 10(b)-(e), and 14(b), Chapter 1365, Acts of the 77th Legislature, Regular Session, 2001 (relating to the board of directors and the expiration date if the district is not confirmed at an election).

SECTION 10. Effective date: upon passage or September 1, 2003.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect on September 1, 2003.