

BILL ANALYSIS

C.S.S.B. 1947
By: Lucio
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Texas faces certain challenges to develop water policies that serve state and regional interests. The Texas Constitution authorizes the creation of groundwater conservation districts to plan, develop, and regulate the use of water. C.S.S.B. 1947 creates the Heritage Groundwater Conservation District, subject to approval at a confirmation election, to manage groundwater resources in the parts of Brooks, Jim Wells, Kleberg, and Nueces counties.

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. DEFINITIONS. Provides for definitions.

SECTION 2. CREATION. Provides that a district is created pursuant to an election.

SECTION 3. FINDING OF BENEFIT AND PUBLIC PURPOSE. Provides that the district is created for a public benefit.

SECTION 4. BOUNDARIES. Provides for the boundaries of the district.

SECTION 5. FINDINGS RELATIVE TO BOUNDARIES. Findings in relation to the boundaries.

SECTION 6. GENERAL POWERS. Provides that the district has all of the powers under Section 59, Article XVI, Texas Constitution.

SECTION 7. APPLICABILITY OF OTHER LAW. Provides that this Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

SECTION 8. BOARD OF DIRECTORS. Provides that the district is governed by a board of five directors.

SECTION 9. TEMPORARY DIRECTORS. Names the temporary directors.

SECTION 10. APPOINTMENT OF DIRECTORS. Provides for appointment of the directors.

SECTION 11. APPOINTMENT OF INITIAL DIRECTORS; TERMS OF OFFICE. Provides for appointment of initial directors.

SECTION 12. CONFIRMATION ELECTION. Provides for a confirmation election.

SECTION 13. DISTRICT REVENUES. Provides that the district can assess any fee authorized by Chapter 36, Water Code; assess an export fee not to exceed amounts specified by Section 36.122 (e) or 36.205 (d), Water Code; and solicit and accept grants or secure loans from any public or private source. The district may also use any fee described by Section 36.207, Water Code.

SECTION 14. CONTRACTS. Provides that the district may enter into contracts.

SECTION 15. EMINENT DOMAIN; ENTERING PRIVATE PROPERTY. Provides that the district does not have the power of eminent domain and that an agent of the district cannot enter onto private property without permission.

SECTION 16. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

SECTION 17. EFFECTIVE DATE. 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.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B. 1947 modifies the original Senate Bill 1947 by adding the word “not” on page 5, line 7, before the word “disqualified.” “Not” was inadvertently left out in the original bill. This substitute will correct the problem.

C.S.S.B. 1947 also removes the taxing authority of the district and corrects the boundaries.