

## **BILL ANALYSIS**

H.B. 2601  
By: Guillen  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

One of the most urgent problems of Texas is securing clean water. As the population of Texas grows, strain will be put on the economy and natural resources of urban and rural areas. In 1997 the Texas Legislature added language to the Texas Water Code explicitly recognizing groundwater conservation districts as the recommended method of maintaining and controlling groundwater resources. The purpose of this legislation is to create a Duval County Groundwater District in order to prepare Duval County for future growth and allow oversight to preserve water quality and quantity.

### **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. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8808, establishing the Duval County Groundwater Conservation District.

#### *SUBCHAPTER A*

Sec. 8808.001. DEFINITIONS: sets forth the definitions of "Board", "Director", and "District".

Sec. 8808.002. NATURE OF DISTRICT: The District is created pursuant to Section 59, Article XVI, Texas Constitution.

Sec. 8808.003. CONFIRMATION ELECTION REQUIRED: provides that if an election does not result in the confirmation of the district, the district is dissolved on September 1, 2007 with certain exceptions.

Sec. 8808.004. INITIAL DISTRICT TERRITORY: boundaries are coextensive with the boundaries of Duval County.

Sec. 8808.005. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT LAW: Except as otherwise provided by this chapter, Chapter 36, Water Code applies to the district.

#### *SUBCHAPTER A-1*

Sec. 8808.021. APPOINTMENT OF TEMPORARY DIRECTORS: sets forth provisions for appointment of temporary directors not later than the 45th day after the effective date of this chapter.

Sec. 8808.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS: provides for the organizational meeting of the district.

Sec. 8808.023. CONFIRMATION ELECTION. The temporary directors shall hold an election to confirm the district. The confirmation election must comply with certain provisions of the Water and Elections Code.

Sec. 8808.024. INITIAL DIRECTORS: Upon confirmation, the temporary directors become the initial directors. This section sets forth provisions relating to terms of office.

Sec. 8808.025. INITIAL ELECTION OF PERMANENT DIRECTORS: this section sets forth the initial director terms with staggered terms for replacement of initial directors with permanent directors.

Sec. 8808.026. EXPIRATION OF SUBCHAPTER: Subchapter expires September 1, 2010.

#### *SUBCHAPTER B*

Sec. 8808.051. DIRECTORS; TERMS. The district is governed by a board of five director serving staggered four-year terms.

Sec. 8808.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS: The directors shall be elected using the commissioners court precinct method; sets out qualifications for candidacy.

Sec. 8808.053. ELECTION DATE: The district shall hold election to elect an appropriate number of people.

Sec. 8808.054. COMPENSATION: Not more than \$50 a day with a maximum of \$3000 a year.

#### *SUBCHAPTER C*

Sec. 8808.101. COURT-APPOINTED RECEIVER: Provides that the district may serve as the court-appointed receiver in a matter determined by a court concerning the disposition of assets of any other district.

Sec. 8808.102. POWER TO CONTRACT WITH MUNICIPAL UTILITY DISTRICTS. The district may enter into a contract with a municipal utility district in Duval County.

Sec. 8808.103. RELATION TO OTHER WATER-RELATED ENTITIES: To the extent of conflict with other water districts (municipal utility districts, water control & improvement districts), other existing districts prevail.

#### *SUBCHAPTER D*

Sec. 8808.151 DEFINITIONS: Defines "Commission" and "Directors".

Sec. 8808.152 AUTHORITY FOR AGREEMENT FOR MERGER; PROVISIONS: Provides conditions upon which the district may enter into a merger agreement with a water control and improvement district in Duval County.

Sec. 8808.153. BOARD AND DIRECTORS APPROVAL OF MERGER AGREEMENT. Before an election to confirm a proposed merger, the board must approve each merger agreement.

Sec. 8808.154. COMMISSION DETERMINATION OF DISTRICT CAPABILITY FOR SERVICE. Before an election to confirm a proposed merger agreement, the TCEQ must determine that the district is capable of rendering adequate and continuous service.

Sec. 8808.155. ELECTION TO CONFIRM MERGER AGREEMENT: Before a proposed merger, a confirmation election is required.

Sec. 8808.156. BALLOTS FOR ELECTION: Sets forth requirements for ballot.

Sec. 8808.157. ELECTION RESULTS FOR MERGER WITH WATER CONTROL AND IMPROVEMENT DISTRICT: Provides election requirements for approval of merger.

Sec. 8808.158. FILING REQUIREMENT: Confirmed merger agreements must be filed with TCEQ and in the deed records of Duval County.

SECTION 2. Sets forth that all legal requirements and notices have been made.

SECTION 3. Effective Date: On passage; or if the Act does not receive the necessary vote, September 1, 2005.

**EFFECTIVE DATE**

September 1, 2005