

## **BILL ANALYSIS**

H.B. 4029  
By: Morrison  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Lavaca County is underlain by significant but unquantified groundwater resources. The prompt creation of a countywide groundwater conservation district pursuant to Article XVI, Section 59 of the Texas Constitution will provide reasonable local management of groundwater resources.

H.B. 4029 creates the Lavaca County Groundwater Conservation District.

### **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. Amends Subtitle H, Title 6, Special District Local Laws Code, by adding Chapter 8822 as follows:

#### **CHAPTER 8822. LAVACA COUNTY GROUNDWATER CONSERVATION DISTRICT SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 8822.001. DEFINITIONS. Defines "board," "director," and "district."

Sec. 8822.002. NATURE OF DISTRICT. Establishes the Lavaca County Groundwater Conservation District to be created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8822.003. CONFIRMATION ELECTION REQUIRED. Requires the creation of the district to be confirmed by an election held on or before May 31, 2012, or else it shall be required to pay off any debts, transfer all assets to Lavaca County, and be dissolved.

Sec. 8822.004. INITIAL DISTRICT TERRITORY. Establishes the boundaries of the district as coextensive with those of Lavaca County, Texas.

Sec. 8822.005. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT LAW. Provides that except otherwise provided, Chapter 36, Water Code, applies to this district.

Sec. 8822.006. DISTRICT PURPOSE. Provides that the purpose of the district is to provide for the conservation, preservation, protection, recharging, prevention of waste of, and control of subsidence caused by the withdrawal of water from groundwater reservoirs or their subdivisions in the Lavaca County area.

#### **SUBCHAPTER A-1. TEMPORARY PROVISIONS**

Sec. 8822.021. TEMPORARY DIRECTORS. Provides that certain individuals shall serve as temporary directors.

Sec. 8822.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. Requires a majority of the temporary directors, after they have qualified under Section

36.055, Water Code, to convene the organizational meeting of the district as soon as practicable.

Sec. 8822.023. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. Requires the temporary directors to hold an election in May 2008 to confirm the creation of the district and to elect the initial directors of the district. Provides certain other requirements for the ballot and election, and provides that should a majority of the votes cast be against the creation of the district, the elected directors shall take office as temporary directors and may hold subsequent confirmation elections in May 2010 or 2012.

Sec. 8822.024. INITIAL DIRECTORS. Provides that upon creation of the district by confirmation at an election, the elected directors shall take office as initial directors of the district and serve on the board of directors until permanent directors are elected. Provides that the four temporary directors representing commissioners precincts shall draw lots to determine which two directors shall serve terms expiring June 1 following the first regularly scheduled election of directors and which two directors shall serve terms expiring June 1 following the second regularly scheduled election of directors. Provides that the at-large director shall serve a term expiring June 1 following the second regularly scheduled election of directors.

Sec. 8822.025. INITIAL ELECTION OF PERMANENT DIRECTORS. Provides that an election for two directors to replace the initial directors whose terms end on June 1 of the earlier year shall be held in May two years after the confirmation election at which the district is authorized to be created.

Sec. 8822.026. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires May 31, 2012.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8822.051. DIRECTORS; TERMS. Provides that the district is governed by a board of five directors, who serve staggered four-year terms, and may serve consecutive terms.

Sec. 8822.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS. Provides that the directors shall be elected according to the commissioners precinct method; one director shall be elected by voters of the entire district, and one director shall be elected from each county commissioners precinct by the voters of that precinct; to be eligible to be a candidate for director at large or director from a county commissioner precinct, the person must be a registered voter of that district or precinct, unless the boundaries of the precincts are redrawn after a federal decennial census to place them out of the district or precinct after they are already in office or have already been elected or appointed.

Sec. 8822.053. ELECTION DATE. Provides that the district shall hold an election to elect the appropriate number of directors on the uniform election date prescribed by Section 41.001, Election Code, in May of each even-numbered year.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 8822.101. GENERAL POWERS. Provides that the district shall have all of the rights, powers, privileges, functions, and duties provided by the general law of the state applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution, except as otherwise provided by this chapter.

#### SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8822.151. LIMITATION ON TAXES. Prohibits the district from imposing ad valorem taxes at a rate that exceeds five cents on each \$100 of assessed valuation of taxable property in the district.

SECTION 2. Attests that the legal notice of the intention to introduce this Act has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or other entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code, and that all requirements of the constitution and laws of the 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 3. Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

**EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.