

## **BILL ANALYSIS**

Senate Research Center

H.B. 4088  
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Natural Resources  
5/18/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Plum Creek Conservation District (district) was created in 1957 for flood control. It was amended on January 1, 1989 to add groundwater responsibilities and approved by the district voters on May 1, 1993. The district is governed by a board appointed by the Caldwell and Hays county commissioners.

Currently, the territory of the district includes portions of Caldwell and Hays counties. In recent years, growth along the Interstate 35 corridor has created a cause of concern for local land owners in Caldwell County. With the high demand for water across the state, residents of this water-rich area are concerned that the land located on the Carrizo-Wilcox Aquifer is not included in the boundaries of the district.

H.B. 4088 expands the territory of the district to include all of the remaining territory in Caldwell County and sets forth the process for the election and appointment of the board of directors. H.B. 4088 also grants additional authorities to the district and requires a ratification election by the voters.

### **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 Chapter 126, Acts of the 55th Legislature, Regular Session, 1957, by adding Sections 10A, 10B, and 10C, as follows:

Sec. 10A. AMENDMENTS TO LAW GOVERNING DISTRICT BOUNDARIES, BOARD OF DIRECTORS, POWERS, AND TAXATION. (a) Provides that Subsections (c), (d), and (i) of this section are subject to ratification by the voters of the district at an election held under Section 10B of this Act.

(b) Defines "board," "director," and "district."

(c) Provides that, in addition to the portions of Caldwell and Hays counties included in the boundaries of the district on August 31, 2007, the boundaries of the district include all the remaining territory in Caldwell County.

(d) Provides that the district is governed by a board of seven directors elected or appointed as provided by Sections 10B(a) and 10C of this Act.

(e) Requires the commissioners courts of Caldwell and Hays counties, not later than September 10, 2007, to appoint seven temporary directors of the district as provided by Subsections (f) and (g) of this section to serve terms that expire January 1, 2009.

(f) Requires the Commissioners Court of Caldwell County to appoint five temporary directors in a certain manner.

- (g) Requires the Commissioners Court of Hays County to appoint two temporary directors in a certain manner.
- (h) Requires a temporary director to reside in the area the director is appointed to represent.
- (i) Prohibits the district from imposing an ad valorem tax for flood control purposes at a rate that exceeds \$0.017 per \$100 of valuation of taxable property in the district.

Sec. 10B. RATIFICATION ELECTION. (a) Requires the temporary directors appointed under Section 10A(e) of this Act to order an election to be held in the district as enlarged by Section 10A(c) of this Act on the uniform election date in November 2007 to ratify a certain proposition.

(b) Requires the proposition described by Subsection (a) of this section, to take effect, to be approved by a majority of the voters voting at the election held by the district under that subsection.

(c) Sets forth the language of the ballot for the election under Subsection (a) of this section.

(d) Provides that, if a majority of the voters approve the ballot proposition, the proposition is ratified and the boundaries of the district are enlarged as provided by Section 10A(c) of this Act. Requires a copy of the metes and bounds description of the enlarged district to be filed with the Texas Commission on Environmental Quality and in the deed records of Caldwell and Hays Counties. Provides that the enlarged boundaries supersede the description of the boundaries contained in Section 3, Chapter 126, Acts of the 55th Legislature, Regular Session, 1957.

(e) Requires the temporary board, in conjunction with the Commissioners Court of Hays County, the Commissioners Court of Caldwell County, the secretary of state, and the United States Department of Justice, if a majority of the voters approve the ballot proposition, to divide the district into six single-member voting districts, with four single-member voting districts in Caldwell County and two single-member voting districts in Hays County. Requires the boundaries of the single-member districts to be established in time to apply to an election of directors on the uniform election date in November 2008.

(f) Provides that, if a majority of the voters approve the ballot proposition, the limitation on the rate of ad valorem taxation for flood control purposes as provided by Section 10A(i) of this Act takes effect January 1, 2008.

(g) Provides that, if a majority of the voters approve the ballot proposition, each provision listed in Subsections (a)(1) through (3) of this section supersedes Chapter 126, Acts of the 55th Legislature, Regular Session, 1957, as that chapter existed before the effective date of the Act enacting this section, to the extent of any conflict or inconsistency.

Sec. 10C. ELECTION OF DIRECTORS. (a) Provides that this section is effective only if a majority of the voters approve the ballot proposition under Section 10B of this Act.

(b) Requires the temporary directors appointed under Section 10A of this Act, at the general election in November 2008, to place on the ballot the name of each candidate filing for a position as a director to represent one of the single-member districts established under Section 10B(e) of this Act.

(c) Provides that the candidate who receives the largest number of votes in each of the single-member districts is elected to the board.

- (d) Requires the directors elected under Subsection (c) of this section to draw lots to make certain determinations.
- (e) Requires the director appointed by the Caldwell County Commissioners Court to serve a term expiring January 1, 2013.
- (f) Provides that, except for the initially elected directors, directors serve staggered terms of four years, with the terms of three or four directors expiring January 1 of each odd-numbered year.
- (g) Requires the appropriate number of directors to be elected on the uniform date for elections in November of each even-numbered year.
- (h) Requires a director holding an elective position to reside in the area the director is elected or appointed to represent.
- (i) Authorizes the board to revise the single-member districts as necessary or appropriate. Requires the board to revise each single-member district after each federal decennial census to reflect population changes. Provides that, when the boundaries of the single-member districts are changed, a director in office on the effective date of the change, or elected or appointed before the effective date of the change to a term of office beginning on or after the effective date of the change, is entitled to serve the term or remainder of the term in the single-member district to which elected or appointed even though the change in boundaries places the person's residence outside the single-member district for which the person was elected or appointed.

SECTION 2. Provides that the terms of the members of the Plum Creek Conservation District board of directors serving on the effective date of this Act expire when a majority of the temporary directors appointed under Section 10A(e), Chapter 126, Acts of the 55th Legislature, Regular Session, 1957, as added by this Act, have qualified to serve.

SECTION 3. Sets forth certain actions if the ballot proposition under Section 10B, Chapter 126, Acts of the 55th Legislature, Regular Session, 1957, as added by this Act, is not approved by a majority of the voters voting in an election held for that purpose.

SECTION 4. Provides that all requirements of the constitution and the laws of this 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 5. Effective date: upon passage or September 1, 2007.