

BILL ANALYSIS

S.B. 404
By: Zaffirini
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Bee County Groundwater Conservation District currently is classified under Chapter 36, Water Code. S.B. 404 codifies the authority of the Bee County Groundwater Conservation District under the Special District Local Laws Code, but without substantive change to the existing law. The bill does not increase nor decrease the territory or authority of the 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 8804, as follows:

CHAPTER 8804. BEE GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8804.001. DEFINITIONS. Defines "board," "director," and "district."

Sec. 8804.002. NATURE OF DISTRICT. Provides that the Bee Groundwater Conservation District (district) is a groundwater conservation district in Bee County created under Section 59, Article XVI, Texas Constitution.

Sec. 8804.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) Provides that the district is created to serve a public use and benefit. Provides that all land and property in the district will benefit from the works and projects completed as a result of the powers conferred by Section 59, Article XVI, Texas Constitution. Provides that the creation of this district is necessary to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8804.004. DISTRICT TERRITORY. Provides that, excluding the municipal boundaries of Beeville, the Pettus Municipal Utility District, and the Tynan Water Corporation service area, the district's boundaries are coextensive with the boundaries of Bee County as they existed on January 1, 1997.

Sec. 8804.005. CONSTRUCTION OF CHAPTER. Requires this chapter to be liberally construed to accomplish the legislative intent and purposes of Chapter 36 (Groundwater Conservation Districts), Water Code. Requires powers granted by Chapter 36, Water Code, or this chapter to be broadly interpreted to achieve their intent and purpose.

[Reserves Sections 8804.006-8804.050 for expansion.]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8804.051. GOVERNING BODY; TERMS. Provides that the district is governed by a board of seven directors and sets forth the terms of the directors.

Sec. 8804.052. ELIGIBILITY TO SERVE. Requires a person to own land in the district to serve as a director and prohibits a person holding another public office from serving as a director.

Sec. 8804.053. METHOD OF ELECTING DIRECTORS: SINGLE-MEMBER DISTRICTS. Requires the board to create seven numbered single-member districts from which one director will be elected to represent each district's residents. Authorizes the board to revise districts as necessary.

Sec. 8804.054. ELECTION DATE. Requires the district to hold an election for directors on the uniform election date in May of every odd-numbered year.

[Reserves Section 8804.055-8804.100 for expansion.]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8804.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Provides that the district has the rights, powers, privileges, functions, and duties provided by general law and applicable to groundwater conservation districts, including Chapter 36 (Groundwater Conservation Districts), Water Code.

[Reserves Section 8804.102-8804.150 for expansion.]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8804.151. AD VALOREM TAXES. Prohibits the district from imposing an ad valorem tax exceeding five cents on the \$100 valuation of taxable property in the district.

SECTION 2. Sets forth that certain actions of the Bee Groundwater Conservation District are validated and confirmed as if they had been authorized by law. Prohibits a governmental act or proceeding of the Bee Groundwater Conservation District occurring after an act or proceeding validated by this Act from being judged invalid on the basis that the act or proceeding was invalid in the absence of this Act.

SECTION 3. Repealer: Chapter 678 (Bee Groundwater Conservation District), Acts of the 75th Legislature, Regular Session, 1997.

SECTION 4. Effective date: upon passage or September 1, 2007.

EFFECTIVE DATE

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