

BILL ANALYSIS

H.B. 1923
By: Heflin
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The board of directors of the Irion County Water Conservation District wants to modify the board's enabling statute so that the board may better serve the current needs of the district.

H.B. 1923 increases the duration of the terms of directors of the Irion County Water Conservation District and modifies processes and management practices of the board.

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

H.B. 1923 amends the session law creating the Irion County Water Conservation District to specify that the district includes any territory added through annexation or consolidation in addition to all the territory located within Irion County.

H.B. 1923 requires the composition of the board of directors, if the district annexes territory or consolidates with another district, to be determined in a manner that is equitable to residents as provided by existing statutory provisions governing groundwater conservation districts and that is otherwise in compliance with existing statutory provisions governing the consolidation of such districts.

H.B. 1923 moves the election of directors to the district's governing board from the first Saturday in April of each year to the uniform election date in May and increases a director's term in office from two years to four years. The bill increases from \$25 to \$150 the maximum amount a director is entitled to receive as a fee of office for each day engaged in the director's duties for the district, with a limit of \$9,000 a year, as provided by law.

H.B. 1923 authorizes, rather than requires, the board to appoint a treasurer and an attorney for the district.

H.B. 1923 authorizes, rather than requires, the general manager of the board to execute a bond in the amount determined by the board, payable to the district, and conditioned on the faithful performance of the general manager's duties.

H.B. 1923 removes the requirement that board meetings be held at least once a month on a date established by rule of the board. The bill requires the board to enter into contracts as provided by existing statutes governing groundwater conservation districts, rather than the statutes governing water control and improvement districts. The bill removes the requirement that the board adopt a seal for the district and authorizes the name of the district to be changed if additional territory is annexed to the district or the district consolidates with another district. The bill modifies the

statement of the district's purpose to reflect its standing as a groundwater conservation district with certain powers and duties granted to all general law districts.

H.B. 1923 amends provisions relating to the district's contracting authority, its rulemaking authority, its exercise of powers and duties, the limitations on its permitting authority, its comprehensive planning requirements, its authority to acquire and construct works facilities, and its authority to sell and dispose of property by changing the statutory citations as applicable to reflect its standing as a groundwater conservation district rather than as a water control and improvement district and not as an underground water conservation district; by replacing existing references to underground water to groundwater, as applicable; and by making other conforming changes. The bill authorizes, rather than requires, the board to have professional engineers make studies and surveys of groundwater and surface waters in the district and related facilities, authorizes, rather than requires, those engineers to determine the quantities of both groundwater and surface water available in the district, and authorizes, rather than requires, the district to engage in research projects and develop information to be used by the district in its functions.

H.B. 1923 repeals a requirement for the general manager to prepare for the board a sworn statement of the amount of money that belongs to the district and an account of the disbursements of that money.

H.B. 1923 requires a director of the district whose term expires in May 2009 to serve a term that expires on the uniform election date in May 2012, and provides for a director elected to replace a director whose term expires in May 2010 to serve a four-year term. The bill specifies its provisions relating to terms of office of the board of directors applies to any regularly scheduled election held in 2012 or later.

H.B. 1923 repeals Section 53, Chapter 65, Acts of the 69th Legislature, Regular Session, 1985.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.