

BILL ANALYSIS

Senate Research Center
81R4822 HLT-F

H.B. 1947
By: Kuempel (Wentworth)
Natural Resources
5/1/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Guadalupe County Groundwater Conservation District (district) was created by the Texas Legislature in 1997 and the creation of the district was confirmed by the voters in Guadalupe County in 1999. The district has the authority to manage and conserve the groundwater resources within its boundaries. Certain procedures for the election process of the district need to be updated.

H.B. 1947 requires the Guadalupe County Groundwater Conservation District (district) to hold an election in the district to elect the appropriate number of directors to the district's board of directors. The bill also repeals Section 6(g) (relating to prohibiting as director from serving more than two consecutive four-year terms), Chapter 1066, Acts of the 75th Legislature, Regular Session, 1997.

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 Section 9, Chapter 1066, Acts of the 75th Legislature, Regular Session, 1997, as follows:

Sec. 9. ELECTION OF DIRECTORS. Requires the Guadalupe County Groundwater Conservation District (district), on the uniform election date in November of each odd-numbered year, to hold an election in the district to elect the appropriate number of directors to the district's board of directors. Deletes Subsection (a) and existing text relating to requiring an election, on the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election, to be held in the district for the election of three directors, each of whom is required to serve a two-year term, and four directors, each of whom is required to serve a four-year term; and deletes Subsection (b) and existing text providing that on the first Saturday in May of each subsequent second year following the election, the appropriate number of directors are required to be elected to the board.

SECTION 2. Repealer: Section 6(g) (relating to prohibiting a director from serving more than two consecutive four-year terms), Chapter 1066, Acts of the 75th Legislature, Regular Session, 1997.

SECTION 3. (a) Provides that all governmental acts and proceedings of the Guadalupe County Groundwater Conservation District relating to the election of members of the board of directors of the district that were taken before the effective date of this Act are validated, ratified, and confirmed in all respects as if they had been taken as authorized by law.

(b) Provides that this section does not apply to any matter that on the effective date of this Act is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment or has been held invalid by a final court judgment.

SECTION 4. (a) Provides that the legal notice of the intention to introduce this Act, setting forth the general substance of 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 entities to which they are required to be furnished under Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI (General Provisions), Texas Constitution, and Chapter 313 (Notice for Local and Special Laws), Government Code.

(b) Provides that the governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality (TCEQ).

(c) Provides that TCEQ has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) Provides that all requirements of the constitution and 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, 2009.