

BILL ANALYSIS

S.B. 1755
By: Fraser
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Clearwater Underground Water Conservation District (the "district") was created by the 71st Legislature, Regular Session, 1989, and was confirmed by the voters of Bell County in 1999. The district is responsible for protecting and managing the groundwater resources within all of the territory of Bell County. The district is governed by and operates pursuant to the authority granted in Chapter 36 (Groundwater Conservation Districts), Water Code; Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI (General Provisions), Texas Constitution; and its enabling Act.

S.B. 1755 changes the election date for the directors of the board of the district from the first Saturday in May to the uniform election date in November; provides a method of transition for the terms of district directors; and validates prior acts and proceedings of the district related to the election of directors.

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 Section 10(e), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, to require that the appropriate number of directors of the board of the Clearwater Underground Water Conservation District (district) be elected on the uniform election date in November, rather than the first Saturday in May, of even-numbered years.

SECTION 2. Requires a director of the board of the district who is serving on the day before the effective date of this Act to serve until the director's term expires. Requires a director whose term expires in May 2010, to serve until the director's successor has qualified following the director's election held on the uniform election date in November 2010, in accordance with Section 10(e), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, as amended by this Act. Requires a director whose term expires in May 2012, to serve until the director's successor has qualified following the directors' election held on the uniform election date in November 2012.

SECTION 3. (a) Provides that all governmental acts and proceedings of the 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 has 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. Provides the effective date of this Act.

EFFECTIVE DATE

This act takes effect upon passage or September 1, 2009.