

BILL ANALYSIS

S.B. 1895
By: Hegar
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2001, the 77th Texas Legislature passed H.B. 1274 by Representative Seaman, which was the enabling legislation for the Texana Groundwater Conservation District (district) to manage Jackson County's groundwater resources. The district was subsequently approved by the voters of Jackson County, who later approved the tax authority of the district.

S.B. 1895 makes a few changes to the enabling legislation of the district. It changes the election date of the Board of Directors from the May uniform election date to the November uniform election date. It deletes the power of eminent domain from the power of the district and it deletes the power to contract with a river authority to perform the functions of the district.

As proposed, S.B. 1895 amends current law relating to director elections and powers of the Texana Groundwater Conservation District.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

ARTICLE 1. ELECTION DATE

SECTION 1.01. NOVEMBER ELECTIONS. Amends Section 8(b), Chapter 307, Acts of the 77th Legislature, Regular Session, 2001, to require the appropriate number of members to the board of directors of the Texana Groundwater Conservation District (directors; district), on the uniform election date in November of each even-numbered year, rather than on the first Saturday in May of each subsequent second year following the election, to be elected.

SECTION 1.02. NOVEMBER ELECTIONS. Amends Section 3.1108(b), Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, to require the appropriate number of directors, on the uniform election date in November of each even-numbered year, rather than on the first Saturday in May of each subsequent second year following the election, to be elected.

ARTICLE 2. DISTRICT POWERS

SECTION 2.01. NO EMINENT DOMAIN POWER. (a) Amends Chapter 307, Acts of the 77th Legislature, Regular Session, 2001, by adding Section 4A, as follows:

Sec. 4A. NO EMINENT DOMAIN POWER. Prohibits the district from exercising the powers granted by Section 36.105 (Eminent Domain), Water Code.

(b) Amends Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, by adding Section 3.11041, as follows:

Sec. 3.11041. NO EMINENT DOMAIN POWER. Prohibits the district from exercising the powers granted by Section 36.105 (Eminent Domain), Water Code.

SECTION 2.02. CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES. Amends Section 10(b), Chapter 307, Acts of the 77th Legislature, Regular Session, 2001, as follows:

(b) Authorizes the district to contract with other governmental entities for the performance of any or all district functions, rather than to contract with other governmental entities, including river authorities located in the district, for the performance of any or all district functions. Prohibits the district from contracting with a river authority to perform district functions except as provided by Chapter 791 (Interlocal Cooperation Contracts), Government Code. Prohibits the district from exercising the powers granted by Section 36.105, Water Code. Deletes existing text authorizing a river authority with which the district contracts under this section to perform district functions as provided by the contract.

SECTION 2.03. CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES. Amends Section 3.1110(b), Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, as follows:

(b) Authorizes the district to contract with other governmental entities for the performance of any or all district functions, rather than to contract with other governmental entities, including river authorities located in the district, for the performance of any or all district functions. Prohibits the district from contracting with a river authority to perform district functions except as provided by Chapter 791, Government Code. Deletes existing text authorizing a river authority with which the district contracts under this section to perform district functions as provided by the contract.

ARTICLE 3. TRANSITION; VALIDATION; EFFECTIVE DATE

SECTION 3.01. TRANSITION. Requires a director of the district who is serving as a director 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 2012 to continue to serve until the director's successor has qualified following the directors' election held on the uniform election date in November 2012 in accordance with Section 8 (Election of Directors), Chapter 307, and Section 3.1108 (Election of Directors), Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, as amended by this Act. Requires a director whose term expires in May 2014 to continue to serve until the director's successor has qualified following the directors' election held on the uniform election date in November 2014.

SECTION 3.02. VALIDATION. (a) Provides that all governmental acts and proceedings of the district relating to the election or appointment 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:

- (1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or
- (2) has been held invalid by a final court judgment.

SECTION 3.03. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. (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, 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 3.04. Provides for the effective date of this Act.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.