

BILL ANALYSIS

Senate Research Center
83R4373 RWG-D

S.B. 1012
By: Zaffirini
Natural Resources
3/15/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1012 codifies the two enabling Acts that allowed the creation of and then created the McMullen Groundwater Conservation District (GCD).

The Texas Legislative Council (TLC) has been codifying all special law districts and placing the enabling legislation into the Special District Local Laws Code. However, TLC could not codify the McMullen GCD legislation on its own initiative because the election dates conflict in statute.

This bill codifies the election date as one uniform date in November in odd-numbered years.

As proposed, S.B. 1012 amends current law relating to the McMullen Groundwater Conservation District.

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 Subtitle H, Title 6, Special District Local Laws Code, by adding Chapter 8874, as follows:

CHAPTER 8874. MCMULLEN GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8874.001. DEFINITIONS. Defines "board," "director," and "district" in this chapter.

Sec. 8874.002. NATURE OF DISTRICT. Provides that the McMullen Groundwater Conservation District (district) is a groundwater conservation district created under and essential to accomplish the purposes of Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution.

Sec. 8874.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) Provides that the district is created to serve a public use and benefit.

(b) Provides that all land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

Sec. 8874.004. DISTRICT TERRITORY. Provides that the district's boundaries are coextensive with the boundaries of McMullen County unless the district's territory has been modified under Subchapter J (Adding Territory to District), Chapter 36, Water Code, or other law.

Sec. 8874.005. DISTRICT NAME CHANGE. Authorizes the district's board of directors (board) to change the district's name when the district annexes territory.

[Reserves Sections 8874.006-8874.050 for expansion.]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8874.051. COMPOSITION OF BOARD; TERMS. (a) Provides that the district is governed by a board of five directors.

(b) Provides that directors serve staggered four-year terms.

Sec. 8874.052. ELECTION OF DIRECTORS. (a) Provides that directors are elected according to the commissioners precinct method as provided by this section.

(b) Provides that one director is elected by the voters of the entire district. Provides that one director is elected from each county commissioners precinct by the voters of that precinct.

(c) Requires a person to indicate on an application for a place on the ballot the precinct that the person seeks to represent, or that the person seeks to represent the district at large.

(d) Provides that each director in office on the effective date of the change or elected to a term of office beginning on or after the effective date of the change, when the boundaries of the county commissioners precincts are changed, serves in the precinct to which the director was elected for the entire term to which the director was elected, even though the change in boundaries places the person's residence outside the precinct for which the person was elected.

Sec. 8874.053. ELECTION DATE. Requires that the appropriate number of directors, on the uniform election date in November of each odd-numbered year, be elected.

Sec. 8874.054. QUALIFICATIONS FOR OFFICE. (a) Requires a person, to be qualified to be a candidate for or to serve as director at large, to be a registered voter in the district.

(b) Requires a person, to be a candidate for or to serve as director from a county commissioners precinct, to be a registered voter of that precinct, except as provided by Section 8874.052(d).

(c) Provides that a person is not eligible to serve as a director unless the person owns land in the district.

Sec. 8874.055. BOARD VACANCY. Requires the remaining directors, if there is a vacancy on the board, to appoint a director to serve the remainder of the term.

[Reserves Sections 8874.056-8874.100 for expansion.]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8874.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Provides that the district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36 (Groundwater Conservation Districts), Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

[Reserves Sections 8874.102-8874.150 for expansion.]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8874.151. LIMITATION ON TAXES. Prohibits the district from imposing an ad valorem tax at a rate that exceeds five cents on each \$100 valuation of taxable property in the district.

SECTION 2. Amends Section 1(a), Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999, to remove McMullen Groundwater Conservation District from the list of groundwater conservation districts created under this subsection and to make nonsubstantive changes.

SECTION 3. Amends Section 2(a), Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999, as follows:

(a) Provides that the boundaries of the Crossroads Groundwater Conservation District are coextensive with the boundaries of Victoria County. Deletes existing text providing that the boundaries of the certain groundwater conservation districts are coextensive with certain county boundaries.

SECTION 4. Repealers: Part 6 (McMullen Groundwater Conservation District), Article 3, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001; and Chapter 1378 (relating to the ratification of the creation of the McMullen Groundwater Conservation District and to the administration, powers, duties, operation, and financing of the district), Acts of the 77th Legislature, Regular Session, 2001.

SECTION 5. Provides that all requirements of the constitution and the 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 6. Effective date: September 1, 2013.