

BILL ANALYSIS

Senate Research Center
85R878 GRM-F

H.B. 886
By: King, Ken (Seliger)
Agriculture, Water & Rural Affairs
5/5/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 886 amends Hemphill County Underground Water Conservation District's enabling legislation to reflect updates in statutory language and changes the district's election date to the uniform election date.

H.B. 886 amends current law relating to the powers and election dates of the Hemphill County Underground Water 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 Section 1(a), Chapter 157, Acts of the 74th Legislature, Regular Session, 1995, as follows:

(a) Deletes existing text providing that the Hemphill County Underground Water Conservation District (district) is subject to approval at a confirmation election under Section 8 of this Act. Deletes existing text providing that the district is a governmental agency and a body politic and corporate.

SECTION 2. Amends Section 5, Chapter 157, Acts of the 74th Legislature, Regular Session, 1995, as follows:

Sec. 5. Powers. (a) Provides that the district has all of the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36 (Groundwater Conservation Districts), Water Code, rather than Chapter 50 (Provisions Generally Applicable to Districts) and 52 (Underground Water Conservation Districts), Water Code, applicable to certain groundwater conservation districts, rather than underground water conservation districts, except the district is prohibited from exercising the power of eminent domain for any purpose.

(b) Provides that the rights, powers, privileges, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Commission on Environmental Quality, rather than the Texas Natural Resource Conservation Commission. Makes a conforming change.

SECTION 3. Amends Section 6(e), Chapter 157, Acts of the 74th Legislature, Regular Session, 1995, as follows:

(e) Requires each director to qualify to serve as director in the manner provided by Section 36.055 (Sworn Statement, Bond, and Oath of Office), Water Code, rather than Sections 51.078 and 51.079, Water Code.

SECTION 4. Amends Section 9, Chapter 157, Acts of the 74th Legislature, Regular Session, 1995, as follows:

Sec. 9. ELECTION OF DIRECTORS. Requires the district, on the uniform election date in May of each even-numbered year to hold an election to elect the appropriate number of directors to the board. Makes conforming changes. Deletes existing text requiring that 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, be held in the district for the election of certain directors.

SECTION 5. Repealer: Sections 6(b) (relating to the term of temporary directors) and (c) (relating to the term of initial permanent directors), Section 7 (relating to the appointment of five permanent directors by the commissioners court of Hemphill County), Section 8 (relating to the election called and held by the temporary board of directors), and Section 10 (relating to the publication of a certain notice), Chapter 157, Acts of the 74th Legislature, Regular Session, 1995.

SECTION 6. 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 7. Effective date: upon passage or September 1, 2017.