

BILL ANALYSIS

C.S.S.B. 1888
By: Staples
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas faces a difficult challenge to develop water policies that serve state and regional interests. The Texas Constitution authorizes the creation of groundwater conservation districts to plan, develop, and regulate the use of water.

S.B. 1888 authorizes the creation of the Southeast Texas Groundwater Conservation District, subject to approval at a confirmation election, to manage groundwater resources in Jasper and Newton counties.

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. Definitions.

SECTION 2. Provides that a district to be known as the Southeast Texas Groundwater Conservation District is created in Jasper and Newton counties subject to approval at a confirmation election under Section 13 of the Act. Also provides that the district is a governmental agency and a political subdivision of the state.

SECTION 3. Provides that the district is created under Section 59, Article XVI, Texas Constitution.

SECTION 4. Provides that the district created to serve a public use and benefit.

SECTION 5. Provides that the district's boundaries are coextensive with Jasper and Newton Counties.

SECTION 6. Defines the general powers the district will possess.

SECTION 7. (a) Provides that the district by rule may require a person to obtain a permit from the district for the transfer of groundwater out of the district consistent with Section 36.122, Water Code, and may regulate the terms on which a permit holder under those rules may conduct the transfer.

(b) Provides that the district may not require a permit for a well incapable of producing more than 25,000 gallons of groundwater a day.

(c) Provides that the district may not impose a tax.

(d) Provides that the district by rule may impose reasonable fees on each permitted, non-exempt well.

(e) Provides that a fee must be based on the amount of water to be withdrawn from the well and may not exceed one cent per thousand gallons groundwater withdrawn for any purpose.

(f) Provides an exemption for mining wells.

(g) Provides that the district may not exercise the power of eminent domain; issue bonds; or purchase groundwater rights.

SECTION 8. Relates to the applicability of law regarding this Act.

SECTION 9. Sets forth guidelines for the Board of Directors. S.B. 1888 provides that the district is governed by a board of seven directors (board) and sets forth provisions regarding the administration of the board and the qualifications and terms of the directors.

SECTION 10. Defines the appointment of directors. The bill requires the Jasper and Newton County Commissioners Courts to each appoint two directors and jointly appoint one director. The bill also provides that the Jasper and Newton City Council shall appoint one director each.

SECTION 11. Sets guidelines for an organizational meeting.

SECTION 12. Provides for landowners rights regarding lessees and assigns in groundwater.

SECTION 13. Sets guidelines for the confirmation election of the district.

SECTION 14. Defines provisions for the addition of other counties to the district.

SECTION 15. Findings related to procedural requirements.

SECTION 16. Effective Date. On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute allows the Jasper County Commissioners Court to appoint two (2) rather three (3) directors. One director shall represent rural water utilities and small municipal water supply interests, and one director shall represent the large industrial groundwater supply interests of the county.

The substitute allows the Newton County Commissioners Court to appoint two (2) rather three (3) directors. One director shall represent rural water utilities and small municipal water supply interests, and one director shall represent the forestry or agricultural groundwater supply interests of the county.

The substitute provides that the Newton City Council shall appoint one director and the Jasper City Council shall appoint one director.