

BILL ANALYSIS

Senate Research Center
79R16087 QS-F

H.B. 2815
By: Campbell (Armbrister)
Natural Resources
5/21/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 2815 creates the Concho River Watermaster Program to ensure compliance with water rights in the Concho River segment of the Colorado River Basin.

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 Chapter 11, Water Code, by adding Subchapter K, as follows:

SUBCHAPTER K. CONCHO RIVER WATERMASTER PROGRAM

Sec. 11.551. DEFINITIONS. Defines "advisory committee," "executive director," "program," "water right holder," and "water user."

Sec. 11.552. CONCHO RIVER WATERMASTER PROGRAM. Provides that the Concho River Watermaster Program (program) is established to ensure compliance with water rights described by Section 11.553.

Sec. 11.553. JURISDICTION OF WATERMASTER. Sets forth the area of the watermaster's jurisdiction.

Sec. 11.554. WATERMASTER; APPOINTMENT OF DEPUTY WATERMASTER. (a) Requires the watermaster for the South Texas Watermaster Program to serve as watermaster for the program.

(b) Requires the watermaster to appoint a deputy watermaster, who is required to reside in the area of the watermaster's jurisdiction.

(c) Prohibits certain persons from being a watermaster or deputy watermaster.

Sec. 11.555. DUTIES AND AUTHORITY OF WATERMASTER. Sets forth the duties and authority of the watermaster.

Sec. 11.556. APPOINTMENT OF NONVOTING MEMBER OF SOUTH TEXAS WATERMASTER ADVISORY COMMITTEE. (a) Requires the executive director of the Texas Commission on Environmental Quality (executive director) to appoint a person who resides in the area of jurisdiction of the watermaster to the South Texas Watermaster Advisory Committee.

(b) Provides that, except as otherwise provided by this section, Section 11.3261 (Watermaster Advisory Committee) applies to a member of the South Texas Watermaster Advisory Committee appointed under this section.

(c) Authorizes a member of the South Texas Watermaster Advisory Committee appointed under this section to attend all meetings of that committee and enter

into discussions at the meetings, but prohibits the person from voting at the meetings.

Sec. 11.557. CONCHO RIVER WATERMASTER ADVISORY COMMITTEE. (a) Provides that the Concho River Watermaster Advisory Committee (advisory committee) consists of 13 members appointed by the executive director, and sets forth the lists of candidates from which the executive director is required to choose.

(b) Authorizes the executive director, if the city or the petitioners do not submit a list of candidates, after reasonable notice, to appoint to the advisory committee the appropriate number of members selected at the executive director's discretion.

(c) Requires the executive director, if a vacancy occurs on the advisory committee, to fill the vacancy for the unexpired term by appointing a person selected in the same manner as the person being replaced.

(d) Requires an advisory committee member to serve for a term of two years.

(e) Provides that the advisory committee member serves without compensation.

(f) Sets forth the duties of the advisory committee.

Sec. 11.558. FEES. Requires fees assessed under the program to be of the same type and rate as those under the South Texas Watermaster Program.

Sec. 11.559. REFERENDUM. (a) Authorizes a water right holder, on or after September 1, 2009, to petition the advisory committee to conduct a referendum on the continuation of the program.

(b) Requires the advisory committee to conduct a referendum if it receives a petition signed by at least 50 percent of the water right holders.

(c) Requires a referendum under this section to be held on a uniform election date.

(d) Provides that only current water rights holders are eligible to vote in the referendum.

(e) Requires the program to be discontinued if at least 55 percent of the votes in the referendum favor discontinuing the program.

Sec. 11.560. COLORADO RIVER BASIN WATERMASTER PROGRAM. Provides that if a watermaster program is established for the entire Colorado River segment, the Concho program is discontinued, and the area formerly in the jurisdiction of the Concho program is under the jurisdiction of the watermaster for the Colorado River Basin Watermaster Program.

Sec. 11.561. APPLICABILITY OF OTHER LAW AND COMMISSION RULES. Provides that a provision of this code or a rule adopted by the Texas Commission on Environmental Quality that relates to watermasters and does not conflict with the provisions of this subchapter applies to the program established under this subchapter.

SECTION 2. Provides that on the effective date of this Act, the provisions of this Act supersede any conflicting orders issued by the Texas Commission on Environmental Quality regarding a watermaster program for the Concho River segment described by Section 11.533, Water Code, as added by this Act.

SECTION 3. Effective date: September 1, 2005.