

BILL ANALYSIS

C.S.H.B. 2815
By: Campbell
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 1954, Zapata water and sewer plant was built by the federal government during the relocation of the town of old Zapata to its existing location near Falcon Dam. The primary purpose of this plant was to provide water and sewer services for the Air Force radar installation and to provide the same services as the new town of Zapata developed for the local residence. Since that time, control has been turned over to county government and the plant has been operated as a department of the county.

Due to age, growth in population, increased demand and new standards for water and sewer utility services a separate municipal water district with all the powers attached is required to fund and operate the system in the future. The district being formed will take over the same area covered by certificate of convenience and necessity.

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

The committee substitute for H.B. 2815 amends Chapter 11 of the Water Code by adding Subchapter K which establishes a watermaster for the Concho River segment of the Colorado River Basin.

SECTION 1:

New Sec. 11.551 – Contains definitions.

New Sec. 11.552 - provides that the Concho River Watermaster Program is established to assure compliance with water rights described in this new Subchapter K.

New Sec. 11.553 - Establishes jurisdictional boundaries of the Concho River Watermaster.

New Sec. 11.554 – Places the Concho River Watermaster Program under the South Texas Watermaster Program. It also provides for the appointment of a deputy watermaster permanently located in the Concho River segment.

New Sec. 11.555 – Describes the duties of the Concho River Watermaster as being the same as under the South Texas Watermaster Program.

New Sec. 11.556 – Provides for the appointment of a non-voting member to the advisory committee of the South Texas Watermaster Program. The appointee is appointed by the executive director of the Texas Commission on Environmental Quality and must reside in the Concho River segment.

New Sec. 11.557 – Provides for the appointment of a thirteen member local advisory committee, to provide recommendations, advice, and assistance to the watermaster or

deputy watermaster. Provides for terms of office, methods of filling vacancies and duties.

New Sec. 11.558 – Provides for fees assessed in the Concho River Watermaster Program to be the same type and same rate as those assessed in the South Texas Watermaster Program.

New Sec. 11.559 – Provides for a referendum after four years as to whether the office of the Concho River Watermaster Program shall be abolished.

New Sec. 11.560 - Provides that if a watermaster program is ever established for the Colorado River segment, then the Concho River Watermaster Program shall cease and become a part of the Colorado River Watermaster Program.

New Sec. 11.561 - Provides that provisions of the Water Code or rules adopted by the commission that relate to watermasters, also apply to the Concho River Watermaster Program provided they do not conflict with provisions of this bill.

Section 2 contains non-amendatory language providing that provisions of this act supersede any conflicting orders issued by the Texas Commission on Environmental Quality.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

Sec. 11.552 is amended to provide that the Concho River Watermaster Program is established to assure compliance with water rights described in this new Subchapter K.

Sec. 11.553 is amended to describe the jurisdictional boundaries of the Concho River Watermaster Program.

Sec. 11.554 is amended to appoint the South Texas Watermaster as watermaster of the Concho River Watermaster Program and provides for the appointment of a deputy watermaster who must live in the area.

Sec. 11.555 is amended to provide that the duties and authority of the watermaster of the Concho River Watermaster Program shall be the same as those under the South Texas Watermaster Program.

Sec. 11.556 is amended to provide for the appointment of a non-voting member to the South Texas Watermaster Program who is from the Concho River segment.

Sec. 11.557 is amended to establish a thirteen-member advisory committee for the Concho River Watermaster Program. It describes the method of selection and duties of the advisory board.

Sec. 11.558 is changed to provide that fees assessed against the Concho River Watermaster Program shall be of the same type and rate as assessed under the South Texas Watermaster Program.

Sec. 11.559 is changed from the original to address advisory committee name-change and change to the number of members. The section also removes language from the original bill dealing with disposal of assets should the Concho River Watermaster Program be discontinued under a referendum.

Sec. 11.556 is added to cause the Concho River Watermaster Program to cease in the event a watermaster program is established for the entire Colorado River segment. In that event, the Concho River would fall under the jurisdiction of the Colorado River Watermaster Program.

Section 2 is changed to delete language dealing with duties of the presiding judge of the 119th District Court, including the appointment of the water master. Non-amendatory language is inserted instead to provide that orders issued by the Texas Commission on Environmental Quality which may be in conflict with this Act are superseded by this Act.