

## **BILL ANALYSIS**

C.S.H.B. 3568  
By: Seaman  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

San Patricio County has an adequate water supply to provide for its current and near future needs, be they agricultural, municipal or industrial. Currently, the county does not have a groundwater conservation district, and interest in creating one has gained momentum in recent years. Circa 1996-97, a bill was written, submitted to the Legislature and passed to allow the County to hold an election to determine whether the citizens wanted a groundwater district. At that time, the district was not approved by the voters. There have been several suggestions as to the reasons for its failure: (1) the bill did not include the whole county; (2) there was not enough time between passage by the Legislature and the vote to properly explanation of what the district might accomplish; (3) there was a perception that the areas included and individuals involved were all irrigators, and that the whole county was not consulted; (4) no existing political entity was associated with the legislation; and (5) no study was conducted regarding the availability and usage of underground water in the County.

The current legislation has been developed with the above concerns in mind. Initially, a group of interested persons gathered informally to formulate ideas about the proper approach for obtaining new legislation and a positive vote. Following this meeting in early 2004, the San Patricio County Commissioners Court was approached to appoint a committee of five people representing various parts of the County and all major water users. The committee was appointed in March 2004 with the directive to study water availability and usage in the County. The committee met with all water users, water producers and potential water providers in the County to determine their needs and concerns related to underground water. Following extensive study, the committee determined that new legislation to create a groundwater conservation district in San Patricio County was both necessary and desirable, and that it probably will gain passage by the voters.

Therefore, the purpose of this bill is to allow the voters of San Patricio County to determine whether they want to create a groundwater conservation district.

### **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 - This section gives general provisions of the proposed legislation, which clarify the need for confirmation by election and outline the initial district boundaries. This section also states the application of Chapter 36 of the Water Code, along with the need for appointment of temporary directors, an election for voter confirmation of the district and election of initial directors and the first election of permanent directors. Finally, this section defines the terms of the directors, future election of permanent directors, outlines powers and duties of the district and places an upper limit on taxes levied by the district.

SECTION 2 - This section states the legal notifications required to introduce this act, including the Governor, Lt. Governor, Speaker of the House and TCEQ.

SECTION 3 - Establishes the effective date of this legislation.

### **EFFECTIVE DATE**

This Act takes effect immediately if it receives a vote of two-thirds of all the members. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 3568 modifies the original bill by adding Section 8817.006 which relates to the creation and operation of an aquifer storage and recovery district in San Patricio County. This section has been added so that the two districts can co-exist with overlapping jurisdictions without conflict.