

BILL ANALYSIS

C.S.S.B. 1831
By: Hinojosa
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

As proposed, C.S.S.B. 1831 creates a conservation and reclamation district in Nueces, Kleberg, and San Patricio counties, to develop and protect municipal aquifer storage areas created by the City of Corpus Christi.

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. Amends Subtitle H, Title 6, Special District Local Laws Code, by adding Chapter 8811, as follows:

CHAPTER 8811. CORPUS CHRISTI AQUIFER STORAGE AND RECOVERY CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8811.001. DEFINITIONS. Defines "board," "director," and "district."

Sec. 8811.002. NATURE OF DISTRICT. Provides that the Corpus Christi Aquifer Storage and Recovery Conservation District (district) is a conservation and reclamation district in Kleberg, Nueces, and San Patricio counties created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. Creates the district to develop and protect municipal aquifer storage areas created by the City of Corpus Christi.

Sec. 8811.003. CONFIRMATION ELECTION NOT REQUIRED. Provides that an election to confirm the creation of the district is not required.

Sec. 8811.004. INITIAL DISTRICT TERRITORY. Provides that the initial boundaries of the district are coextensive with the city limits of the City of Corpus Christi and include certain property in specific counties.

Sec. 8811.005. APPLICABILITY OF OTHER LAW. Provides that, except as otherwise provided by this chapter, Chapter 36 (Groundwater Conservation Districts), Water Code, applies to the district.

Sec. 8811.006. CREATION OF GROUNDWATER CONSERVATION DISTRICTS IN SAN PATRICIO COUNTY. (a) Provides that this chapter does not preclude the creation of a groundwater conservation district in San Patricio County.

(b) Prohibits a groundwater conservation district created in San Patricio County from limiting or restricting the district from recovering water stored by the district in a municipal aquifer storage area in the district, even if the municipal aquifer storage area is also located in the groundwater conservation district.

(c) Provides that to the extent that the boundaries of the district and a groundwater conservation district in San Patricio County overlap, the power and authority of the two districts are joint and coextensive.

(d) Exempts the district and land in the district from taxes and fees imposed by a groundwater conservation district created in San Patricio County.

[Reserves Sections 8811.007-8811.020 for expansion.]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8811.021. DIRECTORS; TERMS. Provides that the district is governed by a board of five directors (board) who serve staggered four-year terms, except for some of the initial directors. Sets forth the procedure to determine which initial directors are to serve a four-year term and which are to serve a two-year term.

Sec. 8811.022. APPOINTMENT OF DIRECTORS. Requires the Corpus Christi City Council to appoint the directors.

Sec. 8811.023. VACANCY. Authorizes the board, if a vacancy occurs on the board, to appoint a director to serve the remainder of the term.

Sec. 8811.024. OFFICERS. Requires the board to annually elect officers. Requires the officers to be confirmed by the Corpus Christi City Council.

[Reserves Sections 8811.025-8811.050 for expansion.]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8811.051. AQUIFER STORAGE AND RECOVERY PROJECTS. Authorizes the district to implement and develop aquifer storage and recovery projects.

Sec. 8811.052. MUNICIPAL AQUIFER STORAGE AREAS IN SAN PATRICIO COUNTY. Prohibits the district from allowing more water to be recovered from a municipal aquifer storage area in San Patricio County than the amount of water stored by the district at the municipal aquifer storage area.

Sec. 8811.053. TAXES AND BONDS PROHIBITED. Prohibits the district from imposing a tax or issuing bonds.

Sec. 8811.054. EMINENT DOMAIN. The district may not exercise the power of eminent domain.

SECTION 2. 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 3. Effective date: upon passage or September 1, 2005.

EFFECTIVE DATE

Upon passage or September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute expressly states that the district does not have the power of eminent domain. The substitute also removes the production fees from the bill.