

BILL ANALYSIS

C.S.H.B. 1591
By: Rose
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Hays Trinity Groundwater Conservation District (district) works to conserve, preserve, recharge, and prevent the waste of groundwater within western Hays County. The district sits in one of Texas' most depleted aquifer areas and the area has been designated as a Priority Groundwater Management Area. Current law does not adequately enable the district to carry out its functions.

C.S.H.B. 1591 authorizes the district to enter into contracts, collect information to assist in joint planning efforts in the management area of the district, and prepare a budget and conduct an audit in accordance with Chapter 36 of the Water Code. C.S.H.B. 1591 changes the length of terms to be served by the directors from two to four years, allows vacancies to be filled by appointment of the board, provides for the election date for directors to be the uniform election date prescribed by the Election Code, and authorizes the fees of the district to be used to pay administrative and other expenses of the district. Certain provisions which allow the Hays County Commissioners Court to call an election to either affirm or reverse a decision of the directors of the district and to request that the county auditor audit the performance of the district are removed by C.S.H.B. 1591.

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 bill authorizes the Hays Trinity Groundwater Conservation District (district) to require that any well constructed or altered in the district after September 1, 2007, comply with the construction standards adopted by the district to protect the uniquely layered aquifers the district is mandated to conserve.

The bill authorizes the district by rule to adopt well construction standards that are more protective of the groundwater in the aquifers in the district than the minimum standards of this state for well construction. The bill requires the rules adopted to ensure that a well is drilled, equipped, and maintained in a manner to prevent the commingling of water in different aquifers or the draining of the water from a higher aquifer into a lower aquifer.

The bill requires the district to annually prepare a budget and conduct an audit. The bill deletes existing text requiring the report to include proposed expenditures and disbursements and estimated receipts and collections for the next fiscal year, and existing text requiring that a public hearing be held on the proposed budget. The bill deletes existing text requiring the district to publish notice of the hearing and related information.

The bill provides that permanent directors serve staggered four-year terms, rather than two-year terms.

The bill requires that a vacancy on the board be filled in accordance with Chapter 36.051, Water Code, rather than the Hays County Commissioners Court appointing a director to serve the remainder of the term.

The bill authorizes the board of, rather than initial or permanent, directors to revise the single member districts as necessary or appropriate. The bill entitles a director, when the boundaries of the single-member districts are changed, if the director is in office on the effective date of the change, or elected or appointed before the effective date of the change to a term of office beginning on or after the effective date of the change, to serve the term or remainder of the term in the single-member district to which elected or appointed even though the change in boundaries places the person's residence outside the single-member district for which the person was elected or appointed. The bill deletes existing text requiring that at the first election after the single-member districts are revised, a new director be elected from each district, and also deletes text regarding the terms served by the directors.

The bill deletes existing election date, and requires that the appropriate number of directors be elected on the uniform election date in May of each even-numbered year.

The bill requires that an election be held on the uniform election date in May 2009, in the district for the election of the directors from single-member districts 2 and 4 to serve one-year terms.

The bill deletes existing text prohibiting the district from assessing or collecting any fees except as authorized by Subsection (a) or (b) of this section.

The bill requires the district to prevent depletion of the aquifers in the district, to set fees for the production of groundwater that promote the conjunctive use of surface water and groundwater and authorizes the district to charge groundwater production fees that make the price of using groundwater consistent with the price of using raw surface water.

The bill authorizes the district to use fees collected to pay the administrative and other expenses of the district.

The bill repeals Sections 3.0304(d) and 3.0306(b), Chapter 966, Acts of the 77th Legislature, Regular Session, 2001.

The bill provides that the Hays Trinity Groundwater Conservation District directors elected from single-member districts 2 and 4 on the uniform election date in May 2007 serve the two-year terms to which they were elected.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds new language to the bill that authorizes the Hays Trinity Groundwater Conservation District (district) to adopt well construction standards to protect the uniquely layered aquifers the district is mandated to conserve.

The substitute authorizes the district by rule to adopt well construction standards that are more protective of the groundwater in the aquifers in the district than the minimum standards of this state for well construction. The substitute requires the rules adopted to ensure that a well is drilled, equipped, and maintained in a manner to prevent the commingling of water in different aquifers or the draining of the water from a higher aquifer into a lower aquifer.

The substitute requires the district for the purpose of preventing depletion of the aquifers in the district, to set fees for the production of groundwater that promote the conjunctive use of surface water and groundwater and authorizes the district to charge groundwater production fees that make the price of using groundwater consistent with the price of using raw surface water.

The substitute authorizes the district to use fees collected under Section 3.0312 or 3.03121 of this part to pay the administrative and other expenses of the district. In the introduced version, only Section 3.0312 is referenced.

The substitute deletes existing text prohibiting the district from assessing or collecting any fees except as authorized by Subsection (a) or (b) of this section.

The substitute does not contain language contained in the introduced version authorizing the district to enter into contracts in the manner provided by Section 36.067, Water Code. In addition, the substitute does not contain language contained in the introduced version requiring the district to collect information as permitted under Section 36.109, Water Code, to assist in joint planning efforts in the management area of the district under Section 36.108, Water Code.