

BILL ANALYSIS

C.S.H.B. 3985
By: Hardcastle
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Tri-County Groundwater Conservation District was created by the Texas Legislature for Foard, Hardeman, and Wilbarger counties, however, the district was only confirmed in Foard and Hardeman counties.

C.S.H.B. 3985 changes the name of the Tri-County Groundwater Conservation District to the Gateway Groundwater Conservation District as the final composition of the district does not reflect three counties, as initially envisioned. The legislation also clarifies that Wilbarger County is not part of the groundwater district, and that the district may annex counties in a manner that is consistent with Chapter 36, Water Code. If other counties are annexed, the district's board of directors will be comprised of an equal number of directors from each county and the directors will be appointed and elected as stated in Chapter 36, Water Code.

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. Section 1(a), Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999, is amended by deleting Subdivision (13) referencing the Tri-County Groundwater Conservation District.

SECTION 2. Section 2(a), Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999, is amended by deleting Subdivision (10) referencing the Tri-County Groundwater Conservation District and its boundaries.

SECTION 3. Section 2, Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001, is amended to provide that in this Act, "district" means the Gateway Groundwater Conservation District rather than the Tri-County Groundwater Conservation District.

SECTION 4. Section 3, Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001 is amended to provide that the boundaries of the district are coextensive with the boundaries of Foard and Hardeman counties and authorizes the district to add territory as provided by Chapter 36, Water Code. Deletes Wilbarger County.

SECTION 5. Section 4(a), Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001, is amended by deleting the reference to Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999.

SECTION 6. Section 5(a), Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001, is amended by providing that the district is governed by a board of directors in the manner provided by Section 36.051, Water Code. Deletes a reference to a certain number of directors.

SECTION 7. Section 7(a), Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001, is amended to require the commissioners court of each county in the district to appoint an equal number of directors. Deletes a reference to a certain number of directors.

SECTION 8. Repeals Part 12, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, and Sections 1, 4(b), 5(b), 6, 7(b) and (c), and 8, Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001.

SECTION 9. The board of directors of the Gateway Groundwater Conservation District are required to hold an election under Section 36.328, Water Code, to annex territory to the district.

SECTION 10. States that the notice requirements were met.

SECTION 11. Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute amends the introduced bill to define the boundaries of the district to be the counties of Foard, Hardeman and exclusively not Wilbarger. It also states that any additional territory can be added to the district under Chapter 36 of the Water Code. These are technical clarifications.