

## **BILL ANALYSIS**

C.S.S.B. 661  
By: Wentworth  
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.

CSSB 661 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. CSSB 661 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 CSSB 661.

### **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**

CSSB 661 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.

CSSB 661 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.

CSSB 661 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.

CSSB 661 provides that permanent directors serve staggered four-year terms, rather than two-year terms.

CSSB 661 requires that a vacancy on 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.

CSSB 661 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 the terms served by the directors.

CSSB 661 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.

CSSB 661 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.

CSSB 661 deletes existing text prohibiting the district from assessing or collecting any fees except as authorized by Subsection (a) or (b) of this section.

CSSB 661 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 prohibits the district from imposing a fee on a retail public utility, if the utility is a nonprofit potable water service provider and is totally reliant on groundwater for its water supply.

CSSB 661 authorizes the district to use fees collected to pay the administrative and other expenses of the district.

CSSB 661 repeals Sections 3.0304(d) and 3.0306(b), Chapter 966, Acts of the 77th Legislature, Regular Session, 2001.

CSSB 661 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.

CSSB 611 takes effect September 1, 2007.

### **EFFECTIVE DATE**

September 1, 2007.

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

The substitute prohibits the Hays Trinity Groundwater Conservation District (district) from imposing a fee set under Section 3.03121 of the Act on a retail public utility, if the utility is a nonprofit potable water service provider and is totally reliant on groundwater for its water supply.