

BILL ANALYSIS

C.S.H.B. 2340
By: Miller, Sid
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Middle Trinity Groundwater Conservation District currently manages and conserves the groundwater resources of Erath and Comanche counties. Based on the recent Central Texas-Trinity Aquifer Priority Groundwater Management Area study and designation by the Texas Commission on Environmental Quality and the increased awareness of groundwater issues in Central Texas, several counties have approached the district to discuss the annexation of the counties into the district. The district's enabling act must be amended to efficiently address the board of director and election issues which the district would face if one or more counties are annexed. Further, clarification of the ability of the district to enforce its rules and regulations with the groundwater users within its boundaries is necessary to enable the district to carry out the purposes for which it was created—the protection and preservation of the groundwater resources in its area.

C.S.H.B. 2340 amends the enabling act of the Middle Trinity Groundwater Conservation District to authorize the board to change the number of directors elected from a district, move the election to the uniform election date in May, and set out provisions for the composition of the board and the election of directors following the annexation of additional counties.

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

C.S.H.B. 2340 amends Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, to amend the enabling statute of the Middle Trinity Groundwater Conservation District. The bill excludes the district from regulations limiting the membership of a board of directors for a groundwater conservation district and authorizes the board by resolution to change the number of directors elected from a county in the district for the purpose of equalizing representation of the residents of the district. The bill changes the date for the election of directors to the board of the district to be the uniform election date in May of each even-numbered year, rather than the first Saturday in May of each subsequent second year following the first election of permanent directors.

C.S.H.B. 2340 sets out provisions for the composition of the board and the election of directors following the annexation by the board of one or two additional counties. The bill sets out provisions for the composition of the board and the election of directors following the annexation by the district of a third additional county or the simultaneous or subsequent annexation of the territory of other additional counties.

C.S.H.B. 2340 makes any rules adopted by the district regarding addition of territory to the district applicable to all persons and entities except as otherwise provided by law. The bill authorizes the district to enforce its rules and state laws regarding groundwater conservation

districts as provided by law for such districts and, in addition to other remedies provided by law, to impose a fee on a person or entity for violation of a rule of the district or failure to comply with an order issued by the district.

C.S.H.B. 2340 defines "board," "director," and "district."

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2340 adds a provision not in the original to authorize the board of directors of the Middle Trinity Groundwater Conservation District by resolution to change the number of directors elected from a county in the district for the purpose of equalizing representation of the residents of the district.