

BILL ANALYSIS

Senate Research Center

S.B. 2321
By: Averitt
Natural Resources
4/8/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill makes minor changes to Chapters 35 (Groundwater Studies) and 36 (Groundwater Conservation Districts), Water Code, to update and clarify certain provisions related to the management of groundwater resources in this state, including consistency between statutes governing districts, Texas Department of Licensing and Regulation's (TDLR) rules governing licensed water well drillers, and certain provisions of the Election Code related to vacancies of public office.

As proposed, S.B. 2321 requires notice of priority groundwater management area designation to state legislators; authorizes districts, at their sole discretion, to determine that certain TDLR documents satisfy Chapter 36 requirements; and provides that the procedures governing vacancies in public office under the Election Code apply to districts. Finally, the bill provides that a county or governmental entity is authorized to loan funds for purposes of district creation or organization.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 35.009(c), Water Code, to require the Texas Natural Resource Conservation Commission (TNRCC) to also give written notice of the date, time, place, and purpose of the hearing to each state senator and state representative who represents any part of the area proposed for designation as a priority groundwater management area and the governing body of each county, regional water planning group, adjacent groundwater district, municipality, river authority, water district, or other entity which supplies public drinking water, including each holder of a certificate of convenience and necessity issued by TNRCC, and of each irrigation district, located either in whole or in part of the priority groundwater management area or proposed priority groundwater management area.

SECTION 2. Amends Section 36.051, Water Code, by amending Subsection (c) and adding Subsection (e), as follows:

(c) Provides that vacancies in the office of a member of the board of directors of a district (director) are subject to Subchapter B (Time Vacancy Occurs), Chapter 201 (Determination of and Election to Fill Vacancy), Election Code.

(e) Provides that the resignation of a director or a director-elect's declination is subject to Subchapter A (Resigning or Declining Office), Chapter 201, Election Code.

SECTION 3. Amends Section 36.058, Water Code, as follows:

Sec. 36.058. CONFLICTS OF INTEREST. Provides that a director of a district authority [any district or authority created under Section 52 (Counties, Cities or Other

Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), Article III (Legislative Department), or Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI (General Provisions), Texas Constitution, that has the authority to regulate the spacing of water wells, the production from water wells, or both] is subject to the provisions of Chapters 171 (Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments) and 176 (Disclosure of Certain Relationships with Local Government Officers; Providing Public Access to Certain Information), Local Government Code, rather than Chapter 171, relating to the regulation of conflicts of officers of local governments.

SECTION 4. Amends Section 36.111, Water Code, by adding Subsection (c), to authorize a district by rule to establish that the records and reports required by the Texas Department of Licensing and Regulation (TDLR) under its rules or Chapter 1901 (Water Well Drillers), Occupations Code, satisfy the requirements of this section.

SECTION 5. Amends Section 36.112, Water Code, as follows:

Sec. 36.112. DRILLERS' LOGS. Authorizes a district by rule to establish that the drillers' logs required by TLDR under its rules or Chapter 1901, Occupations Code, satisfy the requirements of this section.

SECTION 6. Amends Section 36.117(b), Water Code, to prohibit a district from requiring any permit issued by the district for certain wells or the drilling of a certain water wells, including a monitoring well, as defined by Section 1901.001 (Definitions), Occupations Code. Makes nonsubstantive changes.

SECTION 7. Amends Section 36.157(a), Water Code, to authorize a district to pay all costs and expenses necessarily incurred in the creation and organization of a district, including legal fees and other incidental expenses, and to reimburse any person or governmental entity, including a county, for money advanced for these purposes.

SECTION 8. Effective date: September 1, 2009.