

BILL ANALYSIS

H.B. 3865
By: Isaac
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that legislation is needed relating to the Hays Trinity Groundwater Conservation District in regard to board membership, new well permits, and high volume well production and permits. H.B. 3865 seeks to address these issues by amending provisions of law relating to the district.

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

H.B. 3865 amends Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, to specify that the exemption from the requirements of provisions of the Water Code relating to groundwater conservation districts and the prohibition against certain wells being regulated, permitted, or metered by the Hays Trinity Groundwater Conservation District apply to a well used for domestic use by a single private residential household and producing not more than 15,000 gallons per day, rather than producing less than 25,000 gallons per day.

H.B. 3865 establishes that a permanent director of the district serves a staggered four-year term, rather than a staggered two-year term. The bill prohibits a director from serving more than two consecutive four-year terms. The bill authorizes a former director to serve a third or subsequent term if that director has not served for four years. The bill authorizes a former director who has not served for four years to be appointed to fill a vacancy on the board of directors and, if elected, to serve two full terms after the expiration of the term to fill the vacancy.

H.B. 3865 removes language requiring an election to be held in the district for the election of three directors to serve two-year terms and two directors to serve one-year terms on the first Saturday in May or the first Tuesday after the first Monday in November of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election, and requiring the appropriate number of directors to be elected on the first Saturday in May or the first Tuesday after the first Monday in November, as applicable, of each subsequent second year following such held election. The bill requires an election to be held in the district for the election of the appropriate number of directors on the uniform election date in May of each even-numbered year.

H.B. 3865 increases, from \$300 to \$1,000, the maximum amount of the permit fee for the construction of a new well completed after the effective date of the act amended by the bill. The bill increases from \$300 to \$1,000 the maximum amount of the water utility service connection fee that the district is authorized to levy and collect for each new water service connection made after the effective date of the act amended by the bill.

H.B. 3865 requires an application for a permit to operate a high volume well in the district to

include the name and mailing address of all persons who own property within one-quarter mile of the well site and proof that the owner or operator requesting the permit has provided notice to all such persons according to a form prescribed by the district board of directors. The bill requires the board, not later than three months after the bill's effective date, to adopt rules to implement this requirement. The bill defines "board," "district," and "high volume well."

H.B. 3865 establishes that a member elected in May 2010 serves a two-year term and that a member elected in May 2011 serves a three-year term.

H.B. 3865 repeals provisions authorizing the Hays County Commissioners Court by resolution to require an election to affirm or reverse a decision of the board of directors of the district not later than six months after the date of the decision, requiring the county auditor to audit the performance of the district at the written request of the court, and authorizing the court to request a general audit of the performance of the district or to request an audit of only one or more district matters.

H.B. 3865 repeals the following sections of Chapter 966, Acts of the 77th Legislature, Regular Session, 2001:

- Section 3.0304(d)
- Section 3.0306(b)

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.