

BILL ANALYSIS

C.S.H.B. 950
By: Lucio III
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that currently the Texas Commission on Environmental Quality (TCEQ) has certain oversight over a groundwater conservation district's groundwater management activities and that the state auditor has certain authority to audit the records and management plans of such a district. The parties contend that the typical role of the state auditor is to audit the finances and not the planning or management of a political subdivision and that in recent years the state auditor's role in auditing the records and management plans of districts has become duplicative given TCEQ's oversight of the districts. Although the state auditor's audit of district records and management plans was initially intended to help identify underperforming or shell districts, the interested parties contend that it has had the unintended consequence of deterring active districts from developing meaningful and robust management plans. C.S.H.B. 950 seeks to address these issues.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 950 amends the Water Code to repeal statutory provisions relating to the review of a groundwater conservation district by the state auditor under the direction of the legislative audit committee; the requirement that the state auditor, in performing the review, make a determination of whether the district is actively engaged in achieving the objectives of the district's management plan based on an analysis of the district's activities; and the requirement that the Texas Commission on Environmental Quality (TCEQ) take appropriate action if it is determined that the district is not operational. The bill removes the authorization for the state auditor to audit the records of a groundwater conservation district if the state auditor determines that the audit is necessary and instead authorizes the state auditor to conduct a financial audit of such a district if the state auditor determines that the audit is necessary.

C.S.H.B. 950 includes among the statutory provisions that, if applicable, trigger the requirement that TCEQ take certain appropriate corrective action against a groundwater conservation district after notice and a hearing provisions relating to TCEQ action regarding district duties. The bill removes from those statutory provisions triggering TCEQ corrective action provisions relating to joint planning in a management area.

C.S.H.B. 950 repeals Section 36.302, Water Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 950 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 35.018(b), Water Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Section 36.061(b), Water Code, is amended.	SECTION 2. Same as introduced version.
SECTION 3. Section 36.1072(f), Water Code, is amended.	SECTION 3. Same as introduced version.
SECTION 4. Section 36.303(a), Water Code, is amended to read as follows: (a) If Section 36.108 or [;] 36.301[; or 36.302(f)] applies, the commission, after notice and hearing in accordance with Chapter 2001, Government Code, shall take action the commission considers appropriate, including: (1) issuing an order requiring the district to take certain actions or to refrain from taking certain actions; (2) dissolving the board in accordance with Sections 36.305 and 36.307 and calling an election for the purpose of electing a new board; (3) requesting the attorney general to bring suit for the appointment of a receiver to collect the assets and carry on the business of the groundwater conservation district; or (4) dissolving the district in accordance with Sections 36.304, 36.305, and 36.308.	SECTION 4. Section 36.303(a), Water Code, is amended to read as follows: (a) If Section [36.108,] 36.301 or 36.3011 [; or 36.302(f)] applies, the commission, after notice and hearing in accordance with Chapter 2001, Government Code, shall take action the commission considers appropriate, including: (1) issuing an order requiring the district to take certain actions or to refrain from taking certain actions; (2) dissolving the board in accordance with Sections 36.305 and 36.307 and calling an election for the purpose of electing a new board; (3) requesting the attorney general to bring suit for the appointment of a receiver to collect the assets and carry on the business of the groundwater conservation district; or (4) dissolving the district in accordance with Sections 36.304, 36.305, and 36.308.
SECTION 5. Section 36.302, Water Code, is repealed.	SECTION 5. Same as introduced version.
SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.	SECTION 6. Same as introduced version.