

BILL ANALYSIS

Senate Research Center

S.B. 1336
By: Perry
Agriculture, Water & Rural Affairs
6/29/2015
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The enabling Acts for many groundwater conservation districts are not codified into law. Additionally, the election date for the board of directors of many groundwater conservation districts is not the uniform election date in May.

S.B. 1336 resolves any conflicts of law so the groundwater conservation districts mentioned in the bill can be codified. The bill also sets the election date of the board of directors for many of the groundwater conservation districts mentioned in the bill for the uniform election date in May.

S.B. 1336 amends current law relating to the powers and duties, the construction of laws, and the election dates of certain groundwater conservation districts.

[**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. BEXAR METROPOLITAN WATER DISTRICT. Amends Section 52(a), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, to require the System, not later than January 1, 2017, to integrate the services and infrastructure of the Bexar Metropolitan Water District (district) into the System in a reasonable and orderly manner, rather than requires the System, not later than five years after the date the election results were certified in favor of dissolution under Article 2 or 2A of the Act enacting this section, to integrate the services and infrastructure of the district into the System in a reasonable and orderly manner.

SECTION 2. CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT. Amends Section 6(a), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, as follows:

(a) Provides that the Clearwater Underground Water Conservation District has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 (Groundwater Conservation Districts), rather than Chapters 50 (Provisions Generally Applicable to Districts) and 52 (Underground Water Conservation Districts), Water Code, applicable to groundwater, rather than underground water, conservation districts created under Article XVI (General Provisions), Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), of the Texas Constitution. Provides that this Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

SECTION 3. CROCKETT COUNTY GROUNDWATER CONSERVATION DISTRICT. Amends Section 6(a), Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, as follows:

(a) Provides that the Crockett County Groundwater Conservation District has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 and Subchapters H and I, Chapter 49, Water Code, rather than Chapters 50 and 52, Water Code, applicable to groundwater conservation districts, rather than underground water conservation districts, created under Article XVI, Section 59, of the Texas Constitution. Provides that this Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

SECTION 4. AMENDMENT TO WATER CODE REGARDING EDWARDS AQUIFER AUTHORITY. Amends Subchapter D, Chapter 36, Water Code, by adding Section 36.125, as follows:

Sec. 36.125. EDWARDS AQUIFER AUTHORITY. (a) Provides that, except as provided by Subsection (b), this subchapter does not apply to the Edwards Aquifer Authority.

(b) Provides that Sections 36.102 (Enforcement of Rules) and 36.118 (Open or Uncovered Wells) apply to the Edwards Aquifer Authority.

SECTION 5. LOST PINES GROUNDWATER CONSERVATION DISTRICT. Amends Subchapter B, Chapter 8849, Special District Local Laws Code, by adding Section 8849.055, as follows:

Sec. 8849.055. LIABILITY. Provides that, for liability purposes only, a director of the board of directors for the Lost Pines Groundwater Conservation District (district) is considered a district employee under Chapter 101 (Tort Claims), Civil Practice and Remedies Code, even if the director does not receive fees of office voluntarily, by district policy, or through a statutory exception to this section. Provides that a director is immune from suit and immune from liability for official votes and official actions.

SECTION 6. MESA UNDERGROUND WATER CONSERVATION DISTRICT. (a) Amends Section 6(a), Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, as follows:

(a) Provides that the Mesa Underground Water Conservation District has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, rather than Chapters 50, 51, and 52, Water Code, applicable to groundwater conservation districts, rather than underground water conservation districts, created under Article XVI, Section 59, of the Texas Constitution. Provides that this Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) Amends Section 10, Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, as follows:

Sec. 10. ELECTION OF DIRECTORS. Requires that an election be held in the Mesa Underground Water Conservation District (district) to elect the appropriate number of directors on the uniform election date in May of each even-numbered year, rather than requires that an election be held in the district for the election of directors on the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election. Deletes existing text requiring directors elected from commissioner precincts 2 and 4 to each serve two-year terms and requiring directors elected from commissioner precincts 1 and 3 and the district at large to each serve four-year terms. Deletes existing text requiring the appropriate number of directors, thereafter, on the same date in each subsequent second year, to be elected to the board of directors of the district.

SECTION 7. SANDY LAND UNDERGROUND WATER CONSERVATION DISTRICT. (a) Amends Section 6, Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, by adding Subsection (c) to provide that, if there is a conflict between Chapters 36 and 49, Water Code, Chapter 36 prevails.

(b) Amends Section 10, Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, as follows:

Sec. 10. ELECTION OF DIRECTORS. Requires the appropriate number of directors, on the uniform election date in May of every other year, to be elected to the board of directors (board) of the Sandy Land Underground Water Conservation District (district), rather than requires that the election be held in the district for the election of two directors who are each required to serve two-year terms and three directors who are each required to serve four-year terms on the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election. Deletes existing text requiring that the appropriate number of directors, thereafter, on the same date in each subsequent second year, be elected to the board.

SECTION 8. SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT. Amends Section 6(a), Chapter 653, Acts of the 71st Legislature, Regular Session, 1989, as follows:

(a) Provides that the Santa Rita Underground Water Conservation District has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, rather than Chapters 50 and 52, Water Code, applicable to groundwater conservation districts, rather than underground water conservation districts, created under Article XVI, Section 59, of the Texas Constitution. Provides that this Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

SECTION 9. SARATOGA UNDERGROUND WATER CONSERVATION DISTRICT. Amends Section 6, Chapter 519, Acts of the 71st Legislature, Regular Session, 1989, by adding Subsection (c) to provide that, if there is a conflict between Chapters 36 and 49, Water Code, Chapter 36 prevails.

SECTION 10. SOUTH PLAINS UNDERGROUND WATER CONSERVATION DISTRICT. (a) Amends Section 5(a), Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, as follows:

(a) Provides that the South Plains Underground Water Conservation District has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, rather than Chapters 50 and 52, Water Code, applicable to groundwater conservation districts, rather than underground water conservation districts, created under Article XVI, Section 59, of the Texas Constitution. Provides that this Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) Amends Section 11, Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, as follows:

Sec. 11. ELECTION OF DIRECTORS. Requires that an election be held in the South Plains Underground Water Conservation District (district) to elect the appropriate number of directors on the uniform election date in May of even-numbered years, rather than requires that an election be held in the district for the election of the directors for Precinct Nos. 1 and 3, who are each required to serve two-year terms, and the directors for Precinct Nos. 2 and 4 and for the district at large, who are each required to serve four-year terms, on the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election. Deletes existing text requiring that the appropriate

number of directors, thereafter, be elected to the board of directors of the district on the same date in each subsequent second year.

SECTION 11. SUTTON COUNTY UNDERGROUND WATER CONSERVATION DISTRICT. (a) Amends Section 15(e), Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, to require the Sutton County Underground Water Conservation District to hold an election in the district to elect directors on the uniform election date, rather than the first Saturday, in May of each odd-numbered year.

(b) Amends Section 17, Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, as follows:

Sec. 17. STATUTORY INTERPRETATION. Provides that, except as otherwise provided by this Act, if there is a conflict between this Act and Chapter 49, 51 (Water Control and Improvement Districts), or 36, Water Code, rather than Chapter 51 or 52, Water Code, this Act controls. Provides that, if there is a conflict between Chapter 49 or 51, Water Code, and Chapter 36, Water Code, Chapter 36 controls, rather than provides that, if there is a conflict between Chapter 51, Water Code, and Chapter 52, Water Code, Chapter 52 Controls.

SECTION 12. AMENDMENT TO WATER CODE. Amends Section 36.0151(f), Water Code, as follows:

(f) Prohibits the Texas Natural Resource Conservation Commission, before September 1, 2021, rather than September 1, 2015, from creating a groundwater conservation district under this section in a county:

- (1) in which the annual amount of surface water used is more than 50 times the annual amount of groundwater produced;
- (2) that is located in a priority groundwater management area; and
- (3) that has a population greater than 2.3 million.

SECTION 13. TERMS OF OFFICE. Requires the governing body of a groundwater conservation district for which the election date has changed under the laws amended by this Act to adjust the terms of office to conform to the new election date, if applicable.

SECTION 14. NOTICE. (a) Provides that the legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313 (Notice for Local and Special Laws), Government Code.

(b) Provides that the governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality (TCEQ).

(c) Provides that TCEQ has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 15. EFFECTIVE DATE. Effective date: September 1, 2015.