

BILL ANALYSIS

Senate Research Center
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S.B. 1852
By: Zaffirini
Natural Resources
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As Filed

DIGEST

The Texas Natural Resources Conservation Commission (TNRCC) designated the Hill Country Priority groundwater Management Area, which includes western Comal County and surrounding counties, in 1990 due to concerns that the Trinity Aquifer would not have the yield to meet the projected use and demand. To protect critical groundwater resources, TNRCC recommended creation of groundwater management districts in counties served by the Trinity Aquifer. S.B. 1852 would establish the creation of the Comal County Groundwater Management District.

PURPOSE

As proposed, S.B. 1852 establishes the creation of the Comal County Groundwater Management District.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. CREATION. Creates the Comal County Groundwater Management District (district) subject to approval at a confirmation election. Provides that the district is a governmental agency and a body politic and corporate. Establishes that the district is created under and is essential to accomplish the purposes of Section 59, XVI, Texas Constitution.

SECTION 2. DEFINITIONS. Defines “district.”

SECTION 3. BOUNDARIES. Establishes that the boundaries of the district are coextensive with that part of Comal County located within the Hill Country Priority Groundwater Management area.

SECTION 4. FINDING OF BENEFIT. Sets forth findings of benefit for all of the land and property within the district’s boundaries.

SECTION 5. POWERS. Sets forth rights, powers, privileges, authority, functions, and duties of the district.

SECTION 6. BOARD OF DIRECTORS. Provides that the district is governed by a board of five directors. Requires the commissioners court to appoint a director to serve the remainder of the term, if a vacancy occurs in the office of director. Establishes that the temporary directors are appointed and become the initial directors of the district, if creation of the district is confirmed. Sets forth conditions regarding the directors qualifications and term lengths.

SECTION 7. TEMPORARY DIRECTORS. Establishes the method for the appointment of a temporary director by the Comal County Commissioners Court.

SECTION 8. CONFIRMATION ELECTION. Requires the temporary board of directors to call and hold an election to confirm establishment of the district. Provides that Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section. Sets forth conditions regarding an election for the creation of the district.

SECTION 9. ELECTION OF DIRECTORS. Sets forth the method of election and length of term for the directors.

SECTION 10. ADDITIONAL POWERS. Authorizes the district to contract with one or more state agencies or other governmental bodies to carry out any function of the district. Sets forth conditions for engagement in and promotion of land treatment measures for soil conservation and improvement. Authorizes the district to prepare and implement a plan for the control and management of brush within the district.

SECTION 11. PROHIBITED ACTS. Prohibits the district from granting certain rights in or to underground water located in the district. Prohibits the district from assessing an ad valorem property tax that exceeds three cents on each \$100 valuation of taxable property in the district. Prohibits the district from requiring the owner of a well drilled before the effective date and used solely for domestic and livestock purposes to install a meter device on the well.

SECTION 12. EXEMPT WELLS. Sets forth provisions regarding wells that are and wells that qualify.

SECTION 13. PUBLIC WATER SUPPLY WELLS. Sets forth certain conditions regarding public water supplies that are exempt from regulation by the district. Provides that a public water supply well is subject to the district's prohibition of waste of underground water. Establishes that a district construction or operating permit is not required for a public water supply well approved by the commission. Sets forth requirements for any fee paid by a retail public utility to the district.

SECTION 14. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS. Sets forth findings related to procedural requirements.

SECTION 15. EFFECTIVE DATE. Effective date: September 1, 1999.

SECTION 16. EMERGENCY. Emergency clause.