

BILL ANALYSIS

Senate Research Center

S.B. 2513
By: Averitt
Natural Resources
8/7/2009
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2513 changes the name of the McLennan County Groundwater Conservation District to the Southern Trinity Groundwater Conservation District, removes the requirement for a confirmation election due to priority groundwater management area designation following creation of the district, adjusts fees to allow the district to adequately fund its operations, and relates to the authority to create certain adjacent groundwater conservation districts.

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 the heading to Chapter 8821, Special District Local Laws Code, to read as follows:

CHAPTER 8821. SOUTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT

SECTION 2. Amends Section 8821.001(3), Special District Local Laws Code, to redefine "district."

SECTION 3. Amends Section 8821.002, Special District Local Laws Code, to provide that the Southern Trinity Groundwater Conservation District (district) is located in a priority groundwater management area (PGMA) designated by the Texas Commission on Environmental Quality (TCEQ) pursuant to Section 35.008 (Procedures for Designation of Priority Groundwater Management Area; Consideration of Creation of New District or Addition of Land in Priority Groundwater Management Area to Existing District; Commission Order), Water Code.

SECTION 4. Amends Section 8821.024, Special District Local Laws Code, as follows:

Sec. 8821.024. INITIAL DIRECTORS. (a) Provides that the temporary directors of the district are the initial directors and serve for the terms provided by Subsection (b). Deletes existing text providing that if creation of the district is confirmed at an election held under Section 8821.023 (Confirmation Election), the temporary directors become the initial directors and serve for terms provided by Subsection (b).

(b) Provides that the initial directors representing commissioners precincts 2 and 4 serve a term expiring on December 31, 2011, rather than following the expiration of two years after the date of the confirmation election, and the initial directors representing commissioners precincts 1 and 3 and the at-large director serve a term expiring on December 31, 2013, rather than following the expiration of four years after the date of the confirmation election.

SECTION 5. Amends Section 8821.025, Special District Local Laws Code, as follows:

Sec. 8821.025. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires December 31, 2013, rather than September 1, 2012.

SECTION 6. Amends Section 8821.152, Special District Local Laws Code, as follows:

Sec. 8821.152. New heading: DISTRICT REVENUES. (a) Authorizes the district by rule, resolution, or order to establish, amend, pledge, encumber, expend the proceeds from, and assess to any person fees for services or production fees based on the amount of groundwater authorized by permit to be withdrawn from a well, or on the amount of water actually withdrawn, to enable the district to fulfill its purposes and regulatory functions as provided by this chapter. Authorizes the district to use revenues generated by fees it assesses for any lawful purpose.

(b) Prohibits a fee authorized by Subsection (a), notwithstanding any provision of general law to the contrary, from exceeding \$1 per acre-foot annually for groundwater used for agricultural purposes, or 30 cents per thousand gallons annually for groundwater used for nonagricultural purposes.

(c) Authorizes the district, notwithstanding any provision of general law or this chapter to the contrary, if any, to assess a production fee under this section for groundwater produced from a well or class of wells exempt from permitting under Section 36.117 (Exemptions; Exception; Limitations), Water Code, except for a well exempt from permitting under Section 36.117(b)(1) (relating to a prohibition on the district from requiring a permit for a well used for certain purposes), Water Code. Requires that a production fee assessed by the district under this subsection be based on the amount of groundwater actually withdrawn from the well and prohibits the fee from exceeding the amount established by the district for permitted uses under Subsection (b)(2) of this section (relating to a prohibition against a certain fee exceeding 30 cents per thousand gallons annually for groundwater used for nonagricultural purposes). Deletes existing text authorizing the district to impose a user fee to pay for the creation and operation of the district, including permit hearings, and prohibiting the district from imposing a fee for agricultural use that is more than 20 percent of the rate for municipal use.

SECTION 7. Repealer: Section 8821.021(c) (relating to certain dates to which the temporary directors are authorized to serve), Special District Local Laws Code.

Repealer: Section 8821.003 (Confirmation Election Required), Special District Local Laws Code.

Repealer: Section 8821.023 (Confirmation Election), Special District Local Laws Code.

SECTION 8. Prohibits TCEQ, notwithstanding Sections 35.012 (Creation of District in Priority Groundwater Management Area) and 36.0151 (Creation of District for Priority Groundwater Management Area), Water Code, before September 1, 2011, from creating a groundwater conservation district in the PGMA in which the district is located or in a priority PGMA that is adjacent to the PGMA in which the district is located.

SECTION 9. (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 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 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI (General Provisions), 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 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 10. Effective date: upon passage or September 1, 2009.