

BILL ANALYSIS

C.S.S.B. 1336
By: Perry
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that the enabling legislation for a number of groundwater conservation districts is not codified, that the directors election for some of these districts is not on a uniform election date, and that clarification is needed relating to applicable and prevailing provisions with regard to some of these districts. C.S.S.B. 1336 seeks to resolve some of these issues to provide for the future codification of certain districts.

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.S.B. 1336 amends Chapters 524 and 653, Acts of the 71st Legislature, Regular Session, 1989, to change the rights, powers, privileges, authority, functions, and duties granted to the Clearwater Underground Water Conservation District and the Santa Rita Underground Water Conservation District from the rights, powers, privileges, authority, functions, and duties provided by the general law of the state applicable to underground water conservation districts to the rights, powers, privileges, authority, functions, and duties provided by the general law of the state applicable to groundwater conservation districts.

C.S.S.B. 1336 amends Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, to change the rights, powers, privileges, authority, functions, and duties granted to the Crockett County Groundwater Conservation District from the rights, powers, privileges, authority, functions, and duties provided by the general law of the state applicable to underground water conservation districts to the rights, powers, privileges, authority, functions, and duties provided by the general law of the state applicable to groundwater conservation districts, including the rights, powers, privileges, authority, functions, and duties provided by certain provisions applicable to certain water districts.

C.S.S.B. 1336 amends Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, to change the rights, powers, privileges, authority, functions, and duties granted to the Mesa Underground Water Conservation District from the rights, powers, privileges, authority, functions, and duties provided by the general law of the state applicable to underground water conservation districts and water control and improvement districts to the rights, powers, privileges, authority, functions, and duties provided by the general law of the state applicable to groundwater conservation districts. The bill specifies that the directors election for the district is

held on the uniform election date in May of each even-numbered year.

C.S.S.B. 1336 amends Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, to establish that, with respect to the Sandy Land Underground Water Conservation District, Water Code groundwater conservation district provisions prevail over Water Code provisions applicable to certain water districts if there is a conflict between the provisions. The bill specifies that the directors election for the district is held on the uniform election date in May of every other year.

C.S.S.B. 1336 amends Chapter 519, Acts of the 71st Legislature, Regular Session, 1989, to establish that, with respect to the Saratoga Underground Water Conservation District, Water Code groundwater conservation district provisions prevail over Water Code provisions applicable to certain water districts if there is a conflict between the provisions.

C.S.S.B. 1336 amends Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, to change the rights, powers, privileges, authority, functions, and duties granted to the South Plains Underground Water Conservation District from the rights, powers, privileges, authority, functions, and duties provided by the general law of the state applicable to underground water conservation districts to the rights, powers, privileges, authority, functions, and duties provided by the general law of the state applicable to groundwater conservation districts. The bill specifies that the directors election for the district is held on the uniform election date in May of even-numbered years.

C.S.S.B. 1336 amends Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, to move the directors election of the Sutton County Underground Water Conservation District from the first Saturday in May of each odd-numbered year to the uniform election date in May of each such year. The bill makes changes relating to the provisions that control with regard to the district in the event of conflict between certain provisions.

C.S.S.B. 1336 requires the governing body of a groundwater conservation district for which the election date has changed under the bill's provisions to adjust the terms of office to conform to the new election date, if applicable.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1336 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT. Section 6(a), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, is amended.

SECTION 1. Same as engrossed version.

SECTION 2. CROCKETT COUNTY GROUNDWATER CONSERVATION DISTRICT. Section 6, Chapter 712, Acts of

SECTION 2. CROCKETT COUNTY GROUNDWATER CONSERVATION DISTRICT. Section 6(a), Chapter 712, Acts

the 71st Legislature, Regular Session, 1989, is amended by adding Subsection (c) to read as follows:

(c) If there is a conflict between Chapters 36 and 49, Water Code, Chapter 36 prevails.

SECTION 3. MESA UNDERGROUND WATER CONSERVATION DISTRICT.

(a) Section 6, Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, is amended by adding Subsection (c) to read as follows:

(c) If there is a conflict between Chapter 36 and another chapter that applies to the district, Chapter 36 prevails.

(b) Section 10, Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, is amended.

SECTION 4. SANDY LAND UNDERGROUND WATER CONSERVATION DISTRICT.

(a) Section 6, Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, is amended.

(b) Section 10, Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, is amended.

(b) Section 10, Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, is amended.

SECTION 5. SANTA RITA UNDERGROUND WATER

of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

(a) The 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 [Chapters 50 and 52], Water Code, applicable to groundwater [underground water] conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

SECTION 3. MESA UNDERGROUND WATER CONSERVATION DISTRICT.

(a) Section 6(a), Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

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

(b) Same as engrossed version.

SECTION 4. Same as engrossed version.

SECTION 5. Same as engrossed version.

CONSERVATION DISTRICT. Section 6(a), Chapter 653, Acts of the 71st Legislature, Regular Session, 1989, is amended.

SECTION 6. SARATOGA UNDERGROUND WATER CONSERVATION DISTRICT. Section 6, Chapter 519, Acts of the 71st Legislature, Regular Session, 1989, is amended.

SECTION 7. SOUTH PLAINS UNDERGROUND WATER CONSERVATION DISTRICT. (a) Section 5, Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, is amended by adding Subsection (c) to read as follows:

(c) If there is a conflict between Chapters 36 and 49, Water Code, Chapter 36 prevails.

(b) Section 11, Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, is amended.

SECTION 8. SUTTON COUNTY UNDERGROUND WATER CONSERVATION DISTRICT. (a) Section 15(e), Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, is amended.

(b) Section 17, Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, is amended.

SECTION 9. TERMS OF OFFICE. The governing body of a groundwater conservation district for which the election date has changed under the laws amended by this Act shall adjust the terms of office to conform to the new election date, if applicable.

SECTION 10. NOTICE. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this

SECTION 6. Same as engrossed version.

SECTION 7. SOUTH PLAINS UNDERGROUND WATER CONSERVATION DISTRICT. (a) Section 5(a), Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

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

(b) Same as engrossed version.

SECTION 8. Same as engrossed version.

SECTION 9. Same as engrossed version.

SECTION 10. Same as engrossed version.

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, Government Code.

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

(c) The Texas Commission on Environmental Quality 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) 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 11. EFFECTIVE DATE. This Act takes effect September 1, 2015.

SECTION 11. Same as engrossed version.