

BILL ANALYSIS

Senate Research Center
76R3599 MI-D

S.B. 944
By: Armbrister
Natural Resources
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As Filed

DIGEST

Currently, Texas law provides for the creation of groundwater conservation districts to plan, develop and regulate the use of water resources. The people of Bastrop and Lee counties depend on the Carrizo-Wilcox Aquifer as their principal source of water. However, the aquifer is threatened by over-use and potential pollution. S.B. 944 creates the Bastrop-Lee County Groundwater Conservation District subject to approval at a confirmation election.

PURPOSE

As proposed, S.B. 944 creates the Bastrop-Lee County Groundwater Conservation District and grants eminent domain.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the board of directors of the Bastrop-Lee County Groundwater Conservation District in SECTION 6(a) and (b) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. CREATION. Creates the Bastrop-Lee County Groundwater Conservation District (district), in Bastrop and Lee counties subject to a confirmation election held as provided by SECTION 9 of this Act. Provides that the district is a governmental agency and a body politic and corporate. Provides that the district is created under and is essential to accomplish the purposes of Section 59, Article, XVI, Texas Constitution.

SECTION 2. DEFINITION. Defines “district.”

SECTION 3. BOUNDARIES. Sets forth the boundaries of the district.

SECTION 4. FINDING OF BENEFIT. Sets forth the finding of benefit.

SECTION 5. POWERS. Sets forth the powers of the district.

SECTION 6. WATER EXPORT RULES. Requires the board of directors (board) of the district to ,by rule, define “export line.” Authorizes the board ,by rule, to require a person to obtain a permit from the district to transfer groundwater outside the export line. Requires the rules to be consistent with Section 36.122, Water Code, except that the export line is substituted for the district boundaries. Provides that this section does not affect the right of a retail public utility listed in Subsection (a) of this section to contract to provide wholesale or bulk water to a customer who resells water for consumption within the export line without regard to whether that water is provided under a certificate of convenience and necessity. Provides that this section does not restrict a retail public utility listed in Subsection (a) of this section from transporting water outside the export line for emergency purposes for a period not to exceed 90 days. Authorizes transportation of water outside the export line under this subsection to be voluntary or to be directed by the Texas Natural Resource Conservation Commission (TNRCC). Requires each retail public utility listed in Subsection (a) of this section to file with the district the certificate of convenience and necessity held by that utility and in effect on January 1, 1999, on or before the 30th day after the effective date of this Act.

SECTION 7. BOARD OF DIRECTORS. Provides that the district is governed by a board of nine directors. Requires the governing bodies of certain public entities to appoint one director. Requires each

governing body to appoint an initial director as soon as practicable, but not later than 45 days after the effective date of this Act. Requires the initial directors to draw lots to determine their terms. Sets forth certain requirements for the directors.

SECTION 8. ORGANIZATIONAL MEETING. Requires the directors to hold an organizational meeting of the board. Requires the directors to hold meeting at a certain location.

SECTION 9. CONFIRMATION ELECTION. Requires the initial board of directors to call and hold an election in each of the two counties, individually, to confirm the 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 the requirements for the election.

SECTION 10. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Sets forth the findings related to procedural requirements.

SECTION 11. Emergency clause.
Effective date: upon passage.