

BILL ANALYSIS

Senate Research Center

S.B. 784
By: Ogden
Natural Resources
3/1/2001
As Filed

DIGEST AND PURPOSE

Currently, the counties of Grimes, Washington, Waller, and Austin lack a groundwater conservation district. As proposed, S.B. 784 creates the Bluebonnet Groundwater Conservation District (GCD) in Grimes, Washington, Waller, and Austin counties.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the board of directors of the Bluebonnet Groundwater Conservation District in SECTION 6 and SECTION 7, Water Code, of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. CREATION. Provides that a groundwater conservation district, to be known as the Bluebonnet Groundwater Conservation District, is created in Grimes, Washington, Waller, and Austin counties, subject to approval at a confirmation election under Section 15 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 (Conservation and development of natural resources: conservation and reclamation districts), Article XVI, Texas Constitution. Provides that the purpose of this Act is to create a locally controlled groundwater district in order to protect, recharge, and prevent the waste of groundwater, and to control subsidence caused by withdrawal of water from the groundwater reservoirs in the area, and to regulate the transport of water out of the boundaries of the district.

SECTION 2. DEFINITION. Defines “district.”

SECTION 3. BOUNDARIES. Provides that the boundaries of the district are coextensive with the boundaries of Grimes, Washington, Waller, and Austin counties.

SECTION 4. FINDING OF BENEFIT. Provides that all land and other property included within the boundaries of the district will be benefitted by the works and projects that are to be accomplished by the district under powers conferred by Section 59, Article XVI, Texas Constitution. Provides that the district is created to serve a public use and benefit.

SECTION 5. GENERAL POWERS. Provides that except as otherwise provided by this Act, the district has all the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 (Groundwater Conservation Districts), Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. Provides that this Act prevails over any provisions of general law, including Chapter 36, Water Code, that is in conflict or is inconsistent with this Act. Provides that the district does not have the authority granted by the following provisions of Chapter 36, Water Code; Section 36.105 (Eminent Domain), relating to eminent domain; and Sections 36.020 (Bond and Tax Proposal); 36.201 (Levy of Taxes); 36.202 (Board Authority); 36.203 (Tax Rate); and 36.204 (Tax Appraisal, Assessment and Collection), relating to taxes.

SECTION 6. FEES. Authorizes the board of directors of the district by rule to impose reasonable fees on each well for which a permit is issued by the district. Authorizes a fee to be based on the size of column pipe used by the well or on the actual, authorized, or anticipated amount of water to be withdrawn from the well. Requires fees to not exceed certain amounts. Authorizes the district, in addition to the fee authorized, to assess a fee on groundwater from a well that is produced for transport outside the district. Prohibits the combined fees from exceeding the limit on a fee amount set by Section 36.205(c)(Fees Based on the Amount of Water), Water Code. Authorizes fees authorized by this section to be assessed annually and to be used to fund the cost of district operations and expenses of the district's or council's operations.

SECTION 7. EXEMPTIONS. Authorizes a district, pursuant to Section 36.117 (Exemptions; Exception; Limitations), Water Code, as amended, to exempt wells from the requirements to obtain a drilling permit, an operating permit, or any other permit required by this chapter or the district's rules. Authorizes a district not require a permit for certain wells. Requires the board to adopt rules determining the applicability of Subsections (a)(3) to facilities used primarily for feeding livestock. Requires the district to not deny the owner of a tract of land, or his lessee, who has no well equipped to produce more than 25,000 gallons a day on the tract, either a permit to drill a well on his land or the privilege to produce groundwater from the person's land, subject to the rules of the district. Prohibits a district from restricting the production of any well equipped to produce 25,000 gallons or less a day. Requires water wells exempted to be equipped and maintained as to conform to the district's rules requiring installation of casing, pipe, and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir. Requires a district to require water wells exempted under this section to be registered with the district before drilling. Requires exempt water wells to be equipped and maintained so as to conform to the district's rules requiring installation of casing, pipe, and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir. Provides that a well to supply water for a subdivision of land for which a plat approval by law is not exempted under this section.

SECTION 8. MINING EXEMPTION. Provides that a groundwater well that is used by a mining operation and permitted by the Railroad Commission of Texas is exempt from permit requirements, regulations, and fees imposed by the district if the amount of water withdrawn from the well is not greater than the amount required by the mining operation for mining purposes. Provides that a mining operation that withdraws the amount of water required for mining purposes, uses that water for mining purposes, and then puts that water to another use does not forfeit the exemption granted to water withdrawn for mining purposes is subject to district permitting and regulation. Authorizes the district to require a well used for mining purposes and exempt under this section to comply with the spacing requirements of the district if any withdrawals from that well are in addition to withdrawals for mining purposes. Authorizes a mining operation to voluntarily waive the exemption granted by this section.

SECTION 9. MANAGEMENT PLAN. Requires the district to develop or contract to develop its own management plan under Section 36.1071 (Management Plan), Water Code.

SECTION 10. PERMITTING. Requires the district to issue permits for wells based on the consideration of whether these wells meet certain conditions.

SECTION 11. COORDINATION OF ACTIVITIES WITH OTHER ENTITIES. Authorizes the district to coordinate activities with the Central Carrizo-Wilcox Coordinating Council and appoint a nonvoting representative to the Central Carrizo-Wilcox Coordinating Council. Authorizes the district to coordinate activities with the Harris-Galveston Coastal Subsidence District or with other groundwater conservation districts to manage portions of the Gulf Coast Aquifer.

SECTION 12. BOARD OF DIRECTORS. Provides that the district is governed by a board of

directors appointed as provided by Section 13. Provides that initial directors serve until permanent directors are appointed under Section 13 of this Act and qualified as required by this section. Provides that permanent directors serve four-year staggered terms. Requires each director to qualify to serve as a director in the manner provided by Section 36.055 (Sworn Statement, Bond, and Oath of Office), Water Code. Provides that a director serves until the director's successor has qualified. Authorizes a director to serve consecutive terms. Requires the governing body of the entity that appointed the director who vacated the office, if there is a vacancy on the board, to appoint a director to serve the remainder of the term. Provides that directors are not entitled to receive compensation for serving as a director but are authorized to be reimbursed for actual, reasonable expenses incurred in the discharge of official duties. Provides that a majority vote of a quorum is required for board action. Provides that if there is a tie vote, the proposed action fails.

SECTION 13. APPOINTMENT OF DIRECTORS. Requires the commissioners courts of the counties within the district to each appoint an equal number of specified directors. Requires the commissioners courts of the counties within the district to each appoint the appropriate number of initial directors as soon as practicable following the effective date of this Act, but not later than the 90th day after the effective date of this Act. Requires the initial directors to draw lots to determine their terms. Provides that a simple majority of the initial directors if an odd number are appointed or half of the initial directors if an even number are appointed serve terms that expire on the second anniversary of the date on which all initial directors have qualified as required by Section 12. Provides that the remaining initial directors serve terms that expire on the fourth anniversary of the date on which all initial directors have qualified as required by Section 12 and every two years after that date, requires the appropriate commissioners courts to appoint the appropriate number of permanent directors.

SECTION 14. ORGANIZATION MEETING. Requires a majority of the directors, as soon as practicable after all the initial directors have been appointed and have qualified as provided in this Act, to convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors. Requires the organizational meeting of the directors, if no location can be agreed on, to be at the Washington County Courthouse.

SECTION 15. CONFIRMATION ELECTION. Requires the initial board of directors to call and hold, on the same date in each county to be included in the district, an election to confirm the creation of the district. Requires a confirmation election, except as provided by this section, to be conducted as provided by Sections 36.017 (Confirmation and Directors' Election); 36.018 (Inclusion of Municipality); and 36.019 (Confirmation Election in District Including Land in More Than One County), Water Code, and the Election Code. Provides that if the majority of qualified voters in a county who vote in the election vote to confirm the creation of the district, that county is included in the district. Provides that if the majority of qualified voters in a county who vote in the election vote not to confirm the creation of the district, that county is excluded from the district. Provides that if the creation of the district is not confirmed by an election held under this section before the second anniversary of the effective date of this Act, the district is dissolved and this Act expires on that date.

SECTION 16. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Provides that the proper and 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 by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Natural Resource Conservation Commission (TNRCC). Provides that the TNRCC has filed its recommendations relating to this Act with the governor and the speaker of the house of representatives within the required time. 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 17. EFFECTIVE DATE: September 1, 2001.