

BILL ANALYSIS

Senate Research Center

H.B. 3903
By: Isaac (Compbell)
Natural Resources
5/15/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that legislation is needed relating to the Hays Trinity Groundwater Conservation District in regard to director elections, new well construction approval, and fees charged for new well construction and water utility service connection.

H.B. 3903 amends current law relating to the Hays Trinity Groundwater Conservation District, provides authority to increase certain fees, and authorizes a fee.

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 Section 8843.051(b), Special District Local Laws Code, to provide that members of Hays Trinity Groundwater Conservation District's (district) board of directors (board) serve staggered four-year terms, rather than staggered two-year terms.

SECTION 2. Amends Section 8843.053, Special District Local Laws Code, to require that the appropriate number of directors be elected on the uniform election date in November of each even-numbered year, rather than requiring that the appropriate number of directors be elected on the uniform election date in May of each year.

SECTION 3. Amends Section 8843.103, Special District Local Laws Code, as follows:

Sec. 8843.103. New heading: WELL CONSTRUCTION NOTIFICATION. Requires a landowner to notify the district before the construction of a new well that is to be completed after September 1, 2013, rather than authorizing the district, except as provided by Sections 8843.104(b) and (c) (relating to exempting a well used for dewatering and monitoring in the production of coal or lignite from permit requirements, regulations, and fees imposed by the district), to require a permit for the construction of a new well completed after September 1, 2001.

SECTION 4. Amends Section 8843.104, Special District Local Laws Code, by amending Subsections (a) and (b) and adding Subsection (b-1), as follows:

(a) Prohibits groundwater withdrawals from the following wells from being regulated, permitted, or metered by the district:

(1) a well used for domestic use by a single private residential household and incapable of producing more than 25,000 gallons per day, rather than a well used for domestic use by a single private residential household and producing less than 25,000 gallons per day; and

(2) a well used for conventional farming and ranching activities, including such intensive operations as aquaculture, livestock feedlots, or poultry operations.

(b) Prohibits the district from charging or collecting a well construction fee for a well described by Subsection (a)(2), rather than prohibiting the district from requiring a permit to construct a well described by Subsection (a)(2).

(b-1) Requires a well owner to obtain a permit and pay any required fees, including a well construction fee, before using any groundwater withdrawn from a well for purposes other than those exempted by this section.

SECTION 5. Amends Section 8843.151, Special District Local Laws Code, as follows:

Sec. 8843.151. New heading: WELL CONSTRUCTION FEE. Authorizes the district to charge and collect a new well construction fee not to exceed \$1,000 for a new well. Deletes existing text authorizing the district to charge and collect a construction permit fee not to exceed \$300 for a well for which the district requires a permit under Section 8843.103.

SECTION 6. Amends Subchapter D, Chapter 8843, Special District Local Laws Code, by adding Section 8843.1515, as follows:

Sec. 8843.1515. PERMIT RENEWAL APPLICATION FEE. Authorizes the district to charge and collect a permit renewal application fee not to exceed \$400.

SECTION 7. Amends Section 8843.152(b), Special District Local Laws Code, to authorize the district to levy and collect a water utility service connection fee not to exceed \$1,000 for each new water service connection made after September 1, 2013, rather than authorizing the district to levy and collect a water utility service connection fee not to exceed \$300 for each new water service connection made after September 1, 2001.

SECTION 8. Repealers: Sections 8843.102 (Election on Board Decision) and 8843.155 (Taxes and Other Fees Prohibited), Special District Local Laws Code.

SECTION 9. Provides that Section 8843.151, Special District Local Laws Code, as amended by this Act, applies only to a well for which construction begins on or after the effective date of this Act. Provides that a well for which construction begins before that date is governed by the law in effect when the construction began, and that law is continued in effect for that purpose.

SECTION 10. Provides that the change in law made by Section 8843.1515, Special District Local Laws Code, as added by this Act, applies only to an application for the renewal of a permit submitted to the Hays Trinity Groundwater Conservation District after September 1, 2013. Provides that an application submitted before that date is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 11. Requires a director elected in November 2012 to serve a term expiring December 1, 2014, and a director elected in November 2013 to serve a term expiring December 1, 2016, in order to establish staggered four-year terms of office as required by Sections 8843.051(b) and 8843.053, Special District Local Laws Code, as amended by this Act.

SECTION 12. Effective date: September 1, 2013.