

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 635  
By: Ogden  
Natural Resources  
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As Filed

### **DIGEST**

City and county leaders in Robertson and Brazos Counties have spent 18 months negotiating an agreement to form a groundwater conservation district as specified by Article XVI, Section 59, of the Texas Constitution. S.B. 365 would create the Robertson-Brazos County Groundwater Conservation District and provides the authority to impose water use fees.

### **PURPOSE**

As proposed, S.B. 635 creates the Robertson-Brazos County Groundwater Conservation District under Article XVI, Section 59, of the Texas Constitution and provides the authority to impose water use fees

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the board of directors of the Robertson-Brazos County Groundwater Conservation District in SECTION 5(e) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. CREATION. Creates a groundwater conservation district, to be known as the Robertson-Brazos County Groundwater Conservation District (district), in Robertson County and Brazos County. Provides that the district is a governmental agency and body, politic and corporate. Provides that the district is created under and is essential to accomplish the purposes of Article XVI, Section 59 of the Texas Constitution.

SECTION 2. DEFINITION. Defines "district."

SECTION 3. BOUNDARIES. Provides that the boundaries of the district are coextensive with the boundaries of Robertson County and Brazos County.

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

SECTION 5. POWERS. Provides that the district has all of the rights, powers, privileges, authority functions, and duties provided by the general law of this state, including Chapters 36 and 49 of the Texas Water Code, applicable to groundwater conservation districts created under Article XVI, Section 59 of the Texas Constitution. Provides that this act prevails over any provisions of general law that are in conflict or inconsistent with this Act. Provides that the rights, powers, privileges, authority, functions and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Natural Resource Conservation Commission (commission). Authorizes the district to promulgate rules requiring a person to obtain a permit from the district for the transfer of groundwater out of the district for the transfer of groundwater out of the district consistent with the provisions of Section 36.122 of the Water Code. Prohibits it from being considered a transfer of groundwater outside the boundaries of the district under Section 36.122 of the Water Code for a certificated retail public utility whose source of water as of the effective date of this Act is from a well or wells located within the district to deliver water to its certificated services area pursuant to a certificate of convenience and necessity issued by the commission, or as such certificated area may be modified in the future by the commission, provided that the water is not transported and used outside of its certificated area. Prohibits the district from levying or collecting taxes in the district. Grants authority, by rule, to the board of directors of the district to

impose reasonable fees on each well for which a permit is issued by the district and which is not exempt from regulation by the district. Sets forth the amounts of fees. Authorizes the fees to be assessed on an annual basis, based on the size of column pipe used in the well, the production capacity of the well, or actual, authorized, or anticipated pumpage. Requires the wells meeting the criteria established under Section 36.117 of the Texas Water Code to be exempt from permit requirements, regulations, and fees imposed by the district. Prohibits the district from exercising certain powers.

**SECTION 6. BOARD OF DIRECTORS.** Provides that the district is governed by a board of six directors. Sets forth the terms of the directors. Requires the initial directors to draw lots to determine one director from Robertson County and one from Brazos County to serve an initial two-year term. Requires the other directors to serve an initial term of four years. Requires each director to qualify to serve as director in the manner provided by Section 36.055 of the Texas Water Code. Provides that a director serves until the director's successor has qualified. Authorizes the directors to serve consecutive terms. Requires the governing body of the entity that appointed the director who vacated the office to appoint a director to serve the remainder of the term, if there is a vacancy on the board. Prohibits the directors from being entitled to receive compensation for serving as a director, but may be reimbursed for actual, reasonable expenses incurred in the discharge of official duties.

**SECTION 7. APPOINTMENT OF DIRECTORS.** Sets forth the requirements for the appointments of the directors.

**SECTION 8. ORGANIZATION MEETING.** Requires a majority of directors to convene the organizational meeting of the directors at a location within the district agreeable to a majority of the directors at which time the directors will take office. Requires the organizational meeting to be at the Robertson County Courthouse, if no location can be agreed upon.

**SECTION 9. STATUTORY INTERPRETATION.** Provides that this Act controls, if there is a conflict between this Act and Chapter 36 or 49 of the Texas Water Code. Provides that Chapter 36 controls, if there is a conflict between Chapter 36 and 49.

**SECTION 10. 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 the laws of this state, including the governor, who has submitted the notice and Act to the commission. Provides that the commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time. Provides that all requirements of the Constitution and the laws of this state and rules and procedures of the Legislature with respect to the notice, introduction, and passage of this Act, are fulfilled and accomplished.

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