

BILL ANALYSIS

Senate Research Center

S.B. 785
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Natural Resources
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DIGEST AND PURPOSE

S.B. 785 creates the Walker Groundwater Conservation District (district) in Walker County. This bill provides the general authorities of Chapter 36, Water Code, to the district except for taxation and eminent domain powers. This bill provides that the district would be funded by user fees on each well receiving a permit from the district and that the district would have the authority to assess a fee on groundwater produced for export from the district. Finally, this bill provides that the district would be governed by a board comprised of three members from each of the counties voting to confirm the district.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the board of directors of the Walker Groundwater Conservation District in SECTIONS 6 and 7 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. CREATION. (a) Creates a groundwater conservation district to be known as the Walker Groundwater Conservation District (district) in Walker County subject to approval at a confirmation election under Section 14 of this Act. Provides that the district is a governmental agency and a body politic and corporate.

(b) Provides that the district is created under and is essential to accomplish the purposes of Section 59 (Conservation and Development of Natural Resources), Article XVI, Texas Constitution.

(c) 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" to mean the Walker Groundwater Conservation District.

SECTION 3. BOUNDARIES. Provides that the boundaries of the district are coextensive with the boundaries of Walker County.

SECTION 4. FINDING OF BENEFIT. Sets forth benefits of the district.

SECTION 5. GENERAL POWERS. (a) Provides that, except as otherwise provided by this Act, the district has all 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 provision of general law, including Chapter 36, Water Code, that is in conflict or is inconsistent with this Act.

(b) Provides that this district does not have the authority granted by certain provisions of Chapter 36, Water Code.

SECTION 6. FEES. (a) Authorizes the board of directors of the district (board) by rule to impose reasonable fees on each well for which a permit is issued by the district and that is not exempt from regulation 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.

(b) Prohibits fees from exceeding certain specified amounts.

(c) Authorizes the district to assess a fee on groundwater from a well that is produced for transport outside the district, in addition to the fee authorized under Subsection (b) of this section. Prohibits the combined fees from exceeding the limit on a fee amount set by Section 36.205(c), Water Code.

(d) 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. (a) Authorizes a district, pursuant to Section 36.117 (Exemptions; Exception; Limitations), Water Code, to exempt wells from the requirements to obtain a certain permits required by this chapter or the district's rules. Prohibits a district from requiring a permit for certain drilling and wells.

(b) Requires the board to adopt rules determining the applicability of Subsection (a)(3) to facilities used primarily for feeding livestock.

(c) Prohibits the district from denying 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 his land, subject to the rules of this district.

(d) Prohibits the district from restricting the production of any well equipped to produce 25,000 gallons or less a day.

(e) Requires water wells under this section 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.

(f) Requires the district to require water wells exempted under this section to be registered with the district before drilling and to meet certain requirements regarding how they are equipped and maintained.

(g) Provides that a well to supply water for a subdivision of land for which a plat approval is required by law is not exempted under this section.

SECTION 8. MINING EXEMPTION. (a) 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 by this section, but any production of water in addition to water withdrawn for mining purposes is subject to district permitting and regulation.

(b) 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.

(c) 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 certain considerations.

SECTION 11. BOARD OF DIRECTORS. Sets forth provisions for the appointments, terms, compensation and reimbursement of directors and provisions regarding board action.

SECTION 12. APPOINTMENT OF DIRECTORS. (a) Sets forth provisions regarding the appointment of and composition of the board of directors.

(b) Requires the governing body authorized by this section to make an appointment to appoint the appropriate number of initial directors as soon as practicable following the effective date of this Act, but not later than the 45th day after the effective date of this Act.

(c) Sets forth terms of the initial board of directors and the appointment of subsequent directors.

SECTION 13. ORGANIZATION MEETING. Requires a majority of the directors to convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors, as soon as practicable after all the initial directors have been appointed and have qualified as provided by this Act. Requires that if no location can be agreed on that the meeting of the directors is to be at the Walker County Courthouse.

SECTION 14. CONFIRMATION ELECTION. (a) Requires the initial board 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.

(b) Requires a confirmation election to be conducted as provided by Sections 36.017, 36.018, and 36.019, Water Code, and the Election Code, except as provided by this section.

(c) 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.

(d) 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 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Sets forth findings related to procedural requirements.

SECTION 16. Effective date: September 1, 2001.