

## **BILL ANALYSIS**

Senate Research Center

S.B. 964  
By: Rodríguez  
Agriculture, Water & Rural Affairs  
6/20/2017  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 964 resolves statutory conflicts regarding the Jeff Davis County Underground Water Conservation District's (district) governing authority. Currently, the district is subject to two chapters of the Texas Water Code: Chapter 36, which governs groundwater conservation districts, and Chapter 49, which contains generic provisions for water supply districts.

S.B. 964, by bringing the district under Chapter 36, provides needed clarity to the district's governing laws, as several provisions in Chapter 36 and Chapter 49 conflict with one another. Such conflicts include differing requirements regarding public notice, audit filing deadlines, bidding requirements, and even allowing for the signing of electronic checks. In an abundance of caution, the district tries to follow both chapters; however, the confusion on governing authority creates excessive requirements and an inefficient allocation of time and resources. Further, the district does not perform any water supply functions, so the reference to Chapter 49 is a relic left over from the time underground water conservation districts were governed by Chapter 52 (repealed in 1995).

Additionally, the Texas Legislative Council, which is currently undertaking a non-substantive recodification process for multiple groundwater districts across Texas, has indicated to the district that it would not be recodifying districts where both Chapters 36 and 49 apply, leaving the decision on what chapter should apply to the legislature.

S.B. 964 is necessary to provide regulatory certainty for the district so it can continue in its important role of regulating groundwater in Jeff Davis County.

S.B. 964 amends current law relating to the Jeff Davis County Underground Water Conservation District 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 Subtitle H, Title 6, Special District Local Laws Code, by adding Chapter 8891, as follows:

#### **CHAPTER 8891. JEFF DAVIS COUNTY UNDERGROUND WATER CONSERVATION DISTRICT**

##### **SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 8891.001. DEFINITIONS. Defines "board," "commissioners court," "director," and "district."

Sec. 8891.002. NATURE OF DISTRICT. Provides that the Jeff Davis County Underground Water Conservation District (district) is a groundwater conservation district in Jeff Davis County created under and essential to accomplish the purposes of Section

59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI (General Provisions), Texas Constitution.

Sec. 8891.003. FINDINGS OF PUBLIC USE AND BENEFIT. Sets forth findings of public use and benefit.

Sec. 8891.004. DISTRICT TERRITORY. Provides that the district's boundaries are coextensive with the boundaries of Jeff Davis County, unless the district's territory has been modified under Subchapter J (Adding Territory to District) or K (Consolidation of Districts), Chapter 36 (Groundwater Conservation Districts), Water Code, or other law.

Sec. 8891.005. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT LAW. (a) Provides that Chapter 36, Water Code, applies to the district, except as otherwise provided by this chapter.

(b) Provides that Section 36.121 (Limitation on Rulemaking Power of Districts Over Wells in Certain Counties), Water Code, does not apply to the district.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8891.051. COMPOSITION OF BOARD; TERMS. (a) Provides that the district is governed by a board of five directors appointed by the Jeff Davis County Commissioners Court (commissioners court).

(b) Provides that directors serve staggered four-year terms that expire on March 1 of the applicable odd-numbered year.

Sec. 8891.052. VACANCIES. Requires the commissioners court, if there is a vacancy on the board, to appoint a director to serve the remainder of the term.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 8891.101. GENERAL POWERS AND DUTIES. Sets forth the general powers and duties of the district.

Sec. 8891.102. LIMITATION ON TAXES. Prohibits the district from imposing taxes in the district.

Sec. 8891.103. FEES. (a) Authorizes the district to assess fees as authorized by Section 36.205 (Authority to Set Fees), Water Code.

(b) Prohibits the district from charging for an annual period production fees greater than \$1 per acre-foot for water used for agricultural use or 17 cents per 1,000 gallons for water used for any other purpose.

SECTION 2. Repealer: Chapter 641 (relating to the creation, administration, powers, duties, operation, and financing of the Jeff Davis County Underground Water Conservation District), Acts of the 73rd Legislature, Regular Session, 1993.

SECTION 3. Provides that all requirements of the constitution and the 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 4. Effective date: September 1, 2017.