

BILL ANALYSIS

C.S.H.B. 3405
By: Isaac
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that there is an area in Hays County that is not within the boundaries of a groundwater conservation district, and the parties contend that this is a problem. C.S.H.B. 3405 seeks to remedy this problem.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3405 amends the Special District Local Laws Code to include in the territory of the Barton Springs-Edwards Aquifer Conservation District any territory that is inside the boundaries of the Edwards Aquifer Authority and Hays County and that is not within the boundaries of the Plum Creek Conservation District as those boundaries existed on February, 1, 2015. The bill grants the Edwards Aquifer Authority jurisdiction over any well that is drilled to produce water from the Edwards Aquifer in such shared territory. The bill grants the Barton Springs-Edwards Aquifer Conservation District jurisdiction over any well that is drilled to produce water from any aquifer other than the Edwards Aquifer in such shared territory and over any well that is drilled to produce water from the Edwards Aquifer or any other aquifer in the district's territory as described by statute. The bill establishes that except for the Barton Springs-Edwards Aquifer Conservation District and the Edwards Aquifer Authority, no district or authority created under certain constitutional provisions has authority in the shared territory to regulate the spacing of water wells or the production from water wells.

C.S.H.B. 3405 requires the board of directors of the Barton Springs-Edwards Aquifer Conservation District, as soon as practicable after the bill's effective date and in conformance with applicable statutory requirements, to revise the district's single-member districts as the board considers appropriate to reflect the changes in territory made by the bill. The bill provides for the validation and confirmation of certain district actions and proceedings taken before the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3405 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 8802, Special District Local Laws Code, is amended by adding Section 8802.0035 to read as follows:

Sec. 8802.0035. SHARED TERRITORY; JURISDICTION. (a) The territory of the district includes any territory that is:

- (1) inside the boundaries of the Edwards Aquifer Authority; and
- (2) in Hays County.

(b) The Edwards Aquifer Authority has jurisdiction over any well that is drilled to produce water from the Edwards Aquifer in the shared territory described by Subsection (a).

(c) The district has jurisdiction over any well that is drilled to produce water from any aquifer other than the Edwards Aquifer in the shared territory described by Subsection (a).

(d) The district has jurisdiction over any well that is drilled to produce water from the Edwards Aquifer or any other aquifer in the territory described by Section 8802.003.

SECTION 2. As soon as practicable after the effective date of this Act, and in conformance with the requirements of Section 8802.053, Special District Local Laws Code, the board of directors of the Barton Springs-Edwards Aquifer Conservation District shall revise the single-member districts as the board considers appropriate to reflect the changes in territory made by Section 8802.0035, Special District

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 8802, Special District Local Laws Code, is amended by adding Section 8802.0035 to read as follows:

Sec. 8802.0035. SHARED TERRITORY; JURISDICTION. (a) The territory of the district includes any territory that is:

- (1) inside the boundaries of:
 - (A) the Edwards Aquifer Authority; and
 - (B) Hays County; and
- (2) not within the boundaries of the Plum Creek Conservation District as those boundaries existed on February 1, 2015.

(b) The Edwards Aquifer Authority has jurisdiction over any well that is drilled to produce water from the Edwards Aquifer in the shared territory described by Subsection (a).

(c) The district has jurisdiction over any well that is drilled to produce water from any aquifer other than the Edwards Aquifer in the shared territory described by Subsection (a).

(d) Except for the district and the Edwards Aquifer Authority, no district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, has authority in the shared territory described by Subsection (a) to regulate the spacing of water wells or the production from water wells.

(e) The district has jurisdiction over any well that is drilled to produce water from the Edwards Aquifer or any other aquifer in the territory described by Section 8802.003.

SECTION 2. Same as introduced version.

Local Laws Code, as added by this Act.

SECTION 3. (a) The legislature validates and confirms all acts and proceedings of the board of directors of the Barton Springs-Edwards Aquifer Conservation District that were taken before the effective date of this Act.

(b) Subsection (a) of this section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or

(2) has been held invalid by a final judgment of a court.

SECTION 4. (a) The 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 under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) 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 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.