

BILL ANALYSIS

Senate Research Center

S.B. 2474
By: Watson
Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Areas in western Travis County have been identified by the Texas Commission on Environmental Quality (TCEQ) as a Priority Groundwater Management Area (PGMA), but TCEQ has not designated a groundwater district with jurisdiction over the area. This bill would allow the Barton Springs-Edwards Aquifer Conservation District (district) to annex portions of the PGMA in western Travis County.

As proposed, S.B. 2474 amends the Special District Local Laws Code to allow the district to annex certain portions of the western Travis County PGMA into the district and sets forth procedures, including the requirement for a confirmation election for expanding the district to include the additional territory. This bill also authorizes the inclusion of several parcels of land in Hays County where the landowners have petitioned to be included in the district.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

ARTICLE 1. DISTRICT TERRITORY; RATIFICATION ELECTION

SECTION 1.01. Amends Section 8802.003, Special District Local Laws Code, as follows:

Sec. 8802.003. DISTRICT TERRITORY. (a) Creates this subsection from existing text.

(b) Provides that the Barton Springs-Edwards Aquifer Conservation District (district) includes the territory described by Section 2.01 of the Act enacting this subsection.

SECTION 1.02. Amends Subchapter A, Chapter 8802, Special District Local Laws Code, by adding Section 8802.005, as follows:

Sec. 8802.005. RATIFICATION ELECTION. (a) Requires the board of directors of the district (board), before August 31, 2011, to hold an election to ratify the annexation of the territory described by Section 2.02 of the Act enacting this subsection. Authorizes the board, if a majority of the voters voting at the election do not vote in favor of ratifying the annexation, to hold another election for the same purpose.

(b) Requires that a ratification election, except as provided by this section, to be conducted as provided by Section 36.328 (Election to Ratify Annexation of Land), Water Code, and the Election Code.

(c) Provides that this section expires September 1, 2011.

SECTION 1.03. Amends Section 8802.053, Special District Local Laws Code, by amending Subsection (c) and adding Subsection (c-1), as follows:

(c) Makes no changes to this subsection.

(c-1) Creates this subsection from existing text. Requires the board, when the board revises the single-member districts, to place two of the districts wholly within the territory described by Section 2.04 of the Act amending Subsection (c) and adding this subsection. Makes nonsubstantive changes. Deletes existing text requiring the board, when the board revises the single-member districts under this subsection, to place two of the districts entirely within the boundaries of the city of Austin, as those boundaries exist at that time, or within the boundaries of the city of Austin, as those boundaries exist at that time, but also including unincorporated areas or other municipalities that are surrounded wholly or partly by the boundaries of the city of Austin if the areas or municipalities are noncontiguous to the territory of any other single member district.

SECTION 1.04. Amends Subchapter B, Chapter 8802, Special District Local Laws Code, by adding Section 8802.054, as follows:

Sec. 8802.054. APPLICABILITY OF OTHER LAW. Provides that Section 36.059 (General Elections), Water Code, does not apply to the district.

SECTION 1.05. Repealer: Section 8802.051(b) (relating to requirement that at least two directors be elected by voters residing in Austin), Special District Local Laws Code.

Repealer: Section 8802.053(d) (relating to provision that changes in the boundaries of the city of Austin between revisions of the single-member districts under subsection (c) (relating to the requirement that the board revise single-member districts for fit certain criteria) do not affect the boundaries of the single-member district), Special District Local Laws Code.

SECTION 1.06. Effective date, this article: September 1, 2009.

ARTICLE 1A. FEES; DIRECTORS AND TERRITORY CONTINGENT ON ANNEXATION

SECTION 1A.01. Provides that this article takes effect only if the annexation of the territory described by Section 2.02 of this Act is ratified at an election held under Section 8802.005, Special District Local Laws Code, as added by Article 1 of this Act. Provides that if the annexation of the territory described by Section 2.02 of this Act is not ratified, this article has no effect.

SECTION 1A.02. Amends Section 8802.003, Special District Local Laws Code, by adding Subsection (c), to provide that in addition, the district includes the territory described by Section 2.02 of the Act enacting this subsection.

SECTION 1A.03. Amends Subchapter B, Chapter 8802, Special District Local Laws Code, by adding Sections 8802.0511, 8802.054, and 8802.055, as follows:

Sec. 8802.0511. DIRECTORS; TERMS. (a) Provides that the district is governed by a board of seven directors who serve staggered four-year terms.

(b) Requires that three directors be elected by voters residing in the territory described by Section 2.03 of the Act enacting this subsection.

(c) Requires that four directors be elected by voters of the district who reside outside the territory described by Section 2.03 of the Act enacting this subsection.

Sec. 8802.054. SINGLE-MEMBER DISTRICTS. (a) Provides that the district is divided into seven numbered, single-member districts for electing directors.

(b) Authorizes the board to revise the single-member districts as necessary or appropriate.

(c) Requires the board, when the board revises the single-member districts, to place three of the districts entirely inside and four of the districts entirely outside the territory described by Section 2.03 of the Act enacting this subsection.

(d) Entitles a director in office on the effective date of the change, or elected or appointed before the effective date of the change to a term of office beginning on or after the effective date of the change, when the boundaries of the single-member districts are changed, to serve the term or the remainder of the term in the numbered single-member district to which elected or appointed even though the change in boundaries places the person's residence outside the numbered single-member district for which the person was elected or appointed.

(e) Requires directors elected to fill any vacant director positions, at the first regularly scheduled election of directors after the board of the district is expanded from five to seven directors, to draw lots to determine which of those directors are required to serve a two-year term and which are required to serve a four-year term. Requires that lots be determined so that not more than four directors' terms expire in any even-numbered year.

Sec. 8802.055. APPOINTMENT OF TEMPORARY DIRECTORS. (a) Requires the board, not later than three months after the date of the election under Section 8802.005, to appoint two temporary directors to the board to represent the territory the annexation of which was ratified at the election.

(b) Requires the temporary directors to serve at large until the next general election of directors of the district under Section 8802.052 (Election Date).

SECTION 1A.04. Amends Section 8802.105(a), Special District Local Laws Code, to authorize the board each year to assess against the City of Austin a water use fee in an amount not to exceed the lesser of \$900,000 or 60 percent of the total funding the district expects to receive for the next fiscal year from water use fees assessed against Austin and other nonexempt users in that year as computed under Subsection (b) (relating to requirement of the district to consider certain factors in computing water use fees), rather than subject to the computation under Subsection (b).

SECTION 1A.05. Repealer: Section 8802.051 (Directors; Terms), Special District Local Laws Code.

Repealer: Section 8802.053 (Single-Member Districts), Special District Local Laws Code.

SECTION 1A.06. (a) Provides that except as provided by Section 1A.01 of this Act, this article takes effect on the date the annexation of the territory described by Section 2.02 of this Act is ratified at an election held under Section 8802.005, Special District Local Laws Code, as added by Article 1 of this Act.

(b) Requires the board, if the annexation of the territory is ratified at an election described by Subsection (a) of this section, to notify the Texas Commission on Environmental Quality of the changes in territory and board members.

ARTICLE 2. DESCRIPTION OF TERRITORIES

SECTION 2.01. Sets forth the boundaries of the territory annexed to the district under Section 8802.003(b), Special District Local Laws Code, as added by Section 1.01 of this Act.

SECTION 2.02. Sets forth the boundaries of the territory annexed to the district if ratified at an election under Section 8802.005, Special District Local Laws Code, as added by Article 1 of this Act.

SECTION 2.03. Sets forth the boundaries of the territory for certain voting districts under Sections 8802.0511(a) and (b) and Section 8802.054(c), Special District Local Laws Code, as

added by Article 1A of this Act, if the annexation is ratified by an election held under Section 8802.005, Special District Local Laws Code, as added by Article 1 of this Act.

SECTION 2.04. Sets forth the territory for voting districts under Section 8802.053(c-1), Special District Local Laws Code, as added by Section 1.03 of this Act.

ARTICLE 3. INTENT, NOTICE, AND EFFECTIVE DATE

SECTION 3.01. Provides that 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 3.02. Effective date, except as provided by Section [sic] 1.06, 1A.01, or 1A.06 of this Act: upon passage or September 1, 2009.