

BILL ANALYSIS

Senate Research Center
82R5477 PMO-D

S.B. 433
By: Hegar
Natural Resources
3/4/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In August 2010, Texas Attorney General Greg Abbott issued Opinion No. GA-0792 specifically dealing with the status of land in one groundwater conservation district and later included in special legislation creating a different groundwater conservation district. The attorney general opined that two different political subdivisions may not exercise jurisdiction over the same territory at the same time and for the same purposes.

The Barton Springs-Edwards Aquifer Conservation District (BSEACD) was created and confirmed in 1987, and included a parcel of land, approximately 410 acres, in Bastrop County that was part of the service area of Creedmoor-Maha Water Supply Company (WSC), a then-prospective BSEACD permittee. Subsequently, in 1997, the Texas Legislature created the Lost Pines Groundwater Conservation District (GCD) with the jurisdictional area of all of Bastrop County, resulting in the 410-acre parcel being included in both territories. Both groundwater conservation districts are governed by Chapter 36 (Groundwater Conservation Districts), Water Code, and therefore have the same purpose.

Opinion GA-0792 indicates that absent legislation to the contrary, no territory can be within the jurisdiction of two political subdivisions of the state for the same purpose at the same time. The opinion also states that the legislature intended, by formation of a later political subdivision, that the later political subdivision should take primacy over an earlier political subdivision for that same purpose. S.B. 433 removes the Bastrop County acreage from BSEACD's territorial boundaries. The territory remains in the Lost Pines GCD. While no groundwater is produced in the territory, the residents there will continue to be served by Creedmoor-Maha WSC, a BSEACD permittee, without a new export/transport permit being required.

As proposed, S.B. 433 amends current law relating to the de-annexation of land in Bastrop County by the Barton Springs-Edwards Aquifer Conservation District.

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. Requires the board of the Barton Springs-Edwards Aquifer Conservation District, not later than the 30th day after the effective date of this Act, to declare by resolution that the territory described by Section 2 of this Act is excluded from the territory of the Barton Springs-Edwards Aquifer Conservation District. Requires the board to file a copy of the resolution in the office of the county clerk of the county in which the excluded territory is located. Requires the county clerk to record the resolution in the county records. Provides that on the date the resolution is recorded, the excluded territory is no longer part of that district.

SECTION 2. Sets forth the boundaries of the territory to be de-annexed by the Barton Springs-Edwards Aquifer Conservation District under this Act.

SECTION 3. Effective date: upon passage or September 1, 2011.