

BILL ANALYSIS

S.B. 1225
By: Hegar
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In August 2010, the Texas attorney general issued Opinion No. GA-0792, specifically dealing with the status of land in one groundwater conservation district that is 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.

S.B. 1225 is needed to conform to recent interpretations of current law. At issue is 14,202 acres of land in Caldwell County currently included in both the Plum Creek Conservation District (PCCD) and the Gonzales County Underground Water Conservation District (GCUWCD). Unlike a dual annexation area in Bastrop County, there is a great deal of potential groundwater production in these 14,000 acres. The landowners were notified of the legislation and asked to choose which district they would like to be part of. Most of the landowners have pending permits before one of the two districts.

S.B. 1225 amends current law relating to the disannexation of land in Caldwell County by the Gonzales County Underground Water Conservation District or the Plum Creek Conservation District.

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

SECTION 1. (a) Requires the board of the Gonzales County Underground Water Conservation District (GCUWCD board; GCUWCD) and the board of the Plum Creek Conservation District (PCCD board; PCCD), not later than the 30th day after the effective date of this Act, to jointly prepare a form that requests disannexation of land located in Caldwell County from the territory of GCUWCD or PCCD.

(b) Requires the GCUWCD board, not later than the 10th day after the form is prepared, to mail the form to each owner of land that on the effective date of this Act is included in the territory of both GCUWCD and PCCD.

(c) Requires each owner, on receipt of the form, to clearly mark and sign the form to indicate from which district the owner wants the applicable land to be disannexed. Prohibits an owner from electing to have land be disannexed by both districts.

(d) Requires that the signed forms be returned to GCUWCD board on or before December 31, 2011. Requires the GCUWCD board to send a copy of each form received before the deadline to the PCCD board.

(e) Provides that, if the owner of land does not comply with Subsection (c) of this section before the deadline, the applicable land will be disannexed by GCUWCD.

(f) Requires the land specified for disannexation by the owners under Subsection (c) of this section or subject to disannexation under Subsection (e) of this section to be

disannexed by resolution of the GCUWCD board or the PCCD board, as appropriate, as soon as practicable after December 31, 2011.

(g) Requires the board of each district to file a copy of that district's disannexation resolution in the office of the county clerk of Caldwell County. Requires the county clerk to record the resolution in the county records. Provides that, on the date the disannexation resolution is recorded, the excluded territory is no longer part of the district that filed the resolution.

SECTION 2. Provides for the effective date of this Act.

EFFECTIVE DATE

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, 2011.